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IN MEMORY AND APPRECIATION: JUDGE SAM J. ERVIN, III

KEARNS DAVIS*

It is said that no matter how important the man, people will stay home if it rains on the day of his funeral. I had to smile through my tears as it drizzled on the afternoon of Judge Ervin's memorial service. No one stayed home. Instead, the church overflowed with his family, friends, colleagues, former law clerks, and Morganton neighbors. The crowd did not disprove the proverb, however. Judge Ervin was an important man, but that is not why we were there. We were there because we *knew* him, and knowing him had touched each of our lives.

Written memorials often focus on what a person did in life. I could write that type of memorial, for the list of Judge Ervin's accomplishments is long. In his professional life alone, he served as a private attorney, a military lawyer, a prosecutor, a legislator, a North Carolina trial judge, a federal court of appeals judge, and Chief Judge of the Fourth Circuit. He earned numerous honors and served his country, state, and community in countless ways. But what he did cannot begin to describe who he was.

Despite the seriousness of his calling, of which he was keenly aware, Judge Ervin never took *himself* seriously. His intellect and judgment were extraordinary, but he viewed them as blessings rather than virtues. Virtue lay in how he used his gifts, and he used them diligently, humbly, and selflessly. His job occasionally placed him in the company of the President or the Chief Justice of the United States. But his door was always open to the poor and the powerless who went to him seeking wise, personal counsel.

Those who served as Judge Ervin's law clerks, freshly out of law school, expected to be mentored as lawyers, and we were. Judge Ervin was gracious and welcoming to the attorneys who appeared before him, but incisive in his private critiques of their arguments.

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He understood the challenges and pressures that lawyers faced, but never countenanced an ethical transgression. He strove to uphold and define the law and did so independently and dispassionately, yet he remained ever conscious of the people his decisions affected.

As much as he influenced his law clerks' careers, Judge Ervin contributed even more to our lives as young men and women. His job was the most prominent component of his life, but it was not the most important. He was a Christian, a husband, a father, a grandfather, a citizen, a judge, and a Reds fan. He rarely missed lunch at home with Mrs. Ervin, except when one of his clerks had a birthday. He attended his grandchildren's soccer games and swim meets and took sign language classes to communicate with one who had hearing difficulties. He encouraged clerks to vote, to give blood, and to "go home!"

Judge Ervin has left behind a written record of jurisprudence, a long list of achievements, and a half-century of service to his country, his state, and his community. His world is a better place because he was here. More significantly, we who knew him are better people because he was here. We will be ever thankful.