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The Law School

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THE LAW SCHOOL

(From September 1963 to December 1964)

I. ENROLLMENT

Opening enrollment in the fall of 1964 was 451, with 236 in the entering class. Both figures are the largest in the history of the school. Total enrollment in 1963 was 376 and the first year class numbered 171. This year's enrollment thus continues an upward trend definitely established over the past decade, and presents us at this juncture with fundamental problems of physical facilities and admission standards which must occupy a major part of our attention in the coming months. This trend has not been unanticipated—the University has given a new Law School building top priority in its budget requests for capital improvements for the 1965-1967 biennium. We of course hope for favorable legislative action on this request, and solicit the help of our alumni and friends in making sure that the necessity is understood by those responsible.

Aside from this continued overall growth trend, the composition of our student body in terms of the residence and educational background of its members remains substantially unchanged from the pattern of recent years. Thus, the proportion of nonresidents of North Carolina in this year's entering class is 25 per cent, giving a proportion of nonresidents in the entire student body of 20 per cent, as against a figure of 18 per cent of last year's student body.

Of this year's entering class, 59 per cent had some or all of their undergraduate work at 73 different schools other than the University of North Carolina, as against 55 per cent of last year's student body as a whole.

A definite upward turn in the proportion of students entering law school with undergraduate degrees may be indicated. Last year a new high of 87 per cent (as against a previous high of 79 per cent) was registered. This year's entering class has 89 per cent in this category, thus achieving a new high.

II. THE ADMINISTRATION—HENRY P. BRANDIS, JR.

On July 1, 1964, after fifteen years of truly distinguished service to this school as dean—the longest period ever served by

anyone in this position—Henry P. Brandis, Jr., left the deanship pursuant to his earlier announced resignation. His term as dean brought to that office the stability and firmness of purpose unaccompanied by any pretense or pride of place, which is a part of his basic nature. His faculty drew strength and assurance from this stability and purpose, and the School grew in strength and in national esteem during this period. His resignation was a matter of genuine regret to the faculty. The writer of this report succeeds him with unbounded admiration for his ability, his character, and his absolute devotion to this school.

He, of course, remains on the faculty, and will now carry a full teaching load. As one indispensable act of assistance to the writer, he will continue to handle much of the multitude of administrative details connected with Law Alumni Association and Law Foundation affairs. He continued this year to serve the University as Chairman of its regular Committee of Faculty Hearings, and as Chairman of a special committee to draft a statement for the Faculty Council on the speaker ban law. In the field of legal education on the national level, he now serves as member of a committee planning a symposium on the important Law School Admission Test, now widely used by American law schools. He continues as a member of the North Carolina Bar Association's Committee on Improving and Expediting the Administration of Justice, of which he was a charter member.

In the spring of 1964, he was honored by receiving the Thomas Jefferson Award given to a member of the faculty of the University at Chapel Hill whose teaching and life have been in the tradition of Thomas Jefferson.

III. FACULTY

During this past year the faculty lost by death its two senior members, Kenan Professor and former Dean Maurice T. Van Hecke, and Professor and former Dean Robert H. Wettach. Each was in his last year of half-time teaching under the mandatory retirement policy of the University, and each met his classes until actually stricken by the illness which shortly led to his death. Thus each served literally to the end of his life the school and the state to which he came in the 1920's, and which ever thereafter commanded his unstinted devotion. Each was esteemed personally and professionally by his colleagues in a measure which transcended the

ordinary ties of personal and professional association. Each enriched the School, the University and the State as counselor, as classroom teacher, and as dean of the School for a period of over forty years. The loss of these great gentlemen was an occasion here for profound grief tempered by gratitude for the many live and lasting evidences of their kindly, patient, and wise nurturing of this law school. We shall not see their like again.

Further on the debit side, we regret the loss of Assistant Professor Richard E. Day, who in September, 1964, joined the faculty of The Ohio State University College of Law as Associate Professor. Professor Day came to us from private practice in the fall of 1961, and since has done an excellent job for us, primarily in the field of his special interest, antitrust law. As reporter for the Antitrust Section of the American Bar Association for the past two years, his analysis of recent developments in that field attracted much favorable attention which undoubtedly, and regrettably from our standpoint, contributed to our losing his services to his new school where he will offer a substantial bloc of courses in his field of special interest. He took with him our warm wishes for continued success in the law teaching career in which we feel fortunate to have launched him.

On the plus side we can note three unusually fine additions to our faculty. The first results from the return to the law school faculty of Professor William B. Aycock, who left the School in 1957 to serve for seven distinguished years as Chancellor of the University of North Carolina at Chapel Hill, resigning effective July 1, 1964, to return this fall to his first love, classroom law teaching.

Next, we are extremely fortunate in having added this fall two new faculty members. Assistant Professor Donald F. Clifford is a 1962 graduate of the University of Colorado Law School where he had an outstanding record, graduating second in his class and serving as Associate Editor of that school's law review. He served this past year as law clerk to Honorable Albert Arraj, United States District Judge for the District of Colorado. Assistant Professor Richard M. Smith is a 1962 graduate of the University of Arkansas where he graduated number one in his class and was editor-in-chief of his law review. This past year he attended the University of Illinois School of Law on a graduate teaching fellowship and did

graduate work toward an LL.M. degree. Both these young men were considered prime teaching prospects in the law teaching profession, and we feel extremely fortunate that they chose to start their teaching careers with us.

Professor Daniel H. Pollitt is on leave this academic year as a visiting professor at the University of Oregon School of Law. In his absence we have been most fortunate to obtain the services of three outstanding lawyers to teach as visitors three of Professor Pollitt's courses. Mr. McNeill Smith of the Greensboro bar is teaching the course in Constitutional Law during the fall semester. Mr. Ernest Machen of the Charlotte Bar will teach the course in Labor Law during the spring semester. Professor Gerald A. Barrett of the faculty of the University's School of Business Administration will give the seminar in Labor Law in the spring semester. Each of these gentlemen had to make adjustments in an otherwise demanding schedule to fill these teaching posts for us, and we are deeply appreciative. Each brings particular qualifications for the teaching job undertaken which we feel will greatly benefit our school and its students this year.

Professor Frederick B. McCall completed his full time teaching in 1963-1964 and is now teaching the first of his two half-time years under the University's mandatory retirement policy. He continues to serve as a member of the drafting committee, working on recodification of the law of administration of decedents' estates, for the General Statutes Commission.

Associate Professor Robert G. Byrd served as a member of the North Carolina Bar Association's Committee on Military Law, and in addition to his teaching load here, taught two courses in the North Carolina College Law School on a commuting basis.

Professor Thomas W. Christopher published articles and book reviews in this *Review*, the *Utah Law Review*, and in *Popular Government*, and has scheduled for early publication a casebook on Food and Drug Law. He lectured at the Bar Association Institute on Equitable Remedies this fall, to the North Carolina Editorial Writers Association last spring, to a seminar for court reporters last fall, and continued his participation in Channel 4 educational television programs with two appearances during the period covered by this report. He continued his active participation in professional association affairs with memberships on the Association of American

Law Schools' Curriculum and Nominating Committee, and on the Southeastern Law Teachers Association's Steering and Program committees.

Associate Professor Dan B. Dobbs published two articles in this *Review*, one dealing with problems confronting the North Carolina Courts Commission in drafting legislation to implement the 1962 judicial article constitutional amendment. He is presently serving as consultant to that commission.

Associate Professor Ernest L. Folk, III, has published articles and book reviews in this *Review*, in the *Virginia Law Review*, the *Journal of Public Law*, the *South Carolina Law Review* and the *Arizona Law Review*. He has scheduled for early publication current annotations to the South Carolina Business Corporation Act Annotated, which he originally prepared. He is serving as Reporter to the Delaware Corporation Law Revision Committee, and as consultant to the North Carolina Legislative Council in its study of the Uniform Commercial Code.

Professor Frank Hanft published an article and a book review in this *Review*, and continued his important service to the State as Chairman of the North Carolina General Statutes Commission.

Associate Professor and Law Librarian Mary W. Oliver continues as an elected member of the University's Faculty Council. She serves the North Carolina Bar Association as a member of its Bar Notes Committee. She has been very active in state and national law library association activities as chairman and member of important committees in each. She continues to give valuable service as an officer of the Law Alumni Association and of the Law Foundation. In addition to her primary duties as librarian she teaches the course in Legal Research and gives a seminar in Legal History.

Assistant Professor Kenneth L. Penegar conducted three weekly seminars on forensic psychiatry for residents in training at the Dorothea Dix Hospital during the spring, and has twice lectured to the Duke University International Law Club.

Professor Daniel H. Pollitt had articles published in this *Review* and in *Harper's*, and (as acknowledged collaborator) in the *Virginia Law Review*. He continues to serve as consultant to the Chairman of the National Labor Relations Board. He also served on a special advisory committee on national purposes to the President, and as a member of the National Advisory Committee on Farm Labor.

Professor John W. Scott published or has scheduled for early publication, articles in this *Review*, in *Popular Government*, and in *The Journal of Taxation*. He has lectured on various aspects of tax law at the North Carolina Bar Association's 1964 Institute on Taxation, to the 26th Judicial District Bar Association, to the Charlotte Estate Planning Council and to the Southern Regional Meeting of the American Bar Association.

Assistant Professor Richard M. Smith is presently acting as consultant to the North Carolina Legislative Council in its study of the Uniform Commercial Code.

Professor Seymour W. Wurfel has scheduled for March 1965 publication a book, "Investment in Colombia: Laws and Policies," growing out of his funded research in that country which was reported last year in this section of the *Review*. He addressed the Student International Law Society of the Duke University Law School this fall.

The writer continues as a member of the North Carolina Courts Commission and as a member of the drafting committee for the General Statutes Commission's civil procedure code project. He has completed and has scheduled for early publication a supplement to the two volume second edition of McIntosh's *North Carolina Practice and Procedure*.

The faculty was represented during the year at the annual meetings of the Association of American Law Schools, the American Bar Association, the American Society of International Law, the North Carolina Bar Association, the North Carolina State Bar, the Southeastern Conference of Law Teachers, the American Association of Law Libraries, the Judicial Conference of the United States Court of Appeals for the Fourth Circuit, and at the Southern Regional meeting of the American Bar Association, the Louisiana State University Aero-Space Symposium, the Columbia University Conference on Teaching of Foreign and Comparative Law, and the Southern Trust Conference of the American Bar Association.

IV. THE LIBRARY

During the year ending June 30, 1964, we added more than 7,700 volumes to our collection, some 785 of these by gift. Particular acknowledgement should be made and appreciation noted for gifts to the library by Mr. Wallace Murchison of the Wilmington Bar; Judge Allen H. Gwyn of Reidsville; Mr. Lyndon Hobbs of

the Shelby Bar; Mr. George Long of the Burlington Bar; Mr. Robert Godwin, Jr., of Florence, South Carolina; Mr. Gordon W. Poindexter, Jr., of Nelson County, Virginia; Professor Millard S. Breckenridge, formerly of this faculty; and Professor Robert H. Wettach. We are most grateful for these gifts and the interest in our library which prompted them.

During 1963-1964 we added some 5,000 microcards to our collection, bringing the total to some 38,000.

The major project of completely re-cataloging and partially re-classifying the entire library collection continued during this period, with the total of cataloged volumes reaching close to 97,000, with some volumes still to go.

As reported last year, the vacancy created in the Law Cataloger position was filled by Mrs. Ruth Gambee. Her agreement was to serve for a one year period, and upon its expiration this position was filled and is now held by Mr. James Lewis.

V. CURRICULUM

We examine our curriculum anew each year, and a few changes have been made this year in our continuing effort to provide our students with a sound legal education. These changes do not reflect any fundamental reassessment of our general program. For the course in Legal Method, a required first year course for several years, we substituted the course in Personal Property in the hope that the benefits of the teaching of the substantive materials in this course could be helpfully combined with the emphasis on legal methodology and process which was the sole object of the former course. As a part of a re-alignment of the traditional Agency course begun last year when its combination with Partnership Law shifted its emphasis in the direction of its business organization aspects, we took away the Workmen's Compensation coverage, formerly assigned to that course, and assigned it to the course in Torts. Due to the recurring heavy demand, we now offer the seminar in Estate Planning in each semester to double its availability. In a frankly exploratory move, we added to the regular curriculum courses in Sales and Insurance, courses offered in recent years only during the summer session.

Because of our loss of Mr. Day and the absence of Professor Pollitt this year, we are not offering Mr. Day's course in Anti-Trust and Unfair Trade Practice, nor Mr. Pollitt's seminar in Cur-

rent Supreme Court Decisions, but these deletions are considered temporary.

VI. SUMMER SCHOOL

During the summer of 1964 our visitors were Assistant Dean and Professor Malcolm Talbott of Rutgers University (Insurance), Professor David R. Bookstaver of the University of Pittsburgh (Taxation I), Dean Frank R. Strong of Ohio State University (Constitutional Law), and Professor Robert J. Farley of the University of Florida (Conflicts of Laws).

VII. ACADEMIC ACHIEVEMENT

The masthead of this issue lists those students who are current members of the staff of the *Law Review*.

Other student scholastic honors were as follows:

Ten students, on the basis of standing at the time of election in the top 10 per cent of the class of 1964 were elected by the faculty to the Order of the Coif, a national honorary law society. These students, in the order of their standing were: George C. Cochran, Tom D. Efird, James M. Kimzey, William E. Underwood, Jr., John Sikes Johnston, Arch K. Schoch, IV, James M. Talley, Jr., Ralph A. White, Jr., William E. Shinn, Jr., and Dewitt C. McCotter, III. Of this group, Cochran, Efird, Kimzey, Underwood, and Johnston were also winners of the Chief Justice Walter Clark Awards, made annually to the five students who, at the end of their fifth semester, have the highest scholastic averages.

The degree of LL.B. with High Honors was awarded to George Cochran. The degree of LL.B. with Honors was awarded to Robert G. Baynes, George M. Beasley, III, Tom D. Efird, William R. Hoke, John S. Johnston, James M. Kimzey, Dewitt C. McCotter, III, Arch K. Schoch, IV, William E. Shinn, Jr., James M. Talley, Jr., William E. Underwood, Jr., and Arnold T. Wood.

The Breckenridge Prize for excellence in tax law study was awarded to John S. Johnston. Henry Thomas Greene, 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 his law school career, makes the most consistent improvement in academic work from the date of enrollment to the end of his fifth semester. This award, which consists of a \$300 annual cash award,

was established by Mr. Norman Block of the Greensboro Bar in memory of his father.

The U. S. Law Week Award was won by John M. Miller, Jr. This award, consisting of a year's subscription to *U. S. Law Week*, goes to the senior making the most satisfactory progress during his senior year. Edwin C. Bryson, Jr., was the winner of the Lawyers Title Award of \$100 given to the senior demonstrating excellence in the study of real property law, selected at this School on the basis of having made the highest average grade in the three courses, Real Property, Titles, and Future Interest.

Students winning the Bancroft Whitney Company and the Lawyers Cooperative Publishing Company prizes for the highest grades in selected courses were as follows: Doris Roach Bray (Agency and Contracts), Brown Hill Boswell (Trusts and Negotiable Instruments), Cleveland Price Cherry (Equity and Evidence), Tom D. Efird (Labor Law), William Castro Evans (Private Corporations), William Marion Holland, Jr. (Credit Transactions), John Sikes Johnston (Negotiable Instruments, Taxation I and Taxation II), Cowles Lipfert (Taxation II), Robert Bobo Long, Jr. (Constitutional Law), Henry Stancill Manning (Personal Property), Robert Arthur Melott (Contracts), Bruce Elder Mitchell (Public Administrative Law), Thomas Lorenzo O'Briant (Conflict of Laws and Credit Transactions), Henry Newton Patterson (Agency), William Martin Schneider (Evidence), Arch Kerper Schoch, IV (Debtors' Estates), and William E. Underwood, Jr. (Equity).

VIII. THE STUDENT BAR ASSOCIATION AND STUDENT ACTIVITIES

In April, 1964, the official student organization, formerly known as the Law Student Association, changed its name to Student Bar Association, to relate more directly by name to the traditional organizations of the legal profession. The officers of the Student Bar Association for the academic year are: Sheldon Leslie Fogel, President; Owen W. Cook, Secretary; Robert M. Chandler, Treasurer; and Barry A. Osmun, Chief Justice of the Law School Honor Court. Committee Chairmen are: Richard D. S. Dixon, Jr., Athletic Activities; Peyton Ring Neal, Library; William Hoyle, Lounge; Sheldon Leslie Fogel and William Castro Evans, Orientation; Barry A. Osmun, Placement; Thomas Jefferson Bloch, Public Relations; Wayne Robbins, Social Affairs; Frank B. Aycock and

Charles Robson, Speakers and Films; Stéven Schlosser and Douglas G. Eisele, *Tar Heel Barrister*; Gene Hafer, Desk and Study Space; Roy Michaux, *Placement Brochure*; Cleveland Price Cherry, Fraternity Council; and James Long, Law Day Activities.

Our students actively participated in the affairs of the American Law Student Association, which is sponsored by and affiliated with the American Bar Association, this past year by having our members present at the 16th annual ALSA convention held in New York. From the student dues, the Student Bar Association pays part of the cost of the *Tar Heel Barrister* and of the *Placement Brochure*.

During the 1964-1965 school year, our speakers committee is planning on continuing its outstanding presentation of legal minds throughout the year. As of this writing, the committee has already presented to the students State Senator Lindsay Warren, Jr., of Goldsboro. Senator Warren is the Chairman of the North Carolina Courts Commission. Plans are for a member of the Academy of Trial Lawyers, Mr. Arch K. Schoch, to present a talk on trial advocacy. Also scheduled is a talk by one of the editors of American Law Reports, Mr. Ernest H. Schopler, who writes much of the ALR work on constitutional law. Films will carry a special place in our program. Scheduled films include *Demonstrative Evidence in the Course of Trial*; *The Trial—The Case For The Defendant*; *The Case For The Plaintiff*.

IX. ALUMNI ACTIVITIES

The Association, without reducing the appropriation for smaller scholarships, undertook to finance four new large scholarships—one for \$1000 and three for \$800 each—for students entering in 1964. A total of \$8400 was appropriated for scholarships (by comparison to \$5000 the previous year). Association dues are expected to provide \$7000 of this and the remaining \$1400 is from the Law Foundation income.

This is a significant program which enables the school to make a start toward securing a better relative position in the competition for top-flight prospects. It is contemplated that the new program will be extended to the incoming class of 1965; and the appropriation for this fall is expected to approximate \$11,000. Since, as late as 1959, only \$900 of alumni money was available for scholarships, the progress indicated is rather spectacular; but the amount avail-

able (less than \$30.00 per registered student this year) is still very small by comparison to the total available at some other schools.

Financial need is a prerequisite for consideration for the large scholarships; and the recipients must maintain law review averages to retain their awards.

As of this writing, 1008 Alumni have paid \$8,038 in association dues, by comparison to 1,109 and \$7,488 during all of 1963. A total of 357 alumni and faculty members have contributed \$5,800 to the Foundation, by comparison to 281 and \$5,016 during all of last year. Gifts to the Foundation from other sources, including particularly substantial gifts from the families and friends of the late Kenan Professor Maurice T. Van Hecke and the late Professor Robert H. Wettach (both former deans), have brought the capital fund of the Foundation to more than \$36,000, exclusive of the \$20,000 now in the Graham Kenan Fund.

The Alumni Association also contributes materially to the cost of publishing the Tar Heel Barrister, the cost of publishing the Senior Placement brochure, and (supplementing the meager funds provided by the state) the cost of travel to professional meetings.

Between the annual meetings in 1963 and 1964 the officers of the Association were: William Medford, President; Charles G. Rose, Jr., First Vice President; Ralph M. Stockton, Jr., Second Vice President; and Mary W. Oliver, Secretary-Treasurer. The officers of the Law Foundation Council were: E. K. Powe, Chairman; Ralph M. Stockton, Jr. Vice Chairman; Thomas A. Uzzell, Jr., Secretary; and Mary W. Oliver, Treasurer and Assistant Secretary. We are indeed deeply grateful for the fine help they have given us.

X. INSTITUTES FOR PRACTICING ATTORNEYS

Under the jointly sponsored program of continuing legal education by the North Carolina Bar Association and the Law Schools at Duke, Wake Forest, and the University, an Institute on Practice Before the Clerk of the Superior Court was held here during the winter of 1963. An Institute on Damages and Demonstrative Evidence is scheduled to be held here in the spring of 1965.

XI. BAR EXAMINATION RESULTS

In August of 1964, we had 85 of our 1964 graduates taking the North Carolina Bar Examination. Seventy-four, or 87 per cent,

passed. Also, of three graduates of our 1963 class who took the examination for the first time this year, all were successful. This is very close to the long range experience of our graduates since World War II, if the disastrous 1962 results are excluded.

XII. PLACEMENT

In January, June, and August of 1964 we graduated a total of 100 students. Fourteen have entered the military service. Four have opened their own law offices, forty-nine are associated with lawyers or law firms, five are clerks to judges, four are in government attorney positions, two are in legal positions with corporations, two are with banks, two are taking graduate work, one is with the F.B.I., ten are in miscellaneous positions, and the exact status of seven is not known.

Our 1965 class will be at least as large as the 1964 class. Present prospects are that many openings will be available to them, but we continue to solicit all possible assistance in placing our graduates.

VIII. THE LAW REVIEW

Continuing the trend of recent years, Volume 42 of the *Review* was the most voluminous in the history of this publication. This volume included one of the most notable efforts ever undertaken by the *Review*. The symposium of *Civil Rights and the South*, consisting of ten contributions reflecting widely divergent views on various aspects of the title subject, attracted national attention, resulting in by far the greatest reprint sales ever recorded by the *Review*. Feeling that the increased size of the *Review* represents honest and solid growth from which we should not retreat, we are faced with a financial problem anticipated in last year's report. A raise in subscription prices now seems inevitable.

XIV. SPEAKERS

The School was privileged to have as the principal speaker at its Law Alumni Dinner in the fall of 1963 Mr. James B. McMillan of the Charlotte Bar.

In addition to the speakers previously mentioned who have made appearances at the School during this period, the following have spoken to our classes or to our legal fraternities or have participated in our classes in ways for which we are grateful: William S. Barnes, Director of the Latin American Studies Program, Harvard Uni-

versity; Frank H. Bozarth, Senior Vice-President and Trust Officer, Central Carolina Bank & Trust Company; Hugh Cannon, Director, Department of Administration, Raleigh; Mortimer Caplin, Commissioner of Internal Revenue; Randolph Carey, Trust Officer, Wachovia Bank & Trust Company; Robert B. Clodfelter, Vice-President and Trust Officer, Wachovia Bank & Trust Company; Robinson O. Everett of the Durham Bar; S. F. Forester, Vice-President, Wachovia Bank & Trust Company; Robert M. Gambill, Judge of the Superior Court; Samuel Gantt of the Durham Bar; Dr. Albert Herrmann, Professor of Comparative Law at New York University; Jesse James, Associate Director, Institute of Government; Edwin Lanier, North Carolina Commissioner of Insurance; Arthur Larson, Director, World Rule of Law Center; Milton E. Loonis, Trust Officer, Central Carolina Bank & Trust Company; George W. Miller, President, North Carolina YDC; Professor Francis Paschal of the Faculty of Duke University Law School; Professor Frank J. Schwentker of the Faculty of this University's School of Business Administration; McNeill Smith of the Greensboro Bar.

XV. DEDICATION

.. It is our sincere hope that this school may continue steadily to improve its capabilities for training students to first rate competence and into deep awareness of their professional responsibility to serve the bar and bench, the business community and the government of this and sister states and the nation; and that its role in legal education may reflect increasing credit upon the University and the State of which it is proudly a part.

DICKSON PHILLIPS, *Dean*