

Presentation of the Portrait of
JAMES G. EXUM, JR.

Chief Justice
Supreme Court of North Carolina
1986-1994

Associate Justice
Supreme Court of North Carolina
1975-1986

October 13, 2015

OPENING REMARKS
and
RECOGNITION of ANDY LITTLE
by
CHIEF JUSTICE MARK MARTIN

The Chief Justice welcomed the guests with the following remarks:

Good afternoon, Ladies and Gentlemen, and thank you Reverend Inman for the Invocation. Reverend Inman practiced law with Chief Justice Exum at Smith Moore Leatherwood prior to entering seminary, and I know it is special to him to have you here.

I am pleased to welcome each of you to your Supreme Court on this very special occasion in which we honor the service on this Court of Chief Justice James G. Exum, Jr.

The presentation of portraits has a long tradition at the Court, beginning 127 years ago. The first portrait to be presented was that of Chief Justice Thomas Ruffin on March 5, 1888. Today the Court takes great pride in continuing this tradition into the 21st century. For those of you who are not familiar with the Court, the portraits in the courtroom are those of former Chief Justices, and those in the hall here on the third floor are of former Associate Justices.

The presentation of Chief Justice Exum's portrait today will make a significant contribution to our portrait collection. This addition allows us not only to appropriately remember an important part of our history but also to honor the service of a valued member of our Court family.

When Jim Exum was Chief Justice, the Court was just beginning to understand and use the internet. Just a few years before Chief Justice Exum's tenure began, Chief Justice Branch had purchased the first Xerox machine, ending the need for seven carbon copies of each of the Justices' opinions. The Court was not necessarily moving at "lightning speed" towards embracing technology that could make our work easier. Chief Justice Exum hired our first technology staff, and he encouraged the members of the Court to try the "new-fangled" email as a way to communicate with their fellow Justices, rather than carrying paper from office to office to get votes! His campaign to improve the workings of the Court included changing the structure of how we deliver opinions

to positioning the name of the Justice who wrote the opinion ahead of the statement of facts – a tradition that continues to this day.

Chief Justice Exum has served with distinction in two branches of state government. One of his lasting impacts has been appointing the “Commission for the Future of Justice and the Courts in North Carolina,” now known as the “Medlin Commission.” When Chief Justice Exum appointed this Commission, he noted that it was time for a “fresh approach.” As he stated when he charged the members of the Commission: “What you have been asked to do is not to predict the future and design the court system around that prediction. You have been asked to design a court system of the future and tell us how to get there.” They did. From the recommendations of the Medlin Commission, we established family courts, created a Judicial Council, accelerated efforts in alternative dispute resolution, developed a long-range technology plan, established better communication methods, and began the utilization of trial court administrators.

I have spoken often of Chief Justice Exum’s efforts, as I recently began my own efforts to look yet again at our Courts in a different time, with different developing issues, to see how we can strengthen our courts from today and into the next twenty years. Chief Justice Exum made a difference on many levels of our Judicial Branch, and we are pleased to have the opportunity to honor him today.

At this time, it is my pleasure to recognize Chief Justice Exum’s friend and Past Chair of the North Carolina Dispute Resolution Commission, Andy Little, and invite him to the podium for remarks.

Thank you, Mr. Little, for those excellent remarks. They were a fitting tribute to our former colleague.

**RECOGNITION of
JUDGE LUCY INMAN
by
CHIEF JUSTICE MARK MARTIN**

We also are fortunate to have Judge Lucy Inman, a Judge on the North Carolina Court of Appeals and a former Research Assistant of Chief Justice Exum, to make some remarks.

Thank you Judge Inman for your remarks.

**RECOGNITION of
CHIEF JUSTICE JAMES G. EXUM, JR.
by
CHIEF JUSTICE MARK MARTIN**

Chief Justice Exum has asked for time for rebuttal, and we are very pleased to welcome the Chief to the podium for remarks.

Thank you, Chief Justice Exum.

**ACCEPTANCE of CHIEF JUSTICE EXUM'S PORTRAIT
by
CHIEF JUSTICE MARK MARTIN**

I am delighted to ask the four grandchildren of Chief Justice Exum: Bella, Sawyer, Rosemary, and Ava (whose twelfth birthday is tomorrow) to unveil the portrait of their grandfather.

On behalf of the Supreme Court, we accept this portrait of Chief Justice Exum as a part of our collection. We are pleased to have this fine work of art done by a well-known artist, Mr. Tom Donahue, and we sincerely appreciate the efforts of all who helped to make this presentation possible.

Chief Justice Exum's portrait will be hung in this Courtroom and will be a continuous reminder to us and our successors of the great history and traditions of this Court. Additionally, these proceedings will be printed in the North Carolina Reports.

Your participation today makes this ceremony special, and we are honored that all of you could be with us. At the close of this ceremony, Chief Justice Exum and his family will move to the History Center on the first floor of this building, and the Court will follow.

On behalf of the Exum family, and with appreciation to the law firm of Smith Moore Leatherwood and Elon University School of Law, who are graciously providing the reception in Chief Justice Exum's honor, I invite all of you to a reception in the History Center.

Please allow Chief Justice Exum and his family, as well as the Court, a few moments to get to the History Center prior to your leaving

the Courtroom. The Research Assistants will help guide you. We ask that you remain at your seats until your row is called. Again, thank you for being with us today.

REMARKS by ANDY LITTLE

Mr. Chief Justice and other members of the court, I've been asked by our honoree to say a few words about a facet of his work that has been particularly important and satisfying to him and it is an assignment that I am honored to undertake at this time.

In 1982 and 83, Justice Exum and other thoughtful lawyers and jurists around the country began to observe that the courts of our land were becoming places of first rather than last resort for the settlement of disputes among its citizens. Noting that the vast majority of cases brought to trial involved factual rather than important legal or constitutional issues, Justice Exum wrote that such cases frequently could be resolved outside the courtroom. In addition, he noted, and I quote, "that litigation can be especially harmful when it is between persons who have a meaningful relationship. Usually, these kinds of disputes involve, as Judge Braxton Craven once said, people problems and not legal problems. When we're dealing primarily with people problems, he said, the courtroom does not have nearly the resolving power of other, less structured dispute settling devices. Litigation in these cases is frequently a severe obstacle to reconciliation between the parties." Justice Exum went on to say, "most litigation, as those of us who have spent our lives engaging in it know, is often not a healing process. It is better, to be sure, than physical violence between the disputants but litigation itself can be a form of violence, verbal violence, which in its long-lasting effect on an individual can be even more damaging than physical strife."

In 1983, as Justice Exum examined the current state of the courts, he also thought about the role of lawyers in advising and representing clients, who often come to us as lawyers thinking that the courts are the only step available to them to right the wrongs that have been inflicted upon them by others. And as he did he was reminded of the many spiritual traditions throughout history that have emphasized a spirit of settlement and reconciliation in the field of human conflict. In his own spiritual tradition, a portion of the Gospel of Mark known as The Beatitudes came to his mind, specifically the one that says, "Blessed are the peacemakers for they shall be called the children of God." Later in 1983, Justice Exum was invited to give an address on that theme at a national conference in Wheaton College in Ohio sponsored by the Christian Legal Society. The talk was entitled "The Lawyer as Peacemaker," and it was much discussed afterwards by those in attendance, especially by those lawyers who were there from North Carolina. Upon returning from that event, Justice Exum began making similar

talks at district bars around the state, and ultimately his remarks were written up in an article for the North Carolina Bar Association's publication, *Bar Notes*. It received wide distribution and acclaim throughout the state. In that article, he said the following: "The time has clearly come for lawyers to begin to emphasize their role as mediators, conciliators, and peacemakers, as counsellors for what is right, not merely advocates for what is legally possible. Lawyers need to remind themselves that the courtroom is often not a place that is conducive to peacemaking, or conflict healing, yet peacemaking and conflict healing are the first obligations of our profession." One of the lawyers in North Carolina who was moved and inspired by Justice Exum's vision of lawyering in that article was Charlie Fulton, then President of the North Carolina Bar Association. Building upon Justice Exum's vision of a lawyer as peacemaker, and a growing national interest in judicial reform, Fulton appointed an Alternatives to Litigation Task Force of the North Carolina Bar Association Board of Governors. He appointed Wade Barbour, initially, to chair the effort; Larry Sitton to chair the subcommittee on community-based alternatives to litigation; and Justice Exum to chair the subcommittee on court-based alternatives. Those appointments and the work of those people created quite an exciting time in the development of the North Carolina court system, but as dedicated and as excited as those participants were, none of them could have predicted the changes in our court system and in the practice of law that they and their successors would bring about. So let me walk you through some of the changes that we have seen in the thirty-two years that have elapsed since the establishment of that task force, bearing in mind that this is the perspective of only one lawyer who lived through those years.

In 1983, few of us lawyers initiated settlement discussions for fear that we would signal weakness by doing so. As a result, cases settled on the eve of trial and sometimes literally on the courthouse steps, and lawyers often lost valuable weekends to trial preparations for cases that were never tried. In 1983, court dockets were soft because no one knew what cases really needed to be tried. As a result, litigants often paid for multiple trial preparations because their cases would be continued multiple times from court term to court term. In 1983, most settlement efforts were made in lawyer to lawyer phone calls and correspondence without the participation of their clients, who often didn't understand how and why their cases settled. In 1983, there was no such thing as settlement conferences. It was almost unthinkable that lawyers, their clients, and insurance representatives, could or would meet together and devote a full day to negotiating the settlement of their cases. In 1983, our civil procedure was devoted almost exclusively to procedures for trying civil lawsuits. Settlement events and settlement procedures were

non-existent. Today, in almost every contested case in state courts, federal courts in North Carolina, in the Office of Administrative Hearings, and in the Industrial Commission, the parties and their attorneys meet, and participate in some kind of settlement event, usually a conference moderated by a trained mediator. Today, lawyers and their clients actively participate together in settlement discussions, carefully analyzing their case and their goals in developing settlement proposals together. Today, lawyers know better which cases they will have to prepare for trial well in advance of that trial. As a result, their trial preparation is better organized and scheduled. Today, the time for disposition of cases in our courts has dropped dramatically, and more cases are settled. Today, court dockets are firmer and fewer litigants have to pay for multiple trial preparations. In 1983, few of us studied the art and science of negotiations. When mediation was first installed as a mandatory settlement event, lawyers were forced to negotiate in more of a public setting than they were used to and our performances in that regard were not always pretty. In 1983, there was no emphasis on negotiation training in law school, and almost no one signed up for the one elective negotiation course available every other semester. When my class was admitted to the Bar, we had no preparation for settling litigated matters. Today, our system of legal education is changing. Courses in ADR, negotiation, and mediation are being offered on a regular basis, and, in some schools, clinical training in negotiation or mediation is being provided. Today, many law students are graduating with the thought that they want to practice law in a different way. Some want to become collaborative lawyers who help their clients define their goals, discover the facts of their dispute, analyze their legal options and remedies, and negotiate directly with opposing counsel and their clients to settle their clients' conflict, but they do not want to represent their clients in contested proceedings. Still other law students graduating today want to go directly into the practice of mediation to help disputing parties settle their dispute whether they have legal claims or not. Today, practicing lawyers are seeking out CLE courses on negotiation and mediation. Many of them have devoted an entire week to mediation training, not because they want to mediate, but because they want to become better negotiators and advisors to their clients. In 1983, many said that lawyers, rather by training or temperament, could never be good mediators. Today, there are over 1400 trained and certified lawyer mediators in North Carolina, who mediate the settlement of civil litigation throughout the state. In 1983, few law offices had conference room facilities in which to meet and counsel clients, or to host meetings with opposing parties to negotiate the settlement of litigation. Today, new law offices are designed and built to host those meetings. In 1983, most of our courthouses were built in an era when watching trials was a community

activity, and our courtrooms were built to accommodate large numbers of people. Today, our new courthouse spaces are being designed and built with conference rooms in mind, rooms in which lawyers can meet and counsel with their clients during court proceedings, and rooms in which settlement conferences can be convened in a neutral setting. So we have come full circle. In 1983, Justice Exum called on lawyers to take on and live the life of peacemakers and to work to ensure that our courts would be places of last, rather than first, resort for the settlement of disputes among our citizens. Who among us could have suspected that his vision would transform the education we receive, the law practices we build, and the courts in which we work. Clearly, ADR is no longer alternative in North Carolina. It is now woven seamlessly into the fabric of our courthouses, our law practices, and our civil procedure. Today, we remember that highest calling of our profession that Jim Exum so simply and eloquently described for us many years ago: the lawyer as peacemaker, and in this room, along with many others who are not here, we are filled with gratitude for his service, his vision, and his inspiration. Thank you.

REMARKS by LUCY INMAN

MAY IT PLEASE THE COURT:

I am humbled and highly honored to present to the Court, on behalf of the Exum family, the portrait which will be unveiled in a few minutes. It was painted by Tom Donahue of Memphis, Tennessee. Mr. Donahue's other subjects included a college president, law school dean and state governor as well as Frank Sinatra, Lauren Bacall and Danny Thomas. It's fitting that his body of work also includes the portrait of a man once described in our state bar journal as "one of the most handsome and charming of our chief justices" and who brought energy, wit, and unwavering courage to this great institution.

James Gooden Exum, Jr. is a native of Snow Hill, a small town and the county seat of Greene County. He was born at the nearest hospital in Kinston on September 14, 1935, the first son of James G. Exum, Sr. and Mary Wall Bost Exum. He and his younger brothers Ashe and Joe grew up steeped in their parents' homegrown business, Happy Jack Dog Remedies, Inc., manufacturer of remedial products for dogs. Happy Jack is still in business and still owned and operated by the Exum family.

Chief Justice Exum was not the first public servant in his family. His grandfather, James Thomas Exum, represented Greene County in the state legislature and was a trustee of the University of North Carolina at Chapel Hill. And through his mother, Chief Justice Exum later discovered, he is a descendent of Chief Justice Thomas Ruffin.

After graduating as valedictorian of his class at Snow Hill High School, Exum attended the University of North Carolina at Chapel Hill as a Morehead Scholar. He earned a bachelor's degree in English in 1957. His college summers were spent working as a counselor at Camp Sea Gull on the Lower Neuse River near Arapahoe. He attended New York University School of Law as a Root-Tilden Scholar, receiving his law degree in 1960.

During law school, Exum worked as a summer associate at a prominent firm in New York and was offered a job there when he graduated. He decided instead to accept an offer from Associate Justice, later Chief Justice, Emery B. Denny of the North Carolina Supreme Court, to work as his law clerk.

The young law clerk cut his teeth on legal research and writing memos as directed by Justice Denny. Exum acknowledges that he could

not have had a better mentor than Justice Denny, who had been an experienced, well-regarded attorney before joining the Court and who was thorough and meticulous in the preparation of his opinions. Exum celebrated when a sentence or two, or occasionally a paragraph, from his memos appeared in one of Justice Denny's published opinions. Decades later, Chief Justice Exum would allow me the same opportunity when I worked as one of his law clerks.

While clerking for Justice Denny, future Chief Justice Exum planned to set up practice back home in Snow Hill. But in the spring of 1961, he received a call from attorney McNeill Smith, who invited him to become an associate with the firm of Smith Moore Smith Schell & Hunter in Greensboro when he finished his clerkship. Exum accepted the offer. While with the firm, he represented the firm's clients in municipal court, jury trials, and appeals to this Court. At the same time, he served in the Army Reserves, retiring as a Captain in the JAG Corp, served as vice president of the Greensboro Jaycees, and served on the vestry of Holy Trinity Episcopal Church.

In 1961, during his first summer in Greensboro, he met Judith Jamison on a blind date. They married in June 1963, and together raised their three children, James III, Steven, and Mary March. Eventually, all three children graduated from the University of North Carolina at Chapel Hill and pursued their own careers.

In 1966, at the age of 31, the future Chief Justice was elected by voters in Guilford County to the state House of Representatives. In just one session in 1967, he successfully supported our state's first clean water legislation, helped bring A&T University into the University of North Carolina system, and championed the first act to protect endangered sea turtles and their eggs. To lawmakers from the coast, who skeptically asked how a Piedmont lawyer knew so much about turtles, the freshman representative replied with a quotation from Ogden Nash: "The turtle lives twixt plated decks, which practically conceal its sex. I think it clever of the turtle in such a fix to be so fertile."

Near the end of the legislative session, Governor Dan Moore summoned Representative Exum to his office and asked him to accept appointment to a newly created resident Superior Court judgeship in Guilford County. The offer was a complete surprise, but fortunately the young lawyer accepted it. He became known as a hardworking and skilled trial judge; and, in 1974, he was elected to the North Carolina Supreme Court.

In 1986, he was elected Chief Justice of this Court, succeeding Chief Justice Rhoda Billings. He was re-elected in 1990. These two chiefs eventually worked together to steer our state toward a method of selecting judges that promotes judicial independence above partisan politics. Nearly thirty years later, that effort continues.

In two decades at this Court, Associate Justice, and later Chief Justice, Exum wrote 402 opinions for the Court and another 208 concurring or dissenting opinions.

In his first year on the Court, he consistently dissented, along with Chief Justice Susie Sharp and Justice William Copeland, to numerous decisions affirming death sentences. *See, e.g., State v. Williams*, 286 N.C. 422, 212 S.E.2d 113 (1975); *State v. Simmons*, 286 N.C. 681, 213 S.E.2d 280 (1975) *vacated in part*, 428 U.S. 903, 49 L. Ed. 2d 1208 (1976). The dissents did not argue that capital punishment was unconstitutional per se, but rather that because the General Assembly had not yet enacted a death penalty statute to replace the statute invalidated by the United States Supreme Court in *Furman v. Georgia*, 408 U.S. 238, 33 L. Ed. 2d 346 (1972), a foundation of our government — the separation of powers — prohibited this Court from creating such a law on its own.

Once the Legislature enacted a new death penalty statute, then Associate Justice Exum concurred for the first time in a decision upholding a death sentence. He wrote a concurring opinion in that case, *State v. Woodson*, 287 N.C. 578, 597, 215 S.E.2d 607, 619 (1975) *rev'd*, 428 U.S. 280, 49 L. Ed. 2d 944 (1976), to explain his vote. He wrote at length to reiterate his personal opposition to capital punishment, but he concluded with his bottom line, which must surely be the bottom line for all judges. “The point is[,]” he wrote, “that as a judge I cannot substitute my personal will for that of the Legislature merely because I disagree with its chosen policy.” *Id.* at 600, 215 S.E.2d at 621.

It generally takes more work to write a concurring or dissenting opinion than to join the majority. Chief Justice Exum did not shy from the task when he believed it necessary to fulfill his duty of standing by his convictions and explaining his legal reasoning.

In a series of dissenting opinions in the 1980's, Associate Justice Exum raised concern about North Carolina's capital sentencing law because it could be construed to prohibit any juror from considering mitigating factors not found to exist by a unanimous vote. *See, e.g., State v. Kirkley*, 308 N.C. 196, 302 S.E.2d 144 (1983) (Exum J., concurring in result on sentencing but disagreeing with majority on this point).

A few years later, the United States Supreme Court in *Mills v. Maryland*, 486 U.S. 367, 100 L. Ed. 2d 384 (1988) struck down Maryland's capital sentencing law because of its unanimity requirement for mitigating factors. A majority of this Court in *State v. McKoy*, 323 N.C. 1, 372 S.E.2d 12 (1988) (Exum, C. J., and Frye, J., dissenting) *vacated*, 494 U.S. 433, 108 L. Ed. 2d 369 (1990), distinguished North Carolina's capital sentencing law from that in Maryland, held that *Mills* was not controlling, and upheld the death sentence. Chief Justice Exum, now joined by Justice, later Chief Justice, Frye, dissented on the unanimity requirement. The United States Supreme Court allowed a petition for certiorari, and, in *McKoy v. North Carolina*, 494 U.S. 433, 440, 108 L. Ed. 2d 369 (1990), reversed this Court's decision. Writing for the majority, United States Supreme Court Justice Thurgood Marshall quoted a passage from Chief Justice Exum's dissent in support of the Court's decision.

Included among a number of his significant opinions are two written for the Court while he was an Associate Justice: *Rutledge v. Tultex Corp.*, 308 N.C. 85, 301 S.E.2d 359 (1983) and *Delconte v. State*, 313 N.C. 384, 329 S.E.2d 636 (1985), and one while he was Chief Justice: *Woodson v. Rowland*, 329 N.C. 330, 407 S.E.2d 222 (1991).

Rutledge involved a textile worker who was totally disabled because of chronic obstructive pulmonary disease caused in part by her exposure to cotton dust and in part by smoking; emphysema and chronic bronchitis were components of the disease. The Court, for the first time, held that chronic obstructive lung disease could be an occupational disease and the worker compensated for total disability under our Workers' Compensation Act "provided the worker's exposure to cotton dust significantly contributed to, or was a significant causal factor in, the disease's development . . . even if other non-work-related factors also make significant contributions, or were significant causal factors." 308 N.C. at 101, 301 S.E.2d, at 369-70.

In *Delconte v. State*, the Court held, for the first time, that home schooling by a father of his two children fell within the category of "nonpublic school" allowed by the State's compulsory school attendance statutes. 313 N.C. 384, 329 S.E.2d 636.

Woodson v. Rowland held that an employee who is injured or killed by the intentional conduct of his employer that the employer knows "is substantially certain to cause serious injury or death" may pursue a civil action against the employer and is not limited to recovery under the Workers' Compensation Act. The Court concluded that such conduct is "tantamount to an intentional tort." 329 N.C. at 340-41, 407 S.E.2d, at 226.

Chief Justice Exum's judicial philosophy matured during his tenure. Shortly after becoming Chief Justice, he said the Supreme Court is "at the cutting edge of the law . . . at that place in between where the law is and where it ought to go."¹ As he approached retirement from the Court a decade later, he acknowledged that he had come to value the need for predictability in the law, noting that although courts must "move the law along in one direction or another. . . we can only do this in very small steps indeed and not in terms of giant leaps."²

As Andy Little has mentioned already today, Chief Justice Exum also helped changed our judicial system by his work not found in published decisions. He opened courts to the public by allowing media cameras in courtrooms. He helped bring computer technology to the courts. He worked to persuade bench and bar to open avenues to alternative dispute resolution in the civil court proceedings, and he helped to introduce needed reforms in criminal sentencing, resulting in the modern model of structured sentencing.

During Chief Justice Exum's years as a Superior Court judge and for most of his tenure at this Court, North Carolina's trial judges had virtually unfettered discretion in meting out criminal punishments. The length of sentences and the choice between prison and probation were determined solely by the trial judge. Plea proceedings were as much as gamble as jury trials.

As chair of the American Bar Association's Criminal Justice Standards Committee from 1990-93, Chief Justice Exum worked to develop a model for state legislatures to determine uniform sentencing guidelines, allowing trial judges enough discretion to tailor punishments to individual cases, but not so much as to foment concerns of irrational, capricious, and unfair sentencing. The "ABA Standards for Criminal Justice Sentencing Third Edition" were approved by the ABA House of Delegates in 1993 and published in 1994.

In 1994, the North Carolina Structured Sentencing Act, based on the principles underlying the ABA model, established a sentencing policy commission and mandated a sentencing grid for all crimes, assigning a maximum and minimum sentence determined by the class of crime, the

1. Don Pride, "Exum Court Stronger, More Progressive?" *Charlotte Observer* (December 12, 1987)

2. "Retiring Justice Jim Exum says he believes old ways still the best" *The Associated Press* (December 1994)

offender's criminal history, and by statutorily defined aggravating and mitigating factors.

Chief Justice Exum has published a number of articles³ and a book chapter.⁴ His scholarship on the North Carolina State Constitution has revealed to judges and practitioners a layer of the law that had been largely overlooked.⁵

After he retired from the Court in 1994, Chief Justice Exum chose his next chapter carefully, taking a sabbatical that included time for family, reading, sailing, working on his tennis game, and exploring this country on his motorcycle. In 1996, he returned to the successor of the firm he had left in 1967, to become a judge. The firm is now Smith Moore Leatherwood. He organized and led the firm's first appellate practice group. He has argued cases in the North Carolina Court of Appeals, the Fourth Circuit and has appeared several times before this Court in cases ranging from commercial disputes to constitutional challenges. He was a founding member of the Board of Advisors of Elon University School of Law; and, since 2013, he has served on its faculty as a Distinguished Professor of the Judicial Process. Beyond the classroom and the courtroom, Chief Justice Exum has served as a mentor to many fortunate North Carolina lawyers and judges.

I will close with reference to a speech Chief Justice Exum made to commemorate the 175th anniversary of this Court more than 20 years ago. His message resonates as loudly now as it did then. "The truth," Chief Justice Exum said, "is that lawyers are primarily peacemakers. They take the passions of their clients and of their times and channel them from the din of the streets and the cry of the mob into the orderly discourse of the courtroom and the conference room." He pleaded for a spiritual revival, noting, "The law cannot cause people not to hate, and it cannot replace intolerance with tolerance. Matters of the heart, attitudes, tolerance for others who are different from us are matters of faith,

3 E.g. "The Death Penalty in North Carolina," 8 Campbell L. Rev. 1 (1985); "The Legal Profession: How Do We See Ourselves," *North Carolina State Bar Quarterly*, Vol. 35, No. 2 (1988); "Regarding Professionalism," *International Society of Barristers Quarterly*, Vol. 27, No 2 (1992)

4 "The Warren Court and State Constitutional Law," Schwartz, *The Warren Court*, (Oxford Univ. Press, 1996)(Chapter Co-written with then Professor Louis D. Bilionis, UNC School of Law)

5 "Rediscovering State Constitutions," 70 N.C. L. Rev. 2301 (1992); "Foreword," Orth, *The North Carolina State Constitution* (Oxford Univ. Press 2011)

not law. Conversely, "None of us can possibly know what God would do in every difficult societal controversy that comes along. Resolution of these specific controversies [is a matter for] law, not faith." He concluded, "Neither faith nor law can do all things. Without law, faith is unsafe. Without faith, law is hopeless."⁶

Thank you, Chief Justice Exum, for your place in our law, our history, and our spirits.

6. "Faith and Law: Different Roads to Peace and Justice," *North Carolina State Bar Quarterly* (Vol. 41, No. 1, 1994)

REMARKS by CHIEF JUSTICE JAMES G. EXUM, JR.

Mr. Chief Justice, Associate Justices, May it Please the Court.

For the first time after saying those words standing at this podium, I have no argument to make. I can almost hear the sighs of relief. Really, now I realize I shouldn't be here at all. I should have just left well enough alone. But I did want just to say a few thank yous. Just a few thank yous. First, to Your Honors for your time and attention to this event and to you, Mr. Chief Justice, for your kind remarks. Thank you. And to those who participated in this event, the Reverend Jenny Inman, Mr. Andy Little, Judge Lucy Inman, thank you. To my former colleagues on the Court who are with us today, Chief Justices Billings, Mitchell, Frye, Lake, and Parker and Justices Wichard, and Carlton – it was a real privilege to work with all of you. Thank you for your collegiality. Thank you for your comradery when we worked together. And especially for your continued friendship. To the greatest clerk of all, Christie Cameron Roeder, for her expertise in putting this event together and her patience with me. Thanks to Elon University and Smith Moore Leatherwood for sponsoring the reception. And finally, I want to say a word of thank you to my wife, Judy. In the year 2000, Judy took charge of this portrait business, this portrait project. She researched the artists, she found one she liked, she made all the necessary appointments and arrangements to get it done. All I had to do was sit still and pay the bill. Stand up, Judy. And during this process, I want the Court to know that we really grew to like and admire the artist, Tom Donohue. He was kind, thoughtful, and very thorough. He insisted on our driving from Greensboro to this room so that he could look at all the work of all the other artists both here and in the hall and he actually recognized the work of many, recognized the artists of many of the portraits. Judy and I were saddened by his sudden, unexpected death in 2012 at a relatively young age. We had hoped he could have been here today. We like the portrait that he created. There have been times when it seemed that Judy loved the portrait more than me. But Judy and I hope that all assembled—and I thank all of you for being here, all of you and especially to the Court—we hope you will like it, too. Thank you.