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THE LAW SCHOOL

(From September, 1948 to December, 1949)

ENROLLMENT

Registration at the opening of the fall term in 1949 totaled 280. This compares with a total of 288 in September, 1948. The figure for 1949 reflects a small increase in the size of the first year class and a small decrease in the number of second and third year students. The

current registration is more than double the highest pre-war total. The number of students who are non-residents of North Carolina increased from 23 in 1948 to 33 in 1949 or from eight to twelve percent.

While the percentage of veterans has declined drastically at the college level, this trend is not yet strongly reflected in the Law School. Eighty-four percent of our present students are veterans compared with eighty-six percent last year.

We anticipate a more substantial decline in 1950, both in total enrollment and in the percentage of veterans. The waning of GI benefits and the increasingly difficult placement situation should coincide to produce this result. We regard the placement factor as a very important one, and, in fairness to them, the writer has already called it to the attention of pre-law students at the University.

Our faculty does not regard the prospect of declining enrollment with any trepidation. We believe, in fact, that, with crowded conditions relieved, both by the addition to our building and by some decrease in the size of our classes, we should be able to improve the caliber of our teaching. Whether standards of student performance will decline with the decrease in veteran enrollment is a question which only the future can answer.

THE ADDITION TO MANNING HALL

Under authority of an appropriation generously made available by the 1949 General Assembly, the contracts have been let and work has begun on an addition to the Law School building which will virtually double its present size. The low bids aggregated approximately \$341,000, and a further sum of \$50,000 is available for equipment. It is anticipated that the addition will be ready for occupancy in September, 1950.

Since this is an addition rather than a new building, the process of construction confronts both faculty and students with a series of very difficult, though temporary problems—noise, confusion, loss of office and classroom space, servicing the library on a makeshift basis, etc. However, completion of the new wing should solve our space problem for some time to come. It will more than double our library shelf and stack capacity; it will give us, for the first time since the war, adequate faculty office space; it will materially increase our classroom space; and it will give us adequate reading room and study space for our students. We will be able to turn back to the University three temporary wooden structures into which we have overflowed during the post-war years.

THE FACULTY

There have been no changes in our faculty during the period covered by this report. On July 1, 1949, Mr. Wettach retired as Dean and

was succeeded by the writer, but, fortunately, Mr. Wettach remains as a full-time member of the faculty. Including the Librarian, our faculty numbers 11 by comparison to 9 prior to the war. It is not possible to sectionalize all the classes, and many of our classes are necessarily rather large, ranging from 75 to 115.

In addition to the regular work in preparing for and teaching these large classes, each faculty member, other than the Dean, is special advisor to an average of more than 30 students. Each supervises the writing of four to five LAW REVIEW notes during the year. All participated in the 95 page "Survey of Statutory Changes in North Carolina in 1949" which appeared in Volume 27 of the LAW REVIEW.

There is much Law School committee work to be performed by the faculty, and in addition, our professors participate in the affairs of the University, both as faculty members and as legal advisors. For example, Mr. Wettach is a member of the important Advisory Committee, is a member of the Administrative Board of the University Library and is Chairman of the Board of Governors of the University Press. Mr. Van Hecke is Chairman of the Faculty Committee on University Government. Mr. Hanft is a member of the Faculty Committee on Athletics. Mr. Coates is founder and Director of the Institute of Government.

It has long been our belief that classroom performance is greatly benefited when members of the faculty participate actively in the work of their own professional associations, in the work of the organized bar, and in other activities which are of particular interest to the bar or which are of public importance. As will appear, our faculty has been active in these respects as well as in the continuing research which law teaching entails.

During 1948-49 Mr. Coates served as Chairman of the State Bar Association's Committee on Post Legal Education, which is charged with the general planning of the Association's institutes for practicing lawyers. He continues as a member of that Committee. The writer organized the Institute on Civil Procedure held in April, 1949, and he and Mr. Baer lectured at this Institute. Mr. Breckenridge lectured at the Tax Institute held in September, 1949. Mr. Van Hecke participated in the planning of the Institute on Labor Law held in July, 1949. Mr. Wettach is currently a member of the Association's Committee on Administrative Law, and Mr. McCall and the writer have been serving as members of the Association's Special Committee on Taxation. Several members of our faculty have appeared on programs of the State Association and of various district bars.

During the entire period covered by this report Mr. Hanft has been a member of the General Statutes Commission, and Mr. Brenckeridge is

currently sitting with and advising that Commission's Committee on Revision of the Corporation Law. During 1948-49 Mr. Coates served as a member of the State Commission on Public-Local and Private Legislation, and the writer as a member of the Commission for the Improvement of the Administration of Justice.

Mr. Aycock has served as faculty advisor to the *LAW REVIEW* and acted as special editor of the 1949 statutory summary mentioned above. (He has also given much assistance to the Dean's office on administrative work.) During the past year articles were contributed to the *LAW REVIEW* by Mr. Coates and the writer, and book reviews by Mr. Dalzell, Mr. Hanft and Mr. McCall.

Faculty participation in the work of the Association of American Law Schools is reflected by the attendance of six of the faculty at the annual meeting of the Association in Cincinnati in December of 1948 and of three of the faculty at the regional meeting of the Association in September, 1949. During 1948 Mr. Van Hecke was Chairman of the Association's Committee on Association Preparation of Teaching Materials and is currently serving as a member of the Round Table Council on Labor Law. During 1949 the writer has been Chairman of the Association's Committee on Lawyers in Federal Service. Miss Elliott, our Librarian, has served as a member of the American Association of Law Libraries' Committee on Cooperation with the American Library Association.

During the period covered by this report Mr. Van Hecke completed his editing of the fourth edition of Cook's *CASES ON EQUITY* and his part of a casebook on Labor Law prepared by a group of fifteen law teachers under the auspices of the Association of American Law Schools. Other faculty activities worthy of mention are: Mr. Wettach, in addition to carrying the heavy burden of planning the details of the new wing of Manning Hall, has served as an arbitrator in various labor disputes. Mr. Coates is faculty advisor to the Law School Association and the law clubs. Mr. McCall has assisted in the planning of the American Trust Company's competition in will drafting. Mr. Baer has acted as the faculty representative of this School in making the arrangements for the Department of Justice seminar hereinafter mentioned. Mr. Dalzell, in connection with his course in Legal Bibliography, runs laboratory sections five afternoons and several nights a week during one semester and supervises preparation of briefs by the entire first year class.

In the spring of 1949, \$500 was donated to the Law School, to be used as the law faculty may determine, in consequence of legal work performed for practicing attorneys by Mr. Hanft.

THE LIBRARY

During 1948-49 approximately 5,450 volumes were added to the library, including 3,050 by gift. The largest gifts, for which we express our deep appreciation, were from R. R. King, Jr., consisting of a collection accumulated by him and his father, the late R. R. King, Sr., and from Mrs. S. Clay Williams, consisting of the law collection of her husband, the late S. Clay Williams.

In August, 1949, our Assistant Librarian, Miss Kate Wallach, resigned to become Law Librarian at Louisiana State University, and was succeeded by Miss Ruth Corry.

As already indicated, the addition to our building will, for the first time since the war, provide us with adequate space for the library—shelving, stacks, reading rooms, offices, and workrooms. However, two very serious library problems will remain, both caused by limited appropriations. Book prices have so increased that we are forced to spend entirely too large a slice of our appropriation for continuations. Since something must also be spent for repairs, we are left with a critically inadequate amount for the purchase of new materials.

Secondly, the Librarian is provided with only one trained assistant. Our situation in this respect has remained static for some fourteen years while our student body has more than doubled and the number of volumes in our collection has increased from 35,000 to 62,500. The result, despite the extraordinarily devoted efforts of the Librarian, has been inadequate servicing of the library, inability to furnish services which otherwise might be furnished to the bar of the State, and a serious lag in cataloguing our collection.

We have been granted some additional funds on an emergency basis and this will be of great assistance during the current year. We hope very much that the next biennial budget will also take account of these pressing needs.

SUMMER SCHOOL

We continue our long-standing policy of offering at summer school some courses which it is not possible to offer during the regular school year and of supplementing our own faculty with outstanding teachers from other law schools. During the summer of 1949, our visitors were Dean William Hepburn of the University of Alabama Law School (who becomes Dean of the Emory University Law School in January), Dean Edward C. King, University of Colorado Law School, and Professor Elvin R. Latty of the Duke Law School.

ACADEMIC ACHIEVEMENT; THE LAW REVIEW;
HONORS AND AWARDS

Since the war our student body has consisted preponderantly of veterans. They have, in the main, been mature, industrious and ambitious

students, and the faculty has found their performance gratifying. Their average capacity and industry has been such that, despite the very crowded conditions, the large classes and the distractions of family responsibilities, they have raised rather than lowered standards of scholarship.

As the masthead of this issue demonstrates, we have a record number of second and third year students who have achieved an average of B or better and thus have qualified for the staff of the LAW REVIEW. A maximum of responsibility for the REVIEW is carried by the students, principally the Editor-in-Chief and his Associate Editors. The REVIEW'S basic editorial policy continues to be to strive to present materials, trustworthy as to research and scholarship, of interest and value to the bar of the State. At present approximately 750 practicing lawyers in North Carolina subscribe to the REVIEW.

In an effort to make the REVIEW more useful to attorneys we have this year published a *Cumulative Index-Digest* of the first 26 volumes (1922-1948). This was prepared by Miss Kate Wallach, then Assistant Law Librarian.

Student scholastic honors in 1948-49, other than selection for the staff of the REVIEW, were as follows:

Six students were elected to the Order of the Coif, an honorary society with chapters in some thirty-eight leading law schools. These were Jay W. Alexander, Jr., William T. Joyner, Jr., Ernest W. Machen, Jr., Joseph C. Moore, Jr., Robert G. Stockton and Mrs. Katherine Settle Wright.

The degree of J.D. was awarded to Alexander, Joyner, Machen, Moore and also to George M. McDermott, James T. Pritchett, Jr., and Mrs. Elizabeth Osborne Rollins. The LL.B. with honors was awarded to Stockton. The *U. S. Law Week* award to the student making the most satisfactory scholastic progress in his senior year was won by Harvey R. Kennedy.

In the American Trust Company's will drafting competition, open to students at Duke, Wake Forest and the University of North Carolina, first prize in the State was won by Walter B. Love, Jr., of this School and second prize for this School by Robert L. Hines.

SCHOLARSHIPS

At present the Law School has only three scholarships, and each of these pays only one hundred and fifty dollars per year. This is the amount of resident tuition, but does not cover other student fees, which are substantial. Particularly as GI benefits disappear, we will greatly need additional scholarship funds.

THE LAW SCHOOL ASSOCIATION, THE LAW CLUBS AND STUDENT
ACTIVITIES

Every student belongs to the Law School Association and is eligible to participate in the election of its officers. The present officers are Basil Sherrill, President; Bruce Hutchinson, Vice-President; John Swainson, Secretary; Barbara Stockton, Treasurer; Clarence Gilbert, Chairman of the Honor Council. The principal committee chairmen are Bruce Hutchinson, Liaison; Emery B. Denny, Jr., Speakers; Monroe Redden, Jr., Social; Robert W. Perdue, Placement; William H. Booe, Orientation; Allen Keen, Library; Lindsay Warren, Jr., Visitation; and Ralph Strayhorn, Alumni.

Particularly since the war the Association has been blessed with able student leadership. This, plus the responsible attitude of the students in general, has made it possible to operate an overcrowded school without putting a wholly impossible burden on the Dean and faculty. The Association's officers, its Orientation, Liaison and Library Committees, and its Honor Council have all contributed notably to good citizenship on the part of both students and faculty. The faculty believes that it has good reason to be satisfied with its policy (which is consistent with general University policy) of giving students maximum responsibility.

Some phases of the Association's program are well worth specific mention:

1. Its Speakers Committee arranges a series of lectures by lawyers, law teachers, judges and public officials. The purpose is to give the students the advantage of special experience and of insights, practical or philosophical, which in important particulars supplement the conventional classroom work. In many cases students and faculty of other divisions of the University have been invited to attend. During 1948-49 the Association's speakers and their topics were: Charles L. Oliphant, Chief Counsel, Bureau of Internal Revenue, "Opportunities for Lawyers in the Public Service"; the late Governor J. C. B. Ehringhaus, "The Lawyer in the Courtroom"; Joseph J. O'Connell, Chairman, Civil Aeronautics Board, "An Administrative Agency at Work"; and George Wright of the Asheville bar, "Title Examination" (a two day seminar with the cooperation of the Institute of Government).

During the fall of 1949 the Association has presented: Mr. Justice Stanley Reed of the Supreme Court of the United States, "Some Observations on the Constitution of the United States"; visiting Professor Max Radin of the Duke University Law School, "The Enduring Problem of the Law"; Professor Gino Gorla of the University of Pavia, Italy, "The Modern Idea of Law on the Continent" and "A European Looks at American Law"; A. J. G. Priest of the New York City bar, "Humor in the Law." The school and its students are deeply indebted

to the speakers who, at their own expense, have made this program possible.

2. The first year class is divided into law clubs, and arguments of cases at the appellate level are made by each student before judges selected from the second and third year classes by the Association.

3. The Association's Placement Committee has done much valuable work in collecting information regarding openings for young lawyers. To a considerable extent this student work has supplied a deficiency caused by the fact that the School, unfortunately, has no funds in its budget for placement activity.

4. The Association's Alumni Committee has, in 1948 and 1949, arranged a reception following one of the football games for alumni of the School. This has met with an extraordinarily favorable response and has undoubtedly strengthened the School's ties with its alumni. It has led to suggestions that, within the framework of the University's General Alumni Association, the law alumni should be formally organized. The School expects to explore this possibility during the coming year, and comments or suggestions from alumni are earnestly solicited.

THE WASHINGTON SEMINAR

On December 1, 2, and 3, 1949, many of our students, together with students from the Duke and Wake Forest Law Schools, participated in a seminar at the Department of Justice in Washington. Its purpose was to give our students an insight into the work of a large governmental agency and into the tasks performed by lawyers in government service.

This was arranged largely through the good offices of Assistant Attorney General T. Lamar Caudle. We are most grateful to him, Attorney General McGrath, Robert N. Anderson, Special Assistant to the Attorney General, and numerous others in the Department who organized and participated in the seminar.

REQUIREMENTS FOR ADMISSION; THE LAW SCHOOL ADMISSION TEST

There has been no major change in our entrance requirements during the period covered by this report. Briefly stated, the minimum requirements are that the applicant complete three years of undergraduate work acceptable toward a degree with at least a C average. We consistently advise that four years of undergraduate work are desirable.

Beginning with the class which entered in 1949, we are requiring all applicants to take a legal aptitude test known as the Law School Admission Test. This Test is given throughout the country, and the taking of it is required by at least twenty-two of the leading law schools. We do not require that the applicant attain any minimum score as a prerequisite to admission, but if his score is relatively low, he is advised

to consider very carefully whether he still desires to enter the Law School. As experience with this Test increases, if the correlation here and elsewhere between test scores and success in law study proves to be very high, increasing weight will be given to the Test in passing upon applications. Even at present, it will be given some weight in deciding borderline cases. The ultimate objective, of course, is to minimize the economic and social waste involved in attempting to train for the law those whose native capacities fit them far better for some other occupation. Our faculty believes that should the Test ultimately prove highly reliable, while the Law School and the legal profession may also benefit, the real beneficiaries will be those applicants who will be saved time, money and the ignominy of failure.

CURRICULUM

If there is a law faculty in the country which is completely satisfied with its curriculum and teaching methods, the writer is not acquainted with it. Certainly, our faculty is not wholly satisfied in these respects.

In recent years we have placed increased emphasis on the teaching of practical skills by the introduction into regular courses of such exercises as brief writing and the drafting of pleadings. In the spring of 1950 we will offer to advanced students a special course in Brief Making which will include arguments based upon the briefs. We have supplemented this with numerous lectures and brief seminars given by practicing lawyers, judges, and public officials. However, we do not believe that it is possible, considering the limited time, to attempt to turn out law graduates who are thoroughly grounded in law as an intellectual discipline and who, at the same time, are thoroughly competent in the practical skills ordinarily perfected only by experience.

We believe that there are disadvantages in over-rigid adherence to the case method of teaching. While our individual methods differ, there are few courses beyond the first year level in which the case method is not materially modified. In many courses we are using books which include much non-case material, and we are supplementing these by assignments of other non-case materials. Throughout our courses we attempt to place an emphasis on statute law and administrative rulings which is consistent with their contemporary place of pervading importance.

The changes in our curriculum have been gradually cumulative rather than drastic. Immediately after the war, we re-organized our civil procedure courses and reduced the total time devoted to them. Two primary reasons motivated this: first, to reduce emphasis upon common law procedure, and second, to avoid over-emphasis on procedure in the

light of the percentage of time which the average lawyer today devotes to court proceedings.

Since September, 1948, we have, in keeping with their growing importance, added a second course in Taxation and have added a course in Unfair Trade Practices to accompany the course in Government Regulation of Business (Anti-Trust Law). The course in Legislation has been made a regular part of our curriculum. Also, in an effort to spread more evenly the major courses which practically all of our students take, we have shifted Negotiable Instruments and Evidence from the third year to the second year.

HELP FROM THE BENCH, BAR, AND OTHERS

We gratefully acknowledge much valuable help from the practicing bar, particularly in the placement of our graduates and in support of the LAW REVIEW. We are deeply indebted to members of both bench and bar and to others in giving generously of their time and effort in appearing before the Law School Association, certain of our classes and the law fraternities. In addition to those already mentioned as speaking under the auspices of the Law School Association, during the period covered by this report we have been assisted in this latter respect by: Charles T. Boyd, of the Greensboro bar; Professor J. S. Bradway, of the Duke Law School's Legal Aid Clinic; Victor Bryant, of the Durham bar; Charles W. Brown, Special Agent in Charge of the Charlotte Office of the Federal Bureau of Investigation; the Honorable T. Lamar Caudle, U. S. Assistant Attorney General; W. E. Church, Clerk of Superior Court of Forsyth County; Associate Justice Emery B. Denny, of the North Carolina Supreme Court; Dr. Frank De Vyver, of Duke University and the Erwin Cotton Mills; Justice Douglas L. Edmonds, of the California Supreme Court; Associate Justice S. J. Ervin, Jr., of the North Carolina Supreme Court; Dillard S. Gardner, North Carolina Supreme Court Marshal and Librarian; Superior Court Judge Luther Hamilton; Superior Court Judge W. C. Harris; Dr. T. C. Johnson, North Carolina Paroles Commissioner; John T. Manning, of the Durham bar; C. F. Matton, Vice-President of the Wachovia Bank & Trust Company; Solicitor W. H. Murdock; Bennett H. Perry, of the Henderson bar; Professor Phillips Russell, of the University School of Journalism; Associate Justice A. A. F. Seawell, of the North Carolina Supreme Court; R. H. Schnell, of the New York City bar; Willis Smith, of the Raleigh bar, Past President of the American Bar Association; Julius C. Smith, II, of the Greensboro bar; Gilbert Stephenson of the Trust Company Division, American Bankers Association; William Umstead, of the Durham bar; and D. J. Walker, Clerk of Superior Court of Alamance County.

DEDICATION

It is our devout ambition that the School, through its library, its student body, its faculty and its graduates, may not only occupy, but may truly deserve a place of steadily increasing importance in the field of legal education and in the life of our State.

HENRY BRANDIS, JR., *Dean.*