

LESSONS FROM OUR ROOTS
BY: JONATHAN E. BUCHAN

Marcus Garvey, a Jamaican-born journalist and social and political activist, often reminded his readers that a people with no knowledge of their past are like a tree without roots.

More than 70 years ago, this Bar initiated a unique program to celebrate and carefully preserve its roots by holding sessions of court to honor its deceased members with resolutions memorializing their lives, their achievements, and their callings. These resolutions, filed in the office of the Clerk of Court, are also now available for viewing at MeckBar.org. They offer us an opportunity to learn something of the deep, strong roots that nourish this ever-growing Bar.

As you might expect, the 275 or so resolutions celebrating the lives of these lawyers tell stories of their dedication to finding the right legal answers for their clients, their work in building firms with distinct cultures, their commitment as judges to even-handed justice in our courtrooms and their devotion to public service, to this community, and to this Bar. What one might not expect is the stories the resolutions also tell of the rich personal lives of these lawyers, of their devotion to family and friends and of their passions outside the law.

A sampling of these resolutions provides a hint of our Bar's rich history, peopled by individuals who lived the law, who gave back to this community and who embraced life fully. I hope the excerpts quoted below will make you curious enough to read a few of the resolutions yourself, attend a few memorial sessions in person and perhaps even join in the efforts of those who organize the sessions and write the resolutions.

A desire to see a just and sensible result...

If one were to list all the desirable qualities of a judge, [he] would have each of them in great measure. I am thinking of intelligence, perceptiveness of legal issues, common sense, even temperament, hardworking, impeccable character, honesty (as a person and intellectually), a love of the law, a desire to excel as a judge and a desire to see a just and sensible result reached in each case. Resolution honoring the Hon. William Haywood Bobbitt, former Chief Justice, N.C. Supreme Court (1900-1992).

To outthink the other side . . . outwork the other side....

A bachelor in those days (1927-1931), he routinely stopped by in the late evening after a social engagement to check the docket for the next day. An unusual case often sent him off to do research into the wee hours of the morning. This devotion to hard work persisted throughout his career, as many a young lawyer can attest who mistakenly thought the case was ready until [he] spotted more issues and recommended more preparation. He counseled that the only way to outthink the other side was to outwork the other side. He was noted for his tenacious and extended oral advocacy, peppered with humorous stories and illustrations. ...His skills as a courtroom strategist and advocate were legendary. But [he] was a wise counselor as well as an able advocate, and many business and political leaders sought and followed his advice. For [him] the law was simply a way of serving others and serving society. Resolution honoring Fred Bryan Helms, founding partner of Helms, Mulliss & Johnston (1896 – 1998).

Ensure . . . that the public is treated with dignity and respect....

[She] believed she was called to be a judge, and in 1990 she achieved one of her major goals by being elected to the Superior Court bench. She believed that judges have an even greater opportunity than lawyers to protect all of our citizens and to ensure that victims are treated properly, cases are decided fairly and that the public is treated with dignity and respect. These values engendered deep respect in those who appeared in her courtroom. Resolution honoring the Hon. Julia Virginia Jones, Mecklenburg County Superior Court Judge (1948 – 1999).

No such thing as a cursory examination...

He was a man of simple tastes but was not a simple man. He always drove an old car and lived in the same house. His mind, however, ranged widely. His insatiable intellectual curiosity did not stop with the law. It extended to philosophy, religion, literature and other subjects. If a subject struck his fancy, there was no such thing as a cursory examination of it. His was an examination in depth. In the variety of the subjects he pursued with his keen interest, he was truly a Renaissance man. Resolution honoring William T. Covington, Jr., founding partner of Kennedy, Covington, Lobdell & Hickman (1907-2001).

And he played the Celtic harp well....

“As a little boy I spent some time on farms. I recall awakening before dawn and going outside to my Grandmother’s rose bushes to catch their sweet scent on the dawn breeze and watch the sharp early sun rays refract into tiny rainbows through the dew on the petals. This was overwhelming to me. I recall watching in awe as the stars emerged in the twilight....” It may appear incongruous that the author of such expressive prose was an athletic black belt in karate, knowledgeable of the science of astronomy, a self-described student of theoretical chemistry and intellectual history and a disciplined legal writer. This extraordinary man was also poetic and philosophical, and he played the Celtic harp well. ...Asked about his philosophy of law as a judge, he said simply: “Words have meaning.” **Resolution honoring the Hon. H. Brent McKnight, United States Magistrate Judge, Western District of North Carolina (1952 – 2004).**

When the liar was caught . . . there was no mercy....

He was truly a master of the courtroom. His closing arguments to juries never failed to draw a crowd, including many fellow lawyers who came to listen and learn from a master. Of all his talents in the courtroom, however, none surpassed his talents as a listener. He listened with his ears, his eyes and with the total concentration of his brain to determine which prospective jurors could be trusted to “do what’s right.” He conducted cross-examinations in a legendary style again because of his amazing ability to listen and absorb during the witness’s direct testimony. If there was a lie in the testimony, [he] would find it. When the liar was caught, he could look only to the Lord for help as there was no mercy to come from Allen. **Resolution honoring plaintiff’s lawyer Allen A. Bailey (1924 – 2006).**

A very special interest in children...

[She] was appointed to the District Court bench in 1981 and held that position until her retirement in 2002.... Judges would rotate through juvenile court, but Resa kept a juvenile docket through most of her tenure on the bench. She had a very special interest in children. She was honored by the Council for Children in recognition of her years of service on behalf of children. She was a member of the National Council of Juvenile Family Court Judges ... and a trainer of foster parents, guardians ad litem, lawyers and judges at national, state and local levels. **Resolution honoring the Hon. Resa L. Harris, Mecklenburg County District Court Judge (1952-2011).**

A great affection for Paris...

Mr. Fitzgerald was also an incredibly well traveled man. He spent time in many countries around the world including stops at locations from Machu Pichu to Hong Kong. He had a great affection for Paris and spent at least a month there just about every year for twenty years. He was also a collector of art from the places he visited. There is barely a bit of paint visible in either his home or his office as the walls are covered with pieces of art that he brought home with him from his travels abroad. **Resolution honoring George Lawrence Fitzgerald, solo practitioner for 55 years representing Social Security claimants (1926 – 2011).**

You have nothing if your word can't be trusted....

*In the mid-1970s, the firm faced the challenge of responding to the huge opportunities in Charlotte for business and banking lawyers. To compete, the firm would have to commit to rapid growth, invest in new office space and incur large fixed costs. Although approaching normal retirement age, [he] pushed his partners to build for the future, committing his capital and personal guaranty for the financing that would benefit future generations of lawyers. From about 12 lawyers in 1975, the firm grew to about 100 lawyers in 1995 and 270 [in 2011], directly as a result of his leadership. ...His integrity was immense. Once when a young litigator had accepted a settlement upon authority of a client, the client then reneged. When the young lawyer consulted with Mr. Van Allen, his advice was simple: "You have nothing if your word can't be trusted by other lawyers. Fire the client." The young lawyer did so, and the client then reversed course, honoring the agreement. **Resolution honoring William K. Van Allen, founding partner of Moore & Van Allen, PLLC (1914-2011).***

The fire-bombings did not deter him....

*During his tenure, [his] firm developed into one of the country's premier law firms in the area of civil rights. ...During his early years in practice, his efforts were violently attacked and he saw his car, house and office fire-bombed. The fire-bombings did not deter him from championing the efforts to bring about equality for all people. ...He understood the claims and plights of the people who sought his representation from near and far. His courage and strength inspired and humbled him. That understanding and empathy was clear to all of his clients. He saw potential in every young person. When [he] saw a young person, he visualized the next lawyer, doctor, scientist, political leader, educator and business person. **Resolution honoring Julius LeVonne Chambers, founder of Chambers, Stein, Ferguson (1936-2013).***

A loose leaf notebook . . . referred to as 'Gray's Law'...

*Whenever he read an opinion of the North Carolina Supreme Court or the North Carolina Court of Appeals that he found of particular interest, he would record the name of the case and the holding in a loose leaf notebook that he carried with him in the courtroom, which he referred to as "Gray's Law." While hearing legal arguments from attorneys, he would sometimes thumb through the notebook to find a case germane to the issue before the court. Young attorneys were heard to say "I don't remember studying 'Gray's Law' in law school." **Resolution honoring the Hon. Marvin Kenneth Gray, Mecklenburg County Superior Court Judge (1931-2017).***

Showing neither fear nor favor to the rich and mighty...

*He was a fearless, just and impartial judge, and while presiding over any court, he kept the scales of justice evenly balanced, showing neither fear nor favor to the rich and mighty, nor prejudice against the most humble citizen who appeared before him. Every honest and fair-minded litigant whose cause he tried left the courthouse feeling that he had received a fair trial at [the judge's] hands, regardless of the result of such trial. **Resolution honoring the Hon. Thomas J. Shaw, Superior Court Judge (1861-1937).***

The MCB Memorials Committee has carried on this tradition over these many decades. Ward McKeithen and the late Henry Pharr were the “committee” from the mid-1990s through the mid-2000s, when George Hanna and I took over for them for about six years. United States District Court Judge Robert Conrad now chairs the committee of MCB volunteers continuing this work.

The court sessions are attended by the family, friends and colleagues of the deceased lawyer. After a Bar member reads into the record a resolution of remembrance of the honoree, the presiding judge opens the floor for additional comments from those gathered, often moving the remembrance from serious words to laughter-provoking anecdotes.

The session is adjourned in memory of the deceased member, with the direction that the printed resolution be filed and “spread upon the minutes of the Court.” File-stamped copies of the resolution and an audio of the session are provided to the family. We have researched and found no other bar in the United States that has such a tradition of individually honoring its departed members.

We can learn much about our Bar’s roots from these sessions and resolutions. They teach us that the law is more than a business where we earn our living; it is a profession with firm rules of ethical responsibility and public duty. They show us that the law offers us a powerful platform for doing good, not only in courtrooms and boardrooms, but in the broader community. They remind us that we share a vital bond: a commitment to the principle of the rule of law. Finally, they encourage us to embrace our interests beyond the practice of law with the same passion we bring to our profession, with the hope of attaining richer and more meaningful lives.