



The 2005 Joseph Branch Professionalism Award Recipient Roger W. Smith, Sr.

Each year, the Joseph Branch Professionalism Award is presented to a member of the Wake County Bar Association whose ethics, integrity and service to clients, the community and the Bar mirror the standards set by the award's namesake, the late Joseph Branch, former Chief Justice of the North Carolina Supreme Court.

Justice Branch was appointed to the North Carolina Supreme Court on August 29, 1966. Approximately one year later, Roger Smith arrived at the Court, having been selected by the late Justice Carlisle W. Higgins to be his law clerk. Roger and Justice Branch formed a fast friendship that was fueled by the instant coffee they shared during late night research at the Supreme Court library.

It was well known that Justice Higgins always selected a scholar/athlete to serve as his clerk. Roger created the mold. Roger was born in Albemarle, and attended public schools there. He was awarded a Morehead Scholarship at UNC, where he received his B.A. degree in English in 1963. That year, he captained the UNC football team that was co-Atlantic Coast Conference champion, and defeated Air Force, 35-0 in the Gator Bowl.

Roger graduated from UNC law school in 1967 after serving as the first Chief Justice of the Holderness Moot Court Bench and receiving the Wettach-Van Hecke Citizenship Award. After completing his Supreme Court clerkship, he joined the firm of Tharrington Smith in 1968.

Roger Smith's legal career has been marked by success, service and professionalism. Roger has been a member of the State Bar Council and its Ethics Committee, the North Carolina Sentencing and Policy Advisory Commission and the North Carolina Justice Needs Assessment Task Force.

Roger was President of the Wake County Bar Association and the 10th Judicial Bar in 1993, and in 1995-96, he was Vice-Chair of the North Carolina Board of Legal Specialization. He is currently a member of the Board of Directors of the American Judicature Society, the WCBA Delegate to the ABA House of Delegates, President of the North Carolina Supreme Court Historical Society, a member of the Louisburg College Board of Trustees and a member of the Board of Governors of Summit House. Roger is a fellow in both the American College of Trial Lawyers and the American Academy of Appellate Lawyers. He has been listed in Best Lawyers in America since its inception in 1983.

When a Public Defender Office was funded for the 10th Judicial District Bar, Chief Resident Superior Court Judge Don Stephens appointed Roger to chair the 10th Judicial District Public Defender Qualifications Committee, which was charged with the responsibility of screening and rating the applicants for the position of Public Defender. Judge Stephens has also selected Roger to chair the 10th Judicial District Bar Liason Committee, whose purpose is to smooth the transition to the public defender system by providing assistance and advice to the Public Defender.

No one has had a closer view of Roger's talents than his brother, Wade, the recipient of the Professionalism Award in 1998. Wade describes Roger as a multi-faceted man who can do nearly everything, but Wade said that it is best to try a case with Roger. His intelligence, instincts, courtesy and compassion have enabled him to master every stage of a trial from the opening statement to appellate argument.

Roger is also a philosopher whose poetry and prose allows us to gain insights through his words. As Wade puts it, "When he writes, he makes you want to put your quill back in the goose."

In 2003, Roger wrote an essay recalling events that had occurred 40 years earlier. On November 22, 1963, he was preparing for the last regular season game of his college football career. A win against Duke would guarantee a trip to the Gator Bowl. On his way to practice, Roger heard the bell tower chiming hymns and saw a young woman in tears who told him that President Kennedy had been assassinated. The following excerpts from Roger's compelling essay give us the essence of the man and his character:

By late November 1963, the maple trees lining the boundary between Navy Field and the elevated intramural fields, along South Road next to Wollen Gym, had nearly completed their annual run through the colors and gone to rest. As football players had done in seasons past, we members of the 1963 team had marked the passage of the season by the

changes in the foliage of those trees:
clover green during the sweltering
2-a-days and early September open-
ers...straw yellow in early October...
old gold in late October...apple rus-
set through early November...

For those of us who were alive at the time, the death of President Kennedy in Dallas on Friday, November 22, 1963, seemed to change nearly everything: the University, the State, the Nation, the World, and the course of history. We lost our individual and collective innocence and gained furrowed brows. Yet, through the days of change that followed the President's death, coaches and players on the Team of '63 acquired, at the core of their beings, an abiding appreciation for things that never change: the Navy Field trees always come back to green."

The optimism that permeates Roger Smith's world view includes a deep and abiding love of the law, and provides clear and convincing evidence that his receipt of the Joseph Branch Professionalism Award is a validation of what is good in our profession. As Wade concludes, "He *is* Joseph Branch."