

Presentation of the Portrait

of

LYCURGUS RAYNER VARSER

Associate Justice
Supreme Court of North Carolina
1924-1925

June 7, 2001

OPENING REMARKS
and
RECOGNITION OF EVERETT HENRY
BY
CHIEF JUSTICE I. BEVERLY LAKE, JR.

The Chief Justice welcomed the guests with the following remarks:

It is my pleasure to welcome you on behalf of the Court to this special ceremony honoring Justice Varser. Due to the efforts of the Supreme Court Historical Society, the presentation of Justice Varser's portrait today closes a gap in our portrait collection, and it allows us to appropriately remember our history and a valued member of this Court.

There are many people to thank for making possible the donation of this portrait to the Court's collection. It is my understanding that our Supreme Court Historical Society took a photograph that had been hanging in the Robeson County Courthouse many years back, and had an oil on canvas of Justice Varser painted. The Robeson County Bar and Mr. Hugh Humphries donated the frame which holds the portrait. Mrs. Sarah Britt, widow of Senator Luther Britt with whom I had the great pleasure of serving, organized the Robeson County Bar's participation. We are most grateful to the Historical Society, the Robeson County Bar, Mrs. Britt, and Mr. Humphries for making this addition to our collection possible.

Chief Justice Lake welcomed official and personal guests of the Court. The Chief Justice then recognized the Varser family.

Transcribing these ceremonies is Peter Browne Ruffin, III, great, great, great-grandson of former Chief Justice Thomas Ruffin, whose portrait hangs behind me, and Chief Justice Fredrich Nash, whose portrait is to the left of Chief Justice Ruffin. Also present in the Courtroom is the great-grandson of Thomas Ruffin, Peter Browne Ruffin, and his son, Peter Browne Ruffin, Jr. The elder Mr. Ruffin unveiled the statue of his great-grandfather, Thomas Ruffin, in the portico of the Court of Appeals Building across the mall in 1916 when he was eight years old. I understand Mr. Ruffin remembers this event well in that it was one of the first nights he was allowed to stay up late! We welcome you all.

The Chief Justice recognized Mr. Everett Henry, former law partner of Justice Varser, to present the portrait to the Court.

PRESENTATION ADDRESS

BY

EVERETT HENRY

May it please the Court, Chief Justice Lake and Associate Justices.

Many years ago I had the privilege of taking the oath of office where I assumed certain obligations, and one of these obligations was to represent my client to the best of my ability. I learned at the foot of Judge L. R. Varser. His name is the first name on my license to practice law. Today I take it to be a privilege to bring to mind a few of the things that he did in life. He died in 1959, having been appointed to the Supreme Court of North Carolina and having been appointed and served as Chairman of the Board of Law Examiners from 1933 until his death on 19 October 1959. If you obtained a law license in the State of North Carolina between 1933 and 1959, his name appeared on your law certification that you presented to the court when you were sworn in. But who was this man whom we honor today? He was born in Gates County in 1878. He was orphaned at the age of seven or eleven. The exact date I am unable to find. He attended Reynoldson Academy in Gates County.

He entered Wake Forest College in 1895 and completed his academic and law studies in 1901. He was admitted to the bar in August 1901. He practiced law in Kinston until 1911 when he came to Robeson County to the Town of Lumberton and joined the firm of Angus Wilton McLean and Dickson McLean. He served as state senator from Robeson County in 1921 and 1923 and was active in McLean's campaign for Governor. On 16 March 1925, Chief Justice Hoke resigned and was succeeded as Chief Justice by Justice Walter P. Stacy. Governor McLean appointed L.R. Varser to take the place of Justice Stacy. He was appointed on 16 March 1925 and authored his first opinion on April 1, 1925. He served the shortest time on the Supreme Court of any person who did not die in office or was not re-elected. He served nine and one-half months. During that period of time, he authored 65 opinions, two concurring opinions and one dissenting opinion on subjects ranging from the writ of perambulation to mosquito nuisance.

I had the privilege of working with Judge Varser when I returned from the Army in 1956. I would take subtle facts to Judge Varser and

ask him if he could lead me on the path on which I might find the answer in my research. He could not remember the name of the case but he would say, "Everett, if you will look in Volume 189 at probably page 465, I think you will find a case on point." It might well have been an opinion by Varsler, and I could always find the case on point.

He retired from the Supreme Court bench 31 December 1925 to return to Lumberton to go into the active practice of law. Stephen McIntyre had died in 1925, and Judge Varsler came back bearing the title of Judge, which he carried with him all of his life, and formed the firm of Varsler, Lawrence, Proctor and McIntyre. He continued to serve in that firm and with subsequent partners until his death in 1959.

Judge Varsler's life was a life of service. I have given you but a brief moment of his service to the legal profession. He was a champion of the rights of the minorities. He believed that every man was entitled to representation, and that every lawyer had the duty to do his best for his client. His life was a life of service to his church. He was an active member of the First Baptist Church of Lumberton where he was voted a lifetime deacon and served as its permanent chairman. He authored the church constitution and its covenants which are embodied in its bylaws. He served as trustee to Wake Forest College, Meredith College, and the Baptist Children's Home's of North Carolina.

In 1948, Wake Forest College honored him with a Doctor of Laws, and he was cited in 1959 shortly before his death for distinguished service to North Carolina by Wake Forest College.

He became a lasting friend to what is now UNC-Pembroke but which at that time was Pembroke Indian Normal School. When in the legislature he introduced a bill and obtained for them a grant of \$75,000 with which to construct a building.

As Chairman of the Board of Law Examiners, he was helpful to all young lawyers but especially to those who asked how to study and prepare for the bar examination. His stock answer was there is no right or wrong answer. We want to see your reasoning. We want to see how you think. All of the questions are taken from the North Carolina Supreme Court volumes.

R.C. Lawrence, who was a prominent lawyer and writer in Robeson County and partner of Judge Varsler, wrote in the "State of Robeson": For his ability to tell you what the law is, I rank him but

slightly lower than Dean Samuel Mordecai, founder of the Duke Law School.

As I said earlier, not only could he tell you what the law was, but he could cite to you by statute number, by volume, and by page.

I had the privilege of traveling with him, of driving him because he never drove an automobile, and as we would go to court in Scotland County, in Bladen County, in Columbus County, he would teach me history. He would tell me something of what had transpired. He never ceased to thirst for knowledge and to share it with others. At the time of his death, Jack Sharpe, editor of *The Robesonian*, wrote that at different times he could have been referred to as Senator, as Justice, as Judge, or as Doctor. He concluded: "It was by the title of Judge that he was known. He was a man who recognized and upheld authority, both temporal and spiritual, and became a symbol of the law by which man regulates and shapes his life."

Judge Varser was an outstanding tree. A big oak that still lives on, though the body is crumbled, by what he has taught others in his life of activity, in his life of living in a Christian way, and in his service to humanity. It is my privilege today to try to present him to this Court so that you might know a little about this outstanding jurist.

Thank you.

Chief Justice Lake called upon Mr. Murchison Biggs for additional remarks.

May it please the court, that's a hard act to follow. However I was asked to give a few remarks, more in reminiscence of Judge Varser than for any other purpose.

When I was a small boy, I lived in a house in Lumberton, NC on Sixth Street between Walnut and Pine. Judge Varser's house in turn was on Fifth Street between Walnut and Pine so that we were right in the middle of the block. His back door backed up to Mr. R.C. Lawrence's back door, and Mr. Lawrence's front door faced the front door of my house.

When I was a little boy, Lawrence was in active practice. I can remember back in those days there was no air conditioning, and to give you some insight into what it was like to practice law in those days, particularly some of the major lawyers, the windows were open in the houses. What was happening in the house across the street, if it made any noise, it waved right directly into your living room, so

you knew what was going on. Many, many nights, you would hear Lawrence's typewriter over there in his study just rattling until ten, eleven, or twelve o'clock at night. He was, of course, Varsers partner, and I came to know Judge Varsers because of the fact that, as Everett has just said, he never drove a car, he walked from his home to his office, a matter of some four or five blocks at that time. It was an afternoon parade, literally, to see Judge Varsers coming down the street with that gold-headed cane with that Panama hat on, and for a little boy, this gentleman coming down the street looked like the nearest thing to God I ever saw. Mrs. Varsers, the first Mrs. Varsers, was, as he, kind to the children in the block and we came to know them quite well. Mrs. Varsers occasionally would have the boys in to her front porch. She had an old Victorian house with a porch that wrapped all the way around, and would have us in to the front porch where we would have ice cream and cookies and punch in the afternoons. As time grew on, I went to Wake Forest and got my law degree and came back to take the bar examination. There were only a few of us that took it when I took it in August 1945, and when I concluded the exam, I went back to the hotel. The old Sir Walter Hotel made very special arrangements for those of us who were taking the bar so that we could leave our luggage in the rooms until the exam was over and check out after the examine was over. I went to the hotel and got my luggage and checked out and went down to the dining room which was on the right hand side of the front entrance of the hotel, and was going to have a light dinner before driving home. I looked across the dining room, and there were Judge and Mrs. Varsers—Mrs. Varsers with her fox fur strung over shoulder and her diamonds glittering in her ears. Judge Varsers was sitting there with all his dignity, and he happened to look up and see me and motioned me to come to him. I walked over to him and he pulled me down real close and said, "Don't you ever tell a soul, but I just wanted you to know you passed the bar." This was one of the greatest moments of my life up to that point in time.

Later, when I went to practice law in Lumberton, I rented a one-room office in the same building where Varsers offices were. He had suggested to me if I needed any help, to come up there and see him. So after I had had the office doors open for eight or ten months, somebody finally walked in the front door and I had me a real live case, but I didn't know what to do with it. So, I jumped on the elevator and went up to the fourth floor to see if Judge Varsers could tell me what to do. I walked into his office and told him what the case was about and I said, "Judge Varsers, what am I going to do for my client?" He cocked his head to one side, which is the way he carried

it most of the time, and he said, "Young man, have you looked up the statute?" There was a long pause and I said, "No sir." He said, "Well go back downstairs and look it up and don't come back up here again until you do."

He taught me the one thing that you shouldn't do was to go up there and ask for help until you had first helped yourself, but if you did that, the door was open to you and he became my mentor.

When I began the practice of law, the Robeson County Bar was a remarkable institution. The phrase came to my mind "and there were giants in the earth in those days." And there were. There was Varsler, there was Horace Stacy, Sr., there was Dickson McLean, there was R.C. Lawrence. I could go on and on and list others of equal renown, but that bar had a practice that spread all over the whole eastern half of North Carolina. You could go to almost any court in the eastern half of North Carolina and you would run into one of the Lumberton bar at the call of the calendar, particularity in the September and October sessions. It was a remarkable outfit and Varsler was its leader and he became my chief mentor. And for that, I'm grateful.

I am so glad we finally arranged to have a portrait to hang in this building because he was one of the greats, even though he was here only a short time. He was a great Christian, he was a great lawyer, and among all other things, he shone as an example to the young lawyers of what an honorable, decent, learned lawyer ought to be.

Thank you.

ACCEPTANCE OF JUSTICE VARSER'S PORTRAIT
BY CHIEF JUSTICE LAKE

Thank you. On behalf of the Supreme Court, it is with pleasure that I accept the portrait as a part of the collection which will hang on the third floor of this building. We are delighted to have this work of art, and we sincerely appreciate the efforts of all who helped to make this ceremony a reality.

**AMENDMENTS TO THE RULES AND REGULATIONS
OF THE NORTH CAROLINA STATE BAR CONCERNING
CONTINUING LEGAL EDUCATION**

The following amendments to the Rules, Regulations, and the Certificate of Organization of the North Carolina State Bar were duly adopted by the Council of the North Carolina State Bar at its quarterly meeting on January 19, 2001.

BE IT RESOLVED by the Council of the North Carolina State Bar that the Rules and Regulations of the North Carolina State Bar concerning continuing legal education, as particularly set forth in 27 N.C.A.C. 1D, Sections .1500 and .1600, be amended as follows (additions are underlined):

27 N.C.A.C. 1D

Section .1500 Rules Governing the Administration of the Continuing Legal Education Program

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.1519 Accreditation Standards

The board shall approve continuing legal education activities which meet the following standards and provisions.

(1) They shall have significant intellectual or practical content and the primary objective shall be to increase the participant's professional competence and proficiency as a lawyer.

(2) They shall constitute an organized program of learning dealing with matters directly related to the practice of law, professional responsibility, professionalism, or ethical obligations of lawyers.

(3) Credit may be given for continuing legal education activities where live instruction is used or mechanically or electronically recorded or reproduced material is used, including videotape or satellite transmitted programs. Subject to the limitations set forth in Rule .1611 of this subchapter, credit may also be given for continuing legal education activities on CD-ROM and on a computer website accessed via the Internet.

(4) Continuing legal education materials are to be prepared, and activities conducted, by an individual or group qualified by practical or academic experience in a setting physically suitable to