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# Law School, The

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# THE LAW SCHOOL

(From September 1954 to December 1955)

## ENROLLMENT

The size of the student body increased again this fall for the third consecutive year. It has now risen from 180 in 1952 (the post-war low), to 185 in 1953, to 207 in 1954, to 233 in 1955. However, it is still substantially below the post-war peak of 288, reached in 1948. There are 103 students in the first year class, by comparison to 84 last year.

Veterans comprise 64 per cent of enrollment, by comparison to 57 per cent last year and 45 per cent in 1952 and 1953. However, the percentage of veterans in the first year class dropped from 68 in 1954 to 60 this year. The percentage of students receiving G. I. benefits is up from 46 to 55. (The post-war peak was 81.) From this it appears that the prospective termination of such benefits may become an important factor in Law School enrollment, offsetting to some extent the increase to be anticipated on the basis of population statistics considered alone.

There are only five women students, by comparison to six last year. The percentage of non-residents is 10, by comparison to 7 last year and 10 in 1953. Unexpectedly, in view of the increase in non-resident tuition from \$360 to \$500 per year, the first year class is 12 per cent non-resident.

The percentage of entering students who received degrees prior to beginning law study dropped to 65 this fall. This reverses a trend which had seen the percentage rise from 70 in 1952 to 71 in 1953 and 76 in 1954. This reversal is neither particularly welcome nor readily explained.

Seventy-two students, or 31 per cent, took all of their undergraduate work at other colleges and universities, while an additional 50, or 21 per cent, received some part of their undergraduate training elsewhere. The percentages in 1954 were 37 and 17, respectively. It is likely that the first figure will decline further next year, as in the present senior class 42 per cent had all undergraduate work at other schools.

Some 73 universities, colleges and junior colleges are represented. Other than the University at Chapel Hill, those with the highest representation are Davidson (17), Duke (16), N. C. State (8) and Guilford (8).

Ninety-seven students, or 41 per cent, are married.

## THE FACULTY

The most notable faculty news of the year was the election of Professor M. T. Van Hecke as President Elect of the Association of American Law Schools. He will succeed to the Presidency at the close of the Association's annual meeting in Chicago on December 30. His selection for the position is a well deserved tribute to his distinguished career as dean, teacher, scholar and author. Local recognition of Mr. Van Hecke's achievements also came during the year with his appointment as a Kenan Professor.

Barring unforeseen events, December will close the 16th consecutive year in which we have had no death, resignation or retirement among the permanent, full time faculty. The writer is confident that no other law school in the country can equal this record of faculty stability (partly fortuitous, of course, but also largely attributable to the genuine devotion of the faculty members to this Law School and University).

As of July 1, 1955 our regular faculty grew from 10 to 11 with the addition of Miss Mary W. Oliver, A.B., B.S. in Library Science, LL.B., as Assistant Professor of Law and Law Librarian. She is teaching the course in Legal Bibliography, formerly taught by Mr. John P. Dalzell. In addition to her educational qualifications, Miss Oliver has had experience as a school teacher, in general library work, in law libraries elsewhere, as a research assistant for the Institute of Government, and as Assistant Law Librarian here. Until April, 1955, she served as President of the Southeastern Chapter of the American Association of Law Libraries and is currently Chairman of that Association's Committee on Chapters.

On September 1, 1955, Mr. William B. Aycock received a thoroughly merited promotion from Associate Professor to Professor of Law. Thus we now have the highly unusual situation of a faculty which, with the exception of Miss Oliver, is entirely composed of instructors holding the highest professorial rank. However, our situation could hardly be otherwise, since length of service on this faculty ranges from Mr. Aycock's seven and one half years to Mr. Robert H. Wettach's 34 years, with an average for the 10 men involved of over twenty-two and one half years.

The members of the faculty continue to serve on Law School and general University committees. Mr. Wettach continues as Chairman of the Board of Governors of the University of North Carolina Press and for part of the time covered by this report served also as Chairman of the Faculty Advisory Committee. He and Mr. Aycock have served as elected members of the Faculty Council. Mr. Albert Coates (himself a former recipient of the Award) has succeeded the writer as Chair-

man of the Faculty Committee on the O. Max Gardner Award. The writer continues as Chairman of the Chapel Hill Faculty Programming Council for WUNC-TV, the University's Educational TV station. (Half of our faculty have already appeared on TV programs.)

In the field of publications, the University Press published in the spring of 1955 "Military Law Under the Uniform Code of Military Justice," jointly authored by Mr. Aycock (a Reserve Lieutenant Colonel in the Army's Judge Advocate General's Corps) and Colonel Seymour W. Wurfel. Articles have been published by Mr. Van Hecke in the *Texas Law Review* and this *Review*, and in this *Review* by Messrs. Herbert R. Baer, Dalzell and M. S. Breckenridge. The entire faculty, as authors, participated in the survey of statutory changes published in the June 1955 issue of the *Review* and, as authors or supervisors, in the surveys of North Carolina Supreme Court decisions appearing in the February and December issues.

The writer participated, as a lecturer or seminar leader, in institutes on Federal Taxation held in the fall of 1954 by New York University and by the North Carolina Bar Association with the Duke, Wake Forest and Carolina Law Schools. Mr. Dalzell was one of the participants in the Institute on International Law and the United Nations sponsored by the University of Michigan Law School in the summer of 1955.

Mr. Frank Hanft continues as a member and Vice Chairman of the North Carolina General Statutes Commission. Mr. Breckenridge completed his work as one of the principal draftsmen of the new Corporation Code enacted by the 1955 General Assembly. Mr. 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.

Various members of the faculty serve as members of committees of the North Carolina and American Bar Associations. In December, the Dean, after two years' service on the committee, will become Chairman of the Committee on Academic Freedom and Tenure of the Association of American Law Schools.

During the spring semester of 1955, Mr. Van Hecke was on leave as a Visiting Professor of Law at the Louisiana State University. In turn, we had Professor John C. Payne of the University of Alabama Law School as a visiting replacement. During the summer, Mr. Breckenridge was a Visiting Professor at the University of Texas. During the spring semester and the first half of the summer term in 1956 the writer will be on leave as a Visiting Professor at Stanford University Law School. During his absence, Mr. Aycock will be Acting Dean

and Professor Joel Francis Paschal of Duke University will teach our course in Pleading and Parties.

#### THE LIBRARY

Miss Lucile Elliott, Law Librarian to the overwhelming majority of our living alumni, retired from that position on June 30, 1955. As already indicated, she was succeeded by her former assistant, Miss Mary W. Oliver.

Fortunately, we retain the benefit of Miss Elliott's knowledge and experience for the current year. She has remained as a Bibliographical Consultant, concentrating on an inventory of the titles we need to complete our collection of the session laws of the American states and our collection of primary English materials. At the present writing, thanks to the efforts of Miss Elliott and alumnus William S. Jenkins, Professor of Political Science (with liberal assists from University Librarian Andrew Horn), we lack less than 50 of the session laws of all the American states, from colonial times to the present. Miss Elliott hopes to fill these gaps before she leaves, thus giving us a priceless collection of research materials. Also Miss Elliott and Professor Jenkins are at work on a similar project to give us a complete collection of state codifications.

In the spring of 1956 Miss Elliott, on her terminal leave, will go to England (at her own expense) and attempt to complete our basic English historical materials. She is hard at work on the necessary bibliography. For the funds which will make the purchases possible we are deeply indebted to the Friends of the Library and to the unflagging efforts of Librarian Horn to secure funds from other sources. Altogether, it will be a banner year for the research potential of our Library.

Miss Oliver was succeeded as Assistant Law Librarian by Miss Margaret Chapman, A.B., B.S. in Library Science, who, during 1954-5 was carrying on our cataloging work. In fact, during the current year, she will continue to devote half of her time to cataloging. We are indebted to her for her willingness to continue this work as otherwise, in view of the fact that Miss Elliott's full time is occupied by the special projects already mentioned, no cataloging could be done. In 1956-7 we expect again to have the services of a full time cataloger, enabling us to make further progress in our plans to provide a complete, modern catalog of our holdings.

We still need additional library personnel—primarily clerical—and will, in our budget request for the biennium 1957-1959, repeat the personnel request we unsuccessfully made for the current biennium.

We also need additional money for books, periodicals and binding.

We have had virtually the same appropriation for these purposes for some five years now. Since book prices have advanced materially during that period, the effect is to reduce the number of books we can procure. In fact, at present, after providing for the continuation of periodicals, court reports, statutes, loose-leaf services and similar needs, the remainder available for new texts, treatises and other books permits the acquisition of no more than approximately 350 new books.

In the interest of conserving space (the constant worry of all growing libraries) we continue to weed out duplicates of older books which are no longer needed. Other duplicates, which may eventually be needed as replacements, we are putting in reserve for this purpose, thus eliminating them from our volume count. Therefore, despite substantial acquisitions during the year, we estimate our total holdings at 75,000 volumes—the same as last year. (Until our cataloging, inventorying and re-appraisal of duplicates have been completed, this figure will necessarily remain an estimate rather than a precise count.)

During the year ending June 30, 1955 we added a gross of approximately 2,700 volumes. We also added some 1,700 microcards. As of that date, we had acquired more than 5,700 microcards, most of them containing briefs and records in cases before the Supreme Court of the United States.

#### CURRICULUM

To round out our offerings in the field of real property law we will, in the spring semester of 1956, inaugurate a three semester hour course, *Rights in Land*, to be taught by Mr. Frederick B. McCall. The first part of the course will deal with rights incidental to possession of land, such as physical intrusion, lateral and subjacent support, water rights, nuisance, and rights of reversion. The second part will deal with the rights of one person in the land of another, including easements, profits, licenses, covenants that run with the land in fee, covenants between landlord and tenant, party walls, rents, waste, and public rights in streams and highways.

Since Mr. McCall will be offering this new course, Mr. William B. Aycock is taking over from Mr. McCall the course in *Wills and Administration*. In order to adjust Mr. Aycock's load, his course in *Military Law* and his seminar in *Trade Regulation* will be given in alternate years.

We have further expanded our seminar program by the addition of seminars in *Administrative Law* and *Constitutional Law*. This gives us a total of seven seminars, though only six are offered in any year, as *Administrative Law*, like *Trade Regulation* is scheduled for alternate years.

Every student, as a prerequisite to receipt of his degree, must satisfactorily participate in a seminar, unless he has done satisfactory work as a member of the *Law Review* staff. One of the primary purposes of the seminar program is to insure that no student graduates without having been required to carry out at least one extensive personal project in research and writing.

#### SUMMER SCHOOL

During the summer of 1955 our visitors were Professor Bryan Bolich of Duke University (Future Interests), Dean Robert Kingsley of the University of Southern California (Family Law), Dean Frank Strong of Ohio State University (Constitutional Law), Dean John Wade of Vanderbilt University (Conflict of Laws), and Professor Kenneth Woodward of the University of Texas (Wills and Administration).

Summer registration exceeded 90 students, making it the largest summer session since our State Board of Law Examiners ceased to give the March Bar Examination in 1951.

For several years we have allowed (though we do not encourage) beginning students to enter in the summer. In 1955, 14 students began their study of law at the summer session.

#### ACADEMIC ACHIEVEMENT

The masthead of this issue lists those students who are current 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 has been serving as the principal faculty adviser to the editors and staff of the *Review*, but this task will be assumed by Mr. Dalzell beginning with the February issue of the current volume. 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:

Six students, on the basis of standing in the top ten per cent of the class of 1955 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: Peter George Kalogridis, John V. Hunter, III, Joseph G. Dail, Jr., Naomi Elizabeth Morris, Roy W. Davis, Jr., and Robert C. Vaughn. The first five named 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 contribu-

tions to the *Law Review*) was awarded to: George M. Britt, Robert C. Bryan, F. Kent Burns, Roy W. Davis, Jr., Roy G. Hall, Jr., J. Albert House, Jr., John V. Hunter, III, Peter G. Kalogridis, Milton E. Loomis, Naomi E. Morris, Thomas G. Nall, Royall G. Shannonhouse, III, Robert L. Spencer, Nelson W. Taylor, III, and Calvin C. Wallace.

The degree of LL.B. with honors was awarded to Joseph G. Dail, Jr.

Robert C. Vaughn, Jr. was the first winner of the Block Improvement Award given to the senior who, having devoted himself most sincerely to his law studies during all of his law school career, makes the most constant improvement in academic work from the date of enrollment to the end of the fifth semester. The Award consists of \$300.

Calvin C. Wallace was the first winner of the Lawyers Title Award of \$100 to the senior demonstrating excellence in the study of Real Property Law. The winner at this school is selected on the basis of achieving the highest average grade in the courses in Real Property, Future Interests and Titles.

In the American Trust Company's Will Drafting Contest, Robert C. Vaughn, Jr. and John J. Dortch received \$50 each for the first and second best entries, respectively, from this school.

The U. S. Law Week Award to the student making the most satisfactory scholastic progress in the senior year was won by Roy W. Davis, 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: Myron C. Banks (Debtors' Estates and Equity); Alexander H. Barnes (Trusts); Bobby G. Byrd (Administrative Law, Business Associations, Evidence, Negotiable Instruments and Trusts); David M. Clinard (Constitutional Law and Trusts); James O. Cobb (Municipal Corporations); Roy W. Davis, Jr. (Debtors' Estates); William E. Graham (Pleading and Parties); Mrs. Ann L. Greene (Insurance); Roy G. Hall, Jr. (Labor Law); J. Albert House, Jr. (Conflict of Laws); John V. Hunter, III (Credit Transactions, Death and Gift Taxation, and Income Taxation); Miss Naomi E. Morris (Conflict of Laws); Thomas P. Peacock (Agency); Lucien E. Smartt (Contracts); and Nelson W. Taylor, III (Wills and Administration).

Winners of the West Publishing Company prizes in the first year Moot Court competition were: Richmond G. Bernhardt, Jr., Julius A. Culp, Arthur S. DeBerry, Jr., Jack T. Hamilton, Thomas D. Johnston,

George W. Miller, John D. Moore, Thomas P. Peacock, James E. Roberts, Charles C. Shaw, William L. Thompson, and Ted G. West.

#### THE LAW REVIEW

The period covered by this report embraces the second and third surveys of the North Carolina Supreme Court's decisions. It seems now entirely probable that, along with the surveys of new North Carolina statutes, these will be regular features of the *Review*—though the case law survey will be annual rather than biennial.

The sale of advertising, very successfully inaugurated in 1954-5, continues in the current year with every prospect of success. Even so, printing costs continue to rise and the current year promises to be a tight financial year for the *Review*. We will still welcome new subscriptions.

#### THE LAW SCHOOL ASSOCIATION AND STUDENT ACTIVITIES

At the meeting of the American Law Student Association in the summer of 1955 our student organization, the Law School Association, received an award for tying for second place among the law schools in the country in the excellence of its program and activities. (The American Law Student Association is sponsored by and affiliated with the American Bar Association.) Naturally we are pleased at this recognition given to our students. The program carried out by the Law School Association last year required much hard work on the part of its officers and committee chairmen and much credit should go to them—particularly to Robert B. Byrd, who served as President.

The officers of the Association this year are: William L. Osteen, President; Walter L. Horton, Jr., Vice President; William E. Graham, Secretary; Paul Holt, Treasurer; and Herbert S. Falk, Chief Justice of the Law School Court. Committee Chairmen are: J. Thomas Mann, Liaison; Peter H. Gerns, Speakers; Maitland Freed, Library; Julius A. Rousseau, Placement; James E. Roberts, Social; Herman G. Enochs, Jr., Athletic; Donald L. Moore, Elections; Richmond G. Bernhardt, Jr., Newspaper; William E. Zuckerman, Film; and Walter L. Horton, Jr., Orientation.

During 1954-5 the Speakers Committee presented the following speakers: Major L. P. McLendon of the Greensboro Bar, "Experiences of a North Carolina Attorney"; Mr. Basil Sherrill, Associate Director of the Institute of Government, "Rules of the Road"; Associate Justice Emery B. Denny of the North Carolina Supreme Court, "Appellate Practice Before the North Carolina Supreme Court"; Dr. Frank P. Graham, Former President of the University and former U. S. Senator, now a special representative of the United Nations, "The

'Good Officer' of the United Nations"; Mr. George H. Wright of the Asheville Bar, "Title Examination" (three lectures); Associate Justice William O. Douglas of the United States Supreme Court, "Duty of the American Lawyer in Our Society"; and Professor Gerald A. Barrett of the School of Business Administration, "Principles of Labor Arbitration in North Carolina."

As of this writing, during the current year, the Association has presented Mr. Victor Bryant of the Durham Bar, speaking on "A Lawyer's View of the Legal Profession," and will shortly present North Carolina Attorney General William B. Rodman.

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 and in this region by the Junior Bar Section of the North Carolina Bar Association. This School will be host to the regional competition, to be held November 18 and 19. Last year we were defeated in the first round, the members of our team being Peter G. Kalogridis, John V. Hunter, III and Louis Bledsoe. This year our team is composed of Richard E. Thigpen, Jr., Ted G. West and Jack T. Hamilton.

#### ALUMNI ACTIVITIES

The Law Alumni Association is nearing the end of the third full year of its existence. This year it has continued to grow under the leadership of Isaac Thorp, of the Rocky Mount Bar, President; Luther Hartsell, Jr. of the Concord Bar and William A. Dees, Jr. of the Goldsboro Bar, Vice Presidents, and William B. Aycock, of the Law Faculty, Secretary and Treasurer.

As of mid-October 1955, the Association had 404 active members, by comparison to 289 at the same time in 1954. As of the same time, dues paid totalled \$1555 by comparison to \$1366.

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 Law Library personnel, travel funds for the student representatives to the annual meeting of the American Law Students Association, sponsored by the American Bar Association, and scholarship funds. The Law Review Committee of the Association has carried on a particularly active and helpful program.

During the current year we hope to establish through the Alumni Association a system under which each law student who desires one may have a personal adviser from the practicing Bar in his own district.

Of course, each student has a faculty adviser, but we feel that advisers drawn from the practicing Bar can be of great help to our students.

It is not possible to include an account of the annual meeting of the Law Alumni Association to be held on November 12, as this report must go to press before that date. The annual meeting will be preceded, on the evening of November 11, by the annual Law Review dinner.

#### INSTITUTES FOR PRACTICING ATTORNEYS

In this state the organized program for continuing legal education for practicing attorneys is under the joint sponsorship of the North Carolina Bar Association and the Law Schools at Duke, Wake Forest and the University, with general supervision centered in Bar Association committees on which the schools are represented.

In October, 1954 a very successful institute on the 1954 Internal Revenue Code was opened at Duke and completed here. The Bar Association committees for the current year are now at work and, in all probability, one or more institutes will be held at Chapel Hill during the current academic year.

#### 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., Henry W. Lewis, Roddey M. Ligon, Jr., John A. McMahon, and Richard A. Myren.

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.

Those who have thus assisted us are: Professor Gerald A. Barrett of the School of Business Administration; Mr. Norman Block of the Greensboro Bar; Mr. Irving E. Carlyle of the Winston-Salem Bar; Mr. W. D. Carmichael, III, advertising man of Chapel Hill and Durham; Dr. Frank T. deVyver, Vice President of the Erwin Mills; Professor James L. Godfrey of the History Department; Mr. George Gordon of the Greensboro Bar; Superior Court Solicitor Charles Hagan, Jr.; Federal District Judge Johnson J. Hayes; Mr. Scott Hoyman, International Representative, Textile Workers' Union of America; Dr. Frontis Johnson, Head of the Department of History, Davidson College; Mr. Claude V. Jones of the Durham Bar; Mr. Allen Keen, of

the Trust Department of the Wachovia Bank and Trust Company, Winston-Salem; North Carolina Assistant Attorney General I. Beverly Lake; Mr. C. F. Matton, Vice President and Trust Officer of the Wachovia Bank and Trust Company, Winston-Salem; Mr. Adrian Newton, Clerk of the North Carolina Supreme Court; Mr. Carver Peacock, Chartered Life Underwriter of Durham; Mr. B. S. Royster, Jr. of the Oxford Bar; Superior Court Judge J. A. Rousseau; Mr. Bonner Sawyer of the Hillsboro Bar; North Carolina Commissioner of Motor Vehicles Edward Scheidt; Mr. Robert H. Schnell of the New York City Bar; Mr. F. J. Schwentker, Lecturer on Insurance in the University School of Business Administration; Recorder's Court Judge William Stewart of Chapel Hill; Mr. R. E. Thigpen, Sr. of the Charlotte Bar; Mr. William Watkins of the Oxford Bar; Dean Carroll Weathers of the Law School of Wake Forest College; Lieutenant Commander Thomas R. Wheatley, Professor of Naval Science; and Professor Harry B. Wolf, of the School of Business Administration, member of the North Carolina Employment Security Commission.

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

#### BAR EXAMINATION RESULTS

Fifty-two members of the class of 1955 took the North Carolina Bar Examination for the first time and all of them passed. During the summer two other members of the class took the Bar Examination of other states (Massachusetts and Florida) and both of them passed. Naturally we are highly pleased with this record.

#### PLACEMENT

In the class of 1955 there were 54 graduates who passed a Bar Examination. Of these, 21 are already in or about to enter military service, 21 have entered the practice of law and eight have accepted miscellaneous positions. All but one of this latter group are in positions requiring a law license or, at least, legal training. At this writing we do not have definite information regarding four graduates who passed the Bar, but we do know that at least two of them have received good offers. It is of considerable interest that in the 1954 and 1955 classes combined, only five graduates have elected to open their own offices and practice alone.

On the whole, this placement record is very gratifying. However, during the current year we will not only have the 1956 graduates to place but, also, during the early fall of 1956 we will have a substantial number of alumni returning from military service. Of course, we feel

as great an obligation to these returning veterans as to our current graduates. Therefore, we wish again to emphasize our request for all possible assistance from our alumni and friends in locating good opportunities for our graduates.

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*