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THE LAW SCHOOL
(From September 1966 to December 1967)

I. ENROLLMENT

Total opening enrollment in the fall of 1967 was 510, the largest in the history of the school. Entering class enrollment—controlled to keep total enrollment around the 500 figure thought to be our maximum capacity in Manning Hall—was 215. These came from among some 1070 persons who completed applications. This compares with 748 applicants last year, thus continuing the rather dramatic recent upward trend.

The composition of our student body with respect to residence and pre-law educational backgrounds remains substantially that of recent years. Thus, 83 per cent of this year’s entering class are residents of North Carolina. The comparable percentage for last year was 80 per cent; for the year before, 81 per cent. The remaining 17 per cent of this year’s entering class represent a total of 19 other states. Approximately 40 per cent of the members of this class had all of their undergraduate work at the University of North Carolina at Chapel Hill. The remaining 60 per cent had some or all their undergraduate work at a total of 77 other colleges and universities. Comparable percentages last year were 38 per cent having all their undergraduate work at Chapel Hill, with the remaining 62 per cent having attended a total of 74 other institutions. Ninety-five per cent of this year’s entering class hold undergraduate degrees. The remaining five per cent is made up of three students on the combined degree program, four admitted on the basis of having completed more than ninety semester hours of degree work, and one special student who is not a degree candidate. The percentage of degree holders thus continues its upward trend from 90 per cent in 1965, to 94 per cent in 1966, to this year’s 95 per cent.

II. NEW LAW SCHOOL BUILDING

Construction on the new law school facility was commenced in March of 1967. This was marked by groundbreaking ceremonies at which the Honorable R. Hunt Parker, Chief Justice of the Supreme Court of North Carolina, Senator Lindsay Warren, Jr., and
Chancellor J. Carlyle Sitterson spoke. Construction is now proceeding according to schedule and occupancy in the fall of 1968 is anticipated.

III. Faculty

With the advent of the 1967-1968 academic year, Professor John P. Dalzell begins his last year of teaching, and Professor Albert Coates his next to last, prior to their respective retirements under University mandatory retirement policy at age seventy-two.

We report with regret the loss of two faculty members at the end of the 1966-1967 academic year. Assistant Dean and Assistant Professor Charles E. Dameron, III resigned to return to private practice; Assistant Professor Philip C. Thorpe, to accept a position as Assistant Dean at the Indiana University School of Law. Associate Professor Kenneth L. Penegar is on leave of absence for the full academic year in New Delhi, India, where he is participating in a Ford Foundation-sponsored program in legal education. Professors John W. Scott and Ernest L. Folk will be on leaves of absence during the spring semester as Visiting Professors at the University of New Mexico School of Law and at the University of Virginia School of Law respectively. We are most grateful to have Professor Charles Livengood, of the Duke University School of Law, teaching with us during the fall semester the section of criminal law ordinarily taught by Mr. Penegar.

Three new persons joined us on the faculty this year. Mr. Robert A. Melott, who graduated at the top of his law class here in 1965 and who has since that time practiced as an associate in the Winston-Salem law firm of Hudson, Ferrell, Petree, Stockton, Stockton & Robinson, joins us as Lecturer in Law. Mr. Melott will teach sections of Pleadings and Parties and of Trial & Appellate Practice, and will assist with placement and scholarship matters. Assistant Professor John Semonche, who holds his basic appointment in the Department of History, with advanced degrees in that discipline as well as an LL.B. earned in 1967, is offering two courses in the law curriculum this year: in the fall semester, a course in American Legal History, and in the spring semester, a seminar in American Legal Thought. Assistant Professor Dale A. Whitman has joined our faculty on a full time regular appointment. He is a 1966 graduate of the Duke University School of Law where he had an outstanding record. He practiced in Los Angeles as an
associate in the firm of O'Melveny & Myers until coming to Chapel Hill this fall. He will teach sections of the first year courses in Property and Civil Procedure, and will act as Advisor to the Moot Court Program.

During the 1966-1967 academic year, Professor Dan B. Dobbs was on leave of absence as Visiting Professor of Law at the University of Minnesota Law School; and during the summer of 1967, Associate Professor Richard M. Smith taught as a Visitor at the University of Texas School of Law.

During this period, three faculty members received well-deserved promotions in rank. Dr. Dan B. Dobbs was promoted to the rank of Professor; and Messrs. Donald F. Clifford and Richard M. Smith, each to the rank of Associate Professor, effective September 1, 1967.

In addition to their normal teaching and law school committee responsibilities, the faculty engaged in a variety of professional and public service activities, participated in general University affairs, and contributed a number of scholarly publications to the legal literature, which are here summarized.

Kenan Professor William B. Aycock received the University's Thomas Jefferson Award in the Spring of 1967; contributed to this Review the section on Real Property in the Annual Survey of N. C. Case Law, 45 N.C.L. Rev. 964 (1967), and an article, *Introduction to Water Use Law in North Carolina*, 46 N.C.L. Rev. 1 (1967). He served on the Chancellor's Advisory Committee, the Faculty Council, and the Faculty Hearings Committee of the University.

Distinguished Alumni Professor Herbert R. Baer contributed to this Review the Trial & Appellate Practice section of the Annual Survey of N. C. Case Law, 45 N.C.L. Rev. 975 (1967); and published a supplement to his treatise, *Admiralty Law of the Supreme Court*.

Graham Kenan Professor Henry Brandis contributed to this Review sections on Pleading & Parties and Evidence in the Annual Surveys of N. C. Case Law, 44 N.C.L. Rev. 897, 1005 (1966); 45 N.C.L. Rev. 934 (1967); served as Commentator on Problems of Evidence at the 4th and 5th Annual Seminars of Federal Hearing Examiners in Washington, D. C.; delivered the memorial to the late Judge J. Spencer Bell at the Judicial Conference of the Fourth Circuit; and served as chairman of the Committee on Honorary Degrees, and as member of the Chancellor's Advisory Committee,
the Faculty Hearing Committee, and the Faculty Council of the University.

Associate Professor Robert G. Byrd prepared a monograph for use by county fiscal authorities, *County Budgeting*, 110 pp., Institute of Government, Chapel Hill, N. C., 1966; and served on the University's Student Aid Committee.

Associate Professor Donald F. Clifford lectured on Article Two of the Uniform Commercial Code to the Eleventh Annual Local Government Purchasing School at the Institute of Government; prepared the section on Insurance in this Review's Annual Survey of N. C. Case Law, 45 N.C.L. Rev. 955 (1967); taught as Visiting Professor at North Carolina College Law School during the spring semester 1967; and in collaboration with Professor Smith completed a two-volume work on forms for use under the U. C. C., scheduled for early publication by West Publishing Co.


Graham Kenan Professor Frank W. Hanft prepared the section
on Administrative Law in the Annual Survey of N. C. Case Law of this Review, 45 N.C.L. Rev. 816 (1967); and continued to serve as member and, until his term expired in 1967, as Chairman of the North Carolina General Statutes Commission. His service for six years as Chairman of this Commission during some of its most notable work was recognized and praised in a joint resolution of the House and Senate of the 1967 General Assembly.

Assistant Professor Michael P. Katz published an article, *The Supreme Court and the States—Mapp v. Ohio in North Carolina*, 45 N.C.L. Rev. 119 (1966) and a book review in the *Journal of Legal Education*; acted as Consultant to the Mayor’s Committee on Redevelopment, Detroit, Mich; and was a participant in a workshop on Social Science Methods in Legal Education at the University of Denver Law School 1, and in a conference on Mental Illness and the State at Northwestern University Law School.

Assistant Professor Martin B. Louis published an article, *The Sufficiency of a Complaint, Res Judicata and the Statute of Limitations*, 45 N.C.L. Rev. 659 (1967) ; prepared the section of Pleading & Parties in the Annual Survey of N. C. Case Law in this Review, 45 N.C.L. Rev. 823 (1967); organized and served as Chairman of a Colloquium on the Proposed New Rules of Civil Procedure in North Carolina; served as a member of the Civil Procedure Rules Drafting Subcommittee for the General Statutes Commission; and during the summer of 1967 acted as consultant to the United States Department of Justice, Antitrust Division.

Associate Professor Walter D. Navin, Jr. prepared the section on Contracts in the Annual Survey of N. C. Case Law in this Review, 45 N.C.L. Rev. 895 (1967) and completed work (with Dean John E. Howe of Washburn University School of Law) on Kansas Annotations to the Uniform Commercial Code, scheduled for early publication by West Publishing Co.

Associate Professor and Librarian Mary W. Oliver continued to serve as Chairman of the Bar Notes committee of the N. C. Bar Association; was appointed Chairman of the Certification Board of the American Association of Law Libraries; attended the meeting of the American Association of Law Libraries in Colorado Springs in June, 1967; and taught a course in Law Library Administration for the University School of Library Science.

Professor Daniel H. Pollitt prepared a portion of the Section on Constitutional Law for the Annual Case Law Survey in this
Professor John W. Scott prepared and delivered a paper at the N. C. Bar Association Continuing Legal Education Institute on Taxation in April 1967, and was a Visiting Professor at the Duke University School of Law during the fall semester 1967.

Associate Professor Richard M. Smith served as a member of the Drafting Subcommittee on Revision of the Lien Laws for the N. C. General Statutes Commission; delivered lectures on the Uniform Commercial Code to the N. C. Association of Finance Companies, and the North Carolina Automobile Dealers Association; and, with Professor Clifford, completed work on a two-volume set of forms for use under the Uniform Commercial Code which is scheduled for early publication by West Publishing Company.

Professor Frank R. Strong's Edward G. Donley Lectures delivered last fall at West Virginia University College of Law were published in two-part article form as *Judicial Review: A Tridimensional Concept of Administrative-Constitutional Law*, 69 W. VA. L. REV. 111, 249 (1967). Professor Strong prepared a portion of the section on Constitutional Law for the Annual Case Law Survey in this *Review*, 45 N.C.L. REV. 855 (1967); served as Chairman of the Section on the American Constitutional System in the Orientation Program in American Law for Foreign Law Students sponsored by the Association of American Law Schools at Princeton; served as consultant to the University of Akron College of Law; and delivered an address, “The Rule of Law,” to the Columbus, Ohio Bar Association in May 1967.

Professor Seymour W. Wurfel served as faculty participant in the University's Interdisciplinary “Developing Nations” Seminar; prepared the section on Conflict of Laws for the Annual Case Law Survey in this *Review*, 45 N.C.L. REV. 842 (1967); and served on the committee on University Government.

The writer of this report continued to serve as a member of the North Carolina Courts Commission.
In addition to the attendance at professional meetings mentioned in this summary of individual activities, the faculty was represented at the annual meeting of the Association of American Law Schools in Washington, D. C., the annual meeting of the N. C. Bar Association in Asheville, N. C., and the Judicial Conference of the Court of Appeals for the Fourth Circuit in White Sulphur Springs.

IV. The Law Library

During the year ending June 30, 1967, the Law Library added a total of 5,234 volumes to its collection. Of these, 219 were gifts, for the receipt of which we are pleased to express our gratitude to the following donors: Mrs. J. Spencer Bell of Charlotte, N. C., Mr. Charles E. Dameron, III of Greensboro, N. C., Mr. James Harper of Chapel Hill, N. C., Mr. George Long of Burlington, N. C., and Judge J. Braxton Craven of Morganton, N. C.

Our total collection is now officially reported to contain 120,975 volumes, with a conservatively estimated value of $967,800.00. Of this total reported, 110,975 are specifically cataloged volumes, with the remaining 10,000 representing a conservative estimate of still uncataloged volumes.

V. Curriculum

A fundamental change was made in our curriculum effective with the 1967-1968 academic year. For many years we have taught separate courses in Pleading & Parties and Trial & Appellate Practice. Although Pleading & Parties was for a long time a first year required course, in recent years both courses have been offered as upperclass electives. Beginning this year, we will offer the materials covered in these courses in a single year-long course in Civil Procedure, required for all first year students. As a part of this realignment, the courses in Pleading & Parties and Trial & Appellate Practice will be phased out of the curriculum over the next two years in order to make them available to all students presently enrolled. Other changes necessitated by this fundamental one involve the temporary cessation of the formerly required first year course in Agency & Partnership, and the return of the course in Equity to an upperclass elective position from that of a first year required position which it had last year. These changes reflect the continuous reevaluation of our curriculum which is going on as we attempt to
accommodate to changes within our own structure and to new developments in legal education.

VI. SUMMER SESSION

During the summer session of 1967 we had four visiting professors joining with our eight resident faculty members to offer the twelve courses making up our two-term summer school curriculum. They were Professor Walter J. Wadlington, III of the University of Virginia School of Law, Hon. J. Braxton Craven, Judge of the U. S. Court of Appeals for the Fourth Circuit, Professor Allen E. Smith of the University of Texas School of Law, and Professor Joel Rabinowitz of the University of Florida College of Law. They taught, respectively, the courses in Family Law, Constitutional Law I, Constitutional Law II, and Income Taxation.

VII. ACADEMIC ACHIEVEMENT

The masthead of this issue lists those students who are members of the editorial board and staff of the Law Review.

Other student scholastic honors were as follows:

Twelve students, on the basis of standing in the top 10 per cent of the class of 1967, were elected by the faculty to the Order of the Coif, a national honorary law society. These students were, in the order of their final standings: John Troy Smith, Jr., Martin Nesbit Erwin, John Russell Jolly, Jr., Charles Ralph Kinsey, Jr., Billy Robert Barr, William Henry Faulk, Charles Ellison Elrod, Jr., Thomas Sidney Smith, David Stanley Orcutt, James Clark Brewer, Mason Homer Anderson, and Philip Lee Kellogg. Of this group Smith, Erwin, Jolly, Kinsey, and Barr were also winners of the Chief Justice Walter Clark Awards, made annually to the five students who, on the basis of their cumulative records after five semesters, have the highest scholastic averages in their class.

The degree of J. D. with High Honors was awarded to John Troy Smith, Jr. and Martin Nesbit Erwin.


Robert Walton McNairy 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, a year's subscription to *U. S. Law Week* given to the senior making the most satisfactory progress during his senior year, was won by Everette Lee Wooten. The Lawyers Title Award, a $100 prize given to the senior demonstrating excellence in the study of real property law and selected at this school on the basis of the highest average grade on the three courses, Real Property, Titles and Future Interests, was won by Billy Robert Barr.

VIII. The Student Bar Association and Student Activities

The officers of the Student Bar Association for the current academic year are: V. Clayton McQuiddy, III, President; Sandra L. Moody, Secretary; William H. Lewis, Jr., Treasurer; and George B. Hanna, Chief Justice of the Law School Honor Court.

The Association continued its orientation program for entering law students this year under the chairmanship of V. Clayton McQuiddy, III; is publishing the *Tar Heel Barrister* under co-editors Ronald Logan and Robert Harris; is cooperating with the administration in placement activities, through publication of the *Placement Brochure* under editor David Layton; plans and supervises annual Law Day activities under the chairmanship of A. D. Frazier; organizes law student participation in campus intramural athletics under the leadership of Richard Voorhees; organizes, allocates and supervises student use of study and typing desk space under chairman Clark Parker; carries on throughout the year a program of bringing in outside speakers and making film presentations, under the chairmanship of Pender McElroy; and organizes and supervises periodic student social events including the receptions during orientation for entering students and for the alumni on Law Day.

The writer takes this opportunity to express sincere appreciation for the quite substantial student contribution to the total program of the school which is summarized above. Much of this contribution is directly related to the effective administration of essential school programs; all of it is valuable in its impact on the over-all range of student life and growth during the law school experience. The
current leadership is dedicated and is imaginatively seeking ways to contribute even more substantially to the effectiveness of the total educational experience of the students.

IX. ALUMNI ACTIVITIES

The steady annual increase in the level of alumni financial support, which has been characteristic since its formal inception, continues. For this, we at the law school are profoundly grateful. As of this writing (October 5th, 1967) some 928 alumni and friends have contributed a total of $14,861 in annual dues, as against 1057 contributors contributing a total of $14,897 for all of last year; and 306 contributors have increased the Foundation Principal Fund by $5,445, as against comparable figures of 370 contributors and $8,875 in contributions for all of last year. The general capital fund of the Foundation (exclusive of the more than $230,000 in special funds such as the Graham Kenan and Holderness Funds) now exceeds $62,000.

The bulk of the annual financial support provided by the generosity of alumni and friends continues to go to scholarships. The amount budgeted this past year for this purpose was $13,100. In addition, smaller sums are used to help finance the Tar Heel Barrister and the senior placement brochure, and to supplement the modest state appropriation of funds for faculty and staff official travel and other incidental expenses.

Between the annual meetings of 1966 and 1967, the officers of the Law Alumni Association and of the Foundation Council were as follows—the Association: Donald W. McCoy, President; Richmond G. Bernhardt, Jr., First Vice President; Robin Hinson, Second Vice President; Mary W. Oliver, Secretary-Treasurer; Henry Brandis, Jr., Assistant Secretary-Treasurer; Foundation Council: Albert J. Ellis, Chairman; Paul A. Johnston, Vice Chairman; Robert H. Schnell, Secretary; Mary W. Oliver, Treasurer and Assistant Secretary; Henry Brandis, Jr., Assistant Treasurer.

X. INSTITUTES FOR PRACTICING ATTORNEYS

The school continued its participation with the North Carolina Bar Association and the other participating law schools of the state in the cooperative continuing legal education program. Participation by individual members of the faculty on the various institutes conducted during the year has been reported in the section on
Faculty Activities. In addition, Professor Richard Robinson chaired and Professor Walter D. Navin served on committees planning specific institutes.

XI. Bar Examination Results

In August of 1967, out of 96 of our 1967 graduating class taking the North Carolina Bar Examination, 89, or nearly 93 per cent, passed. This was considerably better than the overall passing rate, and we are of course gratified with the overall success of our graduates. An unofficial report of the results of the Georgia Bar Examination indicates that both of our two 1967 graduates taking that examination passed.

XII. Special Gifts

We are most grateful to Mrs. Alfred Haywood of Chapel Hill, N. C., who has made a substantial contribution to the law school. This will be used in a way thought suitable to memorialize her husband, the late Alfred Haywood, for many years a prominent practicing attorney in New York, and a native of North Carolina.

XIII. Statement of Purpose and Dedication

The primary role of this School of Law is to prepare students for practice in the legal profession. This contemplates the American legal profession at large, and in its manifold aspects of specialization and emphasis. This role is not adequately discharged by narrow concentration on the more vocational aspects of the profession, but requires as well major curricular attention to the institution of law in its historical, sociological and philosophical aspects. Neither is this role acceptably discharged by over-concentration on the particular jurisprudence and legal institutions of the supporting State, as distinguished from Anglo-American systems in general. A proper goal of legal education in a state university must be to prepare graduates to be skilled and competent craftsmen of the profession in the various state and federal systems in which they may practice; to be valuable critics and reformers of the institutions of law in whatever system (including that of the supporting State) they may acquire influence; and, through the varied opportunities traditionally open to members of the legal profession, to be constructive and imaginative shapers and implementers of policy through the political processes in which a great number will always be involved.
Given the fact that this School presently produces, and for the foreseeable future will continue to produce, a majority of persons annually entering the profession of law in the State of North Carolina, the scope of its role, and the importance to the State of the success with which the School is able to fulfill the role is obvious. On its success depends to a large extent the caliber of the bar and bench of the state, and hence of the administration of justice, the reform of legal institutions, and the shaping of policy at all levels of government. We hope most devoutly that it will be equal to the task, and dedicate ourselves to that end.

DICKSON PHILLIPS, Dean