

Judge James Dickson Phillips



Memorial Service

J. Harvie Wilkinson III
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My introduction to Judge Phillips was unforgettable. In our first meeting he informed me that while every court needed one academic, two was one too many. A judge of vast experience in the military, in private practice, and university leadership was wondering if I had a practical bone in my body.

I knew from the moment of meeting him that it would take time to get to know him. This kind, generous man was also a judge with high and impeccable standards, and it would not be easy to earn his respect. He didn't ask that you agree with him, but he did expect that you revere the law and the judicial calling as a sacred trust.

Working to earn Judge Phillips' respect was one of the most worthwhile journeys of my time on the bench. I've had many stumbles. On one occasion Dickson and I were waiting for an elevator. The cab was small and the elevator was ever so slow. People who came after us were jamming into the elevator before us. I said, "Dickson, we're going to have to throw some elbows if we ever expect to get in this thing." He looked at me in silence. We waited patiently for five minutes and walked into the elevator unimpeded. That was his lesson in judicial temperament.

Dickson was a man of sunrise, tracing back I think to his Laurinburg background. Dickson, Sam Ervin, and I used to have breakfast at a nice cafeteria at 8:15 until Dickson left our little group to have breakfast with Judge Blane Michael at 7:00. He always thought I wasted the best part of every day.

Lossie and I traveled several summers with the Phillips and Ervins to major league cities to watch baseball games. When we were in Chicago, my young son wanted to take the popular Gangsta tour, and I rushed in to ask Dickson if he wanted to come along. “Dickson”, I said, “the tour stops at the exact place where Mrs. O’Leary’s cow kicked over the lantern and started The Great Chicago Fire of 1871. Haven’t you always wanted to see the spot?” More than any person I have ever known, Judge Phillips could say no without actually saying anything.

Much has been said about Dickson’s wartime courage. At the Battle of the Bulge few men in his unit survived. Dickson earned a purple heart and bronze star for his valiant service, but it was what he did after the war that will live in my mind. He was a junior commissioned officer. He and his first sergeant came from very different walks of life. For the next fifty years Dickson made it a point to get together with his first sergeant to rekindle their comradeship. His loyalty to his friends was legendary. Each one of them will tell you.

The Phillips, the Ervins, and ourselves sometimes held court in Wilmington during the summer. At night we had barbecue on a patio. It was there that I learned that other than his commanding officer at the Battle of the Bulge, Betty Ervin was the only person who ever issued Dickson direct orders.

It was there that I also learned just what a devoted couple that Jean and Dickson were. Lossie and I often said to ourselves that whatever was going wrong, just being in the presence of a wonderful marriage would make you believe that everything would be all right. Jean and Dickson had just that beautiful effect on their friends.

There is much I could say about his stature on the bench. He was as well steeped in the essentials of contracts, civil procedure, and real property as anyone I knew. He taught us that to be a great federal judge, you had to be a great common law judge as well.

He was a gentle man. His voice was one of erudition, wisdom, and mercy from the bench. When the moment merited, he could lean back in his chair and become a profound legal philosopher. He connected law to human nature as well as any judge I've ever seen.

I want to say a word of thanks to those who have come here today. You are by your presence honoring one of the great Americans and North Carolinians of his time. But more than that, your presence here honors the values and principles Judge Phillips held dear and by which all of us should seek to live. He loved and respected and helped and remembered those around him. His death has not dimmed his example. He is here to help us in these harshest of times if we can but heed him.

I thank you.