

Presentation of Portrait

by

Richard T. Lunger III

May it please the Court:

Good afternoon Chief Justice Parker and distinguished members of the Court, I am honored to be here today on behalf of the Pless family who has asked me to prepare this statement and present this honorable Court with this portrait of Justice Pless prepared by Bradley Stevens.

I am Justice Pless' great-grandson and knew Justice Pless only as a child. As the Court will recall, the single most important thing in his life were the people of his beloved Blue Ridge Mountains. Although in countenance he appeared a tall, stern and domineering man, he was in fact a very patient and compassionate man whose modest, warm and polite demeanor endowed him with many close and lasting friendships over a broad socio-economic spectrum. His kind, nimble and energetic wit was always at the forefront, whether at home or on the bench. He was also a driven man with a strong work ethic. He was productive in pursuit of his career and in service of his community, and in particular of Southwestern North Carolina, which he really never wanted to leave.

Justice James William Pless, Jr., "Will" to his friends, or simply "Judge" to his family, was born in the mountain city of Brevard, North Carolina on July 1, 1898 to James William Pless, Sr. and Annie Miller Pless. He and his brother Edwin J. Pless grew up in Marion, McDowell County, North Carolina. His father was a distinguished lawyer and mayor of both Brevard and Marion. Much of his childhood was spent traveling from law office to law office with his father. Judge later explained he became a lawyer because that was what his father did and he never really considered anything else. By the time he graduated from Marion High School in 1913 he had already spent several years reading the law with his father. After high school he attended Davidson College, named after one of his ancestors, Gen. William Davidson of the Revolutionary War, and graduated from Chapel Hill in 1917. After serving in the United States Army as a corporal during World War I, he attended and graduated from law school at Chapel Hill in 1919. That same year he received his law license and joined the firm of Pless, Winborne and Pless where his father continued teaching him the practice of law. He was in private practice for only five years when he was appointed the 18th District Solicitor by Gov-

ernor Morrison in 1924. At the age of 25 he was the youngest solicitor ever appointed in the State. When Governor Ehringhaus appointed him Superior Court Judge in 1934, he also became the youngest judge ever to hold that office in this State. He was elected to that judgeship for four consecutive 8-year terms with no opposition from either the Republican or Democratic Party—another North Carolina record. By 1965 he had held court in over 70 of the State's 100 Counties.

After 32 years as a Superior Court Judge, having served as a regular Superior Court Judge longer than any other judge in the State's history, he reflected and was quoted as saying "A Superior Court Judge is the only person I know of who has to bat a thousand; 999 isn't good enough. I've just finished a case that lasted all week and I guess there were several hundred objections during the testimony. Now, if I handled them all correctly except for one, that one mistake could cause a new trial." As a judge, he was a fervent advocate of the simplification and modernization of court procedure and was known for his interest in the rehabilitation of young criminals and instigated a plan that was subsequently adopted to segregate youngsters from hardened offenders. When finally appointed to the Supreme Court by Governor Moore in 1966, Judge was ready, as he put it, for a transition to more time for study and reflection of the law.

Judge was seriously committed to community service. He served in a number of community, civic and professional organizations during his career. He held many positions at his local Methodist Church, including teaching Sunday school classes, was president of the local Kiwanis Club, created the Marion Lake and Golf Club, was master of his Masonic Lodge, commander of his American Legion post, served on the Legion's State Executive Committee, a member of the Sons of the American Revolution, the Society of the Cincinnati, Sons of Confederate Veterans, and was national president and President Emeritus of Phi Delta Phi, the largest legal fraternity in the world. He also served as president of the Conference of Superior Court Judges for seven years under appointments of three Chief Justices—Chief Justices Barnhill, Winborne and Denny. He also served a term as vice president of the North Carolina Bar Association. In 1963, after heading the campaign for a Constitutional amendment on court reform, he won the bar association's John J. Parker Award, which is irregularly given only when bar members feel an outstanding service has been rendered to the public.

Judge lead a bustling family life surrounded by his wife Marjorie and his four children, James William Pless III, Allan Davidson Pless,

Ann Neal Pless and Marjorie Kirby Pless, and the dozens of grandchildren and great-grandchildren. Judge was also an avid reader, with history and biographies as his favorite subjects. More than anything else, however, he was an avid lover of music, which he had learned from his mother. He played the guitar and sang often for family, the church choir, and whenever goaded into doing it on special public occasions. When asked about having had to sing at an Asheville bar convention, Judge was quoted as saying "Nobody can accuse me of having dignity." According to his daughter Ann, he was also the "best dancer in North Carolina."

Judge loved the outdoors and the people and culture of western North Carolina. After his retirement, it was a common occurrence for many of the distinguished attorneys of this State to just drop by and sit on the front porch of the family home in Marion to discuss current cases. All knew they were welcome. His "Kibbin" weekends at the family Cabin in the Pisgah Wilderness on Mackey's Creek were a much sought-after invitation. His lake house on Lake Tahoma was where all his children, grandchildren and great-grandchildren were indoctrinated into hunting, fishing, boating and other outdoor activities. This love of western North Carolina led to his repeated rejections of other offered opportunities outside of the region. He was one of those rare people who was totally fulfilled by what he did and where he lived.

Upon his death, per his request, his coffin was draped in the North Carolina flag instead of the American flag.

Chief Justice Parker, and distinguished members of this Court, it is a privilege to appear before you behalf of the Pless family to present this portrait of Justice J. Will Pless, Jr. Thank you.

ACCEPTANCE OF JUSTICE PLESS' PORTRAIT

by

CHIEF JUSTICE SARAH PARKER

Thank you, Mr. Lunger for that fitting tribute to your great-grandfather and our former colleague. At this time, I am privileged to call upon a granddaughter Martha Noblitt and a grandson W. Pless Lunger to unveil the portrait of Justice Pless.

Thank you Martha and Pless. Your participation today makes this ceremony special, and we are honored that you could be with us. On behalf of the Supreme Court, I am indeed honored to accept this portrait of Justice Pless as a part of our collection. We are delighted to have this fine work of art, and we sincerely appreciate the efforts of the family and all who helped to make this presentation a reality.

Justice Pless' portrait will be hung in an appropriate place in this building as quickly as possible and will be a source of strength to us and to our successors throughout the years. Additionally, these proceedings will be printed in the North Carolina Reports.

On behalf of the Pless family, I invite all of you to a reception in the Historical Society room on the first floor of this building. I thank all of you for being with us today. I look forward to having a chance to meet with you and to talk with you at our reception.