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## 2009 Joseph Branch Professionalism Award Recipient

# Howard Fabing Twiggs

By Sidney S. Eagles

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The richly deserving winner of the Chief Justice Joseph Branch Professionalism Award for 2009 is Howard Fabing Twiggs. The Professionalism Award Committee chose wisely; Howard Twiggs is the courteous, professional and effective lawyer and gentleman we would all aspire to be. I was privileged to know Chief Justice Joseph Branch and our very deserving award winner Howard Twiggs. Chief Justice Joseph Branch, for whom the award is named, would be proud that a lawyer and gentleman of Howard Twiggs' professionalism has been selected for this award.

A "Raleigh boy" who grew up here, Howard was born in Cincinnati, Ohio, because his mother, before his birth, went there to have the expert medical assistance of her brother, a noted physician. Except for college and military service, Howard has lived in Raleigh for almost all of his life. He likes to point out that though he has moved six times, he has never lived more than two miles from his childhood home on Fairview Road near Five Points.

Neither of his parents were lawyers; his mother was a nurse and his dad was a cotton broker who later on ran a grist mill on the Neuse River. Howard's dad died when Howard was 15 which has heightened his appreciation for family and time with family. His family including his four adult daughters and eight grandchildren are the apples of his eye and the center of his family life.

I first met Howard Twiggs when he was in the State House of Representatives and was President of the Raleigh Jaycees. Howard, though youthful by General Assembly standards, soon won the respect and admiration of many of his fellow members and legislative staff by his incisive judgment and his absolute candor coupled with a

refreshingly disarming, even genteel, "old school" manner. Even in the rough and tumble of 1960's legislative politics, Howard was known as a fierce but honest competitor whose compassion gave him a special insight into the issues of the day. Howard was a leader in helping to eradicate some of the remaining vestiges of the "Jim Crow" era. In his four sessions in the State House of Representatives, Howard distinguished himself as a competent though youthful leader who was not intimidated by traditional taboos, "sacred cows," or the "good old boy" network.

Howard has many interests in his life, indeed many passions. Among these are the defense of the rights of fellow citizens, especially those who are disadvantaged by health issues and denigrated by discriminatory laws.

In his General Assembly career (1968-1976), he undertook successfully the repeal of many of the discriminatory laws of our state including those which disadvantaged minorities, denied handicapped access; and made government benefit programs less readily accessible to less-privileged groups of people. Howard's actions on behalf of the mentally ill, racial and gender minorities, and the poor made him a hero to many folks who themselves had lacked the power or opportunity to right these social wrongs.

In addition to his courageous advocacy as a legislator, as a relatively young lawyer Howard quickly earned a reputation for vigorous, effective, professional advocacy for injured persons. He was instrumental in the founding of the NC Academy of Trial Lawyers (now known as the NC Advocates for Justice) becoming its State President. He later was elected President of the national trial lawyers organization, now known as the American Association for Justice.

As a legislator Howard undertook to modify the State building code to facilitate handicapped access, eliminate references to race in the statutes so as to eliminate racial segregation in the Department of Corrections and Social Services, and modernize the State's mental health laws including involuntary commitments, departmental funding and access to judicial commitment hearings and the laws relating to animal cruelty and environmental protection. Howard sponsored in the House the so-called "Worth of a Wife" legislation which modernized and codified our wrongful death statutes. He led the House effort, in conjunction with the Jaycees which he had led, to create a state zoo. The current state zoo is the outgrowth of legislative proposal for a state zoo which was legislatively authorized and funded by a statewide bond issued in 1968. Howard was a strong voice in opposition to North Carolina's death penalty statutes.

All these legislative accomplishments and efforts would have fatigued a lesser advocate; Howard managed to simultaneously grow his law practice through hard work and diligence in partnerships with great plaintiff lawyers including inter alia, Charles Blanchard, Don Strickland, Doug Abrams, Don Beskind, and Karen Rabeneau, and his leadership of bar and trial lawyer organizations, to wit: Wake County Bar President, NC Academy of Trial Lawyers President (now the NC Association of Advocates of Justice) and American Academy of Trial Lawyer President (now the American Association for Justice).

Howard's fine sense of professionalism got a great boost from the first lawyer he ever knew personally. Carroll W. Weathers was a splendid Raleigh lawyer and father of Howard's childhood best friend, Carroll

Weathers, Jr. Mr. Weathers was a Raleigh lawyer for 27 years and thereafter became dean of the law school at Wake Forest College in 1954. For generations of Wake Forest lawyers including Howard, Dean Weathers was the epitome of professionalism, a model for all who knew him.

Howard attended and graduated from Wake Forest College (now University) with a BA degree in 1954 and a JD degree from its law school in 1957. From those formative years Howard developed two great loves, Wake Forest University and the practice of law. Howard's devotion to his alma mater manifested itself as he became President of the Wake Forest University Law School Alumni Association and later Chair of the Wake Forest University Law School Board of Visitors. Howard was one of the founding members of the Chief Justice's Commission on Professionalism and a long time member of the North Carolina Courts Commission.

Among his honors and leadership positions Howard has served as President of Phi Delta Phi Legal Fraternity at Wake Forest, and a member of Omnicron Delta Kappa Leadership Fraternity at Wake Forest, as well as membership in the International Society of Barristers, the International Academy of Trial Lawyers and the American Board of Trial Advocates (ABOTA).

In addition to the honors, accolades and recognitions he has received, Howard has distinguished himself by his personal modesty, his ability to be exceedingly honest and candid while maintaining a matchless sense of civility and compassion. Howard has the natural gift of being able to actually "speak the truth to power" (and to judges and jurors) and leave them, if not pleased, at least impressed by his grace in making his case or explaining his point of view.

From all his accomplishments, one might expect an imposing and intimidating figure who would be quite impressed with himself; on the contrary, anyone meeting Howard for the first time or reviewing his acquaintance after a long absence would be impressed with his modesty, his interest in the views of

others, and how pleased he always seemed to be at the opportunity to meet you or see you again. All that is genuine.

Not one to gratuitously "meddle" in the lives of others, Howard is open to all and welcomes the opportunity to share his life's rich experiences and advice, whether to clients or professional peers or to brand new lawyers seeking some personal guideposts to keep themselves on the right path in their practice. A long time ago I approached Howard for advice personally about a career change I was contemplating i.e. leaving the State Attorney General's Office and embracing the private practice of law. His modesty barred him from regaling me with tales of his great personal successes but he encouraged me to do what I thought was best for my career and my family. His caveat was that I should take protective steps before beginning any law practice to guarantee that I had a guaranteed line of credit sufficient to support my practice and my family for at least a year or 18 months assuming that I would make no money at all from practicing law. I had been in the military and in government practice for more than 12 years and had not thought much about making or not making money. He reminded me that I never wanted to be in a position where I might be even subconsciously tempted to settle a case on terms less favorable for the client, in order to guarantee funds to pay expenses of my firm or family. Now it seems so obvious but then it was an epiphany, a reminder to return to fundamental values . . . the client comes first. The second unspoken advice, which he demonstrated, was to treat others, clients and other lawyers, as fairly and honestly as I would hope to be treated.

For these reasons and many others too numerous to list, Wake County and its bar are fortunate to have a lawyer of Howard Twiggs' professional standing to honor and recognize with the 2009 Chief Justice Joseph Branch Professionalism Award. Chief Justice Branch would be so proud, as would Dean Carroll Weathers.