

JAMES DICKSON PHILLIPS, JR.

6/19/75
James Dickson Phillips, Jr., Alumni Distinguished Professor of Law at the University of North Carolina, Chapel Hill, and Dean Emeritus of its School of Law, is a 55 year old native of North Carolina. Born in Scotland County in 1922, the son of Helen Shepherd and James Dickson Phillips, he has lived and worked throughout his life in his native State. That life has been an active, vigorous, productive one, marked by distinctive achievements as student, soldier, practicing lawyer, teacher and administrator in legal education, tireless worker for improvements in the administration of justice, and constructive participant in the life of the church, the college, and the State that have nurtured him.

He has excelled as a student at every level of the educational process: second in his graduating class in the public school system of Laurinburg, North Carolina; Phi Beta Kappa graduate of Davidson College; honors graduate of the University of North Carolina School of Law, where he was an Associate Editor of The North Carolina Law Review and a member of the Order of the Coif. No narrow academic, his achievements as student came in the midst of a vigorous life as athlete and outdoorsman. He captained the varsity baseball team at Davidson, and has retained through life his love of fishing, hunting and hiking the fields and streams, the mountains and coasts of North Carolina.

During World War II, he served with distinction as a parachute rifle platoon leader in the 17th Airborne Division through three campaigns in the European Theater. These included the Ardennes battle and the airborne crossing of the Rhine River, for which his Battalion received a Presidential Unit Citation. He was awarded the Bronze Star for Valor and earned the Purple Heart as a result of serious wounds received following his unit's airborne assault over the Rhine.

Following his graduation from law school in 1948, he embarked upon a career in the law that is widely acclaimed in North Carolina as among the most outstanding of his generation. For a year, he served as Assistant Director in the unique Institute of Government founded and directed by the genius of Albert Coates, as an element of the University of North Carolina. He then engaged for eleven years, from 1949 to 1960, in an active, wide-ranging general practice of law in his home town of Laurinburg and the neighboring City of Fayetteville. That practice took him into all levels of the trial and appellate courts of the State system and of the Federal Courts. He tried cases, and participated in appeals from the level of municipal recorder's court, through the State Superior Courts, the Federal District Courts, the State Supreme Court, the United States Court of Appeals, and the Supreme Court of the United States. His practice was that of the typical general practitioner of the time and region. It included criminal law, real estate, probate, administrative law, estate planning, corporate law, bankruptcy, tax, family law, utility regulation, and, increasingly over the period, litigation in a wide variety of cases. His clients included criminal defendants, personal injury plaintiffs, liability insurance carriers, a regulated natural gas utility, an urban redevelopment commission, radio stations, the typical run of partnership and corporate entities, banks, savings and loan associations, and various buyers, sellers, and financiers of real estate transactions. By the end of this period of active law practice, he had earned a reputation among his colleagues at the bar and among the trial and appellate judges before whom he appeared as one of the outstanding general practitioners and trial lawyers in the area through which his practice extended. Henry L. Anderson, a colleague in the Fayetteville bar, past President of the North Carolina Bar Association, and a member of the American College of Trial Lawyers, says of him that he was among the best of the trial bar when in 1960 he left full-time law practice to go into legal education.

He did this in the Fall of 1960 at the invitation of the Dean and Faculty of his law school alma mater at Chapel Hill. Here, in this new career, he quickly established himself as the first-rate classroom teacher and writer that his law school colleagues had hoped and expected he would be. Quite soon he took on, in addition, the administrative duties of Assistant Dean, and within four years of his coming on the faculty, he was appointed Dean of the School. He served as Dean for ten years. These were years of unparalleled growth in numbers of students and faculty, of movement into a new law school building, and of the tumult that swept the nation's campuses in the late 60's and early 70's. His predecessor, Dean Henry Brandis, Jr., who had served for fifteen years in the position, described Phillips' tenure as "the toughest ten years in the history of the Deanship." Although it was a period during which for many academic administrators survival itself became something of an accomplishment, for Dean Phillips it was a period of steady progress in the school's development. A young faculty colleague of that time summed up his appraisal of Phillips' qualities and of his leadership during that critical time in thoughts typical of the general assessment:

"There is no person that is respected more for his integrity and fairness in dealing with his fellow human beings. He is utterly open, honest and gentle and without guile. I have never known him to use questionable methods in any of his decisions relating to either faculty or students. He is a man of moderation and wise counsel.

. . . I admire [him] for the leadership he has shown. . . . Under his guidance, a new physical plant was built, enrollment expanded, and new faculty members were recruited from all over the country. The law school largely owes its present reputation to [his] efforts."

People close to the scene, including faculty colleagues, give him major credit for a recent national ranking of the law school at Chapel Hill in the top ten of the nation's state university law schools.

Dean Phillips' area of primary concentration in law teaching and scholarship has been in the area of civil procedure, the judicial process, judicial administration and advocacy. At various times, he has also taught the courses in Contracts, Real Property, Personal Property, Legal Method, Agency, Remedies, and Estate and Gift Taxation. His scholarly writings have been primarily in the procedural field. Chief among these are his periodic supplements updating the standard North Carolina treatise on civil practice and procedure - supplements widely relied upon by bench and bar, and frequently cited by North Carolina's two appellate courts as authority. He is presently at work on a complete revision of this two-volume treatise. His analytical powers and writing style revealed in these works are widely admired.

During these academic years, Dickson Phillips has made significant contributions to the improvement of the administration of justice in North Carolina - by efforts outside his academic life. As a member for ten years of the North Carolina Courts Commission, he participated in the constitutional and legislative restructuring of the State's court system into a model unified court. Colleagues on that commission give him major credit for many of the innovative ideas and practical adjustments to local conditions that went into the finished product. A former Chairman of that Commission put it this way:

"Many times his ideas bridged the gap between what seemed irreconcilable differences within the Commission. The Commission often achieved unanimity on major decisions due in large part to his

keen insight, his understanding of the North Carolina judicial system and his happy faculty to get along with people."

More recently he has acted as the primary researcher and draftsman in an effort leading to the promulgation of a comprehensive new set of rules of appellate procedure for the North Carolina Courts. Significantly, the Supreme Court of the State, in publishing the new rules in its official reports, authorized the simultaneous publication there of the committee commentary to the rules prepared by Dean Phillips as an aid to the bar.

As a result of these and other efforts in the realm of the administration of justice, the North Carolina Bar Association presented Dickson Phillips with its highest honor, the John J. Parker Award, in 1975. This award, given only occasionally to persons considered to have rendered conspicuous service to the cause of jurisprudence in North Carolina, was presented to Dean Phillips with a citation that described his career as one constituting a "monument of contribution to the improvement of the laws and their administration in this State."

Phillips has made notable contributions to the larger university community at Chapel Hill during his years on the law faculty. Frequently elected by faculty colleagues and appointed by a succession of Chancellors to important university committees, he has been generally recognized as one of the most constructive members of the University Faculty, particularly during the years of campus strife in the late 60's. Among other important positions for which he has been chosen, he has served for many years as Chairman of the Committee on University Government, was Chairman of the Faculty Hearings Committee, and by special appointment, was recently Chairman of a committee charged with study and revision of the university's tenure system. In recognition of his contributions to the general university community, Phillips was named Alumni Distinguished Professor by the University

Trustees in 1977, and in the same year was given the University's Thomas Jefferson Award. This award, given to that faculty member who in his professional endeavors best exemplifies, in the judgment of his faculty peers, the Jeffersonian tradition, was presented to Dean Phillips with a citation that read in part:

"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 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."

Outside these endeavors related to the legal profession, Dickson Phillips has been frequently called on by his church, by his undergraduate alma mater and by his State to serve them, and he has responded in the best traditions of good citizenship and stewardship of special abilities. He is a member of the Board of Trustees of his alma mater, Davidson College, and has participated actively in its affairs. He has been an officer in his local Presbyterian Church, and was for three years Chairman of the Permanent Judicial Commission of the Presbyterian Church in the United States. He has been an active participant in the political life of his State, and has held three offices in State government by gubernatorial and legislative appointment. From 1961 to 1963, he served as a member of the North Carolina Wildlife Commission, and from 1964 to 1974, as a member and Vice-Chairman of the North Carolina Courts Commission, both by original appointment

of Governor Terry Sanford. In 1977, he was appointed by Governor James B. Hunt, Jr., to be the First Chairman of the North Carolina Board of Ethics, created by Executive Order to monitor conflicts of interest in State government, a position he currently holds.

Finally, in summing up his life, he is a devoted family man, who has been blessed with marriages to two wonderful women. His first wife, Evelyn Butler of Laurinburg, North Carolina to whom he was married in 1945, died tragically in an automobile accident in 1957. In 1960, he was married to his present wife, Jean Nunallee of Cumberland County, North Carolina. Of these two marriages there are four children. Of the first, a daughter Evelyn, now Mrs. Sam Perry, who resides with her husband in Fredericksburg, Virginia; and a son, James Dickson Phillips III, who is a rising third year law student at the University of North Carolina and the recently selected Editor-in-Chief of The North Carolina Law Review. Of the present marriage, there are two daughters, Elizabeth and Ida, who live with their parents and attend the public schools in Chapel Hill.

Many testimonials concerning Dickson Phillips' qualifications to serve in this high judicial post have been put forward during this selection process. They have come from judges at all levels of the court system; they have come from lawyers whom he has taught, lawyers with whom and against whom he has tried cases and with whom he has worked on bar association committees, including seven past presidents of his State's Bar Association; they have come from friends and faculty and business associates. If there is a common thread in them, it is confidence in his ability to perform - not just adequately, but superbly - in this position. They speak almost universally of his combination of intellectual powers and practical common sense, of his judicious temperament. Perhaps none speaks more eloquently than that of a friend and colleague of fourteen years on the law faculty at Chapel Hill, himself a most distinguished

man of the law. University Distinguished Professor Frank R. Strong, noted constitutional scholar and author, Dean Emeritus of the Ohio State College of Law, and one of the most respected Presidents of the Association of American Law Schools, has this appraisal of Dickson Phillips:

"The many and significant achievements that mark the career of Dickson Phillips are the resultant of certain qualities of mind, character, and personality. Outstanding among these are keenness of mind, breadth of intellect, humanistic sensitivity, gentility, and moral fibre. He possesses a fine legal mind, sharp and incisive; his powers of analysis and synthesis are great. But his mind is not narrow or legalistic; on the contrary, he is widely read, with an inquisitiveness that reaches into every domain of knowledge. His concern for his fellow man and for the good society is ingrained in his person; his being is a rich balance of intellect and spirit. Always soft-spoken and gracious he is ever tolerant of opposing views though he holds deep commitments of his own, commitments reflective of his marked underpinning in the Christian faith. In an age that flirts with situation ethics, he stands as the Rock of Gibraltar when the issue is clear between what is eternally right and what wrong.

It is this incomparable blend of signal qualities that leads so many of us to the conviction that here is the ideal person for the federal judgeship that is open. The credentials of Dickson Phillips are unparalleled."

James Dickson Phillips, Jr. is a distinguished North Carolinian. Throughout his career he has demonstrated an abiding interest in the administration of justice. His experience in the practice of law, his teaching and scholarship in the field of law, and his tangible contributions to the

improvement of the legal system, together with the splendid personal qualities he brings to all he undertakes, demonstrate his qualifications to continue his legal career in the position for which he has been nominated.

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