

2018

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Recommended Citation

Charles C. Lewis, "Our" Leary, 40 CAMPBELL L. REV. 7 (2018).

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“Our” Leary

CHARLES C. LEWIS*

The year was 1977, and I had decided to attend the annual Association of American Law Schools (AALS) Law School Faculty Recruitment Conference to be held that year in St. Louis, Missouri. Since this was the conference where law schools interviewed prospective law professors for openings on their faculties, my fondest hope was to find a job teaching in a law school. The AALS had already circulated my resume among all the law schools in the United States and Canada prior to the conference, and I and many other prospective applicants awaited letters that we hoped would invite us to interview with law school recruitment committees at the conference.

My telephone rang at my home in Warrenton, Virginia, where I had been practicing law for almost seven years. I answered it without realizing that it would change my life and the destiny of my family forever. The person on the other end said clearly and distinctly, “Hello. This is Leary Davis, dean at Campbell College School of Law in Buies Creek, North Carolina.” Yes, this was “our” Leary, and he invited me to interview with him and the Campbell recruitment committee in St. Louis.

Other law schools inviting me to interview had sent me formal letters that merely asked me to contact them if I was interested in interviewing with them. So, this rather informal telephone call and direct invitation asking for an immediate answer was a bit different from what I had expected.

In fact, there were several other matters that were a bit strange about this telephone call. First, Leary’s call came on a Friday evening around 8:00 or 9:00 p.m. I would have expected such a call to come during my office hours at the law firm, not in the evening when I was winding down after a hard day’s work. Perhaps Leary was trying to keep his call confidential so that my partners or our secretaries might not discover my teaching ambitions at that early time. That could be, but if it were true, then I would have expected him to call me on a Monday to Thursday evening, not on Friday evening when most socially adept lawyers were “out on the town” enjoying themselves, and also trying to create a little rain for the firm!

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Another strange thing was that Leary was dean at the Campbell College School of Law in Buies Creek, and not at Harvard or Yale or Chicago, from which I expected some attention. Well, I confess that I wasn't shooting that high (Leary would say "shooting that low"), and I really had no desire to live in Cambridge, New Haven, or Chicago, but the strange thing for me was that since I had lived in Goldsboro, North Carolina as a teenager, I already knew something about Campbell College. I knew it was only a junior college, although I did not know how to pronounce the name of the creek in which it was located. How, I wondered to myself, could a junior college start a law school?

Despite my initial concerns, I said "yes" to Leary's invitation. I agreed to meet with him and his recruitment committee in St. Louis. And indeed, I went to St. Louis and appeared at Campbell's hotel suite on the appointed day and hour.

But Leary wasn't there. When I knocked on the door, I found only Jack Broderick and Bob Jenkins holding the fort for Campbell. Jack quickly jumped up on a chair and started singing the Washington and Lee fight song in honor of our mutual alma mater. When he finally stopped singing and got down from the chair, he and Bob explained that Leary had flown out that morning to interview someone in Chicago, and he wouldn't be back until late that night. Nevertheless, they gave me another time the following day to come back and meet Leary, and I left Campbell's suite with a travel brochure on North Carolina, and a brochure advertising the new Keith Hills golf course and residential development.

The next day I appeared again at the appointed time and hour, prepared to meet the elusive Leary Davis, but instead I was surprised to see a line of applicants in front of Campbell's door that looked like an unemployment line during the depression. As I fell in line with the others, I began to wonder whether I would ever meet Leary. But suddenly Leary came out of Campbell's suite, bypassed the other applicants, and took me out of the line. As the others looked on jealously, Leary talked with me in the hotel hallway. Despite my great expectations, I can't say that I remember a word he said to me, but I do remember that he leaned against the wall as he spoke, and he had a very earnest look on his face.

When the conference in St. Louis was over, I flew home and carried on my law practice as if nothing had happened, as it indeed had not. But Leary eventually called me again, this time at my office and during office hours. He invited me to come to Buies Creek to see the law school and talk with other members of the faculty, and I readily agreed to come.

After driving several hours from Virginia to reach Buies Creek, I arrived in the dark and thought I had discovered the Campbell campus until I realized that I had pulled into the nursing home complex several miles

west of the actual campus. A bit red-faced, I drove on to find Campbell and more specifically to find Bob and Pat Jenkins' house near the campus where I was to spend the night. I arrived just in time to celebrate Pat's birthday with Leary, a few of the faculty, and some of the law students. It was there that I heard the name "Pat" and the noun "grits" pronounced in two syllables. Trying as hard as I could that night, I absolutely could not make my mouth say those words in two syllables. I can now, but I have had some 40 years of practice.

The next day I saw Leary's law school in its original quarters in old Kivett Hall. The college bookstore and the Oasis were still located on the first floor of Kivett, and the law student lounge was squeezed into the front portion of the first-floor hallway. The third floor, where the faculty would later have offices, was still a book storage area.

Leary introduced me to the rest of the faculty at the law school, and he also took me to his home in Keith Hills to meet his wife, Joy. At the same time, I met little E.J. Davis, Leary and Joy's youngest child, who sat in Joy's lap, sucked on her pacifier, and gave me a puzzled look. I had no inkling then that I would end up teaching E.J. as a law student at Campbell some years later. Nor did I realize that Leary's real purpose in taking me to his home was to have Joy check me out as a suitable faculty member. Somehow or another, I apparently passed Joy's test for a faculty member and for that I have been grateful for many years.

I returned home to Virginia, impressed by my visit to Buies Creek and Campbell. Several weeks passed and again Leary called to invite me and my wife, Jeanne, to come back to Buies Creek. I figured Leary was getting serious by asking me to come for a second visit and to bring my spouse, so I again agreed to travel to Buies Creek. I even dared to think this time that Leary would make me an offer to come teach at Campbell.

When I arrived in Buies Creek and showed my wife around the metropolis of Buies Creek, she noticed something I hadn't even considered. Her first question was, "Where are all the stores?" Leary had to give me crash instructions on how to get to Crabtree Valley Mall in Raleigh, so I could show her that there were shopping malls in North Carolina similar to those in Virginia—although they were admittedly a good distance from Buies Creek.

When Jeanne met Bob Jenkins and Leary for the first time, she came away thinking that Bob Jenkins was the dean and Leary was a law student. If that strikes you as funny that she thought Leary was a law student, you have to remember that Leary then had more hair and it was solid black. Plus, he was dressed much as I had dressed when in law school, with sports jacket and tie and penny loafers, an era of fashion now long past, either regrettably or not, depending on your age.

On the Saturday night of our visit, we went to Stanley McQuade's St. Patrick's Day party at his first home in Buies Creek. Little did I know then that I would later buy the adjoining lot, build a house there, and find myself still living there some forty years later.

As the party at Stanley's house progressed, I worried less about celebrating the saint's birthday and more about whether Leary would make me an offer to teach at the law school. I was leaving for home early on the following day, and I feared that if Leary didn't say something before we left the party, he might never say it.

Unfortunately, the party began to wind down, and Leary made no move at all to offer me a position on the faculty. Getting desperate, I somehow managed to maneuver him out on Stanley's front porch so he would have the opportunity to talk with me in private, but Leary talked about everything other than whether he would hire me. In frustration, I myself finally broached the subject with a less than subtle question, "Well, Leary, are you going to make me an offer?"

I suppose I had nothing to lose, and I didn't know enough then about negotiation to realize that Leary could have been using a familiar negotiation tactic on me to get me to go first. At any rate, my desperate question brought an immediate response from Leary, almost as if he was glad that I had asked the question. He made the offer then and even said he would go to the law school that night to draw up the contract for me to sign. I declined the immediate offer to have the contract prepared and signed that night, but Leary subsequently mailed the contract to me promptly, and I immediately signed and returned it.

So, I came to teach at Campbell in 1978, and Leary was my first law school dean and hence a mentor for me. I remember how he helped me juggle my very first grading curve when I asked for his advice. I remember giving him some document which he promptly lost or, more politely put, "misplaced" in his office, which even at that time was beginning to show signs that Leary would never be able to keep a neat desk or office. When he later asked for another copy of what he had lost, and I told him that I had given him the original and there was no copy, Leary exhibited no remorse for losing the document but instead told me never to give him anything without first making and keeping a copy. I never forgot that lesson, and I always tried to pass that advice on in my contract planning classes.

Leary also taught me the power of silence as a negotiation tactic; he would get me in his office on some reason or other, talk for a moment and then in silence look at me. His silent stare could squeeze out of me the deepest and most secret conspiracy among the faculty. And yes, I also tried my best to teach that negotiation tactic to my contract planning students.

Fast forward, if you will, to the year 1987. Leary appeared at my door in Keith Hills on a Sunday afternoon and said he wanted to talk to me. I took him into our den, and he proceeded to tell me that he was resigning as dean of the law school. As he went through his explanation for this decision, I remember thinking to myself, "What could we as faculty have done to make Leary's experience as dean easier so that he might not have resigned? Why didn't we have the foresight to act before Leary resigned?"

Later I realized that Leary's resignation had nothing to do with making life easier for him as dean; that wasn't the issue at all. Instead, Leary was ready to move on. He had done his job in getting the law school on its feet and headed in the right direction to do great things. He was ready to become a professor in the ranks and put his talents to work in the classroom and in other educational ventures.

Fast forward again to March of 2005. I returned home from spring break, and I learned through Buies Creek's grapevine that Leary had resigned as a faculty member to become the founding dean at Elon's new law school. I had been aware that Leary was a consultant to Elon on starting a new law school, and I had later even heard that he was in the running as dean, but I had not gone far enough in my thinking to consider that he would actually become the founding dean for Elon and leave Buies Creek behind.

The fact of Leary's leaving thereafter slowly sank in. I eventually saw Leary in an otherwise empty law school over the weekend after his resignation. I had a good talk with him, and I congratulated him and wished him well. I confess now that I felt a little lonely thinking that Leary, who for me so well personified the law school, was really leaving Campbell forever.

As the weeks passed and Leary's leaving became more public, I had the distinct feeling that some did not think very highly of Leary's decision to leave Campbell for Elon. Perhaps they thought he was turning his back on Campbell, deserting the faculty and the student body, and leaving us all alone to struggle on by ourselves. Indeed, to so many faculty and staff, graduates, and townspeople, Leary was the heart and soul of Campbell Law School and his leaving was like ripping that heart and soul out.

But I knew that was not true. In fact, Leary had given his heart and soul to the law school in Buies Creek, both as dean and as professor. Indeed, the law school he birthed in little Buies Creek and nourished over so many years of his life has now become an excellent law school with great potential and great expectations, basking confidently now in the bright sunlight of North Carolina's capital city, and within walking distance of the old state capitol and the modern state legislative building, as well as the state's appellate courts and many prestigious law firms. As was true

when he first resigned as dean of Campbell Law School to become a faculty member, it was simply time for Leary to leave Buies Creek and move on to new dreams of what he still could do to improve legal education by starting a new law school at Elon.

Ah, there is the rub! Leary the dreamer! Some would say that with a laugh or a smirk or a snicker. Such is the curse of every dreamer. I would prefer to describe Leary not as a dreamer, but as a visionary. He was a man with vision, and that is exactly the type of person who could become the successful founder of two law schools, as Leary proved for us so many years ago.

Now a person with vision is rare, but a person with vision who can also enlist the support of others to achieve the vision is rarer yet. Leary achieved that rare distinction as the founding dean at Campbell, and I suspect that he was able to do the same at Elon.

Truly, there really should have been no sadness when Leary left Buies Creek for Elon. We missed him; that was true. But he went where his vision was needed and could be put to work for the good of legal education, which was always Leary's heartfelt desire.

But Leary has now left us once again. Sadly, he has crossed the bar, in the words of Alfred, Lord Tennyson, and walks no longer among us. And yet, for his time among us, for the lives he touched as dean and professor at our law school, and for his many achievements in legal education and the legal profession, whether in Buies Creek or elsewhere, we should give thanks to God who brought him to Buies Creek to live among us, even if it was only for a short while.

I don't know about you, but I believe that a part of Leary will remain forever in Buies Creek as long as the Campbell University School of Law continues. Just drive or walk slowly down the street by the old law school building in Buies Creek, and you might, as I do, see the young Leary in your mind's eye as he walks along the sidewalk to the post office or to the bank and then back again to the old law school. Though it brings tears to my eyes now that I know he has gone from us, his memory still warms my heart and I know how fortunate I was for his influence and his presence in my life.