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THE LAW SCHOOL

(From September 1953 to December 1954)

ENROLLMENT

For the second consecutive year fall registration is larger than for the preceding year. Total enrollment is 207 this year, by comparison to 185 last year. The increase is attributable to larger second and third year classes. In fact, there is a decline in the first year class from last year's 92 to this year's 84.

The percentage of veterans is again on the increase. Of the entire student body, 57% are veterans, by comparison to 45% in each of the two preceding years. Sixty-eight per cent of the entering class are veterans, where in 1953 the percentage was 52% and in 1952 it was only 23%. Also, the percentage of law students receiving G.I. benefits has risen from 34% last year to 46% this year. The post-war peak was 81%.

As between 1953 and 1954, the number of women students has declined from 8 to 6, while the percentage of non-residents has declined from 10% to 7%.

The percentage of entering students who have received degrees prior to beginning their law study continues to rise. It is 76% in the present first year class, by comparison to 71% in 1953 and 70% in 1952.

Seventy-six of our students, or 37%, had all of their undergraduate work at some other institution and an additional 36, or 17%, had part of their undergraduate work elsewhere. Some 51 junior colleges, colleges and universities are represented. Other than the University at Chapel Hill, those with the highest representation are Davidson (19), Duke (11), Guilford (11), and N. C. State (9).

THE FACULTY

There have been no changes in our regular faculty and this serves to emphasize once more the unusual stability of our teaching staff. There has not been a death, resignation or retirement from the permanent, full time faculty since December 1939.

The members of the Law Faculty continue their activities as members of Law School and general University committees. Of special interest is the fact that Mr. Robert H. Wettach is serving as both Chairman of the Faculty Advisory Committee and as Chairman of the Board of Governors of the University of North Carolina Press. The writer is serving as Chairman of the newly organized Educational TV Programming Council for the University at Chapel Hill. Messrs. Wettach and W. B. Aycock are elected members of the Faculty Council.

In the field of publications, the University Press will publish in the near future "Military Law Under the Uniform Code of Military Justice," jointly authored by Mr. Aycock and Colonel Seymour W. Wurfel. Articles have recently been published by Mr. Herbert R. Baer in the *South Carolina Law Quarterly*, Mr. M. T. Van Hecke in the *Texas Law Review* and this *Review*, and Mr. Aycock in the *Journal of Public Law*. The entire faculty participated, either as authors or supervisors, in the lengthy article, "A Survey of the Decisions of the North Carolina Supreme Court," published in the June 1954 issue of this *Review*.

At the December 1953 meeting of the Association of American Law Schools, Mr. M. S. Breckenridge was Chairman of the Round Table on Commercial Law and Mr. Van Hecke presented a paper at the Round Table on Equity. Both also participated in the Round Table on Estate Planning. Other members of the faculty have served on various Association Committees and have otherwise participated in the work of the Association.

Mr. Albert Coates, as Director of the Institute of Government, and the Lecturers in Law who are members of the Institute staff have participated in numerous studies for the State and local governments and their agencies. Of especial interest are their numerous reports to the State Reorganization Commission and their report to the Governor on the decision of the United States Supreme Court dealing with segregation in the public schools. Reorganization studies were submitted by Messrs. Coates, Paul A. Johnston, Henry W. Lewis, George H. Esser, John A. McMahan and Philip P. Green, Jr. The report on the segregation decision was written by Mr. Coates and Mr. James C. N. Paul.

Mr. Frank W. Hanft continues to serve as a member of the North Carolina General Statutes Commission and Mr. Breckenridge has continued to devote a very substantial amount of time and effort to the work of that Commission as a member of its Committee on Revision of the North Carolina Corporation Law.

Mr. Aycock serves as principal advisor to the *Law Review* and to the Moot Court team participating in the national competition. Mr. Fred B. McCall acts as faculty supervisor for the American Trust Company's Will Drafting contest.

Mr. Wettach continues to accept a few labor arbitration assignments. The Dean is serving as a member of the Advisory Board on Contract Appeals of the United States Atomic Energy Commission.

In the field of continuing legal education, Mr. Baer lectured on "Discovery and Pre-Trial Examination in the Federal Courts" at an institute for practicing lawyers held at the University of South Carolina. The writer participated in the Institute on Federal Taxation sponsored by New York University in November and was also on the program of the

North Carolina Bar Association's annual meeting in June. Faculty participation in institutes for North Carolina lawyers is described elsewhere in this report.

During the summer of 1954 Mr. Aycock served as a visiting Professor of Law at the University of Texas.

All of our faculty continue their work as personal advisors to students and as supervisors of student notes for the *Law Review*.

During the year the faculty was represented by one or more members at the annual meetings of the Association of American Law Schools, the American Law Institute, the North Carolina Bar Association, The North Carolina State Bar, The Judicial Conference of the United States Court of Appeals for the Fourth Circuit, and the Policy Committee of the Law School Admission Test. It was also represented at the regional meetings of the American Bar Association and the Association of American Law Schools.

THE LIBRARY

At the annual meeting of the American Association of Law Libraries held at Miami in mid-summer, our Law Librarian, Miss Lucile Elliott, completed her year as President of the Association. In the Association's membership are represented some 300 law libraries established by law schools, state and federal governments, courts, bar associations and law firms.

Also during the past year Miss Mary Oliver, our Assistant Law Librarian, served as President, first of the Carolina Chapter and then of the newly formed Southeastern Chapter of the American Association of Law Libraries. Miss Oliver presented a paper at the Association's annual meeting and also participated in the program of the Southeastern Law Teacher's Conference held at Columbia, South Carolina, in August. Miss Elliott, in addition to her contributions to the President's page of the *Law Library Journal*, has prepared an article on the planning of library spaces which will shortly be published by the *Journal of Legal Education*.

For the second consecutive year we can report some substantial progress in staffing the Law Library with adequately trained personnel. In 1953-4 we were assigned the full time services of a cataloger for the first time in some years. We had a large backlog of cataloging work to be done, and it will be some time before we are on a completely current basis; but almost 15,000 cards were prepared during the year ending June 30. Work is still in progress and, in addition, we have this year an adequately trained person to handle periodicals and other technical services. This gives us a full time staff of four and, if our budget requests for the next biennium can be granted, our situation will improve even more.

During the year ending June 30, 1954, we added approximately 1700 accessioned volumes to our library, about 500 of them through gifts, and approximately the same number of unaccessioned books. We also added more than 1600 micro cards, principally briefs and records of the United States Supreme Court.

We are in the process of eliminating from our collection many duplicates of older books where there is no need for more than one copy. While we do not know as yet exactly what the results will be in terms of numbers of volumes in the collection, it seems probable that we will, at the end of the weeding out process, retain somewhere in the neighborhood of 75,000 volumes.

We deeply appreciate the gifts which have been made to us and hope that our friends will continue to give us the refusal of law books which come into their hands.

THE LAW REVIEW

One innovation—on an experimental basis—in the 1953-4 *Review* was the survey of the decisions of the North Carolina Supreme Court which was published in June. No final decision has been made as to whether this will become a permanent feature of the *Review*. A similar survey, covering a shorter period, will be published in February this year. One of the principal topics for discussion at the Fourth Annual Law Review Dinner, to be held November 5th, will be the future of the survey. As it is necessary for this report to go to press before that time, it is not possible to predict what will be the result of the discussion. However, comments, suggestions, and criticisms from members of the practicing bar will continue to be more than welcome.

The present editors and staff of the *Review*, whose names appear on the masthead, have projected a full schedule of articles, including the biennial survey of changes in North Carolina statute law, which will appear in June. In an effort to escape the page limitations necessitated by financial considerations, they have also decided that, for the first time since 1927, the *Review* should carry advertising. They have organized the solicitation for advertising with great energy and efficiency and are already assured of substantial success.

While the *Review* now numbers among its subscribers more than 600 law firms and individual practitioners in North Carolina, we are most anxious to increase the number of our subscribers and will greatly appreciate any assistance which our readers may give us.

ALUMNI ACTIVITIES

The Law Alumni Association is nearing the end of the second full year of its existence. It has continued to grow under the able leadership of T. Albert Uzzell, of the Asheville Bar, President; Isaac Thorp, of

the Rocky Mount Bar, and Luther Hartsell, Jr., of the Concord Bar, Vice Presidents; and William B. Aycock, of the Law Faculty, Secretary and Treasurer.

As of mid-October 1954, the Association had 289 active members, by comparison to 194 during the entire calendar year 1953. As of the same time, dues paid totalled \$1,366.00 by comparison to \$1,015.00 in 1953.

While major emphasis is and should be on maintaining active alumni interest in the Law School, the Association has already been most helpful to the school in providing funds for activities not supported by the State. These include publication of the *Tar Heel Barrister*, travel funds for the Law Librarian, travel funds for the students' representative to the annual meeting of the American Law Students Association, sponsored by the American Bar Association, and—perhaps most important of all—a total to date of \$1,000.00 for scholarships. The Law Review Committee of this Association has carried on a particularly active and helpful program.

It is not possible to include any account of the annual meeting of the Association to be held on November 6th, as this report must go to press before that date.

INSTITUTES FOR PRACTICING ATTORNEYS

In this state, the organized program of continuing legal education for practicing lawyers is under the joint sponsorship of the North Carolina Bar Association and the Law Schools at Duke, Wake Forest and the University. During the period covered by this report three institutes have been held. During the spring semester there were two—both at Chapel Hill—one on Financing Small Businesses and the other on Civil Procedure. In October, a third institute on the 1954 Federal Internal Revenue Code was held, with the opening session at Duke University and the remaining sessions at this Law School.

Mr. Herbert R. Baer of the Law Faculty and the writer have participated in the institute program as lecturers, and the writer undertook the organization of the Institute on Civil Procedure.

CURRICULUM

The first year curriculum has been changed by allotting to the course in Criminal Law and Procedure five semester hours by comparison to the previous four. It is anticipated that the additional time will be utilized primarily for a more thorough coverage of criminal procedure and criminal law administration, including problems of probation, pardon, and parole.

Also in the first year, the brief writing project which is a part of the course in Legal Bibliography has been transferred from the fall to the spring semesters. This year, for the first time, members of the staff of

the Institute of Government will assist us in supervising and grading the briefs and in preparing the moot court arguments which are based upon the briefs.

As mentioned in last year's report, in the summer of 1953 we offered, for the first time in many years, a course in Admiralty. Its reception encouraged us to transfer the course to our regular curriculum. Beginning this year, it will be offered every second year, alternating with the course in Damages. The instructor is Professor Baer.

Also beginning this year, the course in Corporation Finance will be alternated with the course in Law and Accounting, with Mr. Breckenridge as instructor in both courses.

SUMMER SCHOOL

During the summer of 1954 our visitors were Dean W. Ray Forrester of Tulane University, Dean W. Page Keeton of the University of Texas, Professor Laurens H. Rhineland of the University of Virginia, and Dean Carroll W. Weathers of Wake Forest.

Dean Keeton offered a course in Fraud and Mistake and Dean Weathers a course in Office Practice, neither of which is a part of our regular curriculum.

SCHOLARSHIPS

For the third consecutive year some small progress can be reported in the matter of scholarships. From Book Exchange profits and other general University funds, the University Scholarship Committee has, for the current year, made awards to eleven law students totalling \$2240.00. This compares with awards of \$1400.00 to six law students last year. We retain the three \$150.00 resident tuition scholarships which are earmarked for the Law School. From funds of the Law Alumni Association \$400.00 has been allotted for scholarships this fall, by comparison to \$600.00 for the entire year 1953-4.

Three law students—John V. Hunter, III and Peter G. Kalogridis of the third year class and Hamilton C. Horton, Jr. of the second year class—retain their Morehead Scholarships.

Despite this progress, and despite the fact that a larger percentage of our students are receiving G.I. benefits this year than last, we still believe that an increase in available scholarship funds is one of the acute needs of the School. This is particularly true since the policy of those awarding the Morehead Scholarships seems to be to eliminate or greatly reduce the number of awards at the professional and graduate level in favor of awards at the undergraduate level.

University loan funds are open to law students and last year 22 students borrowed some \$3,995.00 from this source. We have no accu-

rate information as to the total borrowed from other sources, but we believe it to be considerable.

TEST OF ABILITY TO WRITE

For a number of years we have required that all applicants take the Law School Admission Test, administered by the Educational Testing Service of Princeton, New Jersey. We share this requirement with some 30 other schools.

Last year the Testing Service and the Policy Committee of the Law School Admission Test decided to experiment to ascertain whether there could be devised a test of writing capacity which would correlate with subsequent law school grades. This fall the entering classes at four law schools—Columbia, Michigan, Virginia and North Carolina—were selected for the first experimental administration of such a test. A feature of the experiment will be an attempt to secure an independent evaluation of the writing capacity of the first year students. In carrying this out, we are most grateful for the assistance kindly offered by Dr. George Horner of the University's Department of English.

ACADEMIC ACHIEVEMENT

The masthead of this issue lists those students who are currently members of the staff of the *Law Review*. Each of them has achieved a "B" average in order to become eligible. The four principal editors are those students who, as of the end of their second year, had the highest scholastic averages in their class. Mr. Aycock is the principal faculty adviser to the editors and staff of the *Review*, though all members of the faculty supervise the preparation of student notes.

Student scholastic honors, other than selection to the staff of the *Review*, were as follows:

Five students, on the basis of standing in the top ten per cent of the class of 1954 were elected to the Order of the Coif, an honorary society with chapters in some forty law schools. These students in the order of their standing were: Frances Jeanne Owen, Thomas W. Steed, Jr., Earl Gene Ramsey, Thomas L. Young and John L. Sanders. These students also received the Chief Justice Walter Clark Awards made annually to the five students who, at the end of their fifth semester at this Law School, have the highest scholastic averages.

The degree of J.D. (requiring a B.S. or A.B. degree before entering Law School, a "B" average in Law School, and satisfactory contributions to the *Law Review*) was awarded to: Daniel L. Bell, Jr., Kenneth A. Griffin, Joseph P. Hennessee, John Randolph Ingram, Durward S. Jones, Frances Jeanne Owen, Lucius W. Pullen, John L. Sanders and Thomas W. Steed, Jr.

The degree of LL.B. with honors was awarded to Earl Gene Ramsey.

In the American Trust Company's Will Drafting contest, Robert C. Vaughn, Jr., was awarded \$50.00 for the best entry from this Law School and an additional \$50.00 for the second best entry from the contestants at Duke, Wake Forest and Carolina. Edward N. Post was awarded \$50.00 for the second best entry from this Law School.

In the Nathan Burkan Memorial competition, sponsored by the American Society of Composers, Authors and Publishers, Felix Fletcher won the first prize of \$150.00 for the best paper on Copyright Law submitted from this Law School. The second prize of \$50.00 was awarded to William G. Reid.

The U. S. Law Week Award to the student making the most satisfactory scholastic progress in the senior year was won by A. Turner Shaw, Jr.

Students winning the Bancroft Whitney Company and the Lawyer's Cooperative Publishing Company prizes for the top grades in selected courses were as follows: Zebulon D. Alley (Municipal Corporations), Alexander H. Barnes (Agency), Daniel L. Bell, Jr. (Debtors' Estate), Robert G. Byrd (Contracts and Pleading), Joseph G. Dail, Jr. (Negotiable Instruments, Constitutional Law, and Equity), Donald R. Erb (Trusts), Roy G. Hall, Jr. (Evidence), Joseph P. Hennessee (Conflict of Laws), John V. Hunter, III (Business Associations and Equity), Peter G. Kalogridis (Labor Law and Wills), Frances Jeanne Owen (Administrative Law, Credit Transactions, Equity, and Taxation I), Earl Gene Ramsey (Taxation II), Edward N. Rodman (Sales), Robert C. Vaughn, Jr. (Business Associations), and James D. White (Personal Property).

Winners of the West Publishing Company prizes in the first year Moot Court competition were: Warren D. Blair, Robert G. Byrd, George W. Ferguson, Jr., Hamilton C. Horton, Jr., John G. Hough, Jr., William L. Osteen, Julius A. Rousseau, Jr., Eugene C. Shaw, Jr., and Willard I. Walker.

TWO NEW AWARDS

Two new awards will be presented for the first time at the Annual Awards Night Dinner to be held in the Spring of 1955. The Block Improvement Award will go to the senior who, having devoted himself sincerely to his law studies during all of his law school career, has made the most constant improvement in his academic work from the date of his enrollment to the end of his fifth semester. The award consists of \$300.00 presented by Mr. Norman Block, of the Greensboro Bar, who has established the award in memory of his father, Max Edward Block.

In order to encourage diligent interest in the study of Real Property Law, the Lawyers Title Insurance Company has established a cash

award of \$100.00 to be presented to a senior demonstrating excellence in that subject. At this Law School, the winner will be the senior having the highest grade average in the courses in Real Property, Future Interests and Titles.

THE LAW SCHOOL ASSOCIATION AND STUDENT ACTIVITIES

The officers of the Law School Association, which includes all students as members, are Robert B. Byrd, President; Albert House, Vice President; Robert G. Windsor, Secretary; Julius A. Rousseau, Jr., Treasurer; and Louis Bledsoe, Chief Justice of the Law School Court. Committee Chairmen are Naomi Morris, Liaison; John Hough, Speakers; Eugene Carter, Library; Kenneth R. Youngblood, Placement; Richard Thigpen, Jr., Social; William Osteen, Athletic; Michael McLeod, Elections; William Zimtbaum and Maitland Freed, Public Relations; Edward Washington, Film; and Jack Harris, Orientation.

The Association, through its officers and committees, and with its Legislature passing upon matters of budget and policy, continues to carry on a very active program, both professional and social. It continues the sponsorship of the *Tar Heel Barrister*, which will be published once each semester under the editorship of Thomas Mann.

In 1953-4 the Speakers Committee presented Mr. George Wright of the Asheville Bar, in three lectures on Title Examination; Lieutenant Governor Luther Hodges, speaking on "Young People and Politics"; and Dr. Wilbur G. Katz, Professor of Law and former Dean, University of Chicago Law School, on "Natural Law." It also presented the educational film "Trial by Jury."

A feature of the spring program was a demonstration of courtroom examination and cross examination of expert medical witnesses, jointly sponsored with the Institute of Government and the Medical School. Dr. H. R. Brashear and Dr. Gordon S. Dugger, of the Medical School Faculty, acted as witnesses, Mr. Armistead W. Sapp and Major L. P. McLendon, both of the Greensboro Bar, as Counsel, and Superior Court Judge George B. Patton as Judge. Major McLendon also spoke at the Association sponsored reception for beginning law students this fall.

The Law School Association continues its affiliation with the American Law Student Association sponsored by the American Bar Association. Our students were represented both at the Regional and the Annual meetings of that Association.

We are again competing in the Inter-Law School Moot Court Competition sponsored nationally by the Association of the Bar of the City of New York. As this report goes to press, we do not have definite information concerning our opponent in the first round. Last year we were defeated in the first round by the team from the University of

South Carolina. However, our team was selected as the one submitting the best brief in this region, which includes the schools in North Carolina, South Carolina and Virginia. The members of the team last year were Lucius Pullen, Thomas Young and Durward Jones. This year's team is composed of Peter G. Kalogridis, John V. Hunter, III, and Louis Bledsoe.

BAR EXAMINATION RESULTS

Forty-two members of the class of 1954 took the North Carolina Bar Examination given in August and 30, or 71% passed. As usual, this is higher than the passing percentage of all candidates taking the examination, but it is the lowest passing percentage for current graduates of this school since World War II. Although a majority of the failures came from the lower half of the class, the correlation between law school grades and bar examination results was as poor as we have had. In some cases the personal situations of the applicants fully account for their failure; but for others we are unable to account on any rational basis. We are inclined to believe that there will be improvement both in percentage and in correlation at the next examination.

PLACEMENT

In the class of 1954 there were 30 graduates who took and passed the North Carolina Bar Examination. Of these, 10 are already in or about to enter military service, 10 have entered the practice of law, and 5 have accepted miscellaneous positions. Four of the latter positions require legal training and for the fifth it is preferred. At this writing, we do not have definite information regarding the remaining 5 graduates, but we do know that several of them have very good prospects.

In general, considering the relatively small size of the 1954 class, satisfactory placement proved to be more difficult than for the two preceding years. Consequently, we wish to emphasize strongly our request for all possible assistance from our alumni and friends in locating good opportunities for our graduates. This request is made in the light of the fact that we will have some former graduates returning from military service and we would like to give them all the placement help possible.

LECTURERS AND SPEAKERS

We continue our arrangement with the Institute of Government, directed by Law Professor Albert Coates, under which selected members of the Institute staff, as Lecturers in Law, participate in our classroom instruction. Those now so designated are George H. Esser, Philip P. Green, Jr., Paul A. Johnston, Henry W. Lewis, Roddey M. Ligon, Jr., John A. McMahon, and James C. N. Paul.

In addition to the speakers, elsewhere identified, appearing under the auspices of the Law School Association, a number of judges, lawyers

and others have delivered special lectures in our classes or appeared before the legal fraternities. It is probably not generally realized that, when examination time is subtracted, an average of about one visitor per week speaks to the Law School student body or some organized group of law students.

Of special interest during the past year were eight lectures by Colonel Seymour W. Wurfel, Judge Advocate of the Third Army, on Military Government, Laws of War and Martial Law.

Others who have assisted us are: Mr. R. Mayne Albright of the Raleigh Bar; Mr. Norman Block of the Greensboro Bar; Mr. Charles W. Cheek, Assistant Trust Officer of the Fidelity Bank in Durham; Mr. W. D. Croom, Vice President of the First Securities Corporation of Durham; Dr. Frank DeVyver, Vice President of the Erwin Cotton Mills of Durham; Superior Court Judge George M. Fountain; Federal District Judge Johnson J. Hayes; Mr. Robert H. Hines, formerly Assistant Trust Officer of the American Trust Company and now of the Charlotte Bar; Mrs. Pauline Horton, of the State Department of Labor; Mr. H. Allen Keen, of the Trust Department of the Wachovia Bank and Trust Company, Winston-Salem; Mr. John T. Manning of the Chapel Hill and Durham Bars; Mr. C. F. Matton, Vice President and Trust Officer of the Wachovia Bank and Trust Company of Winston-Salem; Superior Court Solicitor William H. Murdock; Mr. W. S. Nicholson of the Charlotte Bar; Mr. Paul O'Bryan, National Vice Chancellor of Delta Theta Phi, Washington, D. C.; Mr. Carver Peacock, chartered Life Underwriter of Durham; Superior Court Judge J. Will Pless, Jr.; Mr. Bonner Sawyer of the Hillsboro Bar; Mr. Robert H. Schnell of the New York City Bar; Mr. F. J. Schwentker, Lecturer on Insurance in the University School of Business Administration; and Superior Court Judge Susie Sharp.

We are indeed grateful to these persons for the time and money they have expended in sharing their experiences with our students.

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*