

PRESENTATION OF THE PORTRAIT

OF

I. BEVERLY LAKE, SR.

Associate Justice

SUPREME COURT OF NORTH CAROLINA

1965-1978

June 15, 1994

INTRODUCTION OF DR. NORMAN A. WIGGINS

BY

CHIEF JUSTICE JAMES G. EXUM, JR.

It is with pleasure that I introduce a truly great North Carolinian, who will present the portrait of former Associate Justice I. Beverly Lake, Sr., to the Court. He is Dr. Norman A. Wiggins, President of Campbell University.

Dr. Wiggins graduated from then Campbell College, a two-year institution, and received his Bachelor's Degree, magna cum laude, from the then Wake Forest College. He earned his law degree cum laude from Wake Forest Law School. Following further extensive study of law at Columbia University Law School, where he was a Harlan Fiske Stone Fellow, Dr. Wiggins was awarded the LLM degree and ultimately the SJD degree by Columbia University.

As a member of the faculty of Wake Forest Law School, Dr. Wiggins rose to the rank of full professor. A distinguished legal scholar, Dr. Wiggins edited the *N.C. Will Manual*, was a member of the committee that drafted the North Carolina Intestate Succession Act, co-authored the *Treatise on Estates and Trusts* and authored the *Treatise on Wills and Administration of Estates in North Carolina*.

In 1968, shortly after Campbell received accreditation as a four year college, Dr. Wiggins, 43 years young, became the third president of that institution, succeeding Leslie H. Campbell, who was the founder's son.

Under Dr. Wiggins' inspired and effective leadership, Campbell soon added a school of law, graduate programs in business and education and became Campbell University. Campbell University, its law school and other graduate programs continue to grow in excellence, reputation and influence throughout North Carolina, the south and, indeed the nation. It is in many ways "the miracle wrought at Buies Creek."

This Court has certainly benefited both from Dr. Wiggins' scholarship and his vision for Campbell University, especially its School of Law, for many of our able research assistants have been Campbell Law graduates. The Law School's trial advocacy program is nationally recognized. Of it Dr. Wiggins has said "we ought not allow ourselves to become hired guns . . . but seek a just

solution for both sides." That is an admonition that law students need to hear today more than ever.

Dr. Wiggins was once asked "what in his home he is most proud of." Without hesitating, he said "My wife." We are happy to have with us this morning certainly a major secret of Dr. Wiggins' success, Mildred Wiggins, who herself holds a Masters Degree from Columbia University.

Another secret to Dr. Wiggins' accomplishments is that, as a law student, he sat at the feet of Professor I. Beverly Lake, Sr. How fitting it is, then, that I now call to the podium Dr. Norman Wiggins to present the portrait of former Associate Justice I. Beverly Lake, Sr.

PRESENTATION ADDRESS

BY

DR. NORMAN A. WIGGINS

PRESIDENT, CAMPBELL UNIVERSITY

Mr. Chief Justice, distinguished members of the Court, Dr. and Mrs. Lake, members of the Lake family, Dr. Lake's former research clerks and friends from here and all over the state.

First, let me say, Mr. Chief Justice, I appreciate your very generous introduction. I appreciate your extending yourself in this case and I must confess that, while it may not have been merited, it was certainly appreciated.

I count it a real honor to have been invited to present this portrait of my teacher, my colleague, and friend to one of the most outstanding Supreme Courts. It is certainly one of the oldest in the nation. As I come representing these former students, these research clerks and these longtime friends, I realize this morning that there are many present and many absent who relish the privilege that is mine. As a youth growing up in the First Baptist Church in Burlington, North Carolina, I was taught by men who were steeped in the heritage and tradition of Wake Forest. I came to know that the Lake family was an important part of the lore of that great institution. Yet it was not until Millie and I completed our work at Campbell, then a junior college, and transferred to Wake Forest College that I had the privilege of meeting our honoree.

Although a critical and necessary part, the process of registration somehow is not popular with students. Students come looking for the less difficult courses and the more charitable professors. Good advisors insist upon difficult courses and demanding teachers. Let me assure you that Dr. Lake was a very good advisor. On the day of my first registration in the Forest of Wake on the old campus, we made our way to Gore Gymnasium and there, behind a small table identified as pre-law, sat a very distinguished looking advisor. We joined at the end of the line. Upon inquiry I was informed that our advisor for the day was Dr. Lake. If I use that term, I hope that you will understand that is the one that we have used as students all during these years, although we realize that justice and judge and jurist and other terms are appropriate. I quickly observed that our advisor, who appeared really more youthful than some of his veteran students, had a very strong face. His eyes were sharp with the characteristics of quick change. They literally danced with merriment as serious advice was leavened with encouragement and light-hearted banter. Although the teacher and the students were enjoying the process, it became obvious to me that the students were losing the battle of soft courses and charitable professors. Soon we were at the head of the line. I handed Dr. Lake my record and a list of proposed courses and suggested teachers. As he had done with each student before me, he immediately stood and with all the courtesy we associate with the term southern gentlemen, he warmly welcomed Millie and me to Wake Forest. Indeed, he acted as if our coming by for a visit was doing him a great favor. As we settled the schedule for the semester, I noticed a glow on his countenance and I could detect that laughter in his voice from time to time, but never did I dream that that contact with this advisor, who complimented me on my selection of courses as he wrote in more difficult courses and demanding teachers while explaining that they were more worthy of my ability, would ripen into an enriching and lasting friendship. Almost all of his students and I can say that. Many of them are here today. Almost all of his students became lifelong members of what we call the extended Lake family. Little did I know that one day I would have the privilege of trying to help his son, who would later be a distinguished member of this Honorable Court, as his father had helped me and so many others.

I can here testify, I think without question, Dr. Isaac Beverly Lake not was but is one of the nation's greatest classroom teachers. He is a master of the Socratic method. He stated his questions very clearly and pointedly. You learned not to miss any footnotes, you knew you would have to respond, and it was not uncommon

for him to question one student, as he did your speaker, for the entire class period. Of course, students came somewhat apprehensive and occasionally were resentful of this friendly but very, very demanding teacher, but in the end they came to know what he was doing for them, and they came to enjoy and appreciate this meticulous, imaginative teacher and scholar who taught law really and truly in the grand manner.

Demanding though he was in the classroom, it was not uncommon to find Dr. Lake and some of his colleagues joining the students for a Saturday afternoon softball game at Cadell Field, and this warm, personalized interest added much to our educational experiences in those days.

On Sunday, generally with a full class, Dr. Lake taught a Sunday school class in which he taught those basic principles of life and moral character as explained so clearly by Jesus of Nazareth. Every student was encouraged to learn and appreciate the values of the spirit and character. In the light of his interest in and his contribution to the lives of his students, it is not surprising that Dr. Lake would receive what he describes as his ultimate reward in seeing two of his students serve as Justices of the Supreme Court here in North Carolina, one a United States Senator, another a United States congressman, another a President of the United States Chamber of Commerce, others who are judges, state and federal, legislators, outstanding business executives, and yes, some law professors and a university president or two. Without exception, these leaders attribute much of their success to a talented and gifted teacher who called them by their names, who insisted upon their being the best that they were capable of becoming, and who was never too busy to lend a helping hand or just listen if that was all that were needed. Grateful as he is for those students who have made their marks in other fields, Dr. Lake has expressed special gratitude for those students who serve as practicing lawyers. In the preface to his last book, in a dedication that he made, he acknowledged his indebtedness to his former students in these very meaningful words, saying "I dedicate this book to the several hundred young lawyers in this state who were my students at Wake Forest College and who, while there, taught me so much. If in the pages of this book they would find some useable suggestions, I shall have made a token payment on my account to them."

Dr. Lake was reared on the campus of a small Baptist college located in a small North Carolina town. He was surrounded by parents and teachers who were familiar with the nations of Greece

and Rome. Like the Roman emperor Marcus Aurelius, these elders believed and taught their children and their students that it is the duty of every citizen to do his or her part by living willingly in the community and helping others. Justice Arthur Vanderbilt would translate the emperor's admonition into something of a requirement that lawyers should use their talents to serve their state and nation and help to preserve the values and moral order upon which they were founded. This included offering oneself for public office.

Responding to the demand of public service, Dr. Lake authored discrimination by railroads and other public utilities in an effort to correct the wrong discriminatory rail rates too long inflicted upon an innocent people. Many believed that it helped hasten the day for the final reconciliation of a sectional division that scarred our nation. As Assistant, then Deputy, Attorney General of the State of North Carolina, Dr. Lake represented our state as it dealt with one of the most difficult problems of that day or any day. His deft handling of this sensitive problem and the different viewpoints of those parties, I think, served our state very well.

Following the mandate of Chief Justice Arthur Vanderbilt to offer oneself for public office, on two occasions Dr. Lake ran for the office of Governor of North Carolina. Although unsuccessful in his bids for office, he was greatly strengthened in his preparation for a thirteen-year tenure of service as a member of the Supreme Court of North Carolina, where he did serve with distinction. All will agree that few men have ever been better prepared for service on the bench than Dr. Beverly Lake. Practicing lawyer, distinguished professor of law with special expertise in constitutional law, but actually one who taught, literally, every course in the curriculum as he went on the faculty there and joined the great triumph at Wake Forest of that day. He served as acting Dean. He served in an important service in the federal government both in Washington and North Carolina. He handled such complex problems as price administration, rationing of gasoline and scarce commodities. He served as general counsel to such agencies as the National Production Authority, the Department of Motor Vehicles and the Utilities Commission in rate cases. All of these periods of service enriched his service on the bench and to the people of this state.

As one would expect, in his tenure on the Court, the opinions by Justice Lake reflect the principles that he taught in the classroom. In the matters of the Constitution, he made a special effort to see that the decisions handed down did not do violence to the

original ideals upon which the document was based. Always he has strived for justice, tranquility, prosperity and a secure liberty for this republic, and he has always taken special precaution to insure the separation of the powers between the president, the congress and the courts which make possible altogether justice, tranquility, prosperity and liberty. It is not surprising that one with Dr. Lake's integrity and self-discipline would honor his commitments and be able to maintain a happy and optimistic outlook on life.

Shortly after we had gone to Campbell, Millie and I were coming up the street. The Court had recessed, and the members of the Court were going down for lunch. We happened to meet them. They came, congratulated us. Dr. Lake particularly congratulated us, and we talked a little bit about those earlier days. Then I said to him, "I have a dream for Campbell." Upon his inquiring as to what it was, I said, "I hope that the day will come when you will be a member of our faculty," and he said, "Wait until I retire." Dean Davis was a little surprised when I called him one morning when the announcement was made that he would no longer be pursuing another term on the Court. I told him to get in touch with Dr. Lake. He did and Dr. Lake, remembering the conversation, said, "Of course I'll come." He came and taught constitutional law in our newly-established law school, adding luster to the faculty and to the school. He has not authorized me to say this, and I hope I will not embarrass him by saying it, but he steadfastly refused any compensation, saying the pleasure of being there was all the compensation he needed. We urged him to let us take the funds and endow the I. Beverly Lake Constitutional Law Award, and each year we make the award to the student exhibiting the most outstanding scholarship in this area of the law.

No person is a stranger to disappointment. That is especially true, said Theodore Roosevelt, if you leave the sidelines and enter the arena of life. Yet the optimism that Dr. Lake reflected in our first meeting many years ago continues unabated. On several occasions in recent years, as we have prevailed upon him to come and visit our campus and talk to our students, I have heard him use his considerable talent in urging young people to enter the arena of life and then, as he says, spend yourselves in a worthy cause. I assure them, and can assure anyone else, if they will do so, they can follow in the steps of one we honor who has found joy and satisfaction in the service of others.

Mr. Chief Justice, distinguished members of the Supreme Court of North Carolina, on behalf of Dr. Lake's former research clerks,

I would like to present this portrait to the Supreme Court. Thank you very much.

ACCEPTANCE OF ASSOCIATE JUSTICE LAKE'S PORTRAIT

by

CHIEF JUSTICE EXUM

It is a personal pleasure for me, on behalf of the Court, to accept this lovely work of art, the portrait of former Associate Justice I. Beverly Lake, Sr., to hang in the halls of this building to remind us of the great man and the great contributions he made to the law of this state. I am the only one on the present Court who served with him. When I came to the Court in 1975 as the Junior Justice, he was the Senior Associate Justice, and what a privilege it was to sit in the conferences with him in those days. I marveled at his clarity of mind and the quiet persuasiveness with which he always stated his positions. Our discussions in the conference sometimes belie the word discussion. They get pretty heated at times as we argue about some of these difficult issues we have to decide, but never in all of the conferences that I was privileged to participate in with Dr. Lake did he ever raise his voice, always relying instead on the quiet logic of his position, and he was extremely effective in that way. He was not only a leader of the Court in those days, and one to whom I looked to for guidance and for help and with whom I really enjoyed talking about the law and other matters, but he was a personal friend and someone that I really look forward to seeing on the occasions that bring us together. He always has a cheery smile and a very delightful disposition. On behalf of the Court, we, with pleasure, accept this portrait. It will hang in the halls of this building to remind us of the great person that it portrays, former Associate Justice I. Beverly Lake, Sr. So we accept the portrait with gratitude to the family and others who made it possible.