

## REMEMBERING SALLY BURNETT SHARP\*

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Professor Emeritus Sally Burnett Sharp, a highly regarded expert in family law and an inspiring teacher, died in January at the age of sixty-six, after a career at UNC Law School that lasted more than thirty years. Sally's accomplishments were numerous. As one of the first women on the faculty, Sally was a successful advocate for other women in legal education, both here and on a broader scale. She reached a national audience with her scholarship, but she also focused on North Carolina's domestic relations law at a critical time, when judges and practitioners were struggling with complex new statutes and unfamiliar legal issues.<sup>1</sup> Sally passionately defended the rights of those with less power to be treated fairly, both in marriage and in divorce, and her articles had a significant impact in the state, with the highest courts frequently citing her as an authority. While Sally had a strong intellectual streak, she also cared about the realities of practice and the human consequences of decisions made by courts and legislatures. Her legal analysis was informed by common sense and by an empathic understanding of the people involved, and members of the bench and the bar regularly sought her guidance.

Sally's real calling—and her greatest source of pride—was as a teacher: educating, encouraging, and mentoring her students. She was dynamic in the classroom, and her enthusiasm was infectious. Sally demanded a lot, but she tempered the traditional Socratic method with her inimitable sense of humor. Sally cared about her students, and they knew that, seeking her out for both professional and

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1. North Carolina enacted the Equitable Distribution of Marital Property Act in 1981, and, in one of her early articles, Sally analyzed those provisions and related issues. Sally Burnett Sharp, *Equitable Distribution of Property in North Carolina: A Preliminary Analysis*, 61 N.C. L. REV. 247 (1983). Later, she discussed amendments to those laws, as well as significant changes to the statutes on alimony. See Sally Burnett Sharp, *The Partnership Ideal: The Development of Equitable Distribution in North Carolina*, 65 N.C. L. REV. 195 (1987); Sally Burnett Sharp, *Semantics as Jurisprudence: The Elevation of Form over Substance in the Treatment of Separation Agreements in North Carolina*, 69 N.C. L. REV. 319 (1991) [hereinafter Sharp, *Semantics as Jurisprudence*]; Sally Burnett Sharp, *Step by Step: The Development of the Distributive Consequences of Divorce in North Carolina*, 76 N.C. L. REV. 2017 (1998) [hereinafter Sharp, *Step by Step*].

personal advice. Her success in placement—finding just the right job for a graduate who wanted to practice family law—was unmatched, and she stayed in touch with many of her students after they left law school, directing referrals, answering questions, and sending congratulations on victories large and small.

For me and for others on the law school faculty, Sally was a long-time colleague and friend. With her razor-sharp intellect, quick wit, and vibrant presence, Sally was unique and unforgettable, and she will be greatly missed.

Sally was proud of her Kentucky roots. She was born and raised in the small town of Mayfield, Kentucky, and then attended Murray State University, where she graduated *magna cum laude* in 1964 with a double degree in history and English. She came to Chapel Hill as a graduate student, earning an M.A. in history at UNC in 1966. She taught for several years in Germany and then for a year at UNC-Greensboro before returning to Chapel Hill to work toward her Ph.D.

In the mid-1970s, Sally changed direction, and she returned to Kentucky to enroll at Memphis State University School of Law where she excelled, serving as Editor-in-Chief of the *Law Review* and graduating first in her class in 1977. Her stellar performance made her a natural candidate to enter legal education, and she prepared for that role by earning an LL.M. at Yale University.

When Sally was in law school, female students were still a minority, but the number was rapidly increasing, with the percentage rising from 7.8% in 1970 to 28.4% by 1976.<sup>2</sup> Law school faculties, however, were changing much more slowly. In 1976, women held nine percent of all full-time law faculty positions (up from a mere four percent in 1970). Many of the women, though, were in newly accredited or bottom-tier schools, and nearly half of American law schools had either a single woman professor or none at all. Both the Association of American Law Schools (“AALS”) and the American Bar Association (“ABA”) had recognized continued male dominance of legal education as a significant problem, with the ABA adopting a resolution that urged all law schools to “make substantial efforts to recruit, hire and promote women professors.”<sup>3</sup>

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2. D. Kelly Weisberg, *Women in Law School Teaching: Problems and Progress*, 30 J. LEGAL EDUC. 226, 226–33 (1979) (citing Shirley Raissi Bysiewicz, 1972 AALS Questionnaire on Women in Legal Education, 25 J. LEGAL EDUC. 503, 503 (1973) (paraphrasing the text of resolutions adopted by the House of Delegates of the American Bar Association at its August 1972 meeting)).

3. *Id.* at 226.

When Sally was hired by UNC in the fall of 1978 as an assistant professor, the total full-time law professors numbered thirty-one, in addition to seven visiting professors teaching classes. Only two of the full-timers were women, including the long-time librarian, Mary Oliver, and the visitors were all male.<sup>4</sup> According to Sally, who loved to tell the story, she was informed right away that she was expected to teach family law. Sally knew nothing about the field, but she was game to try, and she devoted herself to learning the subject while struggling to stay a day ahead of her students. That teaching assignment proved to be a fortuitous match.

During her first four years at UNC, Sally taught six different courses: family law, torts I and II, conflicts, law and medicine, and sex discrimination. Despite her heavy load of new preparations, Sally sought to be accessible to students, and she contributed long hours serving on numerous university and law school committees. She also found time to write, publishing articles in leading law journals on divorce, custody, marital agreements, and equitable distribution. Sally was tenured in 1982, and promoted to full professor two years later.

Sally was never shy about speaking her mind, even on controversial matters, and from the beginning, she talked about the importance of adding more women to the law faculty. Others in her position, as a junior and untenured faculty member, might have hesitated to speak up. Sally, however, was vocal, emphasizing the school's responsibility to hire qualified women, and then, just as important, to nurture them once they arrived.

I was one of the beneficiaries of Sally's campaign. Twenty-eight years ago, in early 1982, I arrived in Chapel Hill—a place I had never visited and where I knew no one—to interview for a faculty position. Having spent nearly six years practicing tax law in New York City, I had only recently entered the teaching market, and I still wasn't completely sure that I wanted to make the change, particularly if it meant moving alone to a small college town.

In 1982, women held five full-time positions at the UNC Law School, a remarkable number compared to the other places I had interviewed. When I met Sally that day, she gave me a hug, just as if we were already close friends. With her Southern accent, long hair, fancy high-heeled shoes, and that trademark raspy laugh, Sally was considerably different than women lawyers I knew in New York, but, to my surprise, we quickly developed a rapport. Sally was smart and

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4. ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF LAW TEACHERS 1978-79, 85 (1979).

perceptive, and she could be terrifically funny, with a shrewd and irreverent sense of humor, especially on the subject of her male colleagues' eccentricities. Sally took me to her house during a break in the interviews, introduced me to her dog, Roscoe, and talked about how much I'd love teaching and living in Chapel Hill. When I flew back to New York the next day, I had started to believe that myself.

I could go on far too long about Sally during my first year here, describing all she did to help me feel at home. When I visited in the spring to look at houses, Sally threw a party in my honor, inviting the entire faculty to welcome me. She found an apartment for me to rent that first summer, and she went car shopping with me, sweet-talking the salesman into a much lower price than I could have done. She took me on a guided tour of the Burlington outlets; introduced me to Crooks, cheese grits, and sweet pepper jam; and dragged me to my first aerobics class at the Spa.

Often, in the evenings, I'd go over to Sally's house for an hour or two. We'd eat frozen dinners accompanied by Sally's famous sourdough bread, or we'd order pizza. When the Tar Heels were on TV, we'd watch basketball. I had never been a fan before, but Sally, a passionate supporter of the Heels (at least when they weren't playing Kentucky), insisted that that must change, and she patiently explained the rules. Many nights, we'd watch an episode from one of Sally's collection of taped PBS and BBC series. Sally had an absorbing interest in the history of all periods and locales, and we made our way through *Brideshead Revisited* (Britain in the early twentieth century), *I, Claudius* (the Roman Empire), and *Tenko* (a Japanese prison camp for women on an island near Singapore in the 1940s).

That May, I went to my first Kentucky Derby party, an annual event at Sally's with mint juleps served in authentic julep cups and a hefty buffet of food. Sally invited students from her classes, and encouraged everyone to dress in Derby garb with elaborate colorful hats. Many of us saw our first "Run for the Roses" as Sally's guests, standing in large groups around television sets throughout the house, with money changing hands at the end of the two-minute race. Sally was in high spirits, thrilled to introduce her Chapel Hill friends to one of her home-state traditions.

Admittedly, though, Sally was not always an easy person. Sometimes she was abrasive, and her exuberance could feel overbearing. She was often quick to make up her mind and impatient with disagreement. And she was incredibly stubborn, especially concerning her own health and well-being. Even today, several years after Sally

moved out and after multiple cleaning treatments, the smell of smoke lingers in Sally's office.

The danger of secondhand smoke was far from my mind, though, when I started at the law school. My anxieties were consumed by my teaching, and my fears about how the students were evaluating me. After nearly every class I taught that fall, I would walk straight to Sally's smoke-filled room for a Diet Coke (I stored mine in her refrigerator), and she'd urge me to stay and visit.

Sally was almost always cheerful and upbeat when she was in that corner office, with its two large windows overlooking the football practice fields. As usual, she was teaching classes that were over-subscribed, so she'd be in front of more than a hundred students at a time, but Sally loved the performance aspect of her work. Assuring me that I'd eventually feel more comfortable in the classroom, Sally was generous with her encouragement and advice. At the end of the semester, she was pleased when my students approved of me.

I have no doubt that Sally's success as a teacher and as a scholar made it easier for the women who came after her. Her suggestions were useful, but even more valuable was her example—as a self-confident woman law professor, intellectually engaged with her subject and with her students, and deriving great pleasure from writing and teaching well.

Just as Sally promised, I found I could make my home in Chapel Hill. As the years passed, Sally and I saw each other less often. I still kept my Diet Coke in her refrigerator, and I'd often stop by her office for a chat, but we were both busy.<sup>5</sup>

In 1984, Sally took on a leadership role in her advocacy for women in the legal profession, chairing the Women in Law Teaching Section for the AALS and organizing its first national conference in 1984. In Chapel Hill, she celebrated when more women were hired at the law school, and then when her good friend, Judith Wegner, was named dean in 1989. As Sally liked to say, women on the faculty had become a "critical mass."

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5. In many ways, Sally never stopped taking care of me. She would, for example, call to tell me that she had found at an auction the "absolute best" couch for my living room, or that she wanted to give me "the most fantastic" recipe for chili. About six years ago, I mentioned to Sally that my children were advocating for a dog, although my husband and I weren't so sure. The very next day, Sally called to tell me excitedly that she had located the "the most perfect, most adorable puppy" for my family, instructing me to visit her friend "immediately" to meet the puppy. As we all know, Sally had a tendency to exaggerate, and to use superlatives liberally, so I was hesitant. When we met that puppy, though, we ended up taking her home, and Sally, once again, had proved to be right.

Sally took a two-year leave of absence from teaching to practice law in Kentucky from 1986 to 1988. When she returned, she increased her already high level of service to the North Carolina bar. She served for years on the Family Law Council and helped to plan numerous CLE conferences, where she was often a featured speaker. In her classes, she focused on preparing students for the legal complexity and emotional demands of a family law practice by initiating advanced classes and seminars, where she could combine theory with practical lessons: how to draft pleadings, counsel clients, and negotiate settlements. She volunteered her leadership skills and her time to local organizations helping victims of domestic violence.

In her last articles, Sally focused exclusively on family law in North Carolina, addressing her writings to judges and legislators. Sally highlighted issues that were of particular interest to practitioners, where ambiguous language and inconsistent decisions had led to confusion and complexity. Emphasizing the need for predictability and fairness to the parties, Sally noted trends that were “fundamentally unsound,” carefully explaining the steps that were necessary to bring about reform.<sup>6</sup> According to Sally, the potential for change was “nothing short of breathtaking,”<sup>7</sup> and she hoped that her work would provide the background and guidance necessary to bring about justice.<sup>8</sup>

When Sally was in her late fifties, her health declined. She officially retired in 2004, although it was difficult for her to leave her office (finally fitted out with smoke filters) and the classroom stage. For a few years, she continued to teach, first as an adjunct here and then as a visiting professor at Campbell University School of Law. She kept up her close association with the bar, remaining an active member of the “Dirty Thirty”—a select group of family law experts in the state—and she welcomed calls and visits from former students. As always, she was devoted to her dogs and her garden, but she also sought out new interests; I wasn’t completely surprised when Sally told me that she purchased an ownership interest in a horse with the potential to be a prize jumper. She also started a new research and writing project, this time focusing on her own family history. Occasionally, she stopped by the law school, and she never missed the increasingly crowded annual party for women faculty, a tradition started by her good friend, Marilyn Yarbrough. Without Marilyn,

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6. Sharp, *Semantics as Jurisprudence*, *supra* note 1, at 368–70.

7. Sharp, *Step by Step*, *supra* note 1, at 2022.

8. *Id.* at 2144.

who died in 2004, and now without Sally, those gatherings will never rise to the same level of hilarity as in the past.

The last time I saw Sally was in November 2009, at the traditional potluck Thanksgiving feast for all faculty and staff. This year, it was held near the original entrance of Van Hecke-Wettach Hall, just where I first met her many years ago. When I arrived at the luncheon, Sally was already seated, talking and laughing in her boisterous fashion. In a gesture that was so typical of Sally, she rose to greet me, enveloping me in one of those bear hugs of hers, and then she made room at her table, urging me to join the group.

As so many of her former students and others who knew and loved her, I owe Sally a debt of gratitude. The poet Thomas Campbell once wrote, “To live in hearts we leave behind, is not to die.”<sup>9</sup> Sally will surely live on in our hearts.

But I think Sally would have preferred that I close this memorial not with my own words or with those of a famous poet, but rather with the words of her students, who (with Sally’s encouragement) called her by her first name everywhere but the classroom. When the news of Sally’s unexpected death was reported last January, many of them wrote about their memories and their sense of loss. Here are some of the lines from them:

Every year, Sally would . . . make us feel smart, loved, and make us believe that we could actually go out and grow up to be family law lawyers. To her kids, Sally was a mentor, a friend, a source of endless laughter, and a shoulder when times were tough. Sally . . . was always there cheering us on—rooting for us with such confidence that we believed she was right. In many ways, we are her living legacy, and we will strive to live up to what she believed was possible for us and none of us will ever forget her.<sup>10</sup>

I found Sally to be a marvelous teacher, who was one of the few who brought the practical side of the practice of law into the classroom. . . . Sally was brilliant . . . . Not only was she a master teacher, she also was always available to her students, for assistance with academics, job searches and support with regard to personal and family matters.<sup>11</sup>

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9. THOMAS CAMPBELL, *Hallowed Ground*, in *THE POETICAL WORKS OF THOMAS CAMPBELL* 175, 176 (London, Routledge 1887).

10. Betsy Martin, UNC Law Class of 2002 (Jan. 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).

11. Barbara R. Morgenstern, UNC Law Class of 1986 (Jan. 24, 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).

Professor Sharp had a keen legal mind and a true appreciation for the nuances of the law. She was a warm person with a wonderful sense of humor who took a personal interest in her students. . . . The world is a poorer, less vibrant place without her.<sup>12</sup>

[Sally's] enthusiasm, vigor and zest for life, knowledge and fairness for all was apparent both inside and outside the classroom. . . . I not only have Sally to thank for steering me to family law and helping me find my first job, but I have her to thank for teaching me valuable lessons about law and life.<sup>13</sup>

Sally was my professor, my friend, and my biggest cheerleader. . . . [She] was a unique and remarkable woman. I loved her very much and I will miss her dearly, but I am comforted by knowing that the impact of her life's work is continuing to be felt and her influence will go on through the many students she molded into knowledgeable, practical, and ethical attorneys.<sup>14</sup>

Sally Sharp was an extraordinary teacher, a marvelously funny person, and the reason I first considered practicing family law. . . . Her voice was tough as nails, but she was really tender as a peach—and then there was her high-flying laugh, as always. She was a blazing spirit, and I will miss her.<sup>15</sup>

Sally was a pioneer cowgirl who forged a revolution in family law. . . . Despite her steadfast views, Sally always poured passion and love into her lessons to her students . . . . I feel blessed to have learned about family law and life from Sally. She opened the gates of learning to all who desired to enter, and, for that, her legacy will serve as a rainbow above us.<sup>16</sup>

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12. Blakely Lord, UNC Law Class of 2002 (Jan. 23, 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).

13. Jenny Bradley, UNC Law Class of 1998 (Jan. 26, 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).

14. Suzanne Ladd, UNC Law Class of 1997 (Jan. 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).

15. Stephanie Gibbs, UNC Law Class of 2003 (Jan. 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).

16. Irene King, UNC Law Class of 2004 (Jan. 25, 2010) (unpublished collection of memorial statements for Sally Sharp, on file with author).