

J. Dickson Phillips, Memorial Service
University Presbyterian Church, Chapel Hill

2:00 PM, November 4, 2017

Tom Earnhardt, Remarks

Jean, Members of the Phillips' family—friends of Dick Phillips...

I was a senior at Davidson when I met Dickson Phillips for the first time in the fall of 1967. I quickly learned that we shared three favorite destinations—Hazel Creek, Linville Gorge, and Cape Lookout. Each location was (and still is) inaccessible by road. Each was wild beyond imagination, held fish requiring no exaggeration, and perhaps most important... each of the locations offered glorious solitude and tranquility. Dick Phillips loved quiet places.

It would be another year before I knew him as a great teacher... learned of his service record... and about the remarkable UNC Law Class of 1948.

In addition to our shared affinity for the same wild places, several events after law school solidified, and even baptized, our friendship. I may be the only person in the sanctuary who has been on a sinking boat with Dickson Phillips...twice. I also gave him a water-logged dog.

On a fishing trip in the early 1970s, with then Dean Phillips, our boat sank in 60 feet of water off of Cape Lookout. On another occasion a couple of years later, also at Cape Lookout, we took a very large wave over the bow, breaking rods and gear, and leaving us knee-deep in water.

In the first instance, we swam in the North Atlantic until the Coast Guard picked us up, and in the second, we bailed enough water to keep the boat afloat, until we could restart the motor. In both cases you will not be surprised to learn, Dickson Phillips was unflappable. He reveled in every salty adventure.

A couple of years after the sinking experiences, when not with Dean Phillips, I was 10 miles offshore from Morehead City when I spotted a small head bobbing in the Atlantic, which I thought was a seal. As I got closer, it turned out to be a struggling dog. I jumped in and retrieved it. Once in the boat, the dog could not stand up or lift his head. For a week, as the dog recuperated, I posted flyers in the Morehead-Beaufort area, and when no one claimed him, I assumed the obvious—that the dog must've come from the belly of a whale—so I named him Jonah.

A couple of weeks later, I showed the German wire-haired pointer, Jonah, to Dick Phillips: it was love at first sight...and clear that the two unflappable mariners were meant for each other. They were inseparable for many years.

Everyone in this room can recite multiple stories about the selfless, boast-less Dick Phillips, Dean Phillips... Judge Phillips.... or however you knew him— and about the things he did for each of us...and on behalf of this university, state, and nation. In my experience, it was rare to have an opportunity to return his kindness: I did, however, have one opportunity:

In the late spring of 1978 Dean Phillips asked me out to lunch, and informed me that President Carter was nominating him for a seat on the Fourth Circuit. I was honored when he asked me to be one of his official references, which required from me a letter in support of his nomination. The tone of the meeting turned somber, however, when I asked, in jest, if he had a criminal record.

Dean Phillips responded with a painful confession: “Tom, I was afraid you were going to ask this question, and yes, there is something I have not shared with you. Several years ago I was charged... by a North Carolina Game Warden with possession of three undersized trout on Wilson Creek. I was absolutely guilty and paid the fine, because all three fish were an inch short.”

The confession continued: “In hindsight, I was derelict in my duty to measure the trout, and even more guilty of hubris—of having visions of grandeur and believing those fish were big enough to keep.”

And with his head held low, Dean Phillips said: “If you believe this run-in with the law is emblematic of a much deeper character flaw, I'll completely understand and you won't have to serve as a reference.”

I took a big chance on the scofflaw and future Judge, and wrote the letter ...

I have saved my most important memory of Dick Phillips for last... He was a pillar of the North Carolina conservation community, and was a steward and student of the land, and of all things wild. He was also wise and intuitive in ways that I will never understand...

It was in fall of my second year in law school, 1969, that Dean Phillips, helped me to recognize that the law did not have to define a person's interests outside of law school.

It was totally unexpected, when he stopped me in the hall between classes and said, “Mr. Earnhardt, please come to my office for a few minutes.”

I asked if there was anything wrong. As he closed the door, Dean Phillips responded, “You're doing fine, but sometimes I don't think your head is here at the law school... But that's OK. All of us have to maintain space in our lives for the things we deem truly important. There is room in your legal career for your passions.”

He handed me a small book and said, “This volume has been very meaningful to me... and I think it will speak to you as well.”

It was Aldo Leopold's, *Sand County Almanac*. I'd never heard of Aldo Leopold—a forester, philosopher, and ethicist—but within a couple of weeks I'd read the small volume several times.

In short order that spring, Dickson Phillips and Aldo Leopold became integral to my understanding of nature and of the new field of Environmental Law. I soon discovered that Phillips and Leopold shared the same land ethic.

Although these are the words of Aldo Leopold, they could've just as easily been the words of Dickson Phillips:

“To those devoid of imagination, a blank space on the map is a useless waste; to others, the most valuable part.”

Several years after law school, I went duck hunting early one Saturday morning with Dean Phillips. We were in the swampy bottomlands of the Haw River, which are now under Jordan Lake. That morning Dean Phillips talked about his favorite time of day—the half hour before sunrise when each small bird finds its voice and becomes part of nature's symphony.

We never fired a shot, but we did listen to the symphony—chickadees, nuthatches, blue jays, cardinals, and titmice. To Dickson Phillips, that swampland on the Haw River—and the blank spaces on the map like Hazel Creek, Linville Gorge, and Cape Lookout—were to him the most valuable parts.

I'm one of those fortunate people who still has the opportunity to visit North Carolina's blank spaces in that half hour before sunrise. It is in those quiet places when I hear nature's symphony that I celebrate the extraordinary life of Dickson Phillips.

End...