

OPENING REMARKS
and
RECOGNITION OF WALTER E. BROCK, JR.
and
THE HONORABLE GERALD ARNOLD
by
CHIEF JUSTICE MARK MARTIN

The Chief Justice welcomed the guests with the following remarks:

Good afternoon, 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 Walter Edgar Brock.

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 Justice Brock'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.

We have all benefitted from Justice Brock's service to the Judiciary and to this Court. Justice Brock was a pioneer for the Courts during the transition to our Unified Court System in the late 1960's and early 1970's. Besides being one of the original members of the Court of Appeals and helping to establish the working relationship between the two appellate courts, he also was a member of the Appellate Rules Commission that wrote the Rules of Appellate Procedure, a publication appellate attorneys and the appellate bench refer to daily. Finally, Justice Brock served as the original – a word that keeps being said for this important figure in our Judicial History – chair of the Judicial Standards Commission. As such, Justice Brock was responsible for setting up a system of review that has served the state well for many years.

At this time, it is my pleasure to recognize Justice Brock's son, Walter E. Brock, Jr., and invite him to the podium for remarks, following which Mr. Brock will then introduce former Court of Appeals Chief Judge Gerald Arnold, who will present Justice Brock's portrait to the Court.

Remarks by Walter E. Brock, Jr.

Chief Justice Martin, Associate Justices, Distinguished and Honored Guests, Family, Colleagues and Friends:

May it please the Court, my name is Walter E. Brock, Jr. of the Wake County Bar. On behalf of my family, I thank this Court and the persistent Danny Moody of the Supreme Court Historical Society for this opportunity to honor our father, uncle, grandfather, and great grandfather - the late Justice Walter E. Brock. The family is deeply honored by the presence of distinguished former chief justices and associate justices of this Court, current and past judges of the Court of Appeals, and former law clerks of my father, many of whom have traveled a significant distance to be here.

Today is a unique opportunity to celebrate our father's judicial career, and his passion for the process of justice in our trial and appellate courts. The timing of this occasion is not by accident. The Court was kind enough to schedule this event on the first court business day to follow March 21, 2015, which would have been our father's 99th birthday had he survived.

We ask that you accept from our family the gift of a portrait that our mother and we have all admired for its authentic portrayal of our father as we remember him. The portrait was painted by Aileen Hord of Hord Studios in Charlotte. The legend in our family (that my father probably initiated, and certainly never bothered to dispel) is that Hord Studios was seeking to promote its portrait services. The studio was located at that time in the original Charlotte Town Mall. Dad frequently held court in Charlotte as a Special Superior Court Judge in the mid 1960's. The studio approached him and offered to do his portrait for free if they could display it in the showcase at the studio as a promotion. I am told by Aileen Hord's daughter Timmy who recalls it well that the portrait remained on display at Hord Studio until at least 1983.

Before the presentation of the portrait, however, and with the permission of the Court, the family would ask the Court to allow the record to reflect some of the story of our father's career and life. We could think of no better judicial historian and raconteur than my father's friend and youthful colleague on the Court of Appeals, The Honorable S. Gerald Arnold, to tell his story. Judge Arnold has been extraordinarily kind and generous with his time and talent in

researching and preparing his remarks. Our family will forever be in his debt.

Before Judge Arnold was an accomplished jurist, he was born and raised in Harnett County where he practiced law and still maintains the old family home. He earned his undergraduate degree from East Carolina University and law degree from the University of North Carolina. He served in the Legislature from 1970 to 1974, and was elected to the Court of Appeals in 1974, where he served as an Associate Judge and then as Chief Judge until 1998. He served as Chairman of the Judicial Standards Commission from 1983 to 1990. After his judicial retirement, Judge Arnold served as President of Lawyers Mutual Liability Insurance Company of North Carolina until 2010, where I am proud to say he was a client.

With the Court's permission, I will ask that Judge Arnold take the podium.

Remarks by Hon. Gerald Arnold

Chief Justice Martin, Justices of the Supreme Court, Members of the Brock family, honored guests, distinguished and much admired ladies and gentlemen:

May it please the Court, it is my great pleasure to participate today in the presentation of the portrait of the Honorable Walter Edgar Brock, who served with distinction on this Court, and to say a few words about his life.

He was a colleague, and a cherished friend. As Chief Justice Martin has said, he was a pioneer who left his mark on North Carolina's expanded judicial system in the 1960's and 70's, a founding father and a chief architect of the COA, the JSC and our Appellate Rules.

I will refer to him as Judge Brock, rather than Justice, because that was the title of his time, and the title that he liked. I may also refer to him simply as Brock, as he was familiarly called by his friends, and more importantly, by his wife, Sarah.

The portrait is a gift from the surviving members of Judge Brock's family, and with the Court's permission I wish to recognize them at this time. 1) Frances Brock Moore and her husband, Daniel K. Moore, Lexington, 2) Elizabeth Brock Lovette and her husband., James F. Lovette, Winston Salem, 3) Walter E. Brock, Jr. and his wife, Lynn Beazlie Brock, Raleigh, 4) Family of predeceased daughter, Elaine Brock Rogers.

If it please the Court, my admiration and gratitude for Judge Walter Brock began forty one years ago when I became a Judge on the North Carolina Court of Appeals. He was Chief Judge of that Court at the time.

I learned very quickly how fortunate I was to have Walter Brock as Chief Judge, and as teacher. It is hard to imagine anyone who could have better exemplified the qualities we so admire in an appellate judge.

He placed a premium on thorough research, cogent reasoning and clear writing. He disposed of motions and petitions in a timely manner, and expected as much from colleagues. Brock always filed his opinions on time. He was an exemplar of learning and integrity.

I remember how everything about Brock was always just so—every detail in order—his clothes impeccable—his walk purposeful

his voice resonant—his looks striking: stocky, well-built, square faced, graying hair, piercing eyes, and a smile that could disguise his assertive questions.

But what I remember most, more than how he looked, or the sound of his voice, or how he carried himself, were the high standards he set. It had to be right.

My fear today is that if I do not get this right, his ghost will haunt me for the rest of my days, then in the hereafter, it will not be St. Peter I dread so much as Walter Brock.

His story began down in the central section of North Carolina in Wadesboro, on March 21, 1916. He was one of five children of Walter E. Brock, Sr., and Elizabeth Brock. His life was not without adversity, when he was twelve years old his mother died. His father at the time was Judge of Superior Court. Young Walter went to live with a loving aunt, Mrs. Mary B. McDowell and her husband, in Scotland Neck, NC. He attended public school there, where he was called "Buster." In 1933, he graduated from high school in Scotland Neck.

He came of age during the hard economic times of the Great Depression. Following high school he worked for four years in a clothing store before borrowing \$50.00 in 1937 to enter the University of North Carolina at Chapel Hill. As a self-help student he worked at various jobs, the best of which was clerk and manager of the Carolina Inn. It was there that he met the love of his life, Sarah Cahoon, from Plymouth, North Carolina, a secretary for the University. They were married on December 23, 1939. For the rest of his life, Sarah Brock would be by his side.

Before leaving Scotland Neck, Brock became interested in flying and he learned to fly. When World War II came along it was too big an event for him to miss. He enlisted in the United States Army Air Corps in 1941, and served as an advanced fighter pilot instructor until 1945, earning the rank of Major. He thereafter served in the Air Force Reserve for several years and retired as a Lt. Colonel.

One of Brock's more interesting experiences must have been teaching Chaing Kai-shek's pilots to fly. This obviously presented somewhat of a challenge. He spoke no Chinese, and they spoke no English.

With the end of WWII, fortune improved for Judge Brock and Sarah, due in part to the greatest investment any society ever made in higher education, the G.I. Bill. He entered the UNC Law School in

1945. Based on his academic record he became Associate Editor of the North Carolina Law Review. In 1947, he received his law degree.

He was admitted to the N.C. State Bar the same year, and returned to Anson County to practice law in Wadesboro, the County seat, and the place of his birth. He became a successful lawyer and practiced law there until 1963.

Judge Brock was active in public service, serving as Chairman of the Anson County Red Cross, as a long-time member of the Civitan Club, as a member of the Chamber of Commerce, the Piedmont Area Development Association and the Recreation Commission. He was involved in politics, serving as Chair of the County Democratic Executive Committee and as a member of the State Democratic Executive Committee.

He was active in his church, Calvary Episcopal Church, where he served as a Member of the Vestry, Junior Warden, Senior Warden, and Lay Reader. Later, he was to become a member of the Vestry, Church of the Good Shepherd, in Raleigh.

Judge Brock stayed loyal to his Alma Mater. He was Chairman of the Anson County Morehead Scholarship Committee from 1952 to 1967, and served on the District Selection Committee from 1968 to 1971.

He was Chairman of that Committee from 1972 until 1982. Judge Brock further assisted the UNC Law School in moot court and trial advocacy programs.

Brock served Anson County as Judge of Criminal Court from 1952 to 1954. He was President of the 20th Judicial District Bar, as well as serving a term as State Bar Councilor.

In 1963, Governor Terry Sanford appointed him a Special Superior Court Judge. He served until 1967, when Governor Dan Moore appointed him to become one of the six original judges of the North Carolina Court of Appeals.

When Chief Judge Raymond Mallard retired in December 1973, Chief Justice Bobbitt designated Judge Brock to serve as Chief Judge of the COA, and Judge Brock remained Chief Judge of that Court until he took office as Associate Justice of the North Supreme Court, having been elected to the Supreme Court in November 1978.

While on the COA, Judge Brock composed 799 opinions. His opinions were clear and concise, and recognized for their craftsman-

ship and scholarship. He advocated judicial restraint, seeking to adapt accepted legal principles, rather than discard them, in order to meet new problems. His goal always was to provide objective standards for the guidance of the bench, the bar and the public.

Walter Brock was an individual who made a difference: not only in the success of the COA, due in large measure to his leadership, but also in the study commission charged with writing what we then called the “new” Appellate Rules, which were adopted by the Supreme Court. He understood the reason for the rules, and realized that fairness dictated that they should be enforced.

He was the first Chairman of the NC Judicial Standards Commission, serving from 1973 through 1978. He prepared the rules of that Commission and directed its day to day operations in an effort to uphold the highest standards for the State’s judiciary.

Judge Brock was an effective Chief Judge and a good administrator. He managed an ever increasing caseload. He was a hands-on supervisor of the Clerk’s office, and when necessary, not above prodding a judge who might be dilatory in getting an opinion filed.

On January 2, 1979, Judge Brock took his oath as Associate Justice of the N.C. Supreme Court. His opinions are contained in volumes 296 through 299 of the Supreme Court Reports. He was author of 31 opinions, including the well-known case of Stanback v. Stanback, 297 NC 181, one of the most cited cases in North Carolina, having been cited in over 300 reported cases.

Sadly, Judge Brock’s career on the Supreme Court was cut short in April of 1980 when he suffered a severe heart attack. He had to retire in December of that same year. North Carolina thus lost the experience and dedication of one of its foremost jurists, and a distinguished public servant.

If it please the Court, no judge ever becomes perfect, and we know that there is no objective assessment even for what makes a good judge. It depends on personal notions of what is desirable. Judge Brock’s legacy was not ideology, it was intelligence and integrity. His extensive record speaks for itself. All who served with him would agree that he was one hundred percent reliable.

As we knew him, however, Brock was more than an outstanding Judge. He was an incredibly interesting individual, always full of energy, and hugely entertaining person with whom to have lunch. Like Brock or not, he was never dull.

He was one of finest story tellers to come out of Anson County. Many of his notorious tall tales involved his home county, as well as the Pee Dee River. He exaggerated about Anson County being one of the original counties, as well as the largest, its western boundary extending all the way to the South Seas. He told of seeing whales and sharks in the Great Pee Dee, and great schools of fish.

Any attempt to correct him on such matters was useless. Brock was unmatched in wit and delighted in repartee, but Judge Ed Clark liked to challenge Brock on his disregard for facts, correctly pointing out that Anson County was formed from Clark's home county of Bladen. And as for the Pee Dee, Judge Clark did not think it much of a river, he being more accustomed to the Cape Fear, which ran through Bladen County. Clark said that he could jump the Mighty Pee Dee, even at flood stage.

In exasperation and obvious condescension, Brock simply indicated that Judge Clark apparently had no better knowledge of history and geography than he had of the law. He then proceeded to recall an elegant evening he had spent aboard the H.M.S. Queen Elizabeth when it docked at Wadesboro. I tried to explain to Clark that it was senseless to argue with anyone from Anson. Since my wife was also born in Anson, I knew this firsthand.

Few of his friends escaped his good natured joking. Brock was generally unmatched in his wit and repartee.

He especially enjoyed Supreme Court Justice Frank Huskins. The two had formed a close friendship back in their days on the Superior Court.

One morning Brock noticed out the window that Judge Huskins was crossing Capital Square on the way to his office, about ten a.m. Brock seized the moment and quickly telephoned and asked to speak to Judge Huskins. When the secretary replied that Judge Huskins was not available, Brock told her that he was a concerned taxpayer, that Judge Huskins was a shame and disgrace to the judiciary, and that it seemed the least he could do was get to work at some reasonable hour before lunch.

The secretary reportedly told Judge Huskins about the irate taxpayer's call a few minutes later when he arrived. Judge Huskins told her to forget it, that the call obviously was from Judge Brock, whom everyone knew was a moron.

Brock and Huskins lived by the sword in their verbal combat, neither asked for quarter and neither gave any quarter.

Brock was a master of hyperbole. Perhaps the best example was at home when he gave stern advice to his young son, Walter Jr.: "Now son, I'm not saying that I'm perfect, . . . but I am working down to it." Judge Brock had a passion for wood working. He built a shop in his backyard. Well, a one-car garage, to comply with city zoning. He constructed the building almost completely from rejected mahogany. It was his getaway while he was on the court. He made beautiful cherry cabinets, tables and desks that are now family heirlooms.

Working in his wood shop, in a sense, explained a lot about Brock's special nature. He had the calling of a craftsman, the desire for creativity, the need for the personal satisfaction of a job done well. It had to be right. Everything "just so, everything in order."

He approached his work with this sense of craftsmanship, of getting it right, whether he was writing an opinion, drafting appellate rules or setting up the Judicial Standards Commission.

He was a golfer and carried this same spirit on the golf course. In fact, at one time he was so serious about his single-digit handicap that Sarah gave him a choice: golf or family. The next day Brock came home with a ski boat, and the entire family, we are told, became accomplished water skiers. After that his golf game might have suffered, but he still talked a big game.

Brock doted on his grandchildren. He and his grandson and namesake, Walter IV, known as Eddie, had the same birthday. Eddie took full advantage of this, and for seven years they delighted in sharing birthday parties. It was a toss-up as to which kid enjoyed it more.

On the bench Brock was tough as nails, but he was a man whose heart was as tender as love itself. This was readily apparent in his relationship with Charlie Wall. Charlie Wall was a beagle, but he was no ordinary dog, not to hear Brock tell it. He was much the same as a person, so Brock treated him like one. His quarters behind the family home had wall-to-wall carpet, a doorbell and a telephone. Charlie Wall was brought to the COA, dressed in a robe and bifocals, and photographed in the Courtroom, sitting in the presiding judge's chair.

This photograph occupied a prominent place in the Judge's office. Brock also claimed that he sought, and got, the dog's advice

on tough legal issues, which was almost believable when you saw Charlie Wall sitting in front of Judge Brock, barking and wagging his tail in response to the judge's questions. Clark once wanted to know why Brock did not let Charlie Wall write some of his opinions. Brock replied that would not be right; a judge had to write his own opinions.

When he died, Charlie Wall was buried in the back yard with a beautiful mahogany grave marker.

Shortly after he retired in 1980, Brock purchased a Harker's Island styled trawler, hand-made in Marshallburgh, N.C. It was christened "The Tuppence," a 30 ft., diesel. (I have not spoken about his penchant for pinching pennies, but "Tuppence" was an appropriate name.) There was no question as to who was the captain. Any crew either shaped up or shipped out. Detailed ship's log are preserved to this day.

Following his retirement, Judge Brock and Sarah spent most of their remaining years at the coast, at or near Morehead City. These were peaceful and happy times. He became an accomplished skipper under Sarah's watchful eye. She served as nurse, dietitian, and first mate, and her loving care enriched and prolonged his life.

Nobody could have said it as well as his good friend Ed Clark: Could any man ask for a better retirement than to be with his "loving wife and children, caring friends, and a good boat."

Judge Brock died on June 13, 1987. Sarah Brock continued to live in Raleigh for another 25 years. She died February 28, 2012.

In his book, *THE GREATEST GENERATION*, Tom Brokaw apologized to the men and women whose stories he could not get to. He asked that we, friends and family, of other members of that generation, tell their stories.

May it please the Court, One way of telling the story of one who was a member of that greatest generation, and who became a Justice of this esteemed Court, is by the presentation of this portrait.

The portrait will be unveiled by two of Judge Brock's great grandsons, Hudgins Brock, and Harrison Bell.

ACCEPTANCE OF JUSTICE BROCK'S PORTRAIT
by
CHIEF JUSTICE MARK MARTIN

Thank you, Chief Judge Arnold and Mr. Brock for those excellent remarks. They were a fitting tribute to our former colleague.

Now, I am delighted to ask two of Justice Brock's great-grandchildren, Harrison Fisher Bell and Robert Hudgins Brock, Jr. to unveil the portrait of their great-grandfather.

On behalf of the Supreme Court, we accept this portrait of Justice Brock 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 Brock's portrait will be hung in an appropriate place in this building 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, Justice Brock's children will head a receiving line with this Court at the front of the Courtroom, and the research assistants will assist you in forming a line to greet Justice Brock's family and the members of the Court. On behalf of the Brock family, and with appreciation to the law firm of Young Moore and Henderson, who are graciously providing the reception in Justice Brock's and his son Walter's honor, I invite all of you to a reception in the History Center on the first floor of this building. Again, thank you for being with us today.