

A HISTORY OF THE
NORTH CAROLINA
COURT OF APPEALS



1968-2008

PUBLISHED IN CELEBRATION OF
THE FORTIETH ANNIVERSARY
OF THE FIRST SITTING
OF THE COURT

Clerks
North Carolina Court of Appeals

THEODORE CECIL BROWN, JR., was born in Ashland, Kentucky, June 30, 1933. He graduated from Wake Forest University School of Law in June of 1959, and was a Staff Attorney with the N.C. Attorney General's Office until August 1967. He served as the first Clerk of the North Carolina Court of Appeals taking office in September of 1967, and served in that capacity until January of 1976, at which time he resigned to become a Staff Attorney with the N.C. Utilities Commission. Mr. Brown died November 5, 2003.

FRANCIS EARL DAIL was born in Kinston, North Carolina, on October 28, 1940. He attended High Point University where he received his A.B. in 1963, and attended Wake Forest University School of Law where he received his Juris Doctor degree in 1973. He was admitted to the North Carolina Bar in 1973. From 1964 to 1968, he served in the United States Army. He entered private practice in 1973 in Pinehurst and practiced there until 1975 at which time he was employed by Lawyers Title Insurance Company in Raleigh, North Carolina. In 1976, he was appointed Clerk of the North Carolina Court of Appeals by the Court and served in that capacity until January 1993, at which time he was appointed Administrative Counsel to the Court.

JOHN HEWLETTE CONNELL was born in Augusta, Georgia, on March 15, 1959. He attended UNC-Chapel Hill, where he received his B.A. degree in 1981, and his Juris Doctor in 1985 from the UNC School of Law. After admission to the Bar in 1985, he practiced law in Raleigh, North Carolina, until May 1986, when he became Assistant Clerk of the North Carolina Court of Appeals. In January 1993, he was named Clerk of the Court of Appeals.

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North Carolina Court of Appeals

John C. Martin
CHIEF JUDGE

JUDGES

James A. Wynn, Jr.	Richard A. Elmore
Linda M. McGee	Sanford L. Steelman
Robert C. Hunter	Martha Greer
J. Douglas McCullough	Barbara A. Jackson
John M. Tyson	Linda Stephens
Wanda G. Bryant	Donna S. Stroud
Ann Marie Calabria	John S. Arrowood

EMERGENCY RECALL JUDGES

Donald L. Smith
Joseph R. John, Sr.
John B. Lewis, Jr.

CLERK

John H. Connell

ADMINISTRATIVE COUNSEL

Francis E. Dail

DIRECTOR OF STAFF COUNSEL

Leslie Hollowell Davis

James A. Wynn	1999-present
Ralph A. Walker	1991-1992
Ralph A. Walker	1995-2002
Joseph R. John	1993-2000
Elizabeth G. McCrodden	1993-1994
Sydnor Thompson	1994-1994
Mark Martin	1994-1999
Linda M. McGee	1995-present
Patricia Timmons-Goodson	1997-2005
Clarence E. Horton, Jr.	1998-2000
Robert C. Hunter	1998-present
Robert H. Edmunds, Jr.	1999-2000
James C. Fuller	2000-2000
J. Douglas McCullough	2001-present
Robin E. Hudson	2001-2006
John M. Tyson	2001-present
Hugh B. Campbell, Jr.	2001-2002
Albert S. Thomas, Jr.	2001-2002
Loretta C. Biggs	2001-2002
Wanda G. Bryant	2001-present
Ann M. Calabria	2003-present
Richard A. Elmore	2003-present
Sanford L. Steelman	2003-present
Martha A. Geer	2003-present
Eric L. Levinson	2003-2007
Alan Z. Thornburg	2004-2004
Barbara Jackson	2005-present
Linda Stephens	2006-present
Donna Stroud	2007-present
John Arrowood	2007-present

Former and Current Members of the North Carolina Court of Appeals

Raymond B. Mallard	1967-1973
Hugh B. Campbell	1967-1974
James C. Farthing	1967-1967
Walter E. Brock	1967-1979
David M. Britt	1967-1978
Naomi E. Morris	1967-1982
Francis M. Parker	1968-1980
Robert A. Hedrick	1969-1992
Earl. W. Vaughn	1969-1985
William E. Graham, Jr.	1969-1973
James M. Baley, Jr.	1973-1974
James H. Carson, Jr.	1973-1974
Robert M. Martin	1974-1982
S. Gerald Arnold	1974-1998
Edward B. Clark	1974-1982
Burley B. Mitchell, Jr.	1977-1979
John Webb	1977-1986
Richard C. Erwin	1977-1980
Harry C. Martin	1978-1982
John P. Carlton	1979-1979
Hugh A. Wells	1979-1994
Willis P. Whichard	1980-1986
Charles L. Becton	1981-1990
Clifton E. Johnson	1982-1006
E. Maurice Braswell	1982-1984
Eugene H. Phillips	1983-1991
Sidney S. Eagles	1983-2004
John C. Martin	1985-1988
	1993-present
Sarah E. Parker	1985-1992
Jack L. Cozort	1985-1996
Robert F. Orr	1986-1995
K. Edward Greene	1986-2002
Donald L. Smith	1988-1989
John B. Lewis, Jr.	1989-2000
Allyson K. Duncan	1990-1990
James A. Wynn	1990-1998

HISTORY OF THE COURT OF APPEALS OF NORTH CAROLINA

By Justice David M. Britt

Although the Court of Appeals was established by the legislature in 1967, a history of the Court would not be complete without mentioning certain events that occurred during the ten to fifteen years prior to that date.

As of the early fifties our State's court system was basically the same as it had been since 1868 when a new constitution was adopted following the War Between the States. The greatest change had come in the courts below the Superior Court by the creation of numerous types of local courts. There were county courts, mayor courts, recorder courts, and municipal courts in addition to the justice of the peace courts.

Leaders of the North Carolina Bar Association recognized that our court system needed a major updating, and they convinced Governor Luther Hodges that this should be done. In 1955, at the request of Governor Hodges, the Bar Association appointed a committee on "Improving and Expediting the Administration of Justice in North Carolina." The Committee consisted of twenty-seven outstanding citizens, approximately one-half of whom were leaders of the Bar and the others were non-lawyers including several newspaper editors. J. Spencer Bell, a Charlotte lawyer and later a state senator, served as chairman; Shearon Harris, President of Carolina Power & Light Company, served as vice chairman.

The Committee made its final recommendations to the 1958 annual meeting of the North Carolina Bar Association. The recommendations were adopted in principle, and the Committee continued its work, making its final report in December 1958.

While the recommendations called for a unified court system, and particularly for a district court system as we now have, they included the following recommendation with respect to an intermediate appellate court: "That the General Assembly be empowered upon recommendation of the Supreme Court to establish an intermediate appellate court in the appellate division; that the structure and organization of such intermediate court be determined by the General Assembly; ..."

Bills that would lead to implementation of the recommendations were introduced in the 1959 General Assembly. Because the major changes proposed involved amendments to the Constitution, a three-fifths vote of the membership of each house was necessary for the amendments to be submitted to a vote of the people.

Senator Spencer Bell led the proponents in the Senate, and Representative H. P. Taylor, Jr., of Anson County led the proponents in the House.

Although the proponents received substantial support in both houses, they failed to receive the three-fifths majorities required by the Constitution.

The movement for court improvement continued until the 1961 General Assembly convened, and new bills were introduced. However, shortly before the convening date, leaders of the movement learned that members of the Supreme Court felt that North Carolina did not need an intermediate appellate court and that the Supreme Court could handle the appellate work. Consequently, proposed court improvement legislation considered by the 1961 session of the legislature contained no provision for an additional appellate court.

After a lot of hard work by the proponents, the proposed constitutional amendments received the necessary votes in the General Assembly to be submitted to a vote of the people. The most far-reaching amendment was the one mandating the legislature to provide for a unified district court system.

The proposed amendments were submitted to the voters at the November 1962 general election, and they were approved by comfortable margins. Because the 1963 General Assembly convened only three months after the election, there was insufficient time to make the necessary study and prepare legislation for consideration by the 1963 session. Consequently, the 1963 General Assembly, by joint resolution, created a Courts Commission and charged it with the duty of "preparing and drafting legislation necessary for the full and complete implementation of Article IV of the Constitution." The Commission was composed of fifteen members appointed by a group including the Governor, the President of the Senate, and the Speaker of the House.

Senator Lindsay C. Warren, Jr., of Wayne County, was designated chairman of the Commission. In addition to Warren, the membership included Senators Jolly of Franklin County and Harrington of Bertie County; Representatives Taylor of Anson County, Britt of Robeson County, and Zollicoffer of Vance County; Dean Dickson Phillips of the UNC Law School; and Honorable James B. McMillan of the Charlotte Bar. Colonel C.E. Hinsdale of the Institute of Government served as staff person.

Between the 1963 and 1965 sessions of the legislature, the Courts Commission devoted most of its time to studying and working on proposed legislation for the district court system. At about the time the 1965 General Assembly convened, certain members of the Supreme Court let it be known that the work load of that Court had become extremely heavy and that an intermediate appellate court should be considered.

Because the creation of a new appellate court would require a constitutional amendment, members of the Courts Commission concluded that all that could be accomplished by the 1965 General Assembly would be to approve an amendment to be submitted to the voters. Governor Dan Moore was consulted by Commission leaders, and he promised his full support of an amend-

Chief Judges

North Carolina Court of Appeals

Raymond B. Mallard
(1967-1973)

Walter E. Brock
(1973-1978)

Naomi E. Morris
(1978-1982)

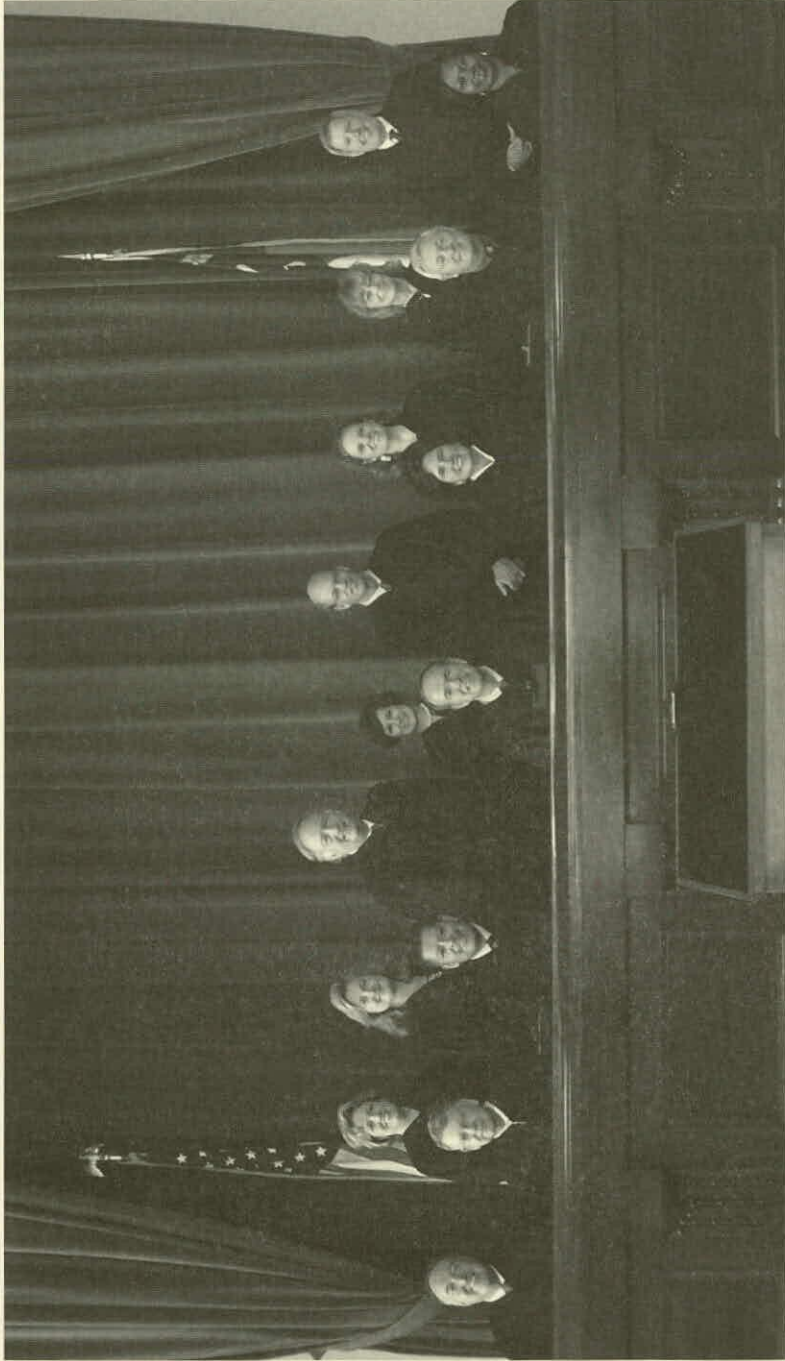
Earl W. Vaughn
(1983-1985)

Robert A. Hedrick
(1985-1992)

S. Gerald Arnold
(1993-1998)

Sidney S. Eagles, Jr.
(1998-2004)

John C. Martin
(2004-present)



The North Carolina Court of Appeals
2008

ment to the Constitution authorizing an intermediate appellate court. He also suggested that the proposed amendment be submitted at a special election to be held in the fall of 1965 when a popular highway bond referendum would be held.

Although members of the Courts Commission serving in the legislature in 1965 had their hands full with the proposed legislation establishing the district courts, they also took on the task of promoting a constitutional amendment authorizing an intermediate appellate court. Fortunately, the "climate" in the 1965 session was favorable: Lieutenant Governor Bob Scott was supportive and Senators Warren and Harrington were very influential in the Senate. Commission members Pat Taylor, Zollicoffer, and Britt were in key positions in the House. Taylor was Speaker, Zollicoffer was Appropriations Committee chairman, and Britt was chairman of the Committee on Courts and had the unanimous support of the Democrats in the House to succeed Taylor as speaker.

Ultimately, not only did the legislation proposed to create the district courts pass by a substantial majority, but the proposed constitutional amendment authorizing the intermediate appellate court also passed overwhelmingly.

The proposed amendment was submitted at the special general election held in November 1965 for the primary purpose of approving a highway bond issue. The proposed bond issue was so popular that it passed by an overwhelming majority, and evidently the strong tide for it caused the constitutional amendment to pass by a substantial majority.

The amendment was very brief, its major provisions being as follows: "The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc."

Very soon after the amendment was adopted, the Courts Commission gave the Court of Appeals study its top priority. First, it sought guidance from the experience of sixteen other states that had intermediate appellate courts at that time. After considering the systems in all of those states, the Commission was more impressed with that of New Jersey and Michigan.

One of the architects of the Michigan system, a professor in the University of Michigan School of Law, visited the Commission at its request in December 1965 and gave the members valuable insight into the problems involved in creating an intermediate appellate court. Not long thereafter representatives from the Commission went to New Jersey to obtain information regarding that state's system. This group included Commission member David M. Britt; Frank Huskins, Administrative Officer of the Courts and an ex officio member of the Commission; and C.E. Hinsdale, staff member.

While in New Jersey, the group conferred with a member of the New

Jersey Supreme Court, a member of the intermediate appellate court, and the Administrative Officer of the Courts. It was learned that the New Jersey appellate system had been devised in large part by the late, renowned Chief Justice Vanderbilt. Commission members were so impressed with the New Jersey system that it became sort of a model for the one to be proposed for our state.

During 1966 the membership of the Commission was strengthened when Representative Earl W. Vaughn of Rockingham County became a member. His assistance proved very valuable in the work of the Commission and in getting its recommendations enacted by the legislature.

Much of the work of the Commission was done by subcommittees. After more than six months of sustained study, the Commission completed its study and preparation of legislation to be proposed to the 1967 General Assembly.

After the assembly convened, Senator Warren was reappointed chairman of the Senate Committee on Courts. At the Speaker's urgent request, Representative Vaughn accepted appointment as chairman of the House Committee on Courts. Very early in the session, Vaughn received pledges from every Democrat in the House to be Speaker in 1969. He was also appointed Speaker pro tempore for the 1967 session and was elected majority leader for the session. With these credentials, he was very effective in getting the Court of Appeals legislation through the House.

The Senate and House committees worked harmoniously in promoting the proposed legislation. After due consideration, the committees overwhelmingly approved the recommendations of the Courts Commission with very little change, and the Senate and House passed the legislation with few if any dissenting votes.

The law creating the Court of Appeals provided that the Court would originally have six members, to be appointed by the Governor in 1967. It also provided that as of 1 July 1969, the membership of the Court would be increased to nine and authorized the Governor serving at that time to appoint the additional three members.

On 5 July 1967, the day before the 1967 Session of the legislature adjourned, Governor Dan Moore announced his appointments to the Court. They were: Superior Court Judges Raymond B. Mallard of Tabor City, Hugh B. Campbell of Charlotte, James C. Farthing of Lenoir, and Walter E. Brock of Wadesboro; and practicing attorneys Naomi E. Morris of Wilson and David M. Britt of Fairmont. Britt immediately resigned as Speaker of the House and Representative Vaughn was elected to complete the remainder of his term.

Chief Justice R. Hunt Parker named Judge Raymond Mallard the first chief judge of the new Court. The Court held its first conference in late August 1967. Temporary offices for the Judges were provided in a Fayetteville Street bank building while necessary renovations were being made to the building

1950. She received her B.A. from the University of South Carolina in 1973 and her *Juris Doctor* from UNC School of Law in 1979. She was a Research Assistant at the Court of Appeals after which she was in private practice in Raleigh. She was appointed to the North Carolina Court of Appeals by Governor Easley. Judge Stephens was unsuccessful in her election in 2006 but was re-appointed to the Court by Governor Easley to fill the unexpired term of Judge Robin Hudson who had been elected to the Supreme Court.

DONNA STROUD was born in Kinston, North Carolina, on 28 June 1964. She received her B.A. from Campbell University in 1985. Judge Stroud earned her *Juris Doctor* from Campbell University School of Law in 1988 and was admitted to the Bar the same year. She has served as a Judicial Court Arbitrator and as a Certified Superior Court Mediator. She has engaged in private practice and has served as a District Court Judge in Wake County. She was elected to the North Carolina Court of Appeals in November 2006 and took the oath of office January 2, 2007.

JOHN ARROWOOD was born November 4, 1956. He received his B.A. from Catawba College in 1979 and his *Juris Doctor* from UNC School of Law in 1982. He has worked as a Research Assistant and as Staff Attorney/Senior Staff Attorney/Staff Director at the North Carolina Court of Appeals. He has been engaged in the private practice of law and has served as a Special Superior Court Judge. He was appointed to the North Carolina Court of Appeals in 2007.

the School for Superior Court Judges, Institute of Government, Chapel Hill, and the National Judicial College, General Jurisdiction Course. He practiced law in Monroe and served as Resident Superior Court Judge and Senior Resident Superior Court Judge in Judicial District 20-B, Stanly and Union Counties. Judge Steelman was elected to the Court of Appeals in November of 2002.

MARTHA A. GEER was born in Grinnell, Iowa. She graduated from Bryn Mawr College in 1980 and from UNC School of Law in 1983. She has practiced law in New York City and Raleigh. Judge Geer was elected to the North Carolina Court of Appeals in November 2002.

ERIC L. LEVINSON was born in Charlotte, North Carolina, on 31 May 1967. He received his B.A. from the University of Georgia in 1989 and his *Juris Doctor* from the UNC School of Law in 1992. He was an Assistant District Attorney in Cabarrus and Rowan counties and was a District Court Judge in the Twenty-sixth Judicial District of North Carolina. He was elected to the North Carolina Court of Appeals in November 2002 and served as a judge of the Court of Appeals from 2003 until his resignation in 2007. Judge Levinson is currently serving in Iraq as Senior United States Justice Department Official.

ALAN Z. THORNBURG was born in Sylva, North Carolina, on 10 January 1967. He received his B.A. from Davidson College in 1989 and his *Juris Doctor* from Wake Forest University School of Law in 1996. He served as Legislative Aide to U.S. Senator Terry Sanford, Washington, D.C., and as Law Clerk for the Honorable Sam J. Ervin, III, U.S. Fourth Circuit Court of Appeals, Morganton, North Carolina, and Richmond, Virginia. He then entered private practice. He was appointed to the North Carolina Court of Appeals and served as a judge of the Court of Appeals in 2004. Judge Thornburg is currently serving as an administrator at Western Carolina University in Cullowhee.

BARBARA JACKSON was born 25 December 1961. She received her B.A. from the UNC-Chapel Hill in 1984 and her *Juris Doctor* from UNC School of Law in 1990. She was in private practice in Raleigh, served as General Counsel for the North Carolina Department of Labor and served as Associate General Counsel for two North Carolina Governors. She was elected to the North Carolina Court of Appeals in November of 2004 and took the oath of office 1 January 2005.

LINDA STEPHENS was born in Woodruff, South Carolina, on 13 November

on the corner of Fayetteville and Morgan Streets theretofore known as the State Library Building.

Prior to 1940, when it moved to the new Justice Building, the Supreme Court occupied several floors of the Library Building. After the Supreme Court moved, parts of the building formerly used by the Court were taken over by the Utilities Commission. Members of the Commission then used the offices formerly used by the Justices, and the former Supreme Court courtroom became the hearing room for the Commission.

After the creation of the Court of Appeals, the State Library moved to its new quarters on Jones Street, the Utilities Commission moved to the second floor, and the Court of Appeals was assigned the third floor for offices and a courtroom and the fourth floor for its clerk, library, and other purposes. The name of the building was changed to the Ruffin Building, in memory of Chief Justice Ruffin, but in about 1978 it was changed to the Court of Appeals Building. In the mid 1970's, the Utilities Commission was moved to new quarters, and the Court of Appeals took over the second floor of the building.

The new Court spent most of the autumn months of 1967 working on its rules, which, in due time, were approved by the Supreme Court. In 1975, the Rules of Appellate Procedure, governing the Supreme Court and the Court of Appeals, were adopted.

On 6 December 1967, Judge James C. Farthing died suddenly. Several weeks thereafter Francis Marion Parker of the Asheville bar was appointed by Governor Moore to fill the vacancy.

In late January 1968, the Court heard its first appeals. Renovations to the courtroom in the Ruffin Building had not been completed, and it became necessary for the Court to make temporary arrangements for a courtroom. Because the legislature was not in session and did not expect to be during 1968, arrangements were made with the Legislative Building Commission for the Court to use one of the large committee rooms on the ground floor of the Legislative Building for a courtroom. Renovations to the Ruffin Building were completed several months later, and the new Court took up permanent residence in that building.

As provided in the law creating the Court, membership of the Court was increased to nine in July 1969. History repeated itself when House Speaker Earl W. Vaughn resigned to accept Governor Robert W. Scott's appointment to the Court. Others appointed at the same time were R.A. Hedrick of Statesville and W. E. Graham of Charlotte. The three new members were administered their oaths on 23 July 1969.

By the time the 1977 General Assembly convened, the work load of the Court had increased to the point that additional judges were sorely needed. Consequently, at that session the number of judges was increased to twelve. On 2 December 1977, Governor James B. Hunt, Jr., appointed the additional

judges, they being Superior Court Judge John Webb, District Attorney Burley B. Mitchell, Jr., of Raleigh, and Representative Richard C. Erwin of Winston-Salem.

As the work of the Court increased, the General Assembly, on June 30, 2000, enacted legislation which authorized the expansion of the Court of Appeals from twelve to fifteen judges, and provided that the Governor shall appoint three additional judges on or after December 15, 2000. On January 5, 2001, Governor James B. Hunt, Jr., appointed Loretta C. Biggs, Hugh B. Campbell, Jr., and Albert S. Thomas, Jr., to the newly created seats on the Court of Appeals. Judicial review of this legislation can be found in the North Carolina Supreme Court case of *Pope v. Easley*, 354 N.C. 544, 556 S.E.2d 265 (2001) which held that part of the legislation was constitutionally permissible but that a part of it violated a section of the North Carolina Constitution, as to the term of office.

Thanks largely to the efforts and persistence of then Chief Judge Gerald Arnold, the North Carolina Court of Appeals' Courtroom underwent an extensive and detailed restoration in 1997. While the courtroom was being renovated, the Court received permission to hold sessions of court in the auditorium in the Legislative Building. Holding sessions in the Legislative Building was a return to the place where the Court heard its first cases as noted earlier in this history of the Court.



The first North Carolina Court of Appeals

Judge Naomi Morris, Judge James C. Farthing, Judge Walter Brock, Judge Hugh B. Campbell, Judge David Britt, Chief Judge Raymond Mallard

2001-2002. Judge Thomas did not seek reelection in 2002 and is currently in private practice in Wilson.

LORETTA C. BIGGS was born in Atlanta, Georgia, on March 6, 1954. She received her B.A. from Spelman College in 1976 and her *Juris Doctor* from Howard University School of Law in 1979. She has worked as Staff Counsel with the Coca-Cola Company in Atlanta, Georgia, and as an Assistant District Attorney, Twenty-first District of North Carolina. She has served as a District Court Judge, Twenty-first Judicial District of North Carolina and as Executive Assistant, United States Attorney, Middle District of North Carolina. She was appointed to the North Carolina Court of Appeals and served as a judge of the Court of Appeals during 2001-2002. Judge Biggs was not successful in the 2002 election and returned to private practice in Winston-Salem.

WANDA G. BRYANT was born in Southport, North Carolina, on 26 June 1956. She received her B.A. from Duke University in 1977 and her *Juris Doctor* from the UNC School of Law in 1982. She was in private practice and has served as Assistant District Attorney, Thirteenth Prosecutorial District of North Carolina. She was an Assistant United States Attorney for the District of Columbia, and was a Senior Deputy Attorney General, Office of the Attorney General for North Carolina. She was appointed to the Court of Appeals by Governor Michael Easley for a term beginning 1 March 2001 and after an unsuccessful bid for election was re-appointed by Governor Easley December 2002. She was elected to a full term in November 2004.

ANN MARIE CALABRIA was born in Bryn Mawr, Pennsylvania, on 31 October 1947. She received her B.A. from Fairleigh Dickinson University in 1977 and her *Juris Doctor* from Campbell University School of Law in 1983. Prior to her election to the Court of Appeals, she served as a District Court Judge in Wake County. In November 2002 she was elected to the North Carolina Court of Appeals.

RICHARD A. ELMORE was born in 1951. He is a 1974 graduate of Guilford College. He received his *Juris Doctor* from North Carolina Central School of Law in 1982. After being admitted to the Bar in 1982 he was in private practice in Greensboro. He was elected to the North Carolina Court of Appeals in November 2002.

SANFORD L. STEELMAN, Jr., was born in Elmhurst, Illinois, 11 September 1951. He received his B.A. from Davidson College in 1973 and his *Juris Doctor* from UNC School of Law in 1976. He also studied at the University of East Anglia, Norwich, England, 1971-1972. His judicial education includes

the University of South Carolina School of Law in 1970. He served active duty with the U.S. Marine Corps and worked with the Philadelphia Strike Force. He was counsel to the Senate Ethics Committee and was Counsel to the United States Senate. He worked with the U.S. Attorney's Office, Eastern District of North Carolina, after which he entered private practice. After being elected, Judge McCullough took the oath of office 9 February 2001 as Judge of the Court of Appeals.

ROBIN E. HUDSON was born in DeKalb County, Georgia, in 1952. She received her B. A. from Yale University in 1973 and her *Juris Doctor* from the UNC School of Law in 1976. She was in private practice in Raleigh and Durham and has served as assistant appellate defender. She was elected to the North Carolina Court of Appeals in November 2000. She served on the North Carolina Court of Appeals from January 2001 until 2006 when she was elected in November to the North Carolina Supreme Court.

JOHN MARSH TYSON was born in Cumberland County on 14 July 1953. He received his B.A. from the UNC-Wilmington in 1974 and his *Juris Doctor* from Campbell University School of Law in 1979. He received degrees from London School of Economics and Political Science, 1977; Duke University, Fuqua School of Business, MBA, 1988; and the University of Virginia School of Law, LL.M. Masters of Law in Judicial Process, 2004. Prior to his election to the North Carolina Court of Appeals in November 2000 he was engaged in private practice in Fayetteville.

HUGH B. CAMPBELL, JR., was born in Charlotte, North Carolina. He received his B.A. from Davidson College in 1959 and his *Juris Doctor* from Harvard Law School in 1962. His other educational experiences include University of North Carolina, Chapel Hill, Case Manager (judicial officer); Duke University Private Adjudication Center (mediation training and certification); and Harvard University (advanced mediation training). Judge Campbell was in private practice in Charlotte before being appointed to the Court of Appeals and served as a judge of the Court of Appeals 2001-2002. Judge Campbell was unsuccessful in the 2002 election and currently serves as a District Court Judge in Mecklenberg County.

ALBERT S. THOMAS, JR., was born in Wilson, North Carolina, on July 7, 1949. He graduated from UNC-Chapel Hill in 1971 with an A.B. and received his *Juris Doctor* from the UNC School of Law in 1975. He was in private practice before serving as a District Court Judge and later as Chief District Court Judge of the Seventh Judicial District. He was appointed to the North Carolina Court of Appeals and served as a judge of the Court of Appeals

The following biographical sketches of the sixty-five people who have served on the Court of Appeals are based in large part on the research and writing of Justice David Britt and have been updated. The more recent sketches are based on research by the 40th anniversary committee.

RAYMOND BOWDEN MALLARD was born in Faison, North Carolina on 20 February 1908. He attended Wake Forest College and its Law School and was admitted to the Bar in 1931. He practiced law in Whiteville and Tabor City from 1931 to 1955 and served in the State House of Representatives in the 1939 Session. He served in the U.S. Army during World War II, being discharged as a corporal. In July 1955, he was appointed by Governor Luther H. Hodges to serve as Resident Superior Court Judge of the Thirteenth Judicial District, a position that he held until 7 July 1967, when he was appointed to the Court of Appeals by Governor Dan Moore. On 7 July 1967 he was designated by Chief Justice R. Hunt Parker as the first Chief Judge of the North Carolina Court of Appeals. On 5 November 1968 he was elected to a full eight year term. On 1 August 1973, he retired from the Court due to declining health. He died on 20 July 1979.

HUGH BROWN CAMPBELL was born in Waynesville, North Carolina, on 14 March 1907. He received an A.B. from Amherst College in 1929 and his *Juris Doctor* from the UNC School of Law in 1932. He was admitted to the Bar in 1931 and after practicing law in Goldsboro for about two years, moved to Charlotte in 1934 where he practiced law until 1955. In June 1955, he was appointed as Resident Superior Court Judge by Governor Luther Hodges, a position he held until July 1967 when Governor Dan Moore appointed him to the Court of Appeals. He was elected to the Court in November 1968 and served until his retirement on 31 December 1974. Judge Campbell passed away 5 August 1989.

JAMES COLLY FARTHING was born in Lenoir, North Carolina on 12 January 1913. He attended Lenoir Rhyne College and the UNC Law School. After admission to the Bar in August 1937, he entered private practice in Lenoir. Thereafter, he served as solicitor of the Caldwell County Court. He served as a lieutenant in the U. S. Navy during World War II. On 1 January 1947, he became solicitor (district attorney) of the Superior Court for the district including Caldwell County. In 1957, he became a Resident Superior Court judge and on 1 July 1967 was appointed by Governor Dan Moore to the Court of Appeals. He died in Raleigh on 6 December 1967.

WALTER EDGAR BROCK was born in Wadesboro, North Carolina, on 21 March 1916. He attended UNC-Chapel Hill, which awarded him a B.S. in

1941. He served in the Army Air Force during World War II, earning the rank of Major. Following the war, he entered the UNC Law School where he earned his *Juris Doctor* in 1947, was admitted to the Bar the same year and entered private practice in Wadesboro. He served as judge of the Anson County Court, and on 1 January 1963, he was appointed a Special Superior Court Judge by Governor Terry Sanford. On 1 July 1967, he was appointed to the Court of Appeals by Governor Dan Moore, was elected to the Court in 1968 and was re-elected in 1974. On 1 August 1973, he was designated by Chief Justice William H. Bobbitt to serve as Chief Judge of the Court of Appeals. Judge Brock was elected to the North Carolina Supreme Court in 1978 and took his oath of office as associate justice 2 January 1979. He died on 13 June 1987.

DAVID MAXWELL BRITT was born in McDonald, Robeson County, North Carolina, on 3 January 1917. He attended Wake Forest College and its law school and was admitted to the Bar in August 1937. He practiced law in Fairmont and Lumberton from January 1938 until August 1967. He served as solicitor of the Fairmont Recorder's Court from 1940 until 1944 except during 1943 when he served in the US. Army. He served as chairman of the Fairmont Board of Education from 1954 to 1958, when he was elected to the State House of Representatives. He served five terms in the House and was its Speaker during the 1967 Session. In July 1967 he was appointed to the Court of Appeals by Governor Dan Moore. He was elected to the Court in November 1968 and was reelected in November 1974. On 31 August 1978 he resigned from the Court of Appeals after being appointed by Governor James B. Hunt, Jr., to fill the vacancy to the North Carolina Supreme Court created by the retirement of Justice I. Beverly Lake, Sr. Justice Britt was elected to a full term in November 1978 and retired from the Supreme Court 31 July 1982.

NAOMI ELIZABETH MORRIS was born in Spring Hope, North Carolina, on 1 December 1921. She attended Atlantic Christian College and was awarded her A.B. in 1943. She attended the UNC Law School from which she earned a *Juris Doctor* in 1955. She was admitted to the Bar in 1955 and practiced law in Wilson until July 1967, when she was appointed to the Court of Appeals by Governor Dan Moore. She was elected to the Court in November 1968 and re-elected in 1974. On 1 December 1978, she was designated by Chief Justice Susie Sharp to serve as Chief Judge of the Court of Appeals. She retired from the Court on 31 December 1982 and died in Wilson 11 September 1986.

FRANCIS MARION PARKER was born in Asheville, North Carolina, on 25 August 1912. He earned his A.B. at UNC-Chapel Hill in 1934 and his *Juris*

CLARENCE E. HORTON, JR., was born in Cabarrus County 4 May 1940. He received his A.B. from UNC-Chapel Hill in 1962 and his *Juris Doctor* from UNC Chapel Hill School of Law in 1965. He then entered into the private practice. From 1966 to 31 December 1967 he was a Domestic Relations Court judge. In 1981 he was appointed by Governor James B. Hunt District Court Judge, Nineteenth Judicial District. He served as a District Court Judge from 1981-98. In 1998 Governor Hunt appointed Judge Horton to the North Carolina Court of Appeals. He was re-appointed in 1999 and served as a judge on the Court of Appeals until 2000. Judge Horton is currently serving as a Emergency Superior Court Judge.

ROBERT C. HUNTER was born in Marion on 14 January 1944. He received his B.A. from UNC-Chapel Hill in 1966, and his *Juris Doctor* from UNC School of Law in 1969. He also attended the National Judicial College in 1999 for the appellate judge course. He has served as both Assistant District Attorney and county attorney for McDowell County. He was in private practice and represented the 49th House District in the North Carolina General Assembly. In July 1998 he was appointed to the North Carolina Court of Appeals by Governor James B. Hunt. Judge Hunter was elected to a full term in November 1998 and was re-elected in 2006.

ROBERT HOLT EDMUNDS, JR., was born in Danville, Virginia, on 17 April 1949. He attended Williams College, Williamstown, Massachusetts, 1967-69, and Vassar College, Poughkeepsie, New York, where he received his B.A. in 1971. In 1975 he received his *Juris Doctor* from UNC School of Law. He has served as an Assistant District Attorney, Eighteenth Judicial District, Guilford County; as an Assistant United States Attorney for the Middle District of North Carolina; and as the United States Attorney for the Middle District. Judge Edmunds was also engaged in private practice. He was elected to the North Carolina Court of Appeals in 1998 and in November 2000 he was elected as associate justice of the North Carolina Supreme Court.

JAMES C. FULLER, JR., was born in Salisbury, North Carolina, on July 19, 1942. He received his B.A. from Davidson College in 1965 and his *Juris Doctor* from UNC School of Law in 1971. He served as a Law Clerk to Susie M. Sharp, Chief Justice of the North Carolina Supreme Court, before entering private law practice. In August 2000 he was appointed to the Court of Appeals and served for the remainder of that year. Judge Fuller was not successful in the 2000 election and is currently in private practice in Davidson.

DOUGLAS McCULLOUGH was born in Tyler, Texas, on 28 May 1945. He received his A.B. from UNC-Chapel Hill in 1967 and his *Juris Doctor* from

Court of Appeals until December 1994. She was not elected in the 1994 election and is currently in private practice in Raleigh.

SYDNOR THOMPSON was born in Baltimore, Maryland, in 1924. He received his B.A. in 1947 from Syracuse University and his LL.B from Harvard University in 1950. He was admitted to the New York Bar in 1952 and the North Carolina Bar in 1956. He began his legal career in New York City and later practiced law in Charlotte. He was appointed to the North Carolina Court of Appeals in 1994. Judge Thompson was unsuccessful in the 1994 election and is currently in private practice in Charlotte.

MARK MARTIN was born April 29, 1963. He received his B. S. and B. A. from Western Carolina University, his *Juris Doctor* from the UNC School of Law and a Master of Laws (LL.M) in Judicial Process, University of Virginia School of Law. His professional, legal and judicial, experiences include Law Clerk in the United States District Court, private law practice, Legal Counsel to North Carolina Governor James G. Martin, Resident Superior Court Judge in Judicial District 3-A from 1992 to 1994. In 1994 Judge Martin was elected to the North Carolina Court of Appeals. He was elected as an Associate Justice on the North Carolina Supreme Court in November 1998 and was re-elected in 2006. In February 2006 Justice Martin became the Supreme Court's Senior Associate Justice.

LINDA M. McGEE was born in Marion, North Carolina, 20 September 1949. She received her B.A. from UNC-Chapel Hill in 1971 and her *Juris Doctor* from UNC School of Law in 1973. She served as the first Executive Director to the N.C. Academy of Trial Lawyers from 1973 to 1978. She was engaged in the private practice of law for 17 years in Boone. She was appointed to the Court of Appeals of North Carolina in 1995 by Governor James B. Hunt, Jr. Judge McGee was elected to an eight-year term in 1996 and was re-elected in 2004.

PATRICIA TIMMONS-GOODSON was born in Florence, South Carolina, on 18 September 1954. She received her B.A. from UNC-Chapel Hill in 1976 and her *Juris Doctor* from UNC-Chapel Hill School of Law in 1979. She was an Assistant District Attorney, Twelfth Prosecutorial District, and Staff Attorney with Lumbee River Legal Services, Inc. She served as a District Court Judge, Twelfth Judicial District from 17 September 1984 to 20 February 1997. On 21 February 1997 she was appointed to the North Carolina Court of Appeals by Governor James B. Hunt and served until 2005. In February 2006 she was appointed as an Associate Justice of the Supreme Court of North Carolina by Governor Michael Easley and was elected in November to a full term.

Doctor from the UNC Law School in 1936 and was admitted to the Bar the same year. He entered private practice in Asheville until January 1968. He served in the U. S. Army as a sergeant from 1944 to 1945 and served in the State Senate during the 1947 and 1949 sessions. On 23 January 1968 he was appointed to the Court of Appeals by Governor Dan Moore to fill the vacancy caused by the death of Judge Farthing. He was elected to the Court in 1968, re-elected in 1974, and retired on 31 August 1980. Judge Parker died in May 1995.

ROBERT ALFRED HEDRICK was born in Statesville, North Carolina, on 23 August 1922. He attended the Governor Morehead School and UNC-Chapel Hill, which awarded him an A.B. in 1946. He attended the UNC Law School and was awarded his *Juris Doctor* in 1949 and he was admitted to the Bar the same year. After entering private practice in Statesville, he served as solicitor of the Iredell County Court from 1950 to 1958 and as judge of the County Court from 1958 to 1969. In July 1969, he was appointed to the Court of Appeals by Governor Robert W. Scott and was elected to the Court in fall elections of 1970. In 1976 and 1984 Judge Hedrick was re-elected to full terms on the Court. On 3 January 1985, he was designated Chief Judge by Chief Justice Joseph Branch. He retired from the Court in December 1992.

EARL WRAY VAUGHN was born in Rockingham County, North Carolina, on 17 June 1928. He attended Pfeiffer College and then served two years in the U.S. Army, being discharged as a sergeant. He attended UNC-Chapel Hill where he earned his B.A in 1950 and his *Juris Doctor* from the UNC Law School in 1952. He was admitted to the Bar in 1952 and practiced law in Greensboro until 1953 when he moved to Draper, North Carolina, where he continued practicing. He served in the state House of Representatives during the 1961 thru 1969 sessions, serving as Speaker from July 1967 to July 1969. On 1 July 1969, he was appointed to the Court of Appeals by Governor Robert Scott and was elected to a full term in 1970. Judge Vaughn was re-elected in 1976 and 1984. On 3 January 1983, he was designated Chief Judge by Chief Justice Joseph Branch and served in that position until 2 January 1985, when he was appointed by Governor James B. Hunt, Jr., as associate justice Supreme Court. He retired for health reasons on 1 August 1985 and died on 1 April 1986.

WILLIAM EDGAR GRAHAM, JR., was born in Jackson Springs, North Carolina, on 31 December 1929. He attended UNC-Chapel Hill where he earned his A.B. in 1952 and his *Juris Doctor* in 1956. He served as a first lieutenant in the U.S. Air Force from 1952 to 1954. Following his admission to the bar in 1956, he practiced law in Charlotte. He was appointed to the Court

of Appeals by Governor Robert Scott on 1 July 1969, was elected in November 1970, and resigned on 31 March 1973 to enter the legal department of Carolina Power & Light Company.

JAMES M. BAILEY, JR., was born in Greensboro, North Carolina, on 23 January 1912. He attended Mars Hill College and then UNC- Chapel Hill where he earned his A.B. in 1931 and his *Juris Doctor* from the UNC School of Law in 1933. He was admitted to the Bar in 1933 and practiced in Marshall from 1933 to 1953 except for the time he spent in service in the U.S. Navy as a Lieutenant Commander from 1942 to 1946. He represented Madison County in the state House of Representatives in the 1937 and 1939 sessions. In 1953, he was appointed by President Eisenhower to the office of United States Attorney for the Western District of North Carolina. He served in that office until 1961 when he entered the private practice of law in Asheville. On 1 May 1973, he was appointed to the Court of Appeals by Governor Holshouser to fill the vacancy caused by the resignation of Judge Graham. He did not file for election to the Court of Appeals in 1974, but filed for election to the state Supreme Court and was defeated. His tenure on the Court of Appeals expired 26 November 1974. In January 1975, he was appointed a Special Superior Court Judge and served in that capacity until he resigned in August 1978. Judge Bailey died 11 May 2003.

JAMES HOLMES CARSON, JR., was born in Charlotte, North Carolina, on 14 February 1935. He attended the Darlington School in Rome, Georgia, from 1949 to 1952, after which he attended UNC-Chapel Hill receiving his A.B. in 1961 and his *Juris Doctor* from the UNC Law School in 1963. He served as an officer in the U.S. Navy from 1955 to 1959 and from 1961 to 1962. After his admission to the Bar in 1963 he practiced law in Charlotte until 1973. He served in the state House of Representatives during the 1967 and 1969 sessions. He was appointed to the Court of Appeals by Governor Holshouser on 3 December 1973 to succeed Judge Mallard who had resigned. Judge Carson resigned from the Court on 17 July 1974 to run for attorney general but was unsuccessful. He re-entered private practice in Charlotte.

ROBERT McKINNEY MARTIN was born near Conway, in Northampton County, North Carolina, 8 September 1912. He attended Wake Forest College and was admitted to the Bar in 1937. He practiced law in High Point until 1 July 1967 when he was appointed by Governor Moore as a Special Superior Court Judge and re-appointed by Governor Scott. In the 1974 Democratic primary he became the nominee for the Court of Appeals to succeed Judge Campbell who was retiring. On 29 July 1974, Judge Martin resigned as Judge of the Superior Court to accept an appointment by Governor Holshouser to fill

Carolina to fulfill the unexpired term of Justice Webb. After an unsuccessful bid for election to the Supreme Court, he was re-appointed to the Court of Appeals by Governor Hunt. Judge Wynn was elected to a full term to the Court of Appeals in November 2000.

RALPH A. WALKER was born in Morganton, North Carolina on 23 January 1936. He attended Wake Forest University and its law school, earning his B.A. in 1958 and his *Juris Doctor* in 1963. He served in the U.S. Army and the N.C. National Guard. Following his admission to the Bar in 1963, he practiced law in Greensboro and served as County Attorney for Guilford County, Judge of the Domestic Relations Court, and Superior Court Judge. In October 1991, he was appointed to the Court of Appeals by Governor Martin to fill the vacancy caused by the retirement of Judge Eugene Phillips and served through 1992. He was elected to the Court in November 1994 to succeed Judge Wells. In 2002 Judge Walker was unsuccessful in his bid for election to the North Carolina Supreme Court. He currently serves as Director of the Administrative Office of the Courts.

JOSEPH R. JOHN, SR., was born in East Chicago, Indiana, on 13 October 1939. He attended Belmont Abbey College (1958), UNC-Chapel Hill (1960), University of Paris, France (1962-63), University of Heidelberg, Germany (1964), UNC-Chapel Hill (M.A. 1967) and UNC-Chapel Hill (*Juris Doctor* 1967). He has practiced in Greensboro and has served both as Assistant District Attorney and Chief Assistant District Attorney for the 18th Judicial District (Guilford County). He has served as a District Court Judge and as Chief District Court Judge in the 18th Judicial District and was as Resident Superior Court Judge for the 18th Judicial District. In 1992 he was elected to the North Carolina Court of Appeals and served until his retirement September 1, 2000. Judge John continues to serve as Emergency Recall Judge for the Court.

ELIZABETH G. McCRODDEN was born in Hamlet, North Carolina, on 10 October 1943. She received her A.B. from Randolph Macon Woman's College in 1966 and her *Juris Doctor* from UNC-Chapel Hill School of Law in 1977. She received her M.A. in History from North Carolina State University in 2001. She was admitted to the North Carolina Bar in August 1977. Judge McCrodden's professional experiences include research assistant to the North Carolina Court of Appeals, private law practice, Staff Attorney to the North Carolina Court of Appeals, Chief Deputy Commissioner on the North Carolina Industrial Commission, Assistant Attorney General and Adjunct Professor at Peace College. She was appointed to the North Carolina Court of Appeals in February 1993 and served as a judge on the

JOHN BAKER LEWIS, JR., was born in Farmville, Pitt County, North Carolina, on 21 September 1936. After graduating from Farmville High School, he earned a B.A. from UNC Chapel Hill in 1958 and his *Juris Doctor* from the UNC School of Law School in 1961. He was commissioned in the U.S. Naval Reserve on 13 April 1961 and remained on active duty until 16 April 1966. He served in Georgia, Japan, and Vietnam as Legal Officer of the USS Coral Sea; Judge Lewis retired from the Naval Reserve in 1991 as Captain. After practicing law in Farmville for sixteen years, he was appointed a Superior Court Judge by Governor Hunt in 1982 and was re-appointed by Governor Martin in 1987. In 1988, he was elected to the Court of Appeals to succeed Judge Smith. He was re-elected to a full eight-year term in November 1992 and retired from the Court on 31 December 2000. Judge Lewis continues to serve as Emergency Recall Judge for the Court.

ALLYSON KAY DUNCAN was born in Durham, North Carolina, on 5 September 1951. In 1972, she earned her B.A. from Hampton University in Virginia. In 1975, as an Earl Warren Scholar, she earned her *Juris Doctor* from Duke University School of Law. She was admitted to the North Carolina Bar in 1975 and to the Washington, D.C., Bar in 1977. From 1977 to 1978, she served as law clerk to Judge Julia C. Mack of the D.C. Court of Appeals. From 1978 to 1986, she served in legal positions with the federal Equal Employment Opportunity Commission. From 1986 to 1990, she served as Professor of Law at N.C. Central University. On 12 February 1990, she was appointed by Governor Martin to the state Court of Appeals to succeed Judge Charles L. Becton, who had resigned. She was the first black female to serve on the Court. She was not successful in her bid for election to the Court in November 1990. Judge Duncan was appointed by President George W. Bush to the United States Circuit of Appeals, Fourth Circuit, and began her life term on 15 August 2003.

JAMES ANDREW WYNN, JR., was born in Robersonville, North Carolina, on 17 March 1954. He earned his B.A. from UNC-Chapel Hill, his *Juris Doctor* from Marquette University, Milwaukee, Wisconsin, and LL.M. in Judicial Process from the University of Virginia. He served on active duty in the Judge Advocate Generals Corps of the U.S. Navy from 1979 until 1983. He has been in the Naval Reserves since 1983 and currently holds the rank of Captain. From 1983 to 1984, he served as an Assistant Appellate Defender for the State of North Carolina. In 1984, he entered the private practice of law, practicing primarily in Wilson and Greenville, until November 1990, when he was elected to the Court of Appeals to succeed Judge Duncan. He was elected to a full term in November 1992. In 1998, he was appointed to the Supreme Court of North

the vacancy on the Court of Appeals caused by the resignation of Judge Carson. In November 1974 he was elected to the Court for a full eight-year term. He retired 31 December 1982. After his retirement from the Court he served as a Special Consultant to the Department of State Treasurer. Judge Martin died 29 January 2006.

STANLEY GERALD ARNOLD was born in Harnett County, North Carolina, on 14 November 1940. He attended Oak Ridge Military Institute, received his A.B. from East Carolina University in 1963, and his *Juris Doctor* from UNC School of Law in 1966. Following his admission to the Bar in 1966, he entered the practice of law in Lillington where he practiced until 1974. He served in the state House of Representatives from 1970 until 1974. In November 1974, he was elected to the Court of Appeals to fill the vacancy caused by the resignation of Judge Baley. He was re-elected in 1976, 1984, and 1992. On 1 January 1993 he was designated by Chief Justice James G. Exum, Jr. as Chief Judge of the Court. He retired from the Court in May 1998. Since his retirement he has served as Senior Vice President for Lawyers' Mutual Insurance Company of North Carolina and acted as Interim Director of the Administrative Office of the Courts.

EDWARD BREEDEN CLARK was born on 29 January 1916 in Abbottsburg, North Carolina. He attended UNC-Chapel Hill where he received his B.S. in 1936 and his *Juris Doctor* in 1939 from the UNC School of Law. Following his admission to the Bar in 1939, he entered private practice in Elizabethtown until 1961 (except for the time spent in military service during World War II). He served in the Infantry and Judge Advocate General Department from 1942 until 1946, earning the rank of Captain. He served as judge of the Bladen County Court for several years and served in the state Senate during the 1957 and 1961 sessions. He served as a Superior Court judge from 1961 to 1974, when he was elected to the Court of Appeals to the seat formerly held by Judge Campbell. He was chairman of the N.C. Judicial Standards Commission from 1980 until 1982. He retired from the Court on 30 June 1982 and died on 29 November 2000.

BURLEY BAYARD MITCHELL, JR., was born in Raleigh, North Carolina, on 15 December 1940. He earned his B.A. from N.C. State University in 1967 and his *Juris Doctor* from the UNC Law School in 1969. He was admitted to the Bar the same year. He served in the U.S. Navy from 1958 to 1962. He served as an Assistant Attorney General of North Carolina from 1969 to 1972, when he was appointed District Attorney for the Tenth District. He was appointed to the Court of Appeals by Governor Hunt on 2 December 1977 as one of the new Judges authorized by the 1977 General Assembly. He was

elected to the Court in 1978 and resigned on 20 August 1979 to become Secretary of the North Carolina Department of Crime Control and Public Safety. On 3 February 1982, he was appointed by Governor Hunt to the state Supreme Court to succeed Justice J. Frank Huskins. He was elected to retain his seat on the Supreme Court in 1982 and was re-elected in 1984 and 1992. Mitchell was appointed and took office as Chief Justice on 3 January 1995. He retired from the Court on 31 August 1999 and entered private practice.

JOHN WEBB was born in Rocky Mount, North Carolina, on 18 September 1926. He attended UNC Chapel Hill from 1946 to 1949 and in 1952 earned his *Juris Doctor* from the Columbia University School of Law. He served in the U.S. Navy from 1944 to 1946. He was admitted to the Bar in New York in 1953 and in North Carolina in 1956 after which he practiced law in Wilson until 1971. He served as a Superior Court judge from 1971 to 1977 when Governor Hunt appointed him to the Court of Appeals as one of the three new judges authorized by the 1977 General Assembly. He was elected to the Court in 1978 and re-elected in 1984. On 26 November 1986, he resigned from the Court after being elected as an associate justice of the state Supreme Court taking his oath of office 26 November 1986. Justice Webb retired from the Supreme Court in September 1998.

RICHARD CANNON ERWIN was born in Marion, North Carolina, on 23 August 1923. He earned his B.A. degree from Johnson C. Smith University in 1947 and his law degree from the Howard University Law School in 1951. He served in the U.S. Army from 1943 until 1946 and was a First Sergeant at the time of his discharge. Following his admission to the Bar, he practiced law in Winston-Salem. He served in the state House of Representatives during the 1975 and 1977 sessions. On 2 December 1977, he was appointed by Governor Hunt to the Court of Appeals as one of the three new judges authorized by the 1977 General Assembly. He was elected in 1978, and resigned 30 October 1980 to accept an appointment as judge of the U.S. District Court for the Middle District of North Carolina. Judge Erwin died in 2006.

HARRY CORPENING MARTIN was born in Lenoir, North Carolina on 13 January 1920. After attending John B. Stetson University in 1937-38, he entered UNC-Chapel Hill, where he earned his A.B. in 1942. In 1948 Martin earned his *Juris Doctor* from Harvard University School of Law. The University of Virginia Law School awarded Judge Martin his LL.M in 1982. He served in the U.S. Army Air Corps from 1942 to 1945. Following his admission to the Bar in 1948, he entered the practice of law in Asheville. In 1962, he was appointed Special Superior Court judge by Governor Terry Sanford and served in that capacity until 1978 when on 1 September, he was

ROBERT FLYNN ORR was born in Norfolk, Virginia, on 11 October 1946. He attended UNC-Chapel Hill where he earned his B.A. degree in 1971 and 1975 earned his *Juris Doctor* from the UNC School of Law. From 1968 to 1971, he served in the U.S. Army. He was admitted to the Bar in 1975 and entered private practice in Asheville. On 3 September 1986, he was appointed to the Court of Appeals by Governor Martin to succeed Judge Whichard, who had resigned. He was not successful in the November 1986 election, but on 26 November 1986, he was re-appointed by Governor Martin to the Court of Appeals to succeed Judge Webb, who had been elected to the state Supreme Court. He was elected in November 1988 to complete the unexpired term of Judge Webb and was elected to a full term in November 1992. In November 1994 Judge Orr was elected to a full term as associate justice on the state Supreme Court. Justice Orr retired from the Court 31 July 2004 and is in private practice.

K. EDWARD GREENE was born in Biscoe, North Carolina, on 27 June 1944. After attending East Carolina University where he earned his B.A. in 1966, he attended the UNC Law School where he earned his *Juris Doctor* in 1969. In 1990, he earned his LL.M. in Judicial Process from the University of Virginia School of Law. He was admitted to the Bar in 1969 and practiced law in Dunn from 1969 until 1979, when he became a district court judge. He served in the U.S. Army Reserves from 1969 until 1975. He served as district court judge until November 1986, when he was elected to the Court of Appeals to succeed Judge Orr, who had been appointed to fill the vacancy caused by the resignation of Judge Whichard. He was re-elected to full terms in 1990 and 1998. Judge Greene retired from the Court 31 December 2002 and is in private practice in Raleigh.

DONALD L. SMITH was born in Sampson County, North Carolina, on 25 March 1939. After attending Pembroke State University and UNC Chapel Hill, he attended the Wake Forest University Law School from which he earned his *Juris Doctor* degree in 1964. He was admitted to the Bar and worked with the U.S. Treasury Department for one year. For the next six years he served the City of Raleigh as Associate City Attorney and as City Attorney. From 1971 to 1973, he was engaged in the general practice of law in Raleigh. From 1973 to 1988, he served as a Superior Court Judge being appointed by Governors Holshouser, Hunt, and Martin. On 4 January 1988, he was appointed to the Court of Appeals by Governor Martin to fill the vacancy caused by the resignation of Judge John C. Martin. He was not successful in his bid for election to the Court in the November 1988 election and in 1989 entered private practice. He received a commission as Emergency Recall Judge in 1995 and continues to serve the Court in that capacity.

where he earned his B.A. in 1965 and his *Juris Doctor* in 1967. He was admitted to the Bar in 1967. From 1967 until 1969, he served in the U.S. Army as a first lieutenant. He entered into private practice in Durham in 1969 and practiced there until 1977. In December 1977, he became a judge of the Superior Court until he was elected in November of 1984, to the Court of Appeals. Judge Martin resigned from the Court on 2 January 1988 to re-enter private practice in Durham. He was again elected to the Court of Appeals in November 1992 to succeed Judge Hedrick, who did not seek re-election. Judge Martin thus became the first judge to serve non-consecutive terms on the Court. He was re-elected for a second full term in November 2000. On February 2004, he was named Chief Judge of the Court of Appeals by Chief Justice I. Beverly Lake, Jr., to succeed Chief Judge Eagles who had retired.

SARAH ELIZABETH PARKER was born in Charlotte, North Carolina, on 23 August 1942. From 1960 until 1962 she attended Meredith College after which she attended UNC-Chapel Hill where she earned her A.B. in 1964. In 1969 Judge Parker earned her *Juris Doctor*. After being admitted to the Bar in 1969, she was engaged in the practice of law in Charlotte from 1969 until 1985. On 3 January 1985 she was appointed to the North Carolina Court of Appeals to succeed Judge Braswell who had resigned. She was elected to the Court in November 1986. She resigned from the Court in December 1992 after being elected to the state Supreme Court. Although Justice Parker was unsuccessful in the election of 1994 she was re-appointed to the Court by Governor Hunt and has served continuously since 1993. In February 2006 Justice Parker was appointed Chief Justice of the Supreme Court by Governor Michael F. Easley to succeed Chief Justice I. Beverly Lake, Jr., who retired 31 January 2006. She was elected to a full term as Chief Justice in November of 2006.

JACK LOWELL COZORT was born in Valdese, Burke County, North Carolina, on 9 January 1950. After attending N.C. State University where he earned his B.A. in 1972, he attended the Wake Forest University School of Law where he earned his *Juris Doctor* in 1975. He was admitted to the Bar in 1975 and served as an Associate Attorney for the Attorney General of North Carolina from 1975 until 1977. From 1977 until 1985, he served as legal counsel to Governor James B. Hunt, Jr. On 3 January 1985, he was appointed by Governor Hunt to the Court of Appeals to succeed Judge Earl Vaughn, who had been appointed to the state Supreme Court. In 1986, he was elected to the Court of Appeals and was re-elected in 1990 for a full eight-year term. He served as interim director of the Administrative Office of the Courts. Judge Cozort retired from the Court in July 1997 and entered the private practice of law.

appointed to the Court of Appeals by Governor Hunt to succeed Judge Britt who had become a member of the state Supreme Court. He was elected to the Court of Appeals in 1980 and served until August 1982, when he was appointed to the state Supreme Court by Governor Hunt to the vacancy caused by the retirement of Justice David Britt. In the elections of 1982 he was elected to fill Justice Britt's term and in 1986 was elected to a full term on the Supreme Court. He retired from the Supreme Court in 1992 and taught at the UNC School of Law until 1996. From 1994 to 1999, he was Chief Circuit Mediator for the Fourth Circuit Court of Appeals. He then served as Chief Justice of the Cherokee Supreme Court for the Eastern Band of Cherokee Indians, a position from which he has recently retired.

JOHN PHILLIP CARLTON was born on 14 January 1938, in Rocky Mount, North Carolina. He earned his B.S. from N.C. State University in 1960 and his *Juris Doctor* from UNC Law School in 1963. Following his admission to the Bar in 1963, he practiced law in Tarboro. He served as Chief District Court Judge from 1968 until 1977, after which he was appointed and served as Secretary of the Department of Crime Control and Public Safety. On 2 January 1979, he was appointed by Governor Hunt to the Court of Appeals to succeed Judge Brock who had become a member of the state Supreme Court. On 2 August 1979 he resigned from the Court of Appeals to accept appointment to the state Supreme Court. He retired from the Supreme Court in 1983 and entered private practice.

HUGH ALBERT WELLS was born in Shelby, North Carolina, on 8 June 1922. After serving in the U.S. Army Air Corps from 1942 until 1945 he entered UNC Chapel Hill, where he earned his *Juris Doctor* in June 1952. Following his admission to the Bar in 1952, he practiced law in Shelby until 1960, in Atlanta from 1960 until 1963, and in Raleigh from 1963 until 1969. He served as Vice-President and General Counsel for the N.C. Electric Membership Corporation from May 1975 until June 1977. He served as counsel to the Utility Review Committee of the N.C. General Assembly from 1976 to 1977. In June 1977, he was appointed by Governor Hunt to the position of Executive Director of the Public Staff of the N.C. Utilities Commission. In August 1979, he was appointed by Governor Hunt to the Court of Appeals to succeed Judge Carlton, who had been appointed to the state Supreme Court. Judge Wells was elected to the Court in 1980 and re-elected in 1982 and 1990. He retired from the Court in 1994 to accept an appointment as Chairman of the N.C. Utilities Commission. He left the Commission in 1996 and moved back to Shelby, where he died on 4 December 2000.

CECIL JAMES HILL was born in Asheville, North Carolina, on 20

November 1919. After attending Mars Hill College for two years, he entered UNC Chapel Hill where he earned his B.S. in 1943 and his *Juris Doctor* in 1945. Following his admission to the Bar in 1945, he practiced law in Brevard and served in the state Senate from 1974 until 1979. On 14 September 1979, he was appointed to the Court of Appeals by Governor Hunt to succeed Judge Mitchell. He was elected in 1980 and did not seek re-election in 1984. After leaving the Court he re-entered private practice. Judge Hill died 29 October 2002

WILLIS PADGETT WHICHARD was born in Durham, North Carolina, on 24 May 1940. He earned his A.B. at UNC Chapel Hill in 1962 and his *Juris Doctor* from the UNC School of Law in 1965. After his admission to the Bar in 1965, he practiced law in Durham. He served in the state House of Representatives from 1970 to 1974 and in the state Senate from 1975 to 1980. On 2 September 1980, he was appointed by Governor Hunt to the Court of Appeals to succeed Judge Frank M. Parker, who had retired. He was elected to the Court in 1980 and re-elected in 1982. On 2 September 1986, he resigned from the Court to pursue his candidacy for the office of justice of the Supreme Court. He was elected to the Supreme Court in November 1986 and re-elected in 1990. Justice Whichard retired from the Court in December 1998. On 1 July 1999 he was named the Dean and Professor of Law of the Norman Adrian Wiggins School of Law at Campbell University. Dean Whichard retired from Campbell 30 June 2006 and is now in private practice.

CHARLES L. BECTON was born in Morehead City, North Carolina, on 4 May 1944. After earning his B.A. from Howard University in 1966, he entered Duke University Law School, where he earned his *Juris Doctor* in 1969. Following his admission to the Bar in 1969, he practiced law in Chapel Hill until 19 January 1981, when Governor Hunt appointed him to the Court of Appeals to succeed Judge Erwin, who had resigned from the Court to accept appointment as a Federal District Court judge. Judge Becton was elected in 1982 to complete the unexpired term of Judge Erwin and was elected to a full term in 1984. He retired from the Court in 1990 and is in private practice in Raleigh.

CLIFTON E. JOHNSON was born in Williamston, North Carolina, on 9 December 1941. He attended North Carolina Central University, earning his B.A. in 1964 and his *Juris Doctor* in 1967. Following his admission to the Bar in 1967, he entered the practice of law in Charlotte. During 1969, he served as an assistant district attorney in Mecklenburg County, then served as a district court judge from 1969 until 1974 and as Chief District Court judge from 1974 to 1977. He became a Superior Court judge on 1 December 1977 and

served in that capacity until 3 August 1982, when he was appointed to the Court of Appeals by Governor Hunt to succeed Judge Harry C. Martin. He was elected to the Court in November 1982 and re-elected in 1990. He retired from the Court in 1996 and currently resides in Charlotte.

EDWIN MAURICE BRASWELL was born in Rocky Mount, North Carolina, on 16 December 1922. He attended UNC-Chapel Hill and earned his *Juris Doctor* from the UNC Law School in 1950. He served in the U.S. Army Air Corps from 1942 until 1945. Following his admission to the Bar in 1950, he entered the practice of law in Fayetteville. He served as District Attorney for the Twelfth Judicial District from 1955 to 1962 and as Superior Court Judge for the district from 1963 until 1982. In November 1982, he was elected to the Court of Appeals to succeed Judge Edward B. Clark who did not run for re-election. He retired from the Court on 31 December 1984.

EUGENE HAROLD PHILLIPS was born in Barnardsville, North Carolina, on 5 September 1919. He attended Wake Forest College and its law school, where he earned his *Juris Doctor* in 1940. He earned his LL.M degree at Duke University in 1946. He served in the U.S. Army Air Force from 1941 to 1945, where he earned the rank of major. He entered the practice of law in Winston-Salem in 1946 and continued in that practice until November 1982, when he was elected to the Court of Appeals to succeed Judge Naomi Morris, who did not seek re-election. He retired from the Court in 1990 and died on 19 January 2000.

SIDNEY SMITH EAGLES, JR., was born in Asheville, North Carolina, on 5 August 1939. He graduated from Gordon Military College, Barnesville, Georgia, in 1957, received his B.A. from Wake Forest College in 1961, and received his *Juris Doctor* from the Wake Forest University Law School in 1964. He saw active service in the U.S. Air Force from 1964 until 1967 and was in the Reserves from 1967 until his retirement in 1991 with the rank of Colonel. In 1967, he became Revisor of Statutes. Afterwards, he became an Assistant Attorney General of North Carolina and held that position until 1976, when he entered private practice in Raleigh. On 2 November 1982, he was elected to the Court of Appeals to succeed Judge Robert Martin who sought election to the Supreme Court. He was re-elected in 1990 and 1998. In May 1998, he was named Chief Judge by Chief Justice Burley Mitchell to succeed Judge Arnold, who had retired. Judge Eagles retired from the Court on 31 January 2004 and is currently in private practice in Raleigh.

JOHN CHARLES MARTIN was born in Durham, North Carolina, on 9 November 1943. He attended Wake Forest University and its law school