

DAYTON T. COLE

Attorney and Counselor at Law
North Carolina Dispute Resolution Commission Certified Superior Court Mediator
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PROFESSIONAL EXPERIENCE

Mediation and Legal Services

August 20, 2019 – Present
(Certified Superior Court Mediator)

Private Practice (Legal Services)

June, 2018 – Present

Solo attorney in general practice, including research and advice on higher education governance and finance matters, labor and employment matters, contracts and merger of two non-profit corporations.

Appalachian State University: General Counsel

October, 2008-May, 2018

Chief legal officer and head of Office of General Counsel (three attorneys, including General Counsel, and support staff), providing legal services to the Chancellor, Board of Trustees, and other institutional officers and employees on a wide range of legal matters with emphasis on research, writing, policy development, client counseling and coordination of litigation efforts with North Carolina Department of Justice attorneys. This broad, general practice included such diverse matters as constitutional law; employment and workers compensation; civil rights; real estate; intellectual property; tort claims; contracts for purchases of goods and services, as well as delivery of services; regulatory compliance; administrative law; entertainment; governance; public records and open meetings; law enforcement; tax-exempt financing of capital projects; construction; charitable gifts and trust administration; public utilities; and non-profit corporation law, and supported an institution with an annual operating budget of more than \$355 million.

Ethics Liaison to the North Carolina State Ethics Commission, 2006-2018

Appalachian State University: University Attorney

June, 1988-October, 2008

Chief legal officer and head of the Office of the University Attorney, in a broad, general, in-house law practice serving the Chancellor, Board of Trustees, senior administrators and others on legal issues affecting the University, with emphasis on research, writing, policy development, client counseling and coordination of litigation efforts with North Carolina Department of Justice attorneys. Adjunct Assistant Professor, Department of Finance, Insurance and Real Estate, John A. Walker College of Business, 1988 - 1993.

(Professional Experience continued)

Texas A&M University-Commerce (formerly East Texas State University):
 University Attorney February, 1984-June, 1988

Active in a broad general law practice serving the Board of Regents, President and CEO, and other senior administrators on legal issues affecting two campuses (Commerce and Texarkana).

Responsibilities also included service as liaison to the Texas Legislature, U. S. Congress and executive branch agencies of both the state and federal governments; assistance to the development staff in structuring and administration of charitable gifts for the benefit of the University; and preparation and maintenance of all records for the Board of Regents.

Texas State University (formerly Southwest Texas State University): Assistant University Attorney / Assistant to the Dean of Students / Students' Legal Advisor March, 1982-February, 1984

Responsibilities included legal research and writing; monitoring litigation; collection of delinquent accounts owed to the University; counsel to University administrators on compliance with state and federal statutes and regulations, and rules and regulations adopted by the Board of Regents; representation of the University in litigation where authorized by the Attorney General; counsel to the Dean of Students on legal matters affecting relevant areas of responsibility (residence halls, student health center, student programming, student discipline, recreational sports and operation of the student center); coordination of services to disabled students; budget review, analysis and recommendations for student service fees totaling approximately \$1,000,000 per year; review and development of University policies affecting the student affairs area; special projects assigned by the Dean of Students; and student counseling/referral services on a broad range of legal matters, both civil and criminal.

Texas House of Representatives:
 Administrative Aide to Representative Robert Saunders January, 1981-March, 1982

Responsibilities included research and analysis of legislative proposals; action as liaison to governmental agencies and constituents; drafting legislation, speeches and newsletters; monitoring legislative committee deliberations; and management of operations and budget of the Capitol office.

EDUCATION AND PROFESSIONAL PREPARATION

40 Hour Superior Court Mediation Training, Carolina Dispute Settlement Services, Raleigh, North Carolina, July 17-19 and 24-25, 2018

National Association of College and University Attorneys Professional Development Institute, Harvard University, Cambridge, Massachusetts, August 4-9, 1996

(Education and Professional Preparation continued)

South Texas College of Law Houston, Houston, Texas - Doctor of Jurisprudence - 1981, having worked full-time and attended classes part-time during all but one semester

Texas State University-San Marcos (formerly Southwest Texas State University), San Marcos, Texas - B.B.A., with a concentration in Management - 1976

U. S. House of Representatives, Washington, D.C. - Summer Intern for Congressman J. J. (Jake) Pickle (10th District of Texas) - 1976

Southwest Texas State University, San Marcos, Texas - Student Government President, 1975-76; Gaillardian (Award to honor outstanding and accomplished students), 1975; Student Senator, 1973-1975

PROFESSIONAL MEMBERSHIPS, ACTIVITIES and HONORS

Appalachian State University

Awarded the Plemmons Leadership Medallion in recognition of “meritorious leadership that has significantly enriched the quality of student life and learning outside of the classroom.” (2015)

Admitted to practice law before:

All Courts of the States of North Carolina (1989) and Texas (1981) (currently inactive in Texas)

United States District Court for the Northern District of Texas (inactive)

United States Court of Appeals for the Fifth Circuit (inactive)

United States Supreme Court (2000)

National Association of College and University Attorneys

Life Membership, 2019

Committee on Honors and Awards, 2016-17; Vice Chair

Distinguished Service Award, 2009

Treasurer, 2002-2005

Board of Directors, 1998-2001; 2002-05

Committee on Finance and Audit, 1999-2005; Chair, 2002–05

Committee on Web Page Legal Resources, 2008-12

Committee on Honors and Awards, 2006-08

Committee on Strategic Planning, 2002-05

Committee on Board Operations, 2000-01

Staff Liaison, CEO Search Committee, 2000-01

Committee on Site Selection, 1999-2000

Committee on Nominations and Elections, 1997-98

Committee on Information Services, 1995-97

Committee on Continuing Legal Education, 1994-96

Committee on Program for Annual Conference, 1994-95

(Professional Memberships, Activities and Honors continued)

Committee on Membership, 1991-94

Committee on Professional Development, 1990-93

Committee on Publications, 1988-89

Committee on Articles and Bylaws, 1988-89

Committee on Member Services, 1987-88

North Carolina Bar Association

Board of Governors, 2005-2008

Charter and Bylaws Committee, 2005-09

Strategic Planning / Emerging Trends Committee, 2004-09

Education Law Section, 1989 – Present

Distinguished Service Award, 2009

Chair, 2001-02

Vice-Chair, 2000-01

Member, Executive Council, 1997-2003

Co-Course Planner for Education Law Section annual continuing legal education programs in 1991 and 1992

Government and Public Sector Attorneys Section, 2002 - 2018

Government and Public Sector Attorneys Committee, 1998-99

Young Lawyers Division Professionalism Committee, 1991-92

General Curriculum Committee, 1990-94

Essential Lawyering Skills Subcommittee, 1993-94

North Carolina State Bar, 1989 - Present

State Employees Association of North Carolina, 1988 - 2004

State Bar of Texas

Member, 1981 - Present (currently inactive)

Intellectual Property Law Section, 1986-88

School Law Section, 1986-88

Administrative and Public Law Section, 1986-88

Texas Association of State University Attorneys

President, 1986-87

Chairman, Legislative Committee, 1985-86

Texas Young Lawyers Association

Professional Ethics Committee, 1986-88

(Professional Memberships, Activities and Honors continued)

Watauga County Bar Association (North Carolina) 1989 - Present

President, 1994-95

Vice President, 1993-94

Librarian, 1992-93

SCHOLARSHIP

Presentation: "Types and Sources of Law," North Carolina Bar Association Law Institute for Teachers, Cary, North Carolina, August 11, 2008

Book: *The Legal Handbook for North Carolina School Teachers*, Omni Publishers, Inc., San Antonio, Texas (2007)

Presentation: "Reductions in Force," at the Annual Meeting of the North Carolina Bar Association Education Law Section, Cary, North Carolina, May 2, 2003

Presentation: "Issues in College Student Development," at the Seventh Annual Institute in College Student Development, Appalachian State University, Boone, North Carolina, June 3, 1996

Presentation: "Impact of Anti-Discrimination Statutes on Institutional Response to Cases of Sexual Harassment," at the Annual Meeting of the Council of Colleges of Arts & Sciences, Albuquerque, New Mexico, November 9, 1995

Presentation: "Investigating Employee Misconduct: How Many Hats Can a Lawyer Wear?," at the Mid-Year Workshop of the National Association of College and University Attorneys, Savannah, Georgia, March 4, 1995.

Presentation: "The Impact of The Americans With Disabilities Act of 1990 on Student-Institution Relationships," at the Seventeenth Annual Law Conference for Community Colleges, sponsored by the Institute of Government, University of North Carolina at Chapel Hill, March 1, 1994.

Presentation: "The Crime Awareness and Campus Security Act of 1990," at the Sixth Annual Conference on Campus Violence, Baltimore, Maryland, February 7, 1992

Article: "Legal Audits," published in the June 1991 edition of the North Carolina Bar Association Young Lawyers Division Newsletter.

Presentation: "The Buckley Amendment and North Carolina Records Law," at the College News Association of the Carolinas on August 9, 1990 at Broyhill Inn and Conference Center, Appalachian State University.

(Scholarship continued)

Presentation: "Higher Education Policies and Legal Audits," at the Winter Meeting of the Texas Association of State University Attorneys, Austin, January 15, 1988.

Presentation: "Legal Issues Facing Student Affairs Personnel," at the Eighth Annual Supervisory Skills Workshop, Southwest Association of College and University Housing Officers, Texas Woman's University, October 8-9, 1987.

Editorial and research contribution to Chapter 6 of *Texas Lawyers' Professional Ethics*, second edition (State Bar of Texas, 1987).

Co-author of "The Case for Institution-Based General Education Programs," a report to the Texas Select Committee on Higher Education, September 11, 1986, Austin, Texas with De S. Johnson, Paul F. Zelhart, Charles J. Austin and Robert L. Hardesty.

Courses Taught: Legal Environment of Business, 1991-93
 Business Law I, 1989-91
 Introduction to Law, 1987

CHURCH AND CIVIC ACTIVITIES

Church of the Holy Cross (Episcopal), Valle Crucis, North Carolina
 Member, 1997 - Present

First Baptist Church, Boone, North Carolina
 Member, 1989-96
 Chair, Self-Study Committee, 1994-95
 Member, Personnel Committee, 1994-96
 Chair, Constitution and Bylaws Committee, 1993-95
 Deacon, active 1990-92
 Personnel Ministry Group Leader, 1990-92
 Moderator, 1990-92

Watauga Opportunities, Inc.
 Member, Board of Directors, 2013-16; 2019-Present
 Vice Chair, 2015-2016, 2020-Present

Watauga County Habitat for Humanity, Inc.
 Member, Board of Directors, 1994-97

Boone Area Chamber of Commerce
 Member, 2019-Present
 Member, Board of Directors, 1995 - 2004
 Member, Education Committee, 1993-2004

(Church and Civic Activities continued)

Boy Scouts of America

Co-Chair, Friends of Scouting Campaign for Watauga County, 1994

Chair, District Nominating Committee, 1993

Assistant Cub Scout Den Leader, 1990-92

Hospitality House of the Boone Area, Inc. (Non-profit corporation that operates homeless shelters)

Chair, Personnel, Operations and Building Committee, 1994

Chair, Board of Directors, 1993

Vice Chair, Board of Directors, 1992

First Baptist Church, Commerce, Texas

Member, 1984-88

Chair, Personnel Committee, 1986-88

Deacon, active 1985-87

United Way of Commerce Campaign

Co-Chair, 1986

Southwest Texas State University Alumni Association

Member, Board of Directors, 1982-86

PERSONAL BACKGROUND

Born October 19, 1954 in Port Lavaca, Texas

Graduated from Bay City High School, Bay City, Texas, 1972

Honorable Mention Linebacker, 1971

Married to Catherine E. (Matthews) Cole, 1977

Children: Erin; Adam; Justin; Sara; and Amy

Boy Scout and Explorer; attained Life rank

Vigil Honor member, Order of the Arrow

Outstanding Young Men of America, 1984

Who's Who in American Law, 6th edition

Who's Who of Emerging Leaders in America, 3rd edition

Leisure interests: family activities, sports, antique books, and home improvement