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An Era of Expansion and Turbulence: 1949-64

THE VIETNAM ERA: THE DEANSHIP OF JAMES DICKSON PHILLIPS, JR. (1964-74)[†]

WILLIAM B. AYCOCK

William Brantley Aycock is a Kenan Professor of Law Emeritus at the University of North Carolina School of Law. He earned a bachelor of arts degree from North Carolina State University in 1936, a master of arts degree from UNC in 1937, and graduated from the UNC School of Law in 1948. It is particularly fitting that Aycock recount the history of the law school during the period 1964-79, a time when he had returned to the UNC law faculty following distinguished service as Chancellor of the University of North Carolina.^{††}

In 1964, upon learning that Professor J. Dickson Phillips, Jr., had been selected as Dean of the University of North Carolina School of Law, George Cochran, the ranking member of his class and editor-in-chief of the *North Carolina Law Review*, commented: "Everyone here . . . feels that it is a wonderful thing."¹ So it was; appreciation for Dean Phillips's myriad contributions as dean continued in the law school community throughout his decade-long tenure.

James Dickson Phillips, Jr., was born in Laurinburg, North Carolina, where he attended the public schools. As an undergraduate at Davidson College he was elected to Phi Beta Kappa and became

[†] Most of the material in this essay is extracted and distilled from Dean Phillips's ten annual reports, published in Volumes 42 through 52 of the *North Carolina Law Review*; his *Annual Reports to the Chancellor* for 1971, 1972, and 1974; the minutes of law faculty meetings from July 1964 through May 1974; law school catalogues, 1964-74; and two student publications, the *Tar Heel Barrister* and the *North Carolina Law Record*.

^{††} For more information on Professor Aycock (including the source of information included in this summary), see Kenneth S. Broun, *Tribute to William Brantley Aycock: Foreword* 64 N.C. L. REV. 204 (1986); James L. Godfrey, *William Brantley Aycock: University Administrator 1957-64*, 64 N.C. L. REV. 215 (1986); J. Dickson Phillips, Jr., *Bill Aycock in Law School*, 64 N.C. L. REV. 207 (1986).

1. *J. Dickson Phillips Named To Follow Dean Brandis As Law School Head*, *TAR HEEL BARRISTER* (UNC School of Law, Chapel Hill, N.C.), Feb. 1964, at 1.

captain of the varsity baseball team. He obtained a bachelor of science degree from Davidson in 1943.

Following graduation Dick Phillips entered military service, becoming a rifle platoon leader in the 513th Parachute Regiment. During the Second World War, Lieutenant Phillips served with distinction in three campaigns in the European Theater. He was awarded the Bronze Star for valor and the Purple Heart. His unit received a presidential citation for the Rhine airborne crossing.

Phillips early developed an interest in teaching. This interest was enhanced while instructing the troops under his command. When the war ended, he considered undertaking graduate study in history, with a view to a career in the classroom. But circumstances led him to enroll in the University of North Carolina School of Law in the fall of 1945 while on leave from a military hospital.

As he had in college, Phillips excelled at the law school. He served as Associate Editor of the *North Carolina Law Review*, was elected to membership in the Order of the Coif, and, in 1948, received the degree of Juris Doctor with honors.

After serving for a year on the faculty of the Institute of Government, Phillips entered private practice in Laurinburg and Fayetteville, North Carolina. The firm, originally called Phillips & McCoy, subsequently was expanded to Sanford, Phillips, McCoy & Weaver. He was admitted to practice before the courts of North Carolina, the United States District Courts for the Eastern and Middle Districts of North Carolina, the United States Court of Appeals for the Fourth Circuit, and the Supreme Court of the United States. From 1949 to 1960, Phillips was engaged in a general criminal and civil practice that included estate planning, corporate law, real estate, probate, administrative law, and trial and appellate litigation in tort, contract, and property matters. He also had experience in bankruptcy, tax, family law, and public-utility regulation. His clients included personal-injury plaintiffs, liability insurance carriers, a regulated natural-gas distribution company, an urban redevelopment commission, radio stations, real estate development companies, various small corporations, partnerships, sole proprietorships and their owners, savings and loan associations, criminal defendants, personal representatives of estates, and various purchasers, sellers, and financiers in land transactions. A substantial part of his practice involved litigation in the state and federal courts at both the trial and appellate levels.

Dean Henry P. Brandis, Jr., and other members of the law faculty were aware of Dick Phillips's unexcelled personal qualities, his

scholarship, and his deserved reputation as a highly competent general practitioner. In the late 1950s it came to Dean Brandis's attention that, during his student days, Phillips had mentioned an interest in teaching. Accordingly, he was invited to serve as a visiting professor at the law school in 1959. One year later Phillips was offered a full-time position as a member of the faculty, which he forthwith accepted.

As those who knew Dick Phillips predicted, his star in the academic world rose spectacularly. In 1961 he became associate professor of law, and one year later took on additional duties as an assistant dean at the law school. In 1964, after only four years as a full-fledged member of the faculty, he was promoted to the rank of full professor. On July 1, 1964, he was appointed dean of the law school to succeed Henry P. Brandis, Jr.

A keen student of the history of education, Dean Phillips understood that the law school, like other components of the University, did not stop and begin again with a change of administrations. The school is, to the contrary, always flowing into the future. Events, of course, may affect the rate of the institution's flow. Phillips was aware that the demand for growth in University enrollment, already underway and more insistent than the surge after World War II (which had subsided), would continue for many years. Thus the rate of flow was destined to accelerate. Intertwined with student growth were inevitable demands for more faculty, more space, and increased library resources.

ENROLLMENT

In the fall of 1963, the last year of Henry Brandis's fifteen-year deanship, student enrollment was 376, an all-time high in the history of the law school.

Under Dean Phillips, the upward trend in enrollment continued. A new record was established each year for the next four years. Thus, in 1967, the fall enrollment reached 510 students. In the fall of 1971, all records were shattered when 754 students overflowed Van Hecke-Wettach Hall, the new law building which had opened in 1968.

In light of this growth, necessity dictated more rigid controls on admission. The result was a reduction of twenty students in 1972 and a further reduction of thirty-four students in 1973. At the beginning of the final year of Dean Phillips's ten-year term, the student body numbered 700—virtually twice the number present at the beginning of his deanship. Phillips cited the growth of the school's enrollment and the increased interest of undergraduate students in attending law

school as the "major phenomen[a]" that occurred during his years as dean.²

Of great importance was a change in the composition of the student body. In 1964 ten women were enrolled at the law school; by 1973 the number had increased to 121. In 1964 only one African-American student was a member of the student body. By 1973 through the leadership of Clint Eudy and Ken Essex, members of the Student Bar Association's Law School Recruitment Committee who actively sought law school applications from students enrolled in North Carolina's historically black colleges, the number of African-American students had increased to twenty-three. In addition, the student body that year included two American Indians and one student of Hispanic origin.

Growth in numbers was accompanied by continued improvement in the academic quality of the student body. Entering first-year students with undergraduate degrees gradually increased from eighty-seven percent in 1963 to ninety-five percent in 1970. Of the five percent without undergraduate degrees at the time of enrollment, all but one student were in a combined degree program in which the undergraduate degree would be awarded upon successful completion of the first year of law school. In 1972 Dean Phillips noted: "[U]ndergraduate averages in the B to B-plus ranges and Law School Admission Test scores in the ninetieth percentile range (625-650 scores) have now become the norm to which students must aspire for fair assurance of admission."³

Every year between 1964 and 1974 eighty to eighty-five percent of the entering class qualified as North Carolina residents. Non-resident students came from fifteen or more states and represented at least fifty different colleges and universities. Each year the largest sources of entering students were the University of North Carolina at Chapel Hill, Davidson College, Duke University, and North Carolina State University.

FACULTY

In 1945, when Dick Phillips was a first-year law student, the law school observed its centennial as a part of the University of North Carolina. That year the full-time faculty consisted of nine professors:

2. Richard Boner, *Phillips Years Marked By Change*, N.C. L. REC. (UNC Law School Student Bar Association, Chapel Hill, N.C.), Apr. 1974, at 1, 4.

3. J. Dickson Phillips, Jr., *The Law School*, 51 N.C. L. REV. 517, 517 (1973).

Dean Robert H. Wettach, Maurice T. Van Hecke, Albert Coates, Frederick B. McCall, Millard S. Breckinridge, Frank W. Hanft, John P. Dalzell, Henry P. Brandis, Jr., and Herbert R. Baer. All nine of these professors constituted the faculty during Phillips's student days and all were on hand in 1960 to welcome him as a full-time member of the law faculty.

In 1963 Phillips, then an assistant dean under Dean Brandis, witnessed the breaking of the legendary circle of nine due to the mandatory retirements of Kenan Professor Van Hecke and Professor Wettach. The other seven faculty members reached mandatory retirement age during Phillips's deanship. These nine professors served the law school for a combined total of three hundred and thirty-nine years, with Albert Coates serving the longest term—forty-seven years.

On July 1, 1964, the date on which Phillips assumed the deanship, the faculty was composed of nineteen full-time members. This number included William B. Aycock, who had returned to the law school after serving as Chancellor of the University for seven years. In 1974, when Phillips relinquished his duties as dean, the full-time faculty numbered thirty-two. This increase—fourteen faculty members in ten years—was only part of the story of faculty recruitment. Due to retirements, resignations, and one death, in addition to new positions essential to accommodate student growth, thirty-one faculty members were employed in the decade between 1964 and 1974. This increase meant that Dean Phillips was constantly involved in faculty recruitment. The process included appointment of search committees, interviews, background checks, faculty meetings on recruitment, and adherence to the procedures for hiring promulgated by the University. The loss of all senior faculty members was somewhat alleviated when Phillips induced Frank R. Strong to join the faculty in 1965. Professor Strong had served as dean of the Ohio State University School of Law for thirteen years. During that period he was elected President of the Association of American Law Schools for a term. A nationally recognized legal scholar, he brought considerable distinction to the school.

Harry Groves, a legal scholar and administrator with experience at home and abroad, was a visiting professor in the summer of 1970. He was the first African-American to teach in the law school.⁴ Two years later, Charles E. Daye, a graduate of the Columbia Law School,

4. In 1981 Harry Groves joined the law faculty as Henry P. Brandis, Jr., Professor.

became the first African-American to join the law faculty as a full-time instructor.

In 1969 Mary W. Oliver was promoted to full professor. Appointed to succeed Lucille Elliott as librarian, in 1952 she had become the first woman to join the law faculty. In addition to her library duties, Professor Oliver conducted a seminar in legal history. In 1972 she was elevated by her law library colleagues to the presidency of the American Association of Law Librarians.

In 1973 the law faculty proposed to allot one of the next four permanent faculty positions to become available to an African-American and one to a woman. This affirmative action program was a part of the general university obligation to the U.S. Department of Health, Education, and Welfare.⁵

Maurice T. Van Hecke, who was appointed Kenan Professor of Law in 1955, died in 1963. At the beginning of the Phillips deanship, Herbert R. Baer, Alumni Distinguished Professor of Law, was the only member of the law faculty who held a distinguished chair. In 1965 Henry P. Brandis, Jr., and Frank W. Hanft were chosen by the law faculty as the first recipients of the two Graham Kenan Professorships established in the law school. In 1972 Daniel H. Pollitt and John W. Scott succeeded to these professorships upon the retirements of Brandis and Hanft. In 1966 William B. Aycock was named Kenan Professor of Law, and in 1972 Frank R. Strong was elected a Cary C. Boshamer Distinguished Professor.

In 1969 Henry P. Brandis, Jr., received the O. Max Gardner Award. His mentor and colleague Albert Coates had previously been the recipient of this award, which is presented each year by the Board of Governors of the University of North Carolina to recognize faculty members who have made significant contributions to humanity. In 1967 William B. Aycock was chosen by the faculty of the University to receive the Thomas Jefferson Award. Maurice T. Van Hecke had been the first recipient of this university-wide award in 1962. Two years later Brandis was chosen the third recipient.

Throughout the 1960s, members of the law faculty continued to emphasize teaching as the most important of their University duties. Dean Phillips, like his predecessors, taught in the classroom half-time throughout his deanship despite the growing pressure of administrative duties. During the 1966-67 school year, the Student Bar

5. Minutes of Law Faculty Meeting, UNC School of Law (May 9, 1973) (on file at the UNC School of Law Library).

Association created an award in honor of Professor Frederick B. McCall to be given annually to a member of the faculty for "Excellence in Teaching." The recipient of this award is selected from a list of eligible members of the faculty by a vote of the third-year class. The announcement of this award has become a part of the annual commencement exercises. A plaque displayed in Van Hecke-Wettach Hall honors the winners of this award.

The first recipient of this award was William B. Aycock in 1967. Subsequent recipients during the Phillips deanship included Herbert R. Baer, 1968; Robert G. Byrd, 1969; Dale A. Whitman, 1970; William B. Aycock, 1971; David G. Epstein, 1972; David G. Epstein, 1973; and Douglas J. Whaley in 1974.

Professor Strong was selected to direct the Association of American Law Schools' Law Teaching Clinics. Professor Richard Smith served as assistant director. The clinic, first held in Chapel Hill, was designed for beginning teachers of law. Registration of new teachers totalled forty-nine, representing thirty-nine law schools.

Scholarship, an essential ingredient of good teaching, was encouraged. Illustrative of the research and writing activity of the law faculty during Dean Phillips's administration was the publication in the *North Carolina Law Review* of seventy articles and thirty case-law surveys. During this period the most prolific contributors to the *Law Review* were Professors Byrd, Dobbs, Stein, Pollitt, Schoenbaum, Strong, and Walker.

Along with this extensive contribution to the *Law Review*, many faculty members contributed to casebooks, practice manuals and treatises. Professor Baer prepared a second edition of his *Admiralty Law of the Supreme Court*. Professor Dobbs produced a treatise on remedies. Professor Seymour Wurfel wrote a book on *Foreign Enterprise in Colombia: Laws and Policy*. Professor Epstein contributed a book on debtor-creditor relations to the nutshell series. Dean Phillips faithfully prepared supplements to the two-volume second edition of McIntosh's *North Carolina Practice and Procedure*; Professor Brandis was equally diligent in updating *Stansbury on North Carolina Evidence*. Special mention is due the work of Professor Walker and psychology professor John W. Thibaut, who worked together to produce significant studies of human behavior and the legal process.

In addition to serving on law school and University committees and in professional organizations, the faculty was active in rendering public service. Selected examples reveal the scope of these activities during Dean Phillips's term.

Dean Phillips himself led the way by serving on the North Carolina Courts Commission throughout his administration. Further, he served as a member of the drafting committee for the General Statutes Commission's Civil Procedure Code Project.

In 1968 Professor Frank W. Hanft completed a six-year term as Chairman of the North Carolina General Statutes Commission. A joint resolution of both houses of the General Assembly praised his leadership in developing proposed legislation.

Professors Ernest Folk and Richard M. Smith were consultants to the legislature on North Carolina's adoption of the Uniform Commercial Code. Professors McCall and Aycock drafted proposed legislation on the Administration of Estates. Professor Martin B. Louis assisted in drafting new legislation on civil procedure; Professor John W. Scott worked on North Carolina's Principal and Income Act.

Professor Robert G. Byrd served on the Governor's Commission on Automobile Insurance. Professor Peter B. Glenn was a member of the State Estuarial Planning Committee. Professor Wurfel was a member of the North Carolina Coastal Zone Planning Committee.

Professor Ronald C. Link was staff director of a study sponsored by the North Carolina Bar Association on the "Lawyer's Role in Real Estate Transactions." Professor Oliver served as Chairman of the Bar Association's Committee on "Bar Notes." Professors Donald F. Clifford, Louis, Scott, Laurens Walker, and Whitman were numbered among faculty members who appeared on educational programs sponsored by the North Carolina Bar Association.

Professor Daniel H. Pollitt served as special consultant to the House Committee on Labor and Education of the United States Congress. Professor Kenneth L. Penegar was consultant to the federal Office of Economic Opportunity. Professor Louis served as consultant to the Antitrust Division of the Department of Justice. Professor Seymour W. Wurfel was an invited witness before the United States Senate Judiciary Subcommittee on proposed amendments to the Uniform Code of Military Justice.

In 1969 Professor Brandis made his sixth consecutive appearance as a commentator on problems of evidence at the Annual Seminar of the Conference of Federal Trial Examiners in Washington, D.C.

In 1973 Professor Murphy began to conduct the Southwest Legal Foundation's Short Course in Labor Law, a service he provided annually through 1990. That same year Professor Link was vice-chair of the American Bar Association Committee on Continuing Legal Education, and Professor Strong became the National Treasurer of the Order of the Coif.

On November 10, 1972, his forty-eighth birthday, death came to Professor Walter D. Navin, Jr., a member of the law faculty since 1965. The entire law school community was saddened by this great loss. Former dean Henry P. Brandis, Jr., penned a fitting tribute to him which appeared in Volume 51 of *North Carolina Law Review*.⁶

VAN HECKE-WETTACH HALL

In 1958 the University of North Carolina at Chapel Hill conducted a self-study titled "Planning for the Future." The law school predicted that not later than 1965 a new wing approximately the size of the 1951 addition to Manning Hall would be needed. In 1964 another self-study was conducted. The law school reported: "A new building to meet the needs of a larger enrollment, of a larger faculty, of a changing curriculum, and of a growing library is in the planning stage."⁷ In the last year of Dean Brandis's administration, the University requested an appropriation from the General Assembly for a new law building, to be located adjacent to the Knapp Building where the Institute of Government is housed. The University gave top priority to this request for the 1965-67 biennium.

In 1965 the General Assembly responded by appropriating \$1.8 million for a new law school building. During the planning stage it became apparent to Dean Phillips that rising building costs and increasing enrollments, both of which seemed certain, called for more space than the legislative appropriation would provide. Under Phillips's initiative an application for a grant from the U.S. Department of Health, Education and Welfare was prepared. In August 1966 the Department approved a grant in the amount of \$740,000 to supplement the state appropriation for the proposed new building.

Professor John W. Scott, chairman of the law faculty's building committee, contributed his considerable talents and much time in working with Dean Phillips, the University Planning Officer, and the architectural firm of Wheatley-Whisant and Associates of Charlotte in developing plans for a modern law school building. Phillips and Scott visited every new law school building east of the Mississippi River and Scott studied forty sets of plans provided by the Association of American Law Schools.

6. Henry P. Brandis, Jr., *Walter D. Navin, Jr.*, 51 N.C. L. REV. 387 (1973).

7. UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, SELF STUDY SUMMARY REPORT 205 (1964).

Construction on the new law school facility commenced in March 1967. The occasion was marked by groundbreaking ceremonies at which the Honorable R. Hunt Parker, Chief Justice of the Supreme Court of North Carolina, State Senator Lindsay Warren, Jr., and University Chancellor J. Carlyle Sitterson spoke.

Van Hecke-Wettach Hall, named for two law school professorial greats and able deans, was occupied September 23, 1968. The dedication took place in May 1969. The high point in a series of events extending over three days was the dedicatory address by The Honorable Earl Warren, Chief Justice of the United States.

LAW LIBRARY

The decade 1964-74 was one of substantial growth for the law library. Catalogued volumes increased from 97,000 on July 1, 1964, to 157,740 on July 1, 1974, for an average annual growth of 6,000 volumes. Catalogued microcards in 1964 numbered 38,000. After ten years this number, together with microfiches, had increased to 120,000. This significant growth was attributable to increased appropriations by the General Assembly and gifts from dozens of donors. Dean Phillips listed the donors for each year in his annual reports.

Assisted by four professional staff members, Librarian Mary W. Oliver provided excellent leadership in the development of the law library throughout the Phillips administration. In 1972-73 she served as President of the Association of American Law Libraries. Dean Phillips in his annual report for that year made the following comments:

During the past year, as indicated above in this report, Professor and Librarian Mary W. Oliver was President of the Association of American Law Libraries. This necessitated a considerable amount of travel on her part in discharge of the duties of that office. Her staff responded admirably to the increased responsibility which necessarily devolved upon all and maintained library operations with undiminished efficiency. This was a tribute both to them and to Professor Oliver's administrative skill in organization for which the school feels just pride.⁸

Kathleen S. Cheape ably served as Assistant Law Librarian during Dean Phillips's administration.

8. J. Dickson Phillips, Jr., *The Law School*, 52 N.C. L. REV. 574, 580 (1974).

CURRICULUM

Dean Phillips had a keen interest in the improvement of the curriculum. Although he would have preferred the creation of a model designed to achieve agreed-upon goals, he was aware of the constraints, both human and institutional, on a radical overhaul.⁹ He appointed a standing committee of the faculty to make a continuing study of the curriculum. In 1968 students were added to this committee. Each year the faculty considered recommendations by the curriculum committee, and changes were made on an annual basis. Unquestionably, the continuing interest of Dean Phillips and Cary C. Boshamer Distinguished Professor Frank R. Strong in curriculum reform accelerated the number of changes adopted each year by the faculty.

In order to free time for new courses, it often became necessary to combine and realign existing courses. For example, the courses in Pleading and Parties and Trial and Appellate Practice were combined into a single course named Civil Procedure; the Equity and Damages courses were similarly combined into a course on Remedies. Three courses in Property taught over nine hours were reorganized into one course of six semester hours.

Among the new courses introduced during the Phillips administration were Government Contracts, Regulated Industries, Land Finance and Development, Social Legislation, Patents and Copyrights, and Housing and Urban Development. Significant additions were made in the tax field, including a course in State and Local Taxation.

The seminar program, instituted two decades earlier, was expanded to accommodate increased numbers of students and to enrich the curriculum. Estate Planning, the original seminar introduced after World War II, was made available each semester. New seminars included Business Planning, Criminal Law, Criminal Procedure, Real Estate Transactions, Civil Procedure, Legislation, Antitrust Law, Advanced Torts, Social Legislation, Administrative Law, Advanced Problems in Taxation, and Consumer Credit.

In the fall of 1971, first-year students were assured a small section class of not more than thirty students. Each small section teacher had the services of a student member of the Holderness Moot Court Bench for assistance in legal research and rudimentary legal writing.

9. J. Dickson Phillips, Jr., *Phillips Emphasizes Rational Analysis of Goals*, N.C. L. REC. (UNC Law School Student Bar Association, Chapel Hill, N.C.), Nov. 1970, at 2.

Professor John E. Semonche of the Department of History provided enrichment in the curriculum by offering a course in American Legal History and a seminar on American Legal Thought in the law school.

In 1971 a new curriculum policy permitted law students to broaden their legal education. A student could be granted permission to take courses in other graduate divisions of the University for as many as three hours of credit toward the law degree upon a showing that the course chosen would make a significant contribution to the student's legal education. Later, at the Dean's request, the necessity of seeking approval from the Dean was rescinded.

In 1972 two joint degree programs were instituted: one between the law school and the School of Business Administration, the other between the law school and the Department of City and Regional Planning. Students enrolled in these programs could earn a master's degree in those fields in addition to the law degree upon completion of a four-year combined curriculum.

Clinical law gained a foothold in the law school in 1972. Under the supervision of Professors Pollitt and Nakell, seven law students argued cases that year before the United States Court of Appeals for the Fourth Circuit. This was made possible under Fourth Circuit Rule 13, which made possible "Legal Assistance to Indigents by Law Students." Under this rule a qualifying student, "with the written consent of an indigent and his attorney of record[,] may appear in this court on behalf of that indigent in any case."¹⁰

A cooperative arrangement between Duke University School of Law and the School of Law at Chapel Hill provided that a student attending either law school could take any course in the other, provided that the course was not available at his home school at the time the student wished to take it. Only a two-dollar administrative fee was charged for this service.

In 1970 the faculty approved academic credit for summer school courses in Foreign and Comparative Law and International Law taken at the College of the City of London.

In 1966 a three-day orientation course for entering students was inaugurated. Dean Phillips correctly predicted that this innovation "seems likely to remain a permanent feature."¹¹

10. Alexa Jordan, *Clinical Law Comes To U.N.C.*, N.C. L. REC. (UNC Law School Student Bar Association, Chapel Hill, N.C.), Oct. 1973, at 1.

11. J. Dickson Phillips, Jr., *The Law School*, 45 N.C. L. REV. 152, 159 (1966).

Two sessions of summer school were continued during the years 1964-73. Six courses were offered during each session. Typically two visiting professors joined four resident faculty members each session to teach the six courses. In response to greatly increased student enrollment, the number of courses offered in the summer session was increased in 1973 from twelve to fifteen courses, with a commensurate increase in resident and visiting faculty.

ACADEMIC ACHIEVEMENT

During the Phillips administration the law faculty was permitted to award the law degree with honors and with high honors. Students who were awarded the degree with high honors during Dean Phillips's tenure were: Robert A. Melott, Doris Bray, William I. Stocks, John Troy Smith, Jr., Martin Nesbit Erwin, Clayland Boyden Gray, Reed Johnston, Jr., Richard Whitlaw Ellis, Neill Gregory McBryde, Michael Robert Abel, Thomas Franklin Loffin, III, Raleigh Alexander Shoemaker, Joan Boren Brannon, Lanny Boone Bridgers, Roger Douglas Groot, Kenneth Bryan Hipp, Kenneth Coyner Day, Clarence Hatcher Pope, Jr., Robert Bain Tucker, Jr., John David Lowery, James Stoddard Hayes, Michael Everett Kelly, William Charles Livingston, and Edward Cyrus Winslow, III.

In 1967 the Juris Doctor (J.D.) degree was adopted as the primary professional degree granted by the law school. The J.D. degree was to be granted to all graduates who successfully completed the course of study prescribed by the faculty, and who presented, prior to graduation, evidence of the award of a bachelor's degree from their undergraduate school. The bachelor of laws (LL.B.) degree continued to be awarded when the undergraduate degree requirement was not fulfilled.

Upon the recommendation of the law faculty, the trustees of the University in 1970 approved giving to law school graduates who had first earned an undergraduate bachelor's degree and were awarded the degree of bachelor of laws the option of retaining their present degree or applying for a certificate changing the LL.B degree to a J.D.¹²

Beginning with the spring semester in 1971, each student who, while carrying ten or more hours of course work, achieved a grade point average of 3.0 or above was placed on the Dean's List.

12. *J.D.'s Now Available For Alumni*, N.C. L. REC. (UNC Law School Student Bar Association, Chapel Hill, N.C.), Jan. 1970, at 1, 5.

STUDENT BAR ACTIVITIES AND STUDENT ACTIVITIES

During the last spring of the Brandis administration, the official student organization, formerly known as the Law Student Association, changed its name to the Student Bar Association in order to relate more directly to traditional organizations of the legal profession. Beginning in 1964, the Presidents of the Association during the Phillips deanship in successive order were: Sheldon Leslie Fogel, William M. Allen, Jr., Dwight H. Wheless, V. Clayton McQuiddy, III, Edward K. Greene, Franklin E. Freeman, Jr., Stephen J. Edelstein, Stephen E. Hart, Lee A. Patterson, II, and Joyce L. Davis (the first woman to be elected to the office).

From student fees the Student Bar Association paid part of the cost of publishing the *Tar Heel Barrister*. Law Day activities were planned and supervised by the Association. Increased participation in an orientation program became an important contribution to the law school made by the Student Bar.

During the summer of 1969, the Student Bar Association compiled, published, and distributed to over 1500 law firms across the nation a placement brochure designed to acquaint prospective employers with the quality of the students, faculty, and program of the law school.

In December 1968 the *Tar Heel Barrister*, the law school's student newspaper founded in 1952, was replaced by a new publication, the *North Carolina Law Record*. This magazine was encouraged by the administration of the law school, the Law Alumni Association, and the Student Bar Association. W. Samuel Woodard was the first editor-in-chief.

In the spring of 1966 the Greensboro law firm of Brooks, Pierce, McLendon, Humphrey & Leonard made a donation to the Law School Foundation to fund the creation, development, and operation of a comprehensive three-year appellate moot court program. The gift stipulated that the program be named in memory of the late William Holderness of the Guilford County bar. Thereafter, the Holderness Moot Court Bench became responsible for the planning and administration of all moot court activities at the law school. This duty included the annual selection of a team to represent the school in the National Moot Court competition.

In the fall of 1970 the University of North Carolina Student Bar Foundation, Inc., completely staffed and run by students, distributed twelve full-tuition scholarships to members of the law school student body.

Student unrest in the spring of 1970, resulting from the shooting of students at Kent State University and the escalation of the war in Vietnam, led to many peaceful protests. Since some students neglected their studies in the process, the law faculty voted to give students an option for deferred examinations. Only fifty-five students took advantage of the option. Of this number, thirty-eight deferred only one examination.

During the summer of 1970 a Legal Services Office was opened in Chapel Hill. It was operated by second and third-year law students. Professor Kenneth S. Broun, a board of faculty members, and a group of local attorneys served as advisors to the Service.

In 1971 Women in the Law, a newly organized group of women students, concerned itself with activities of particular relevance to women law students.

In 1968 Dean Phillips, with approval of the faculty, appointed student members to several law school committees: curriculum; library; building use; and grading and examinations. The students were selected by the dean from a list of nominations submitted by a committee of student leaders. In addition, a new joint faculty-student committee was constituted to give attention to overall operational and structural problems in the administration of the law school. In 1969 the law faculty, upon the recommendation of the joint student-faculty committee, adopted a student evaluation form to enable students who desired to do so to evaluate the performance of members of the faculty.

One measure of student achievement in the law school is the passing rate of those who took the North Carolina Bar Examination. During the ten-year period beginning in August 1964, 95.8% of the 1193 graduates of the University of North Carolina School of Law who took the examination were successful.

PLACEMENT

During the administration of Dean Brandis, the law school had begun to increase its efforts toward bringing together graduates and prospective employers. During Dean Phillips's administration, the Dean's Office and individual faculty members continued to assist in placement. By 1972 the assistant dean became the administrative officer primarily responsible for the placement program.

In 1966 Dean Phillips reported two distinctive trends in placement. The first was that the prime time for contacting potential associates had been pushed up to early and mid-fall of the year preceding graduation. Second, placement was increasingly being

handled through contacts made in the employment of second-year law students during the summer preceding their final semester or year of law school.

In the first year of Dean Phillips's administration, 101 students were graduated. Placement of the Class of 1965 was as follows: Three opened their own law offices; forty-four associated with other lawyers or law firms; eight became clerks to judges; three accepted government attorney positions; four worked in legal positions with corporations; one was employed by a bank; fifteen occupied miscellaneous positions in business; four joined the Federal Bureau of Investigation; and one chose to enter graduate school. The exact status of seven graduates was not known at the time of the report.¹³

In 1974, the last year of the Phillips administration, a total of 223 students were graduated. Placement of the class of 1974 was as follows: The largest number, 124, were employed by law firms, ninety-one of these with North Carolina firms and thirty-three with firms in other states. The next highest number, thirty-nine, were employed with government agencies, twenty-three with state and sixteen with federal agencies. Placement of the remainder was as follows: sixteen opened law offices; fifteen were employed as law clerks, of which twelve were with state and three with federal judges; twelve were employed by corporations; eight were in military service; four joined legal aid agencies; four were in graduate and professional schools and accounting firms; and one chose a non-legal position.¹⁴

ALUMNI ACTIVITIES

The UNC Law Alumni Association was founded in the fall of 1952 under the leadership of Dean Henry P. Brandis, Jr. Seven years later the Law School Foundation was established. A substantial contribution to the Law Foundation and a commitment for future gifts were made in 1962 by Frank Kenan and the Sarah Graham Kenan Foundation. Known as the Graham Kenan Fund, the resources were sufficient to support two Graham Kenan Professorships in the law school during the second year of Dean Phillips's administration.

The Presidents of the Law Alumni Association in successive years beginning in 1964 were: Charles G. Rose, Ralph M. Stockton, Donald W. McCoy, Richmond G. Bernhardt, Jr., Robin L. Hinson, Franklin T. Dupree, James B. Garland, Stuart R. Childs, Cyrus F. Lee, and

13. J. Dickson Phillips, Jr., *The Law School*, 44 N.C. L. REV. 125, 139 (1965).

14. Robert G. Byrd, *The Law School*, 53 N.C. L. REV. 957, 971 (1975).

Julius A. Rousseau. Each of these persons worked closely with Dean Phillips to increase the number of members of the Law Alumni Association and to promote a commensurate increase in annual giving. In 1964 the fees amounted to approximately \$8,000. Ten years later this sum had increased to \$20,000 a year. During those years, the bulk of the contributions were allocated to scholarships. Smaller sums were allocated to the *Tar Heel Barrister* and the Placement Brochure, and assisted faculty members with travel expenses to professional meetings.

The Law Foundation was established during Dean Brandis's administration. In 1957 William A. Dees, Jr., then President of the Law Alumni Association, drew up the papers necessary to create the Foundation. Dees headed the Law Foundation during its first five years (1958-1963). E.K. Powe followed Dees and served during the last year of the Brandis deanship. During Dean Phillips's administration the following persons served as either Chair or President of the Law Foundation: Ralph M. Stockton, Jr., Thomas A. Uzzell, Jr., Albert J. Ellis, Paul A. Johnston, Robert H. Schnell, Richard G. Bernhardt, Jr., Donald W. McCoy, Thornton H. Brooks, Robin L. Hinson, and John T. Allred.

The Law Foundation attracted capital gifts from several sources. In 1964 the Foundation reported assets of \$36,000, exclusive of the Graham Kenan Fund.

In December 1968 an ambitious fundraising program titled "The Second Century Fund" was announced by Dean Phillips. Governor Dan K. Moore accepted the chair of this campaign. The Law School Foundation announced a "campaign cabinet" to assist Governor Moore. The cabinet was composed of several distinguished law school alumni, including Paul Johnston, James K. Dorsett, Thornton Brooks, Richmond Bernhardt, Albert Ellis, E. K. Powe, T. A. Uzzell, Robert Schnell, and Dean Phillips himself. In 1974 the book value of the Foundation's assets was reported to be in excess of \$1,000,000. Many of the special gifts were the result of the Second Century Fund Campaign.

In 1974 the number of living law school alumni was slightly in excess of 3,000.

THE LAW CENTER

Dean Phillips reported on July 1, 1969, that the law school budget had been the recipient of a transfer of funds from the Institute of Civic Education, an organization founded, developed, and operated by Professor Albert Coates after his retirement as Director of the

Institute of Government. Within the law school community, these funds were to be administered by a newly created "Law Center." The Center was to accomplish two basic purposes: (1) direct, legally-oriented service through research, consultation and writing to the State; and (2) enrichment, in the process of providing this service, of the internal educational mission of the law school. Former Dean and Graham Kenan Professor Henry P. Brandis, Jr., was appointed by Dean Phillips as the first director of the Center. The Administrative Board of the Center was composed of three law school faculty members, the Editor-in-Chief of the *North Carolina Law Review*, and a member of the staff of the Institute of Government.

In his 1971 Annual Report, Dean Phillips summarized the operation of the Law Center during its first two years:

The Law Center has completed its second year of operation with a number of tangible results that indicate that its mission of providing better service to North Carolina through research, consultation and writing, and enrichment of the internal educational objectives of the law school is being accomplished. During the past year the Center has funded studies of (1) regionalizations of water supply systems, (2) developments of North Carolina tort law in respect of limitations on duty, (3) non-profit corporations in North Carolina, (4) the North Carolina law on fraudulent conveyances, (5) alternatives to tort law for compensation of personal injury victims, (6) needed revision of North Carolina land title laws, (7) discovery rules in criminal cases in North Carolina, (8) Chapter 75 of the General Statutes regarding Monopolies, Trusts and Consumer Protection, (9) the effectiveness of the Court Reform Act, and (10) the lawyer-population ratio in the state and the projected level of need for state support of legal education. In addition, the Center assisted financially in the preparation or publication of law review articles on North Carolina administrative practice, the use of the contempt power, and court reform.

Funds have also been expended to assist in the development of new teaching materials in Constitutional Law and to obtain resource materials in the area of environmental law. A significant and encouraging development is that two projects for which the Law Center supplied the "seed" money have now been federally funded in greatly expanded form.

After two-years' experience in the operation of the Law Center, the Board has now established as main priorities statutory revision and continuing legal education. These are

the areas in which the Law Center has done the most effective work and through which it can most meaningfully use its resources in the future.¹⁵

Assistant Dean Robert A. Melott succeeded Professor Brandis as Director of the Law Center in the 1971-72 academic year. Melott's duties included serving as a liaison between the law school and outside groups such as state departments and agencies, editing all publications resulting from the Law Center's projects, and maintaining a clearing house of information regarding research in progress by faculty members and students.

In 1973 the Law Center provided direct service to the General Assembly. Students performed research with respect to the reorganization of the State Highway Commission, the antitrust and unfair-trade provisions of Chapter 75 of the North Carolina General Statutes, the price-fixing authority of the State Milk Commission, state housing and community development laws, injunction bonds, "no-fault" divorce laws, coastal zone management, environmental protection, and worker's compensation.

The Center funded other projects, including preparing teaching materials in consumer protection for use in high schools and adapting the American Bar Association's Code of Professional Responsibility to the North Carolina State Bar's Canons of Legal Ethics.

INSTITUTES FOR PRACTICING ATTORNEYS

In the early 1950s the North Carolina Bar Association and the law schools at Duke, Wake Forest, and the University of North Carolina at Chapel Hill joined in sponsoring programs of continuing legal education for practicing attorneys. These programs were continued throughout the Phillips administration. Professors Richard M. Smith, Kenneth L. Penegar, Robert G. Byrd, Richard Robinson, and Walter D. Navin served at various times on planning committees for these institutes. Most members of the faculty participated in one or more programs related to their areas of expertise.

CONCLUSION

Although Dean Phillips enjoyed serving as dean during his second five-year term, he chose to return to full-time teaching rather than be considered for a third term. Professor Robert G. Byrd, his successor, quoted Professor Brandis, Phillips's predecessor as dean, as

15. J. Dickson Phillips, Jr., *The Law School*, 50 N.C. L. REV. 75, 84 (1971).

saying that Phillips had served "the toughest ten [years] in the history of the deanship."¹⁶

On the administrative side, Dean Phillips was assisted during his entire tenure by Ruth H. Strong, Administrative Secretary, and by Gladys Dimmick, who served as Secretary to the Dean until promoted to the positions of Director of Placement and Alumni Secretary. Chester Kirby faithfully served as housekeeper.

During Dean Phillips's tenure the faculty continued its historical role of promulgating law school policy. Because of the size of the faculty it was necessary to hold regular faculty meetings. The Dean presided over these meetings with patience and skill. The faculty presented his portrait to the law school in commemoration of his administration.

When Phillips returned to full-time teaching and legal writing, his course assignments included Civil Procedure, Trial Advocacy, and Appellate Review. In 1977 he was appointed an Alumni Distinguished Professor. This appointment entailed an initial selection by a University-wide Committee of Distinguished Professors, and approval by the Chancellor and the University Board of Trustees.

In 1977, in recognition of his outstanding contribution as a citizen of the University, he was chosen to receive the University's Thomas Jefferson Award "as that faculty member who best exemplifies in his professional life the Jeffersonian tradition." A portion of the citation accompanying the award stated:

Through effective leadership and dedicated effort he has made great contributions to this State and University. Much of his work in the State and the University has concerned basic changes to make the law and [its] institutions more responsive to the society they serve. The remarkable success he has achieved in this work is not happenstance. He combines, in a way that few are able to do, a respect for facts, a belief in principle, a quest for justice, and a balance of common sense and superior intellect. For this reason, he often provides the perspective, direction or ideas needed to permit work to progress.

Phillips was appointed to serve on the North Carolina Wildlife Commission shortly after he joined the law school faculty. During his deanship he was a member and later Vice-Chairman of the North Carolina Courts Commission. In 1977 he was appointed the first

16. Robert G. Byrd, *The Law School*, 53 N.C. L. REV. 959, 960 (1975).

Chairman of the North Carolina Board of Ethics, created to monitor conflicts of interest in state government.

In 1975 the North Carolina Bar Association chose Phillips to receive the Judge John J. Parker Award for "conspicuous service to the cause of jurisprudence in North Carolina." The citation noted that Dean Phillips had served as a member of the Board of Governors of the Association and at various times as a member of seven important committees, including the North Carolina Courts Commission.

It was most fitting that Dean Phillips continue his brilliant career by following in the footsteps of Judge John J. Parker. On August 11, 1978, James Dickson Phillips, Jr., was sworn in as a Judge of the United States Court of Appeals for the Fourth Circuit, a position he has occupied ever since. In a comment on Phillips's appointment to the Court, Dean Byrd said

Dick Phillips has been a crucial part of this law school for almost twenty years and has been significantly instrumental in its growth and development. His leadership, good will, and good sense will be sorely missed. We are extremely pleased with his appointment to an important position in the judiciary but at the same time are painfully conscious of the great loss we will experience in his departure.¹⁷

The challenges during the decade 1964-74 were many and great, but under Dick Phillips's leadership the law school's achievements were lofty. To fashion words adequate to summarize his contributions to the law school is beyond my competence. He was my law school classmate, my faculty colleague, and my dean, but more than that—he is my friend and my personal hero. Thomas Carlyle's idea of a hero fits mine: "The Ablest Man . . . truest hearted, justest, the Noblest Man."

17. *Phillips Sworn In as Fourth Circuit Judge*, LAW ALUMNI NEWSLETTER (UNC Law School, Chapel Hill, N.C.), Oct. 1978, at 1.