

**OPENING REMARKS
and
RECOGNITION of
L.P. HORNTAL
by
CHIEF JUSTICE SARAH PARKER**

The Chief Justice welcomed the guests with the following remarks:

Good morning Ladies and Gentlemen. 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 Associate Justice William B. Rodman, Jr.

The presentation of portraits has a long tradition at the Court, beginning almost 125 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 Justice Rodman's portrait today will make a significant contribution to our portrait collection. This contribution allows us to appropriately remember not only an important part of our history but also to honor the memory of a valued member of our Court family.

At this time, it is my distinct pleasure to recognize L.P. Hornthal who will present the portrait to the Court.

Presentation of Portrait
by
L.P. Hornthal

May it please the Court:

It is my distinct privilege and honor to present to this Honorable Court the portrait of Associate Justice William Blount Rodman, Jr. I first stood at this podium 46 years ago. I was arguing a case for the Attorney General, a position Judge Rodman had used his influence to get for me as his law clerk before I finished my tenure less than a month before. I am deeply grateful to Edith Rodman and the Rodman family for asking me to address the Court on this historic occasion.

With your leave, some acknowledgments of appreciation:

First, to John Becker, for his wonderful and life giving portrait of Judge Rodman to be shortly unveiled. This is the second portrait by Mr. Becker to hang in the Court, the first of Justice Lake the elder.

Second, to David Francisco and the Rodman Law Firm for their support in the fund raising efforts for the portrait and for their hosting of the reception which will follow.

Thirdly, to my fellow law clerks who served Judge Rodman and provided the substantial majority of the funding for the portrait's commissioning. In order of service they are:

Bill Brewer
Tom Bennett
Ted Reynolds
Ken Etheridge
Glen Pettijohn
Fountain Odom
Charlie Clement

I am also appreciative to them for sharing their observations about Judge Rodman. Our observations bore remarkable similarity. My discussions of Judge Rodman's fundamental characteristics are largely a composite of our recollections of this great man and jurist we were privileged to serve.

Judge Rodman served on the Court from 1956, when he was appointed by Governor Hodges, until his retirement in 1965. I refer him to "Judge Rodman", because this was the common address for Justices of that era and how they referred to each other.

A few words about the Supreme Court of Judge Rodman's era:

- ❑ It was our only appellate court and there was an automatic right of appeal to the court in all cases.
- ❑ For his first seven years, it was an all male court, all of who had been distinguished jurists or lawyers before their appointment. In 1963, Judge Sharp was the first woman appointed to the Court. Both before and after her appointment, there was an exceptional camaraderie among the Court.
- ❑ Each of them were appointed and re-elected without opposition. Thus, they had the wonderful luxury of being freed from political campaigning.
- ❑ The court had no law clerks until 1957. Before then, the Judges did their own research.
- ❑ About the time he came on the Court, robes were introduced instead of suits.
- ❑ There was no courtroom security. The public had access by elevator to the 3rd floor, housing the courtroom and chambers.
- ❑ Even so, visitors were rare and it was, then as now, a rather monastic place devoted to legal scholarship.

Judge Rodman's appointment to the Court in 1956 was widely acclaimed:

- ❑ His grandfather, William Blount Rodman, had been a justice on the Court after the Civil War.
- ❑ His father was a distinguished lawyer of great reputation.
- ❑ Judge Rodman had been recognized as a lion of the Bar for over 40 years; a great trial lawyer with broad experience in land suits; he was long known as a lawyer's lawyer to whom lawyers turned for advice.
- ❑ He had served as a legislator in both the House and Senate; was President of the North Carolina State Bar; and Attorney General.
- ❑ He had been at the seat of political power in North Carolina from the outset of his career.
- ❑ To use a modern term, it was as if he was cloned for the job.

Though never voiced by him, it was clear to all of us close to him that his service on the Supreme Court, in the footsteps of his grandfather, was the highlight and capstone of his distinguished career.

I would like to try to bring to you the humanity of this remarkable man. This composite of his most notable characteristics comes mostly from his law clerks.

First, he brought an infectious joy to his work.

He loved being a judge. He delighted in good lawyering.

His immense pleasure was manifest:

- ❑ Whether pouring over a complex record;
- ❑ Researching legal precedents, especially when yielding a “case on 4 legs” as he liked to say.
- ❑ When discussing and debating the law and facts of a case. He particularly enjoyed the give and take of oral arguments;
- ❑ Even in the arduous task of crafting his opinions, he seemed to be having a high time.

It was infectious. What could be more fun than being a lawyer? I am satisfied that the same heritage of delight and enjoyment of our professional work followed each of his law clerks into their careers.

Second was his complete and tireless devotion to his duties with the Court.

- ❑ At 7:30 a.m., he wanted his law clerks to join him in Chambers. Long known as the early bird of the Court, he was there long before our arrival. None of us managed to beat him there. Charlie Clement tells of arriving shortly after 6:00 a.m. one morning and finding the Judge hard at work in his chambers.
- ❑ Most days, he was there long after we left in the afternoon. On many days, the following morning, it was apparent to us law clerks that he had burned the midnight oil long after we had left.
- ❑ Likewise, on many Monday mornings, it was obvious to us that he had spent the weekend working on a case or cases.

In this, there was a lasting impression made on all of us:

What we were doing, being a lawyer or a judge, was important work. It was critical to get it right; and you could do that only with long hours and devoting yourself unequivocally to the tasks at hand.

Third, was the extraordinary breadth of his knowledge of the law.

He had been licensed in 1911. He had seen enormous changes in the law. Even so, he was able to convey that the fundamentals of good lawyering and judging; and how cases are put together, tried and decided, do not change.

- He had a prodigious memory. He would give you the name and citation of a case written many years before or might say, "I think my grandfather wrote an opinion in the 1870's on this point." Or, "I think you will find a case on this point by Stacy or Ervin, or Barnhill and he would give you a date and you would find the case and it would be right on the money.
- It was amazing how often he could point his clerk to a pivotal case which none of the lawyers had cited.

He especially delighted in dispatching us to track a principle back to English common law.

Fourth, Judge Rodman's commitment to stare decisis and precedent was the cornerstone of his judicial philosophy.

He liked to tell the story of an earlier court, on the mid-day walk down Fayetteville Street to lunch. They encountered Mr. Allen, a notable Raleigh railroad lawyer who had just had a wrongful death case where the court reversed a nonsuit in his favor. The opinion writer was supposed to have asked Mr. Allen, "Well Mr. Allen, what did you think of the recent case of so and so against the railroad?"

Allen: "To be honest, Judge, I had a hard time finding any acts of negligence on the part of the railroad."

The Judge replied: "Oh, my brother Allen, there were six notable acts of negligence."

Allen: "Really?"

Judge: "Yes, there was a widow and her five orphaned children."

Judge Rodman would smile wryly and say: "Judge so and so was never impeded by precedent from a result he wanted to reach."

The story was amusing, but the message was implicit: precedent should never be bent to reach a result, no matter how righteous.

- On Judge Rodman's watch, hard cases did not make bad law.
 - He was a very spare opinion writer. He wrote out all his opinions in pencil to better accommodate the editing process. His editing

and re-editing almost always resulted in a shorter opinion. He was a firm believer that the more you said, the more you risked doing violence to precedent. He often observed to us, “We’re not writing a law review article here.”

Next, he had a wonderful sense of humor.

He was a delightful raconteur. At our early-morning meetings, he delighted in telling true and wonderful tales about cases he or other lawyers had tried; as well as anecdotes from the many years he had practiced in eastern North Carolina.

Each of his law clerks can recall him asking, with a smile: “Have you ever heard of the second civil war?” The answer as invariably, “No judge, I haven’t.” With mock seriousness, he would then say, “Do you mean to tell me you were never taught in school about the second civil war?” The second civil war he was talking about was the decades long struggle in Eastern North Carolina between John L. Roper Lumber Company and Richmond Cedar Works about competing claims and boundary disputes relating to the thousands and thousands of acres of timber land for which these two timber giants had deeds. This would allow the Judge to launch into a funny true story of lawyers and cases arising out of these struggles. He would tell these stories and sometimes laugh so hard that he would begin coughing enough to cause us alarm. I wish time permitted my relating to you some of the funnier of these great stories—I don’t recall any short ones.

Tom Bennett shared this example of his humor: As was his habit, they had been debating points of law essential to an opinion the Judge was working on. At some point, the Judge called out to his legal secretary, “Miss Julia, please note Judge Bennett’s dissent to this decision.”

Lastly, he was his kindness and consideration of others.

We all especially remember his ability to put young lawyers at ease during oral arguments. A great example I remember is a case before the Court, essentially in a test case for the benefit of the IRS. A son was suing his mother to obtain a ruling from the highest court that the mother’s marital status was such that the estate would be entitled to a marital deduction. The young lawyer representing the son had barely opened his mouth when Justice Hunt Parker began berating him: “Do you mean to tell me, young man, that you are here in court advancing the position of a son that his mother was not married to his father?” Justice Parker pressed on and on with this point, interrupting the lawyer’s efforts to explain the posture of the case.

Finally, Judge Rodman interjected, in his deep bass voice: “Young man, this is what we call a friendly suit isn’t it? You are here at the insistence of the IRS to get a court ruling to satisfy them that your mother and the estate of your father will qualify for the marital deduction? And it is your fervent hope that your mother wins this case?” The young lawyer almost sank to his knees in appreciation. “Yes. Thank you Judge Rodman. Thank you.”

He was a wonderful but gentle mentor to his law clerks. He was not one to offer overt advice, but had a wonderful way of using stories and observations to frame matters of ethical import and sometimes relating to our career choices.

All of his law clerks feel a deep sense of gratitude for his behind-the-scenes efforts to assist us to start off and continue on the right foot in our profession.

It is a fair statement that Judge Rodman had a life long love affair with the law. Edith Rodman, widow of the Judge’s son, Ed, shared with me this story. Ed, as most of you know, was a very distinguished lawyer in his own right: a great trial lawyer and a former president of the North Carolina Bar Association.

Even after he retired, Judge Rodman remained vitally interested in the workings of the Supreme Court. A particular decision had come down with which the Judge took issue. At the Judge’s request, Ed had obtained a copy of the opinion.

The Judge was in the hospital and Ed brought along the opinion. They had a splendid time jousting about the opinion with the Judge arguing one side and Ed taking the other. As the Judge was driving home a favorable point in the debate, he coughed, and died with a smile on his face.

If he had been permitted to choose, Judge Rodman could not have picked a better way to end his distinguished life.

Thank you.

ACCEPTANCE OF JUSTICE RODMAN'S PORTRAIT
by
CHIEF JUSTICE SARAH PARKER

Thank you, Mr. Hornthal for that fitting tribute to our former colleague. At this time, I am privileged to call upon Justice Rodman's great-great-grandchildren to unveil the portrait of their great-great-grandfather.

Thank you. Your participation today makes this ceremony special, and we are honored that you could be with us. On behalf of the Supreme Court, I am indeed honored to accept this portrait of Justice Rodman as a part of our collection. We are pleased to have this fine work of art, and we sincerely appreciate the efforts of all who helped to make this presentation possible.

Justice Rodman's portrait will be hung in an appropriate place in this building as quickly as possible 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.

On behalf of the Rodman family, I invite all of you to a reception in the History Center on the first floor of this building. I thank all of you for being with us today. The Justices and I look forward to having a chance to meet with you and to talk with you at the reception.