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THE LAW SCHOOL

(From September 1955 to December 1956)

ENROLLMENT

For the fourth consecutive year total enrollment shows an increase, though this year it is nominal—242 by comparison to 233 in 1955. Our post-war peak was 288 in 1948 and our post-war low was 180 in 1952. There are 105 students in the first year class, by comparison to 103 last year. An intervening change in our requirements for admission (specifying a minimum score of 350 on the Law School Admission Test) excluded some applicants who would formerly have been admitted. The change was made after a careful study of six years of experience with scores on the Test.

Sixty-nine per cent of our students are veterans, by comparison to 64 per cent in 1955, 57 per cent in 1954, and 45 per cent in 1953 and 1952. The percentage of veterans in the first year class is up from 60 to 70. The percentage of students receiving G.I. benefits is 59, by comparison with 55 last year. It thus appears that the prospective termination of these benefits may be a substantial factor in future Law School enrollment, offsetting to some extent the increase otherwise to be anticipated on the basis of general and college population statistics.

There are five women students—the same number as in 1955. Non-residents comprise 8 per cent of the student body, by comparison to 10 per cent in 1955 and 7 per cent in 1954. The first year class is 10 per cent non-resident.

Seventy-seven per cent of the entering class earned A.B. or B.S. degrees prior to beginning law study. This resumes a trend which saw this percentage rise from 70 in 1952 to 71 in 1953 and 76 in 1954. For reasons not readily apparent, in 1955 there was a radical drop to 65 per cent.

Seventy-nine students, or 33 per cent, took all of their undergraduate work at other colleges and universities, while an additional 48, or 21 per cent, received some part of their undergraduate training elsewhere. The percentages in 1955 were 31 and 21, respectively. The percentage of first year students having all undergraduate work elsewhere is 46—an unusually high figure.

Some 80 universities, colleges and junior colleges are represented. Other than the University at Chapel Hill, those with the highest representation are Davidson (18), Duke (8) and N. C. State (8).

One hundred and sixteen students, or 48 per cent, are married. This compares with 41 per cent last year. We know from experience that there will be an increase in the figure before the end of the school year.

THE FACULTY

During this calendar year Mr. M. T. Van Hecke has served as President of the Association of American Law Schools and he will preside over the annual meeting of that Association to be held in Chicago on December 28 to 30. In this capacity, he has attended and spoken at the meeting of the Association of Canadian Law Teachers, at Montreal; the Conference of Western Law Schools, at San Francisco; the dedication of the new Law Building at the University of Illinois; and the observance of the Fiftieth Anniversary of the founding of the Law School at Louisiana State University.

Barring unforeseen events, December will close the 17th consecutive year in which we have had no death, resignation or retirement among the permanent, full-time faculty. This remarkable and unique record of faculty stability is largely attributable to the genuine devotion of the faculty members to this Law School and to the University.

During the spring semester and the first part of the summer, the writer was on leave and served as a Visiting Professor at the Stanford University School of Law. During his absence, the course in Pleading and Parties was taught by Professor Joel Francis Paschal of Duke University. Mr. W. B. Aycock turned in an extraordinarily fine performance as Acting Dean.

During the present academic year Mr. Aycock, in turn, is on leave and is teaching at the University of Virginia Law School. During his absence we are most fortunate to have Leonard S. Powers with us as a Visiting Professor. Mr. Powers received his A.B. at Duke, the J.D. at this Law School (where he served during his senior year as an associate editor of the *Law Review*), and the LL.M. with distinction from the Duke University Law School. For some years he was a member of the Wake Forest law faculty and was the representative of that law school on the subcommittee of the General Statutes Commission which drafted the new North Carolina Corporation Code. He served as Executive Secretary of the State Commission on Higher Education and during 1955-6 was Administrative Assistant to Chief Justice Barnhill of the North Carolina Supreme Court. During the fall semester he is teaching one section of Torts and the course in Federal Jurisdiction. He will give the course in Damages and a seminar in Constitutional Law during the spring semester and will teach the first half of the Constitutional Law course to be given at the 1957 summer session.

During the summer of 1956 Mr. Frank W. Hanft was a Visiting Professor of Law at the University of Texas and Mr. John P. Dalzell will also be a Visiting Professor at that law school in the summer of 1957.

During the period covered by this report, Mr. Herbert R. Baer has published articles in the *Maryland Law Review* and *Bar Notes*, Mr. Powers published an article in the *Arkansas Law Review*, while Mr. Robert H. Wettach, Mr. Powers and the writer have published articles in this *Review*. Mr. Dalzell and Mr. Van Hecke have each prepared chapters for forthcoming books—the former for “How to Find the Law” and the latter for the fourth edition of Ballantine’s “Problems in Law.” All members of the faculty have helped supervise the preparation of the third and fourth annual surveys of North Carolina case law, appearing in this *Review*.

Messrs. Baer and Powers participated in the organization of, and served as lecturers at, the Institute on Evidence held at Duke and jointly sponsored by the North Carolina Bar Association and the Law Schools at Duke, Wake Forest and Carolina. The writer appeared this fall as a lecturer at the Sixth Annual Tulane Tax Institute in New Orleans. Mr. M. S. Breckenridge was a lecturer at the Institute on Estate Planning held in Chapel Hill. Mr. Fred B. McCall presented a paper at the annual convention of the Clerks of the Superior Court, and Mr. John P. Dalzell and Mr. Powers participated in a discussion of the new Corporation Code at the annual meeting of the North Carolina Bar Association. Miss Mary W. Oliver and the Dean appeared on the program of the Southeastern Conference of Law Teachers and Law Librarians held in Lexington, Kentucky.

Mr. Hanft continues as a member and Vice-Chairman of the North Carolina General Statutes Commission. As a member of the Association’s Committee on Courts and Civil Litigation, Mr. Baer was a principal draftsman of proposed rules and statutes relating to civil procedure which were submitted to the annual meeting of the North Carolina Bar 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. Various members of the faculty served as members of committees of the N. C. and American Bar Associations; and during 1956 Mr. Van Hecke has served as a member of the latter’s House of Delegates and a member of the Council of its Section on Legal Education. Also during 1956 the writer has served as Chairman of the Committee on Academic Freedom and Tenure of the Association of American Law Schools and Miss Oliver has served as Chairman of

the Committee on Chapters of the American Association of Law Libraries.

Members of the faculty continue as members of various Law School and general University committees. Miss Oliver is an elected member of the Faculty Council, Mr. Wettach continues as Chairman of the Board of Governors of the University of North Carolina Press, Mr. Coates is Chairman of the Committee on the O. Max Gardner Award, and the writer is the Chairman of the Chapel Hill Faculty Programming Council for WUNC-TV.

THE LIBRARY

Except for the Law Librarian, we have new personnel on the full-time Library staff. Miss Caroline Heriot, A.B., B.S. in L.S. is Assistant Law Librarian. Mrs. Rosalie Massengale, A.B., M.A., B.S. in L.S. is Cataloguer. Mrs. C. Ritchie Bell, A.B., M.A. is Order and Periodical Assistant. All three have had previous library experience and Miss Heriot has completed part of the work for a law degree. In view of the serious replacement problem we faced at the beginning of the year, we have been most fortunate in staffing the Library with such competent people.

Miss Lucile Elliott, who served for many years as Law Librarian and acted during 1955-6 as Bibliographical Consultant, retired in the spring of 1956. The Law Library, of course, will continue indefinitely to benefit from her many years of valuable and devoted service. After leaving Chapel Hill, Miss Elliott spent a considerable time in England shopping for books to round out our collection of English materials. She paid her own travelling expenses and the book purchases are being financed by a generous gift of approximately \$1,000 from the Friends of the Library and an allocation of \$2,000 from the Alumni Annual Giving Fund. We are indeed deeply grateful to these donors for making it possible for us to acquire extremely valuable research materials. We also gratefully acknowledge the invaluable assistance rendered this project by University Librarian Andrew Horn.

During the year ending June 30, 1956, we added approximately 2,000 new volumes to our collection, approximately 500 of them by gift. We also added approximately 2,700 microcards. Miss Mary W. Oliver, as Law Librarian, has continued her plan to preserve space for necessary future expansion by weeding out unnecessary duplicates of present holdings. Some of these have been transferred to other schools and departments of the University and some are being used as exchanges. As a consequence, there was no substantial change in our total holdings, which we estimate at about 75,000 volumes.

The largest gift of the year, consisting of approximately 400 volumes,

was received from Mrs. O. Max Gardner of Shelby. The volumes were originally in the collections of her late father, Judge J. L. Webb, her late husband, Governor and Ambassador O. Max Gardner, and her sons. We are deeply appreciative of this fine gift. We extend our thanks also to others who contributed books during the year: Mr. C. Bryan Aycock of Goldsboro, Mr. Winston Broadfoot of Wilmington, Davidson College, Mr. Hugh Dortch of Goldsboro, and Mr. William H. Ruffin of Durham.

We take this occasion to announce the availability of a new service by the Law Library to members of the North Carolina Bar. We are now in position to reproduce, by a photographic process, case reports or other materials desired by attorneys at a cost of 30 cents to 40 cents per page (minimum charge \$1.00). We have long felt that our library should render substantial service to the Bar, but limitations of staff and budget have prevented our embarking on any ambitious program. This is a modest beginning.

CURRICULUM

Following the announcement by the North Carolina Board of Law Examiners, effecting changes in the list of Bar Examination courses, our Curriculum Committee and faculty made a complete reappraisal of our curriculum. The general effect of the Bar Examination changes is to eliminate optional subjects and confine the Examination to one list of required subjects. Some of the former required subjects and some of the former optional subjects will no longer be included in the Examination, while some of the former optionals are now in the required list.

Our faculty is in general accord with the changes made by the Board. However, there was some danger that our students would attempt to concentrate entirely upon bar examination subjects, thus narrowing the over-all scope of their legal education. Our revision of the curriculum was primarily directed to insuring that each student will receive a reasonably broad legal education. This can be done by limiting the total hours devoted to bar examination subjects to a figure far enough below the hours required for graduation to insure that a student must take a reasonable number of additional subjects in order to meet the graduation requirement.

In this process the following courses were reduced by one semester hour each: Administrative Law, Business Associations, Equity, Negotiable Instruments, Rights in Land, and Taxation II (death and gift taxes). We have also increased the number of semester hours required for graduation from 80 to 82.

Other changes made in the curriculum include a shift from ordinary course to seminar in the following subjects: Corporation Finance, Juris-

prudence, International Law, and Law and Accounting. Some additional temporary adjustments have been made in the curriculum this year because of the absence of Mr. Aycock.

SUMMER SCHOOL

During the summer of 1956 our visitors were Dean J. Alton Hosch of the University of Georgia (Conflict of Laws), Professor Elvin R. Latty of Duke University (Corporations), Professor Ben Small of Indiana University (Constitutional Law), and Professor Joseph T. Sneed of the University of Texas (Income Taxation).

There were 98 students registered at each term of the summer session, making it the largest summer session since our State Board of Law Examiners ceased to give the March Bar Examination in 1951.

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. Dalzell serves as principal faculty adviser to the editors and staff of the *Review* and 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:

Seven students, on the basis of standing in the top 10 per cent of the class of 1956 were elected to the Order to the Coif, an honorary society with chapters in some 40 law schools. These students in the order of their standing were: Robert G. Byrd, C. Theodore Leonard, Jr., John L. Rendleman, Herbert S. Falk, Jr., William E. Graham, Jr., Alexander H. Barnes, and David M. Clinard. Byrd, Barnes, Clinard, Graham and Rendleman were also the winners of 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: Robert G. Byrd, Herbert S. Falk, Jr., Peter H. Gerns, Paul B. Guthery, Jr., Walter Lee Horton, Jr., John Thomas Mann, Charles E. Melvin, Robert B. Millman, Jr., Donald L. Moore, William B. Skinner, Morton A. Smith, Franklin A. Snyder and William E. Zimbaum.

The degree of LL.B. with honors was awarded to Alexander H.

Barnes, David M. Clinard, William E. Graham, C. Theodore Leonard, Jr., and John L. Rendleman.

Julius J. Wade, Jr., was the 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.

Robert G. Byrd was the 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, Duane Gilliam and John Tapley 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 his senior year was won by John L. Rendleman.

Students winning the Bancroft Whitney Company and the Lawyers Cooperative Publishing Company prizes for the top grades in selected courses were as follows: Richmond G. Bernhardt, Jr. (Personal Property), Spencer L. Blaylock, Jr. (Wills), Robert G. Byrd (Equity, Taxation I and Taxation II), Henry W. Connelly (Business Associations), Herbert S. Falk, Jr. (Taxation I), James C. Fox (Contracts), Jack T. Hamilton (Evidence), Robin L. Hinson (Agency and Pleading), Walter Lee Horton, Jr. (Conflict of Laws), C. Theodore Leonard, Jr. (Municipal Corporations and Trusts), Charles E. Melvin, Jr. (Debtors' Estates), Edwin T. Pullen (Business Associations), John L. Rendleman (Credit Transactions), Morton A. Smith (Administrative Law and Conflict of Laws), Hamlin Wade (Negotiable Instruments), Thomas P. Walker (Constitutional Law), and Henry M. Whitesides (Business Associations).

Winners of the West Publishing Company prizes in the Moot Court competition were: Calvin W. Bell, James H. Conoly, James N. Golding, William H. Kirkman, Jr., Billy F. Maready, Robert B. Midgette, H. Wallace Roberts, William W. Suttle, Herbert L. Toms, Jr., and Richard P. Weitzman.

THE LAW REVIEW

For many years a biennial feature of the June issue has been the summary of new North Carolina legislation, prepared by the members of the law faculty. In 1957 the General Assembly will not begin its session until February and it seems predictable that adjournment will

be at a date so late as to make it impossible to include the summary in the June issue. Therefore, at this writing, it seems entirely probable that the legislative summary will be deferred to the December 1957 issue. Should this occur, the Fifth Annual Survey of North Carolina Case Law will probably be deferred until the June 1958 issue (the Fourth Annual Survey will appear in the February 1957 issue).

THE LAW STUDENT ASSOCIATION AND STUDENT ACTIVITIES

Our student organization, which for many years has been known as the Law School Association, has changed to the more descriptive "Law Student Association." The officers for this year are Hamlin Wade, President; Dean Rich, Vice-President; Robert B. Midgette, Secretary; Ben T. Tison, III, Treasurer; and Ed T. Pullen, Chief Justice of the Law School Court. Committee Chairman are W. Ritchie Smith, Athletic; Jordon J. Frassinetti, Elections; James P. Crews, Film; Lucien E. Smartt, Liaison; Charles C. Shaw, Library; John R. Hudson, Jr., Lounge; Robin L. Hinson, Thomas C. Creasy, Jr., and Billy F. Maready, Newspaper; Dean Rich, Orientation; Henry W. Connelly, Public Relations; Lewis H. Parham, Jr., Social; and Jerry A. Campbell, Speakers.

Our students continue their affiliation with the American Law Students Association, which is sponsored by and affiliated with the American Bar Association. We were represented at the annual meeting of that Association in Dallas, Texas (held in conjunction with the A.B.A. meeting) by Hamlin Wade and Henry M. Whitesides, who is Association Vice-President for the Fourth Circuit. The annual meeting for the Circuit will be held at this Law School during the spring of 1957.

During 1955-6 the Speakers Committee presented the following speakers: Victor S. Bryant of the Durham Bar, "Important Matters in a Legal Education"; Mr. William Cherry, "Interstate Banking Principles"; North Carolina Attorney General (now Associate Justice of the North Carolina Supreme Court) William B. Rodman, "Experiences as Lawyer and Attorney General"; Mr. Herbert F. Seawell, Jr., of the Carthage Bar, "Trial Practice"; Mr. Ernst Morwitz, "Influence of Politics on Law in Germany"; Chief Judge John J. Parker of the United States Court of Appeals for the Fourth Circuit, "Law as a Profession"; Honorable Carlos P. Romulo, Philippine representative to the United Nations, "Establishment and Maintenance of World Law"; Mr. George H. Wright of the Asheville Bar, "Title Examination" (three lectures); Mr. Forrest H. Shuford, member of the State Industrial Commission, "Workmen's Compensation Procedure"; Professor Frank W. Hanft of the law faculty, "Law and Christianity"; and Professor John T. O'Neil

of the University School of Business Administration, "The Lawyer and Investment Management."

As of this writing, during the current year, the Association has presented Associate Justice of the North Carolina Supreme Court William H. Bobbitt, "Remarks on the Study of Law" and Mr. Ralph C. Clontz, Jr., of the Charlotte Bar, "The Communist Party in the United States—Legal Organization or Criminal Conspiracy?"

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. The regional competition will be held this year at the Wake Forest Law School in November. Last year, when we were hosts for the regional competition, our team, composed of Richard E. Thigpen, Jr., Ted G. West and Jack T. Hamilton, won in the first round against the University of South Carolina, but lost in the second round to the University of Virginia. Our team this year is composed of Jack T. Hamilton, Frederick A. Babson, Jr., and Richard P. Weitzman.

ALUMNI ACTIVITIES

From October 1955 to October 1956 the officers of the Law Alumni Association were Luther Hartsell, Jr., of the Concord Bar, President; William A. Dees, Jr., of the Goldsboro Bar and H. L. Riddle of the Morganton Bar, Vice-Presidents; and William B. Aycock, of the Law School faculty, Secretary and Treasurer. During Mr. Aycock's absence Professor Powers has served as Acting Secretary and Treasurer.

While major emphasis is and should be on maintaining active alumni interest in the Law School, the Association has 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, and scholarship funds.

Both the number of memberships and the amount of dues contributed remain at approximately the level of the preceding year—that is, about 400 and \$1,600 respectively. We very much hope that the coming year will see us resume the steady increase in membership and dues heretofore experienced.

It is not possible to include an account of the annual meeting of the Law Alumni Association to be held on October 20, as this report must go to press before that date. The annual meeting will be preceded, on the evening of October 19, by the Annual Law Review Dinner, at which the principal speaker will be Superior Court Judge Richardson Preyer.

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. During the fall of 1955 a successful Institute on Estate Planning was held at this Law School and another on Evidence Problems was held in the spring at Duke University. Planning for one or more institutes during the current year is now in progress.

LECTURERS AND SPEAKERS

We continue our arrangement with the Institute of Government, directed by Professor Albert Coates of the Law faculty, 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, Jr., Philip P. Green, Jr., Henry W. Lewis, Roddey M. Ligon, Jr., and John A. McMahan.

In addition to the speakers, elsewhere indentified, 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: Mr. Norman Block of the Greensboro Bar; Mr. Robert B. Byrd of the Morganton Bar; Superior Court Judge Hugh Campbell; Dr. E. P. Douglass of the University faculty; Dr. Preston Epps of the University faculty; Judge Willard Gatling of the Mecklenburg County Domestic Relations and Juvenile Court; Professor James L. Godfrey, Chairman of the University Faculty; Professor Willard J. Graham of the University School of Business Administration; Mr. Robert L. Hines of the Charlotte Bar; Superior Court Judge Hamilton Hobgood; Mrs. Pauline W. Horton of the North Carolina Department of Labor; Mr. John T. Kilpatrick of the Corporate Legal Department of the Reynolds Metals Company; Assistant Superior Court Solicitor Charles Knox; Mr. John Q. LeGrand of the Chapel Hill Bar; Mr. John T. Manning of the Chapel Hill Bar; Mr. David Neill, Assistant Trust Officer of the American Trust Company; Superior Court Judge Richardson Preyer; Mr. T. S. Royster of the Oxford Bar; Mr. C. Edward Scheidt, North Carolina Commissioner of Motor Vehicles; Professor Frank K. Schwentker of the University School of Business Administration; Mr. Ralph Strayhorn of the Durham Bar; Mr. R. E. Thigpen, Sr., of the Charlotte Bar; Mr. Arthur Vann of the Durham Bar; Professor Kenneth Wheare of Oxford University; and Professor Harry D. Wolf of the University School of Business Administration.

We are very grateful to these people for their willingness to share their experiences with our students.

BAR EXAMINATION RESULTS

Sixty-five members of the class of 1956 took the North Carolina Bar Examination and 64 of them passed. At this writing we have heard from only one graduate taking the bar of another state (Tennessee), and he also passed.

PLACEMENT

Sixty-eight students graduated in the class of 1956. Fourteen of these have entered or will soon enter military service, 32 are engaged in the practice of law (of whom 12 have opened their own offices), and 20 have accepted miscellaneous positions. Practically all of this latter group are in places where a law license or legal training is required or highly desirable. At this writing we do not have definite information regarding the situation of two 1956 graduates.

The above figures tend to indicate that the placement situation in 1956 was not as favorable as in 1954 and 1955. For example, the number opening their own offices in 1956 is more than double the number for 1954 and 1955 combined. The number accepting positions outside the practice is also unusually large, though this is influenced by factors other than the availability of openings in law firms.

During the past year we have assisted in placing a number of our former students returning from military service. In the main, these are entering the practice.

During the coming year, with at least as many seniors to place, and another group returning from service, we again emphasize our annual request for all possible assistance from our alumni and friends in locating good opportunities in the legal profession.

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 education and in the life of our State.

Henry Brandis, Jr., *Dean*