

**OPENING REMARKS**  
**and**  
**RECOGNITION OF EUGENE BOYCE**  
**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 Chief Justice I. Beverly Lake, 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 21<sup>st</sup> 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 Lake'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.

I would like to share from a personal and Court perspective how very special and admired Chief Justice Lake has been both as a "brother" on the Court and as our leader. When I first arrived as a new member of this Court, Chief Justice Lake was an Associate Justice. My chambers were located next door to his, and he took the time to assist me in learning the work flow of the Court. His advice was invaluable.

Upon Justice Lake becoming Chief Justice two years later, I saw a determined leader with a gentle hand bring continued progress to our Court system. As a former trial judge, Chief Justice Lake connected well with the trial judges across the state, and they felt they had his ear.

From his bouncing a Wake Forest basketball down the halls of this building while wearing a Wake Forest jersey after a VERY RARE Wake Forest win over UNC, to his steady hand at the helm of our Judicial Branch, he was loved for his effective leadership and his fun-loving nature. We were and continue to be fortunate to have had him serve our Court system.

At this time, it is my pleasure to recognize Chief Justice Lake's long-time friend and Senior Counsel at Nexsen Pruet, Eugene Boyce, and invite him to the podium for remarks.

### **Remarks by Eugene Boyce**

Mr. Chief Justice, and Distinguished Members of the Supreme Court of North Carolina:

Thank you for this opportunity today, at this most important time in this greatly significant year of 2015. We are just weeks from the date of the signing of the Magna Carta in Runnymede, England - June 15th of the year 1215. I was also reminded as I entered this building and read above the entrance of those important words: "LAW AND JUSTICE."

This event honors one of our own - a person born in a home to a family, who grew up in a small town, educated in schools and college and a law school and in the service of our country and who became and remains dedicated to "the rule of law" - a believer in "Law and Justice." Justice Lake, as many of our ancestors, brought forward those words, and thereafter in deeds, into our State and Federal governing processes for 800 years.

The first Chief Justice of this Court was born in London, England - only 22 miles from Runnymede - from the birthplace of liberty and freedom of people. He served 11 years on that three-person court. He is the only foreign-born Justice in this Court's history. That was 197 years ago - 1818, to be precise.

Today, we honor a Chief Justice who was born here in Raleigh, only a few blocks from here, and a lot less than 197 years ago. He is Chief Justice number 26. He is one of only 87 Justices who have served "Law & Justice."

Beverly Lake, Jr. grew up in his early years only 17 miles from here, just up US 1 when US 1 was North Main Street in the Town of Wake Forest.

We honor one who has spent a lifetime of dedication to his family, to many friends, to our profession, to the State of North Carolina and to the United States of America and today, foremost, to this the third branch, the Judicial Branch of our Government. He has given many decades of his time and devotion to the "Rule of Law" as it first came about in 1215 and which has persevered for 800 years.

Just during his 12 years on this Court while a Justice and Chief Justice, he created the "Commission on Professionalism" in 1998.

In 2002, he created the “North Carolina Actual Innocence Commission.”

In 2004, he was involved in creation of the “Commission on Permissible Political Conduct by Judges and Candidates for Judicial Office.”

On the eve of his retirement in late 2005, Chief Justice Lake created a “State Commission to Improve Access to Civil Courts” as well as a “Commission to Improve Rural Court Services.”

Having served two terms as State Senator and later Legislative Representative for the Governor - the Executive Branch - as well as a Deputy Attorney General, he has fought as much as anyone for improvement of the budget of the third (and still underfunded) branch of State Government.

This was all in addition to the work to which he, as you ladies and gentlemen today know, has devoted hours, days, weeks, months and years in dealing with lawyers and listening to them, in reading our briefs, in doing even more research on his own, engaging other justices about the right and final decision, and finally applying “the Rules of Law” that guide and control and bring resolution and peace and satisfaction to the multitude of our people.

I have known our Honoree from time long past, still memorable, even though memory is now “barely.”

We were together in the Town of Wake Forest for six years in the middle of the last century. We were students in what I still call the “real” College of Wake Forest. We served our country - thankfully in peacetime - in the United States Army with the 18th Airborne Corps Headquarters at Ft. Bragg. I was in the JAG Corps, prosecuting and defending soldiers in military court. He was across the base in the Military Intelligence Division, ready to return and finish law school.

A few years later, a couple years apart, we each were given our first job as a practicing lawyer by two fine gentlemen - one, Mr. A.J. Fletcher (later the founder of WRAL-TV) and the other, then, Dr. I. Beverly Lake. I will always remember Mr. Fletcher’s advice to us budding trial lawyers. He said, “You’ll always remember the cases you lose.”

Both Mr. Fletcher and Dr. Lake gave us advance notice, "You'll never be a real lawyer until three things happen: You have been employed in a controversy between two guys fighting over where the land boundary line is, (2) a bunch of children arguing over who gets their parents' property and thirdly, (3) a dispute in a church congregation split.

Our first case was in this Court. It was the third one - a church case. We came here twice. The Edgemont Free Will Baptist Church lawsuit was when the minority of the Congregation wanted to oust the Preacher who was supported by the much larger majority.

My recollection is not as much about the lawsuit as it is about the Preacher who, in his sermon one Sunday, said, "They are accusing me of rubbing the fur on the cat the wrong way. Well, I tell them - TURN THE CAT AROUND."

That was not "humor." That was "advice." We took it seriously.

As to humor, I cannot help but share a little of the lighter side of the life of our Honoree. Back in old Wake Forest, you may not know that Highway US 1 from NY to Florida was, in fact, North Main Street of the Town. Even then US 1/N. Main Street was considerably, heavily filled with 18 wheeler trucks plus many cars full of Yankees going south to escape the Northern weather. One day, two teenagers built a sign that blocked US 1 and directed all southbound vehicles to turn right down a town street. Trouble was, the little right turn street was only three blocks long and came to a dead end. These two guys avoided arrest and later got college diplomas.

The next true tale that came to mind last night was about a strange noise that occurred in this very stately and serious building. The unusual noise was a continuous bumping on the hallway floor. A certain Justice was, of all things, dressed, not in his robe but, in a Wake Forest College jersey, dribbling a basketball and singing the school fight song. Wake Forest the night before had won the 1995 ACC Basketball Championship. Several Justices then were UNC undergrads. One of the few bragging chances ever presented to "little ole Wake Forest."

I have this to go along with the Lake portrait, if he desires. You can see it - a tee shirt showing that the next year, in 1996, Wake Forest beat Georgia Tech for its second title in a row. I don't know if

he “dribbled” down these halls twice, but the Court had no Georgia Tech grads, so I guess not.

Believe it or not, in fact read it in today’s program. A lot more has been accomplished by Justice Lake than what I have mentioned.

Chris Mumma, the co-heart and the co-soul of the Innocence Commission, will tell us of Justice Lake’s and her amazing accomplishments that are carrying forward the unbelievable work and victories of the Commission as created 13 years ago and which will continue even better to -

ENFORCE “THE RULE OF LAW,” AND SECURE TO ALL “LAW AND JUSTICE.”

Thank you for this opportunity.

**RECOGNITION OF  
CHRISTINE MUMMA  
by  
CHIEF JUSTICE MARK MARTIN**

We also are fortunate to have Christine Mumma, Executive Director of the North Carolina Center on Actual Innocence in Durham, North Carolina, and former research assistant to Chief Justice Lake, to make some remarks.

Thank you Ms. Mumma for your remarks and for your service as Executive Director of the Center on Actual Innocence.

### **Remarks by Christine Mumma**

May it please the court. Chief Justice Martin and Associate Justices, my name is Christine Mumma and I'm delighted to be here today on this special occasion to honor former Chief Justice I. Beverly Lake, Jr.

In 1998, I had the distinct honor of having my life path collide with that the future Chief Justice I. Beverly Lake, Jr. What I knew when I first met him was that he was a justice on the Supreme Court, his father had been a justice on the court, he was Republican, and he needed a new law clerk, which was the most important thing to me. We were introduced by our mutual friend who passed away last year, Judge Donald Smith, and I would say we established an immediate bond. I like to think that was because of the planned path that lay ahead for both of us.

What I learned after I started clerking for Chief Justice Lake was that he is intelligent, well-versed in the law, kind, quick-witted, a flirt, and, most importantly, a fearless leader. A man of principal and belief in justice for all. As Chief Justice, one of his areas of focus was confidence in the justice system – in the judiciary, the State, and the defense. This of course, cannot be achieved without principals and a commitment to justice for all.

The year I started law school, North Carolina exonerated its first citizen through the use of DNA testing. Ronald Cotton was freed after ten years in prison for crimes he did not commit and had no part in. With that same evidence, Bobby Poole was identified as the true perpetrator of those horrible rapes. There have been over 300 DNA exonerations nationally since that time. Eleven more in North Carolina.

Chief Justice Lake recognized that nothing can or should negatively impact confidence in our justice system more than an innocent person spending decades in prison for a crime they did not commit. With that, Chief Justice took what I and many others believe to be the largest and strongest step of leadership ever taken by a member of the judiciary in this State, and possibly the country. He established a stakeholder's study commission that included members from the judiciary, prosecution, defense, law enforcement, academia, and victim advocates. That Commission, designed to ensure continuous improvement in our justice system, was the first such study commission in the country, and a dozen States have followed Chief Justice Lake's example.

From the work of that study group, North Carolina became the first state in the country to establish statutory law providing for eyewitness identification procedures. Based on scientific study, those procedures were designed to increase the reliability of eyewitness identification, the leading causation issue of wrongful conviction. North Carolina also became the first state in the country to statutorily require recording of interrogations in homicide investigations, and later in all serious felonies and juvenile interrogations. The study commission also contributed to the establishment of model statutory guidelines for the preservation of biological evidence, compensation for the exonerated, and most notably, the first state sponsored Innocence Inquiry Commission in the country.

Last week, the I. Beverly Lake Fair Trial Act, H700, unanimously passed committee. The bill addresses one of the last issues left on the original 2002 agenda for the Actual Innocence study Commission – the inherent unreliability of jailhouse informant testimony and the need for cautionary protections when that type of evidence is used. I hope it will become law and that the words “I. Beverly Lake” and “Fair Trial Act” will forever be on the books in the same sentence, for that is what he believes in and has fought for.

Chief Justice Lake once told me that he considers his contributions to criminal justice reform relating to issues of innocence his legacy. From what I have heard from North Carolina citizens and criminal justice stakeholders around the county, everyone agrees. Chief Justice Lake, thank you for your courage, your leadership, your so many years of public service, and, most importantly to me, your treasured friendship. Congratulations your honor.

**RECOGNITION OF  
CHIEF JUSTICE I. BEVERLY LAKE, JR.  
by  
CHIEF JUSTICE MARK MARTIN**

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

Thank you, Chief Justice Lake.

### **Remarks by Chief Justice I. Beverly Lake, Jr.**

May It Please the Court. I fear this may be about the last time I'm able to address this wonderful Court from this podium and say, "May It Please the Court." I hope the presentation of the portrait will, indeed, please the Court. And I want to especially thank you, each and every member, for this special ceremonial session. It cuts considerably into your heavy workload, and I appreciate that. I appreciate the opportunity to be here with you. It has been a real privilege and honor for me to know and serve with all of you through the years, and I thank you for that.

I would like to thank some special people who have contributed, I think, greatly to this ceremony today, including our wonderful clerk, Christie Cameron Roeder. Also, my good right arm, Terry Murray. So many of my research assistants are here, and I appreciate the fact that they made a special effort to be here with us today. I appreciate the good work they did to help me, especially, and all of us with our work. They did, without exception, wonderful jobs, and I deeply appreciate each and every one of them.

I want to say a word about a special guest here today – the wonderful man who painted my portrait. I have not seen the portrait, but I am told that it is indeed worthy of this court and, knowing him, I'm sure it is. He was born in England, has a wonderful British accent, but now lives in Edenton and has for some time. He does exceptional work, and I'd like to recognize John Becker. John, will you stand? Thank you, sir. He has indeed done commendable work for a number of people. I am told I am included in that group, and I greatly appreciate it and his friendship through the years.

I appreciate so many of the opportunities that I've had appearing before this Court. I hope this is not the last time that I appear at this podium and say "May It Please the Court." I hope that everyone tries to make a special effort to do that. They owe that to the jurisprudence of this State and to you and your work. And I do appreciate so much the work that you do. Having been a part of it for many years, I know. I know what you do and I thank you. I thank you for it.

Lastly, I would like to recognize and thank Nexsen Pruet, who has prepared and is responsible for the reception that I hope all of us will enjoy at the conclusion of this special session. So I look forward to seeing each and every one of you there and all of our mutual friends here in the courtroom today with us. Thank you.

**ACCEPTANCE OF CHIEF JUSTICE LAKE'S PORTRAIT**  
**by**  
**CHIEF JUSTICE MARK MARTIN**

Now, I am delighted to ask two of Chief Justice Lake's grandchildren, Isaac Beverly Lake, V and Mollie Smith to unveil the portrait of their grandfather.

On behalf of the Supreme Court, we accept this portrait of Chief Justice Lake as a part of our collection. Mr. Becker, we appreciate Chief Justice Lake's remarks concerning you, and from the looks of the faces in the audience (we can't see it yet), your work has been very well-received. 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.

Chief Justice Lake'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 Lake 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 Lake family, and with appreciation to the law firm of Nexsen Pruet, who is graciously providing the reception in Chief Justice Lake's honor, I invite all of you to a reception in the History Center. Please allow Chief Justice Lake and his family, as well as the Court, a few moments to get to the History Center prior to your leaving the Courtroom. The Clerk will help guide you. Again, thank you for being with us today.