

## PROFILE:

# Robert L. McMillan

## First Recipient of Joseph Branch Professionalism Award

WCBA member Robert L. McMillan has been selected by the Bar's Professionalism Committee as the first recipient of the Joseph Branch Professionalism Award. The award is presented annually to the practicing lawyer in Wake County who "best exhibits the qualities of professionalism." A more fitting recipient could not be imagined; Robert's four decades of legal practice and his longstanding contributions to his community testify to his deeply rooted sense and spirit of professionalism.

"The practice of law," Robert says, "has always been considered one of the true professions. It, like teaching, ministry and medicine, renders a service to society." "Professionalism," Robert continues, "is the lawyer's focus on the fact that the profession is a calling to render that service — not just the sale of a product."

Robert, who presently practices with the firm of McMillan, Kimzey & Smith, began his practice nearly 43 years ago upon graduation from UNC law school. His early career and education were interrupted by his service in the Marines, where he served as a captain in World War U and the Korean War. He joined the legal profession in his father's firm, where he, his father and Clyde Douglass, Sr. engaged in a general practice of law. Robert holds a great admiration for his first employers Clyde Douglass, Sr. "was a man of great Integrity — thorough and hardworking." His father, Robert recalls, was a "true legal scholar. He enjoyed the practice of law, and taught law as well. He was an outstanding gentleman, a *very* gentle, yet very strong person."

Later, Robert struck out on his own, and gradually developed a criminal law practice. He recalls that it was very difficult to get established as a criminal lawyer in those days since indigent appointments were only made in capital cases, and then only to experienced trial lawyers. And the pay, he recalls, was "much less adequate." Relying upon contacts made during his service as Prosecuting Attorney for the Raleigh City Court from 1954 to 1957, Robert persevered and established his practice. Today, Robert is recognized by fellow members of the bar as the "dean of criminal law" in Wake County, and has been honored as a past president of the Wake County Academy of Criminal Trial Lawyers. He has also served as president of the Wake County Bar Association, and is presently a Councilor of the N.C. Bar.

Professionalism, as related to criminal law, Robert explains, "Is the recognition of the very high calling of criminal trial lawyers. Criminal trial lawyers ensure the sanctity of the individual as manifested by the Bill of Rights. Criminal trial lawyers are the enforcers of the Bill of Rights — although their efforts may at times be for unsavory people, their efforts are no less important because of the basic and fundamental nature of the rights being upheld." Civil lawyers, Robert continues, "have an equally important professional calling: their domain is the application of systematic rules to the resolution of disputes. Chaos would reign if Individuals were denied the rules established by civil law, and it is the professional duty of civil lawyers to zealously guard those rules,"

"In reality," Robert observes, "a lawyer's duty of professionalism, irrespective of the nature of that lawyer's practice, arises from the same fundamental task — to protect individuals and ultimately society from the tyranny that would reign if individual rights were ignored."

As to matters of ethics, Robert lives by a very simple rule passed down to him at the start of his practice by an elder attorney: “If the question arises, the answer is no.” “Professionalism and ethics are inseparable,” Robert says, “and one cannot be a true professional without strict adherence to ethical standards.”

Reflecting on the Wake County Bar, Robert observes that “we are fortunate in Wake County to have high standards of professionalism, ethics, and competence.” Robert recalls many occasions where he has heard visiting lawyers and judges from other counties comment on the high standards of the Wake Bar. The standards have not diminished as the Bar has grown, and, in fact, Robert believes, the educational standards have improved over the years of his practice. There’s room for improvement, though, cautions Robert. “The needs of indigent criminal defendants must be continuously in the consciousness of the Bar, and their needs must be more adequately addressed. This is especially true in capital matters, but applies in general to criminal cases across the state.” Robert presently serves as chairman of the State Bar’s Commission for Providing Counsel for the Indigent

Professionalism, Robert believes, embodies a “responsibility to participate in community affairs, but only if the lawyer feels capable” Robert has capably engaged in his share of community activities; he has served in a number of capacities at his church, he is a leader and member of the Raleigh Rotary Club and American Legion, he was a longtime scoutmaster of Boy Scout Troop 306, and has served as Chairman of the Raleigh Historic Commission. In his free time, Robert enjoys hiking — he has hiked extensive portions of the Appalachian Trail — and now especially enjoys canoeing and flower gardening. And, all the while, Robert and his wife, Virginia Maynard McMillan, raised six children, and now proudly boast of nine grandchildren.

It is indeed fitting that Robert be honored with the Bar’s Professionalism Award. Just as Joseph Branch, the namesake of the Award, embodied in his career and demeanor the essence of legal professionalism, so too does Robert McMillan, Robert’s comprehension and articulation of the callings of professionalism and, more importantly, his realization of those callings in his career and his community service, are deserving of the Bar’s greatest praise, and thus, on November 5, the WCBA will be honored to present Robert McMillan its first Joseph Branch Professionalism Award.