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The author of this article, a Tar Heel born and bred, was a member of the Review's staff while a student, has, since that regrettably remote time, contributed moderately to its pages, and served on the Law School's faculty for more than thirty-two years. His sentiments about the Review are undeniably colored by personal considerations and by institutional and provincial loyalties. Further, he has neither the inclination nor the professional qualifications to produce a scholarly critique of the Review's fifty volumes. Hence, any reader who is seeking an unbiased appraisal, academically worthy of the Review's normal standards, should stop here and allot his limited reading time to something more congenial.

To some familiarity with the Review the author can plausibly pretend, since his first contemporary reading of it began with Volume Five, his first feeble contribution appeared in Volume Six, and his subsequent perusal—if upon occasion a little fitful—will, in elapsed time and persistence, come close to equaling that of anyone else still extant (with the possible exception of Albert Coates').

The June 1972 issue marked the fiftieth anniversary of the Review, not only in terms of volume numbers, but also in calendar time, as Issue Number One of Volume One appeared in June 1922. Number One of Volume Two appeared in December 1923 and Number Four in December 1924. Volume Three, beginning with Number One in February 1925, continued through Number Four published in December of the same year. Volume Four, also beginning in February, ended with Number...
three in June of the same year—1926. With Volume Five began the basic policy of four issues beginning in December and ending in June. Occasionally, in the ensuing years, a special fifth number has been added. Volumes Forty-Nine and Fifty reflect the first time this has occurred in consecutive years, and this helps to indicate why the rising Board of Editors is planning for Volume Fifty-One a total of six numbers, beginning in November.

Volume One totaled three hundred and eighteen pages, or an average of not quite sixty-four pages per issue. Total pages per volume have increased over the years, though not steadily. Volume Forty, under the Editorship of J. LeVonne Chambers, was the first to exceed eight hundred pages, and theretofore only Volume Thirty-Three had exceeded seven hundred pages. The nine-hundred-page mark was crossed in Volume Forty-One, while Volume Forty-Three and all subsequent volumes have exceeded one thousand pages. The record was set by the eleven hundred and ninety-two pages of Volume Forty-Four under the Editorship of Doris R. Bray—forty percent of the total being accounted for by a two hundred and eighty-eight page Symposium on the Uniform Commercial Code and a one hundred and eighty-five page Survey of North Carolina case law. (The first feminine name listed on the masthead—that of Daisy Strong Cooper—appeared as early as Volume Three.)

Though a long series of editors will attest to the fact that it is never easy to obtain the desired quantity and quality of material properly spaced for the planned issues, over the years this has been a less stringent limitation on pages published than financial considerations. Never in its fifty years has the Review been affluent. It began to receive a modest subsidy from state funds with Volume Five, in which it was announced that this would permit circulation without charge to some fourteen hundred North Carolina lawyers. Thereafter it became necessary to make a small subscription charge even to these professionally elect (to brand them as readers might entail an insurmountable burden of proof). Even then and for some years thereafter the Review was furnished to North Carolina Supreme and Superior Court judges without charge.

The North Carolina bar subscriptions were for a long time collected through the North Carolina State Bar and the Review became, in effect, the official publication of that organization, carrying the name of a “Bar Editor” on the masthead and publishing, in a special section, the minutes of its meetings and its annual financial reports. Eventually
the Bar established its own publication and the last such section and the last “Bar Editor” appeared in Volume Thirty-Two. Thereafter all subscriptions were handled by the University of North Carolina Press, which, though never responsible for editing the Review, was the official publisher of it and the keeper of its financial records. A few years ago the Review was separately incorporated, and the new corporation took over all publishing, subscription, and record-keeping responsibilities.

Increasing size and mushrooming printing costs have necessitated periodic increases in the subscription price, despite the addition of advertising and the receipt of special gifts. In the last three volumes, a substantial part of the cost of articles produced under the aegis of the North Carolina Law Center has been borne by that organization. However, the Review’s financial situation remains such that any assistance in the identification of potential angels will be most warmly welcomed.

In one respect Volume One reflected a most auspicious beginning. It carried articles by Roswell Magill, Thomas Reed Powell, and Lyman P. Wilson, who were or became law teachers with enviable national reputations. While, as with many reviews, the faculty of this School (with considerable assistance from members of the University’s other faculties) has been the major source of leading articles, numerous members of other law faculties have continued to publish in its pages. The total of such authors is in the neighborhood of one hundred, and it includes some twenty-five deans of other law schools. Many of these authors have contributed more than once.

Number Five of Volume One was devoted entirely to “Statutory Changes in North Carolina Law in 1923.” The policy of publishing composite, rather comprehensive faculty commentaries on new North Carolina legislation continued through Volume Thirty-Eight. The combined effect of lengthening legislative sessions and greater numbers of complex new statutes was reflected in the fact that the survey in Volume Thirty-Eight, while covering the 1959 General Assembly, could not be readied for publication before February 1960—by which time the Session Laws and the supplements to the General Statutes had been in the hands of bench and bar for many months. These circumstances, plus the increasing pressure for Review space for other materials, resulted in

*This and all other statistics used in this article represent no heavily subsidized computer research. They were informally compiled by the author, his sole concession to scientific progress in data collection being in the use of a mechanical rather than an old-fashioned lead pencil. The author guarantees the accuracy of the statistics only because of his certainty that no reader will undertake to verify them.*
discontinuance of the comprehensive survey, though faculty members, students, and others have continued to publish articles and comments on selected statutes—as witness the above-mentioned Symposium on the Uniform Commercial Code.

Surveys of recent North Carolina case law became a regular feature of the Review much later than the statutory surveys and were inaugurated largely at the request of the members of the North Carolina bar. The first such survey, published in Volume Thirty-Two, was authored by members of the Review’s staff under the supervision and with the considerable aid of the respective faculty specialists, some of whom directly authored appropriate portions. Though the case-law surveys involved many difficult editorial problems, and though their quality was consistent only in being spotty, they were continued in the same fashion through Volume Forty-Two. A complex of reasons then led to a shift from faculty-assisted student authorship to faculty authorship. Only partially implemented in Volume Forty-Three (seventy-three pages by five faculty members), the new policy resulted in one hundred and eighty-five pages by fourteen faculty members in Volume Forty-Four and in one hundred and eighty-two pages by twelve faculty members in Volume Forty-Five.

While the Review’s space problems had some influence on the decision to terminate this feature after Volume Forty-Five, it was a rather minor factor by comparison to the belief of a majority of the faculty that the attempt at complete coverage virtually insured a shallow product and that neither its quality nor its practical utility was sufficiently high to justify the effort and space consumed. In subsequent volumes the effort has been to publish articles that give more intensive coverage of recent developments in selected subject-matter areas, such as Torts (Professor Robert G. Byrd) in Volume Forty-Eight, Criminal Procedure (Professor Daniel H. Pollitt) in Volume Forty-Nine, and Civil Procedure (Associate Professor Martin B. Louis) in Volume Fifty. However, the policy as to case surveys is likely to remain subject to continuing review.

In Number One of Volume One, one of the Review’s purposes was thusly stated:

To the members of the bar and the judges upon the bench, the Review will make available, in the form of leading articles, editorial notes and comments, discussions of important legal problems, statements of the significance of outstanding recent state and federal decisions, and historical accounts of the development of distinctive topics and doctrines
of North Carolina law. In other words, the REVIEW will carry to the active members of the legal profession, the work the School is doing in tracing the development of law in North Carolina and in the country at large.\textsuperscript{5}

To this dual objective—of dealing with both provincial and more general topics—the Review has remained faithful. While, as would be anticipated, the ratio has varied widely from volume to volume (particularly when symposia were included), by this author's somewhat arbitrary classification some forty-three percent of the leading articles have been directed primarily toward North Carolina and some fifty-seven percent have been more nationally or internationally oriented (the range of the latter going all the way to space law—if any).\textsuperscript{4} To the extent that future changes in this ratio may be anticipated, its direction is most likely to be away from the provincial, but the Review should never abandon—nor even too drastically prune—its local roots. However, in any debate as to the ideal balance—and surely such debate will recur—it must be considered that while most locally oriented articles necessarily contain some wider implications, to a much greater degree general articles contain significant local implications.

Editorial responsibility for the Review was at first clearly centered in the faculty. The first masthead listed the late Maurice T. Van Hecke (subsequently Dean of the School and President of the Association of American Law Schools) as “Faculty Editor-in-Charge.” With accuracy he may be called the principal founder of the Review. The same masthead listed four faculty assistant editors and twelve “Student Editors,” the latter being described as “Selected by the Faculty for Excellence in Scholarship.” No student name was attached to a specific editorial title. It was not until Number One of Volume Five that one student (Samuel Elton Vest) was given the title of “Editor-in-Chief” and another (Charles Raper Jonas) was identified as “Assistant Editor.” Since that time the number of students with editorial titles has varied and in more recent years has grown to six, plus a Business Manager, listed in Number One of Volume Fifty. (Volume Fifty-One will have seven titular editors plus a Business Manager.)

\textsuperscript{5}Editorial Notes, 1 N.C.L. Rev. 31 (1922).

\textsuperscript{4}The classification of articles is, in turn, classified as a statistic. See note 2 supra. (The author, exemplifying his lifelong enslavement to the precision of scholarly forms, has included “supra” in this note, though, given the fact that this is note 4, he harbors a faint suspicion that it would border on the unexpected if note 2 were to be found in any other direction.)
Despite the increase in student editorial authority ostensibly implicit in the titles conferred in Volume Five, the masthead continued to list a faculty member as “Editor-in-Charge” through Number Three of Volume Seventeen. Professor Van Hecke’s successors in this post were, in turn, Robert H. Wettach (subsequently Dean of the School), James H. Chadbourn (a student “Editor-in-Chief” before joining our faculty and now of the Harvard Law Faculty), and Frank W. Hanft (subsequently Graham Kenan Professor and Chairman of the General Statutes Commission). With Number Four of Volume Seventeen the faculty “Editor-in-Charge” was dropped from the masthead, which, however, continued to list all faculty members as “Faculty Advisers.” In fact, the Dean continued to designate some faculty member as principal Adviser to the Review.

In Volume Forty-Two, with the number of faculty members growing, the long list of “Faculty Advisers” was dropped in favor of a single such Adviser—then Distinguished Alumni Professor (now Emeritus) Herbert R. Baer. With Volume Forty-Seven, though in fact a principal Faculty Adviser (currently Professor Donald R. Clifford) continued to exist, the masthead dropped all mention of the faculty. These formal tracks reflect (if somewhat confusingly) increasing student responsibility, with concomitant decline in faculty responsibility for the content of the Review. At present, while the Board of Editors is still not a completely independent, self-perpetuating body, ultimate student control of content is virtually complete, and the recommendations of the Board of Editors as to their successors are seldom questioned by the faculty, which nominally appoints them.

The number of student editors and staff members has varied rather radically over the years. One reason, at times, has been the fluctuation in the size of the student body of the School. This, of course, was most notable in its effect during World War II. Number One of Volume Twenty (December 1941) listed ten students—down from fifteen the previous June. By Number Three (April 1942) this figure had decreased to eight (and to seven in June), plus three “Editors in War Service.” Through that Volume the list of “Faculty Advisers” was still intact. There were still eight students (but one faculty member—this writer—was missing) in December 1942. By April 1943 there were four students and five faculty members (Professors Van Hecke and Dalzell having departed). In December 1943 there were three students (out of a total of twelve in the entire student body) and, Professor Hanft having left for Army service, four faculty members. For the remainder of Vol-
ume Twenty-Two the faculty remained at four and the student list also included four. Throughout Volume Twenty-Three students and faculty stood at five and five.

In Number One of Volume Twenty-Four (December 1945), the student list was down again to four, but the faculty had risen to six. Thereafter, of course, the student famine turned to student crush (at least by the standards of those days). To this writer, who was absent and can claim no credit, the most remarkable epic in the history of the Review lies in the fact that as few as four faculty members and three students, backed by a student body including only nine others, managed to publish volumes of respectable length and more than respectable quality. The least due them as tribute is to give such enshrinement to their names as is within this writer's power. The four faculty members were the late Dean Wettach and Professors (all now Emeritus) Millard S. Breckenridge, Albert Coates, and Frederick B. McCall. The students who at various times served on staffs of five or less were the late John T. Kilpatrick, Jr., Fred R. Edney, Jr., Joel Denton, Edwin N. Maner, Jr., William A. Johnson, John F. Shuford, Cecil J. Hill, Idrienne E. Levy, James G. Hudson, Jr., Charles F. Coira, Jr., Robert I. Lipton, Cyrus F. Lee, and Wallace C. Murchison.

The number of student staff members has varied with other factors also. Over the years there have been changes in the requirements for eligibility and in the performance required to convert eligibility into presence on the masthead. In the earlier years a larger percentage of the total number of advanced students "made" the Review than has been true in later years. For example, in Number One of Volume One (June 1922), there were twelve students, and in Number Two (November 1922) there were sixteen. At the opening of Law School in the fall of 1921 and again in 1922 there were forty-six second- and third-year students. Thus, the first two student staffs included twenty-six percent and thirty-five percent, respectively, of the total number of advanced students. By contrast, in December 1971 the masthead carried twenty-five student names, comprising only five percent of the advanced students. Forty-one, or twelve percent of the second- and third-year students, were listed in June 1971, and 30, or seven percent of the advanced students, were listed in this issue.

While the School had gone to a three-year degree program, only two years of law study were required to take the State bar examination, with the result that many students who passed the bar after two years of study did not return to school. In the fall of 1922 there were only six third-year students.
The decline in percentage has not been uniform, particularly since in some volumes the large staffs listed in December had shrunk by the end of the volume. This shrinkage represented, to a minor extent, mid-year graduation, but, more significantly, the fact that in those years the students declared to be eligible were immediately added to the masthead and were then dropped if they failed to produce. In later years the eligibles have been required first to produce.

The faculty has always recognized that whatever educational values may accrue to students participating in the publication of the Review are not available to the non-participating majority of law students. The problem of providing some comparable educational experience for this majority was, of course, accentuated by the declining percentage of participants. This led, after several trials that undoubtedly produced errors, to the presently required seminar program, complemented somewhat by the Moot Court program.

Of course, the Review has a value for law students in general without regard to the intellectual joys accruing to editors and staff members. This also was envisaged in the first issue of Volume One: "As the Review goes into volumes year by year, it will constitute a collection of reference materials . . . of definite value as collateral readings in connection with class discussion."6

In the first fifty years, this purpose has been accomplished. It remains, however, to consider the educational value of the Review to the participating students. Law faculty members may be expected to be prejudiced in favor of publication of a review, offering, as it does, other advantages to the School and to themselves—notably its relative guarantee of an outlet for their own scholarly endeavors. But, after discounting such bias, it is generally accepted by them that a review experience enriches law study for student staff members and, even more, for student editors.

This was another of the purposes originally announced upon the founding of the Review. Number One of Volume One set forth what may be called standard doctrine:

As a supplement to the routine7 daily class work of the School, it will afford to the second and third year students, a means of intensive

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6Editorial Notes, 1 N.C.L. Rev. 31 (1922).
7No present member of the law faculty was on the law faculty in 1922. The author feels, therefore, that he can leave this word in the quotation, despite its invidious insinuations, without unduly offending the more colorful of his present colleagues.
training in legal writing. To them, the independent experience, under faculty supervision, in the analysis, investigation and critical discussion of current problems in North Carolina law will be invaluable.

Even in the absence of such a purpose—or in default of its achievement—the Review has values that insure its continuance, such as the above-mentioned advantages to faculty members and in providing materials for instructional use, plus provision of research tools and thoughtful (at times highly opinionated) analyses for the benefit of bench and bar, and its contribution to the stature of the School in the world of legal education. But to what extent has the Review realized this specifically anticipated benefit to participating students?

It is tempting to answer, at least in part, by citing the careers of the Review’s alumni. They include at least fifty legislators in North Carolina alone, thirty-five judges, twenty-five law professors, ten presidents of state bar organizations, several Congressmen, a Governor, a Lieutenant Governor, a Chancellor of the University, numerous corporate attorneys and executives, and many leaders of the practicing bar in this State and elsewhere. An outstanding example may be found on the masthead of the first issue of Volume Six (December 1927). The student editors and staff (among twenty listed) included (in alphabetical order): Algernon L. Butler, United States District Judge for the Eastern District of North Carolina; Jefferson B. Fordham, formerly Dean of the law schools at Ohio State University and the University of Pennsylvania and Past President of the Association of American Law Schools; the late Dillard S. Gardner, Marshal and Librarian of the North Carolina Supreme Court and sometime President of the American Association of Law Libraries; Howard S. Godwin, formerly Judge of the North Carolina Superior Court; Clarence W. Hall, still a judge of that court; Charles R. Jonas, longtime member of the United States House of Representatives; Daniel K. Moore, Associate Justice of the North Carolina Supreme Court and former Governor of the State; John C. Rodman, Jr., past President of the North Carolina Bar Association; Susie Marshall Sharp, Associate Justice of the North Carolina Supreme Court; and Jon Wiig, formerly United States District Judge for Hawaii.

*Student work has never, in fact, been confined to North Carolina law, though in the earlier volumes it perhaps received greater emphasis than in later years. The increasing impact of federal statutes and decisions has been faithfully reflected, and many decisions from other states have been the subjects of comment.

*Editorial Notes, 1 N.C.L. Rev. 31 (1922).
(In Volume Nine there appeared the name of Wex S. Malone, now of the Louisiana State University Law Faculty, who shares with Dean Fordham, the late Dean Van Hecke, and Boshamer Professor of Law Frank Strong of our present law faculty, the distinction of having served as President of the Association of American Law Schools.)

This is hardly conclusive as to the value of the Review as a teaching tool. It is plausible to argue that alumni careers merely reflect the fact that the same combination of native talent and disciplined industry that produced their superior academic records continued to serve them well in later life. It is also a fact that qualities of leadership manifested by students as officers of their law classes and of the Student Bar Association have led to positions of leadership in later life—as exemplified by (of many who might be named) William Friday, President of the University; John Swainson, formerly Governor of Michigan and now an Associate Justice of that State's Supreme Court; James Holshouser, candidate for Governor of North Carolina; and James Ramsey, candidate for the Speakership of the 1973 North Carolina House of Representatives.

It is indisputable fact that service on the Review, and particularly as a titular editor, has provided an inside track to preferred employment. This, while offering both a tangible economic benefit and a shorter path to leadership in the profession, does not, per se, prove that the student's intellectual development was fostered by his Review experience beyond that which would have occurred, through his possession of useable brains, in the absence of the Review.

Further, it would be difficult to prove, even with computer aid, that the quality of a student's performance in his regular course and seminar work is improved by his Review experience beyond the improvement that would otherwise occur. Occasionally, indeed, it is demonstrable that a student's regular academic average declined because proportionately he spent too much time on Review work. In general, however, Review students, in the observation of this writer, offset the time commitment involved by improving their efficiency in regular preparation and thus are able to maintain or even to raise their averages. But, again, this may demonstrate capacity to perform well under pressure rather than skills peculiarly developed by Review experience.

In summary, this author knows of no reasonably objective criterion by which to measure the impact of Review work on the participating student's intellectual and professional development. As for subjective criteria, he has no properly conducted opinion poll reflecting the value
judgments of Review alumni. He has, however, talked with many of them. There must somewhere be a few who give their Review experience a low evaluation (just as there have been a few identifiable instances in which an eligible student, knowing himself to be capable of acceptable Review work, has given a higher relative rating to his academic average and decided to concentrate on it his undivided effort). But no Review alumnus has reported such a low evaluation to the author. Many, on the other hand, in the light of their subsequent experience, have reported a very high overall evaluation (though few have displayed unbounded retrospective enthusiasm for the chore of checking footnotes). Further, the author has found that the Review's alumni are likely to be the most insistent on Review experience when they employ young associates.

The author has had the opportunity, over a period (after discounting military and other leaves) of more than a quarter of a century, to work with students and to observe their experience—ranging from the wholly happy to the excruciatingly painful—in the preparation of notes and comments for the Review. In his not wholly unbiased opinion this, larded with knowledge of alumni appraisals and perhaps with a certain osmotic absorption of pedagogical shibboleths, justifies an assertion—much less qualified than the above inconclusive discussion might otherwise seem to justify—that the Review has indeed realized the benefits for participating students envisaged in Number One of Volume One.

He believes that the students who have devoted themselves sincerely to the task have sharpened their powers of analysis; have improved their writing skills; have learned much more than they would otherwise have learned about the identification and use of research materials—including, in many cases, valuable materials not strictly legal in nature; and have learned something (no one ever learns enough) about striking a balance between the precision required in the appraisal of old precedents and the imaginative—even intuitive—skills required in the shaping of acceptable new precedents.

Further, in the writer's view, the benefit accruing to the participating student today is noticeably greater than in 1922. The most cursory comparison of the first few volumes with the latest few reveals the greatly superior quality of the student work in the latter. While some student work in the early years would grace any subsequent volume, the quality of much of it is far below present publication standards. This is certainly not all attributable to more years of undergraduate work and jacked-up admission requirements. Student Review generations have cumulated their experience, with consequent radical improvement in the
student product.

This University, its corporate existence coinciding with that of the United States, is pretty solidly grounded in North Carolina and the nation as an institution offering (at least to those earnestly seeking such) superior education at undergraduate, graduate, and professional levels. The School of Law, existing for more than a century and a quarter, is pretty solidly grounded in the University. The North Carolina Law Review, existing for half a century, is pretty solidly grounded in the School. Those accorded the opportunity, through working on the Review, to carry on and add lustre to the traditions of the University and the School should regard it as a matter of high privilege.

Like many goals of the great majority of Americans, the social, economic, political, and professional goals of law teachers and law students have changed since 1922; and it is wholly predictable that they will continue to change. The Review is pre-eminently a vehicle for advocating, rationalizing, and justifying change. It has never been merely a mausoleum in which are enshrined the embalmed cadavers of the law.

Such change in such goals, past or prospective, works no change in the objectives of the Review. Indeed, such change enhances rather than constricts the role of the Review. Number One of Volume One spoke of "tracing the development of law" and also of the fact that "particular attention will be given . . . to the influence upon legal problems of matters of legislation, government, business, and social and economic conditions." In legal education, in aid to the legal profession, and in public service to a society in flux, the role of the Review abides. Surely it may be hoped—and this writer believes—that the greatest days lie still ahead, just as, with its help, the greatest days of the University and the School lie still ahead.

It follows that any student who becomes eligible for the Review should happily seize the opportunity. Even the initially skeptical may be surprised into learning something. Even if full development of his genius needs no such aid, he has demonstrated the capacity to generate the light which should not be hid under the bushel. By allowing it to shine on the pages of the Review, he may benefit others, if not himself.

\[\text{id. at 32.}\]