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# The Law School

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## THE LAW SCHOOL

(From September 1961 to December 1962)

### ENROLLMENT

Opening enrollment in the fall of 1962 was 340, with 139 in the first year class. The total enrollment is the largest in the history of the School, though the first year class is down slightly from 145 last year. Total enrollment in 1961 was 326. There are seven women students, including four in the first year class. Nonresidents of North Carolina comprise 11 per cent of the student body as a whole and 12 per cent of the first year class. The percentages for 1961 were, respectively, 14 and 17.

Seventy-seven per cent of the entering class earned A.B. or B.S. degrees prior to beginning law study. This compares with 78 per cent in 1961, with our maximum of 79 per cent in 1957, and the recent low of 68 per cent in 1960.

One hundred and twelve students, or 33 per cent, took all of their undergraduate work at other colleges and universities—this being slightly more than the 30 per cent in 1961. An additional 60, or 18 per cent (17 per cent in 1961), received some part of their undergraduate training elsewhere. Thirty-seven per cent of the first year class had all of their undergraduate work elsewhere and an additional 19 per cent had part of such work elsewhere.

Some 104 universities, college and junior colleges are represented. Other than the University at Chapel Hill, those with the highest representation are Duke University (28), Davidson College (20), and North Carolina State College (18). Despite the relatively small number of nonresidents in our student body, we have alumni of 73 universities and colleges located outside of North Carolina, scattered through 27 states and the District of Columbia.

### THE FACULTY

As reported or predicted in our 1961 summary, we were joined in the fall semester of 1961-62 by Assistant Professors Dan B. Dobbs and Richard E. Day and in the spring semester by Associate Professor John W. Scott. The only addition to the faculty this fall is Assistant Professor Francis N. Millett, Jr., who received his A.B. from Harvard and his M.B.A. from Alabama, served as an associate

editor of the *Law Review* in our class of 1961, and received the LL.B. With Honors. He taught accounting in the School of Business Administration while completing his law study and has had other teaching experience. Mr. Millett holds a one-year appointment and is, in effect, visiting with us pending the arrival of Assistant Professor Kenneth Penegar who was an associate editor of the *Law Review* and received the LL.B. With Honors in our class of 1960, received his LL.M. at Yale in 1961, and is currently on leave serving as law clerk to a judge of the Court of Appeals of the District of Columbia.

Professor Daniel H. Pollitt, who was on leave for the entire year in 1961-62 serving as a Special Assistant to the Chairman of the National Labor Relations Board, has returned to us this fall. Professor Albert Coates, who retired as Director of the Institute of Government on September 1 of this year, has returned to full-time law teaching.

Professor and former Dean Robert H. Wettach, who has been on our faculty since 1921, and Professor M. S. Breckenridge, who has been on the faculty since 1927, have become our first senior professors to go on a half-time basis. They reached the age of 70 during the 1961-62 academic year and, under University regulations, they may teach on the half-time basis for two years. Kenan Professor M. T. Van Hecke will also go on the half-time basis in the year 1963-64.

During the summer of 1962 Mr. Day was a visiting teacher at the University of Michigan Law School and Mr. Dobbs was a visiting teacher at the University of Texas Law School.

In the spring of 1962 Mr. Van Hecke was the first recipient of the annual 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. Also during the spring semester, on a commuting basis, he taught Labor Law at Duke University Law School. He continues as a member of the North Carolina Employment Security Commission and is serving as Chairman of a special Committee of the Association of American Law Schools on Faculty Appointments.

This fall Professor Seymour W. Wurfel has received a Ford foundation grant, administered by the American Society of International Law, to make a study of the legal factors affecting foreign private investment in Columbia in the context of that country's economic, social, and political conditions. The project will extend for

a period of twenty-one months from October 1 and will include six months of residence in Columbia. Mr. Wurfel will be on leave for the fall semester in 1962-63. This is one of four such grants made on a national basis. Mr. Wurfel participated in the seminar held in June 1962 by the Parker School of Foreign and Comparative Law in New York City. He is also in charge of program and arrangements for a Regional Meeting of the American Society of International Law which will be held at this Law School in February of 1963.

Professor Thomas W. Christopher has organized and is moderating a weekly series of TV programs on the University's Educational Channel titled "With Due Process." The series is designed to give laymen a better understanding of the role of law and of lawyers in our society. A number of other faculty members appear on some of the panels. Mr. Christopher also served during the past year as a member of the Editorial Board of the *Journal of Legal Education*, has been Chairman in 1962 of the Association of American Law Schools Committee of Racial Discrimination in Law Schools, and was one of the participants in the program of the Southeastern Law Teachers Conference held in Atlanta in August.

Mr. Day served last year and continues to serve as a reporter for a factual study of public school desegregation carried out for the Civil Rights Commission under Ford Foundation auspices—his territory being the State of North Carolina. In this connection he attended a month's seminar at the University of Wisconsin Law School in the summer of 1962 and also several conferences in Washington. He has been selected to report on current developments in antitrust law to the Antitrust Section of the American Bar Association at its annual meeting in 1963.

Professor Frank W. Hanft continues as Chairman of the North Carolina General Statutes Commission. Professor Frederick B. McCall and Assistant Dean J. Dickson Phillips are both engaged in important drafting work for that Commission—Mr. McCall in the field of administration of decedents' estates and Mr. Phillips in the field of civil procedure. Mr. Phillips is still a member of the Board of Governors of the North Carolina Bar Association and continues to serve as Chairman of its Committee on Administrative Law. The writer continues as a member of that Association's Special Committee on Improving and Expediting the Administration of Justice in North Carolina.

Associate Professor Mary W. Oliver and Mr. Wettach are serving as elected members of the Faculty Council. All members of the faculty, of course, have assignments as chairmen or members of various Law School and University faculty committees.

Distinguished Alumni Professor Herbert R. Baer and Mr. Phillips served as co-chairmen for the planning of the important institute held in Chapel Hill this fall on Medico-Legal Problems. Messrs. Hanft, Scott and Wettach and the writer also participated in planning institutes for practicing lawyers and Messrs. Phillips, Scott, Van Hecke and Wettach were all lecturers at such institutes. In the fall of 1961 Messrs. Baer, Phillips and Wurfel, in conjunction with members of the Medical School faculty, put on an exhibition of the examination and cross examination of an expert witness (a psychiatrist).

Messrs. Baer, Christopher, Day, Dobbs, Hanft, Phillips, Van Hecke, and Wurfel have published articles and reviews in the *North Carolina Law Review* and all members of the faculty have written or helped supervise the preparation of segments of the annual survey of North Carolina case law in the *Review*. Mr. Day was the author of a special report on the factual aspects of school desegregation in North Carolina, which has been published by the Civil Rights Commission. Mr. Scott is the author of a booklet on the tax aspects of gifts to charity. Articles and reviews have been contributed by Mr. Christopher to the *Journal of Public Law*, by Mr. Wettach to the *Texas Law Review*, and by Mr. Pollitt to the *Bulletin* of the American Association of University Professors, the *Minnesota Law Review*, the *Western Reserve Law Review*, *The Journal of Legal Education*, and the magazine *Esquire*.

The faculty was represented during the year at the annual meetings of the Association of American Law Schools, the American Bar Association, the American Law Institute, the American Society of International Law, the American Maritime Association, the North Carolina Bar Association, the North Carolina State Bar, the Southeastern Conference of Law Teachers, the Southeastern Chapter of the American Association of Law Libraries, the Judicial Conference of the United States Court of Appeals for the Fourth Circuit, and the Southern Trust Conference of the American Bankers Association. Our representation at the last mentioned meeting was made possible by a grant from the Trust Division of the North Carolina Bankers Association.

## THE LIBRARY

During the year ending June 30, 1962, we added more than 5,500 volumes to our collection, more than 1,100 of them by gift. We are indeed grateful for the many gifts received. Particular mention should be made of gifts from Mr. George Long of Burlington, Mr. Robert Godwin, Jr., of Dunn, and Mr. Marvin K. Blount of Greenville.

During 1961-62, we also acquired some 5,600 microcards and now hold approximately 28,600 of these cards.

The complete re-cataloging of the Library's holdings is nearing completion. Pending its completion, we continue to report our collection as comprising some 70,000 volumes, excluding volumes held in reserve to replace those currently being worn out by steady use.

We are expanding our international law collection, which now totals more than 2,000 volumes.

During the period covered by this report Assistant Librarian Frances Hall has arranged a number of excellent exhibits.

The Law Library's photocopying service continues to be available to practicing lawyers.

## ADMISSION STANDARDS

There have been no changes in our requirements for admission since those which took effect with the entering first year class in 1961, which were summarized in our 1961 report.

## CURRICULUM

For some years the instructors in Taxation I (Income Taxation) have found it increasingly difficult—in fact, virtually impossible—to give adequate coverage to corporate tax problems. This year we have installed a new course, Taxation III, which deals with the tax aspects of corporate distributions and reorganizations and other special corporate matters. The course is given by Mr. Scott. Also new is a seminar in Legal History, given by Miss Oliver. The regular seminar in International Law has this year been converted into a seminar in the Legal Problems of Doing Business Abroad, taught by Mr. Wurfel.

Real Property II, for many years a second year course, has been shifted to the first year and conversely Pleading and Parties, which for many years has been a first year course, has been shifted to the

second year. The Moot Court course has also been shifted from the second year to the first year.

We continue to re-examine our curriculum in some detail each year. The current Curriculum Committee is well along with its work. Membership on the Committee is rotated in such a way that each faculty member who desires to serve can do so at least once every third year. The work of the Committee is, of course, subject to review by the entire law faculty.

#### SUMMER SCHOOL

During the summer of 1962 our visitors were Dean Roscoe Barrow of the University of Cincinnati (Corporations), Dean Joseph Covington of the University of Missouri (Equity), Professor Wex S. Malone of Louisiana State University (Insurance), and Professor Walter Oberer of the University of Texas (Constitutional Law). Included in the summer curriculum were courses in Personal Property and Insurance which are not offered during the regular academic year.

#### ACADEMIC ACHIEVEMENTS

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 1962, were elected to the Order of the Coif, an honorary society with chapters in some 40 odd law schools. These students, in the order of their standing, were Julius LeVonne Chambers, Loran Armstrong Johnson, Francis Needham Millett, Jr., Gabriel Marlin Evans, John Drew Warlick, Jr., Hiram Adolphus Berry, William Baylis Rector, Jr., Hall Morrison Johnston, Jr., David Marion Connor, Jr., and William Douglas Etheridge. Chambers, Johnson, Millett, Evans, and Warlick were also winners of the Chief Justice Walter Clark Awards, made annually to the five students who, at the end of their fifth semester at Law School, have the highest scholastic averages.

The degree of LL.B. With High Honors was awarded to Julius LeVonne Chambers. The degree of LL.B. With Honors was awarded to Carl Edwin Allman, Jr., Hiram Adolphus Berry, Gabriel Marlin Evans, Hall Morrison Johnston, Jr., Francis Needham Millett, Jr., Thomas Monroe Starnes, and John Drew Warlick, Jr.

Paul Leroy Whitfield was the winner of the Block Improvement Award given to the senior who, having devoted himself most sincerely to his law studies during all of his law school career, makes the most constant improvement in academic work from the date of enrollment to the end of the fifth semester. The award, established by Mr. Norman Block of the Greensboro Bar in memory of his father, consists of \$300.

The U.S. Law Week Award was won by Gabriel Marlin Evans. This Award consisting of a year's subscription to U.S. Law Week, goes to the senior making the most satisfactory scholastic progress during his senior year.

John Drew Warlick, Jr., was the winner of the Lawyers Title Award of \$100 to the senior demonstrating excellence in the study of real property law. The winner at this School is selected on the basis of achieving the highest average grade in the courses in Real Property, Future Interests and Titles.

Students winning the Bancroft Whitney Company and the Lawyers Cooperative Publishing Company prizes for the top grades in selected courses were as follows: Jerry Wofford Amos (Labor Law), Robert Gene Baynes (Contracts), Hiram Adolphus Berry (Debtors' Estates), Tom David Efird (Agency), William Douglas Etheridge (Taxation II), Gabriel Marlin Evans (Credit Transactions), Joseph Stevens Ferrell (Constitutional Law and Evidence), Borden Rhea Hallows (Trusts and Negotiable Instruments), Glen Bowers Hardymon (Business Associations), Loran Armstrong Johnson (Equity), Paul Aaron Korn (Taxation I), Francis Needham Millett, Jr. (Evidence), Thomas LaFontine Odom (Conflict of Laws), Elliott Murnick Schwartz (Administrative Law), James Harold Tharrington (Trusts), John Drew Warlick, Jr. (Credit Transactions and Personal Property), Charles Monroe Whedbee (Agency), and Ralph Alexander White, Jr. (Contracts).

#### THE LAW REVIEW

As foreshadowed in our 1961 report, the use of larger type plus generally rising costs has resulted in an increase in the subscription price of the *Review*. There have been no significant changes in the method of selecting editors and staff or in editorial policy.

#### THE LAW STUDENT ASSOCIATION AND STUDENT ACTIVITIES

The officers for the Law Student Association for this academic year are Joseph Alfred Moretz, President; Charles Jackson Katzen-



stein, Jr., Vice President; Henry Carlisle Boshamer, Secretary; John Patrick Butler, Treasurer; and Otis Martin Oliver, Chief Justice of the Law School Court. Committee Chairmen are Robert James Watkins, Athletic Activities; Clyde Kelly Atkins, Desk and Study Space; William Martin Schneider, Elections; David Michael Blackwell, Fraternity Council; George Arthur Weaver, *Demurrer*; John Phillips Carlton, Liaison; James Franklin Blue, III, Library; Charles Jackson Katzenstein, Jr., Orientation; Glenn Stevenson Carihfield, Placement; John Bryan Whitley, Public Relations; Herman Alphonso Cole, Jr., Social Affairs; Robert Gene Baynes and James Morris Kimzey, Speakers; and Stephen Cambrelleng Cowper and Richard Norwood League, *Tar Heel Barrister*.

Our students continue to participate actively in the affairs of the American Law Student Association, which is sponsored by and affiliated with the American Bar Association.

It was decided this fall to discontinue the Association sponsored Student Legal Research Service.

During 1961-62 the Speakers Committee presented the following: Judge J. Spencer Bell of the United States Court of Appeals for the Fourth Circuit; Major L. P. McLendon of the Greensboro Bar; Frank W. Quinn, polygraph expert of Greensboro; and Beverly C. Moore of the Greensboro Bar. As of this writing the Committee this year has presented President Isaac T. Avery of the North Carolina Bar Association and Dr. Hubert Winston Smith, of the University of Texas Law Faculty, a leading national authority on medico-legal problems. Members of our team in the National Moot Court Competition this year are Joseph S. Friedberg and James C. Harper.

#### ALUMNI ACTIVITIES

From November 1961 to October 1962 the officers of the Law Alumni Association were Harper J. Elam, III, of the Greensboro Bar, President; Albert J. Ellis of the Jacksonville Bar and William Medford, United States Attorney for the Western District of North Carolina, Vice Presidents; and Mary W. Oliver of the law faculty, Secretary-Treasurer.

Officers of the Law Foundation Council were and continue to be William A. Dees, Jr., of the Goldsboro Bar, Chairman; E. K. Powe of the Durham Bar, Vice Chairman; Dan K. Moore of the Canton Bar, Secretary; and Mary W. Oliver, Treasurer and Assistant Secretary.

Since the Law Alumni Association was organized in the fall of 1952 the number of active members has shown an increase each year save one. As of this writing, the Association has received dues from 966 alumni, by comparison with 768 for all of 1961. This membership constitutes almost 51 per cent of the entire mailing list. Dues paid for 1962 to date total approximately \$5,200 and contributions of 219 individual alumni to the Law Foundation total almost \$3,000. This and other funds placed in the Foundation, bring the capital fund of the Foundation to approximately \$23,000.

At its annual meeting in October the Law Foundation appropriated to the Law Alumni Association \$800 to be used as John J. Parker and Thomas Ruffin Scholarships. The increased dues revenue of the Law Alumni Association enabled the Association to appropriate \$4,200 (in addition to the \$800 from the Foundation) for scholarships in 1963. This compares with a total of \$3,500 from the same sources in 1962 and we are encouraged by the continued growth of this assistance.

In addition to scholarship aid, the availability of alumni funds for purposes not supported by the State has been most helpful in developing a well-rounded School program. The Association has contributed materially to the publication of the *Tar Heel Barrister*, the Placement Brochure and travel expense of Law Library personnel, junior faculty members and (occasionally) students in attending national and regional professional meetings. During the past year less than five per cent of Association dues and contributions to the Foundation has been expended for administrative purposes. We are particularly indebted to the officers and directors of the Association and the officers and Council members of the Foundation for their efforts on our behalf. We also wish to express our deep appreciation to Mr. Richmond G. Bernhardt, Jr., of the Greensboro Bar, who has served most effectively and efficiently as Membership Chairman during 1962.

Alumni week-end affairs were well attended. The speaker at the Annual Dinner was Judge J. Braxton Craven of the United States District Court for the Western District of North Carolina.

#### INSTITUTES FOR PRACTICING ATTORNEYS

In this State the organized program for continuing legal education for practicing attorneys is under the joint sponsorship of the North Carolina Bar Association and the Law Schools at Duke,

Wake Forest and the University. Under this program, an Institute on Taxation was held here in the spring of 1962 and an Institute on Medico-Legal Problems in the fall of 1962.

#### BAR EXAMINATION RESULTS

In August of 1962 we had 80 graduates taking the North Carolina Bar Examination for the first time. Only 41 of them, or 51 per cent, passed. While not out of line with the experience of other law schools on the same Examination, this is by far the worst experience the School's graduates have had on the Bar Examination in the modern history of the School. It compares with five failures out of the 77 graduates in 1961 and with a post World War II average of only 10 per cent failures. There is no conceivable difference in the quality of our 1962 graduates or in their course of instruction which can account for such a drastic decline in the passing percentage. The writer of this report here repeats his strong belief, heretofore publicly stated, that the results of the 1962 North Carolina Bar Examination reflect the gravest injustice to 1962 graduates of this and other accredited law schools.

#### PLACEMENT

In January, June, and August of 1962 we graduated a total of 92 student. Thirteen have or will enter military service. Thirty-one are associated with lawyers or law firms and four have opened their own law offices. Six are clerks to judges, eight hold government positions, three are with insurance companies, two are with Domestic Relations Courts, three are teaching, fourteen (most of them in the group failing the Bar Examination) are in miscellaneous activities and eight (four of them outside of North Carolina) have not yet notified us as to their employment.

Our 1963 class will be substantially the same size as that of 1962. Present prospects are that many openings will be available to them but we repeat, with emphasis, our annual request that our alumni and friends give us all possible assistance in locating good opportunities for our prospective graduates.

#### SPEAKERS

A notable event of the spring was the appearance of Mr. Justice Clark of the Supreme Court of the United States as the principal speaker at the hooding ceremony for our June law graduates.

In addition to the speakers, elsewhere identified, appearing under the auspices of the Law Student Association and at the Annual Alumni Dinner, a number of lawyers and others have delivered special lectures in our classes, participated in class discussions, or appeared before the legal fraternities. We are deeply indebted for the assistance they have given us. Those so appearing, or definitely scheduled to appear this fall are: Sigurd Anderson, of the Federal Trade Commission, formerly Governor of South Dakota; Frank H. Bozarth, Vice President and Trust Officer of the Central Carolina Bank and Trust Company; North Carolina Attorney General Wade Bruton; Robert F. Clodfelter, Trust Officer, Wachovia Bank and Trust Company; Alfred C. Cordon, Jr., of the Washington, D. C. Bar; Meredith M. Daubin, of the Washington, D. C. Bar; Victor E. Ferrall, Jr., Assistant Counsel, subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U. S. Senate; F. F. Forester, Vice President and Trust Officer of the Wachovia Bank and Trust Company; Nick Galifianakis, State Representative from Durham County; James L. Godfrey, Dean of the Faculty of the University at Chapel Hill; Superior Court Judge Allen H. Gwynn; Robert L. Hines, of the Charlotte Bar; Robin L. Hinson of the Rockingham Bar; Judge Don N. Laramore of the United States Court of Claims; Milton E. Loomis, Trust Representative of the Central Carolina Bank and Trust Company; Superior Court Judge Henry McKinnon; North Carolina Assistant Attorney General Ralph Moody; J. E. Parker, Assistant Federal Representative with the North Carolina Department of Labor; Carver Peacock, Chartered Life Underwriter of Durham; Orange County Recorder's Court Judge James H. Phipps; John C. Rush of the Charlotte Bar; Dr. James A. Shoettler, resident in psychiatry at the University's Memorial Hospital; Professor Frank Schwentker of the faculty of the University's School of Business Administration; Malcolm Seawell, of the Raleigh Bar, former Attorney General of North Carolina; Earle R. Stanley, of the Washington, D. C. Bar; and Raymond M. Taylor of the Wilson Bar.

We also wish to express our sincere appreciation to the North Carolina Industrial Commission, and particularly to Deputy Commissioner F. H. Shuford, II for their continued cooperation in scheduling Workmen's Compensation Hearings in our courtroom for the special benefit of our students.

## DEDICATION

It is our devout ambition that the School, through its Library, its student body, its faculty and its graduates may not only occupy but may truly deserve a place of steadily increasing importance in the field of legal education and in the life of our State.

HENRY BRANDIS, JR., *Dean*