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NANCY RHODEN: TEACHING HOW TO TEST THE LIMITS

DINITA L. JAMES†

Professor Nancy Rhoden's first class at the University of North Carolina School of Law was also my own. As a torts small-section professor, she had the task of orienting twenty-odd first-year students to the rigors of reading and briefing cases in preparation for a Socratic workout in the classroom. The petite young woman on crutches in no way resembled the professorial monsters who had invaded our worst nightmares. The palpable tension of the students eased perceptibly when all of us concluded that Professor Rhoden was basically harmless. She made the introductions, handled the administrative details, and dispatched us to prepare our first assignments.

At the next day's class, Professor Rhoden began disabusing us of any hope of intellectual slumber. She posed questions that were answered nowhere in the cases. As a group, we were slow to feel comfortable tackling the dilemmas she raised. She was patient with us, and by the second week we were starting to respond to her prodding. When we reached the unforgettable case of *Garratt v. Dailey*,¹ we knew how to go through our paces. To explore the full meaning of intent in intentional torts, Professor Rhoden manipulated Bryan Dailey in every way possible. Bryan was a cute little prankster, an adorable, innocent little boy, the dumbest kid in the world, a mean little monster, a schizophrenic child, and the average six-year-old. When she had finished presenting Bryan in all of his possible permutations, her students realized that they had explored the edges of the concept of intent and, remarkably, almost understood it.

Professor Rhoden's greatest talent in the classroom lay in teaching her students how to test the limits of a principle, seeing just how far it can extend before it bends to logic, policy, or intuition. She was a master chameleon. She would take one position, usually the most obvious, and destroy it. She would engage the students in a discussion, and after a while, we would all come to acknowledge that she was right and that the obvious position was wrong all along. Then she would do a quick turnaround and destroy the proposition she had defended so convincingly. The ultimate lesson Professor Rhoden taught her students is the error of analytical lassitude.

Professor Rhoden's classroom was a mental gymnasium, but it also was a place of warmth and humor. Her quirky hypotheticals were as entertaining as they were demanding. We thought Bryan Dailey was behind us when we began our unit on mistake. The second hypothetical dealt with *A*, who hates Bryan Dailey. He shoots and kills a kid who is holding a chair and laughing hysterically.

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1. 46 Wash. 2d 197, 279 P.2d 1091 (1955).

cally at the elderly lady on the ground next to him. The innocent victim was not Bryan after all. Another favorite is the mischievous driver who negligently drives through a puddle in the road, splashing *B*. The puddle contains hydrochloric acid. Is the driver liable for causing *B*'s horrible disfigurement? Professor Rhoden posed the most bizarre hypothetical of all to her Law and Morality class: Is anyone harmed if someone donates his body not to science but to the Society of Necrophiliacs?

Professor Rhoden gave her students much more than baffling hypotheticals and many good laughs. She gave us kind advice on coping with exams, grades, and job interviews. She made herself available outside of class. On the last day of Torts, she fed us tortes. When her painful foot ailment would not permit her to leave her house, she didn't give up on her Law and Morality class but squeezed us all into her living room.

Nancy Rhoden was well known on the UNC campus, as she was elsewhere, for her scholarship in the field of bioethics. The Law School faculty knew her as a colleague and friend. The Medical School knew her for the morally challenging ethics rounds she conducted there. A little more than a hundred UNC law students, however, came to know her for the electrifying hour of dialogue that she conjured up in the classroom. I am one of the privileged few who knew Nancy Rhoden as a teacher. No one who spent a semester as her student ever will think quite the same way again.