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MEMORIAL TO BOB BYRD*

KENNETH S. BROUN**

In April, 2010, the University of North Carolina School of Law lost one of the finest teachers and most valued colleagues in its long history. Robert G. “Bob” Byrd was a productive, distinguished member of our faculty for forty-five years. In addition to his superb teaching, scholarship and service to the state of North Carolina and the University, he led this law school for five critical years as its dean from 1974 to 1979.

As the law faculty at UNC grew and diversified, Bob Byrd was one of only a handful of native North Carolinians and graduates of the institution on the faculty. He brought to the school all that is good about the best people of this state. He was innovative, yet careful; tolerant of others, yet proud of his own heritage; friendly, yet willing to challenge when challenge was needed; and, above all, patient and loyal to things he held in high regard.

Law students—from the earliest days of his teaching through his return to the faculty to teach torts after his formal retirement—consistently viewed him as one of the best teachers they had ever had. He won the Frederick B. McCall Teaching Award in 1969—just a few years after beginning his career. His colleagues recognized his excellence in 2009 by naming a new award for him. The Robert G. Byrd Award is awarded by the law school faculty to a UNC law faculty member for outstanding teaching in the first year curriculum, in small classes or clinical settings, or who exhibits an especially vigorous and creative classroom approach. The award is an especially fitting one to be named for Bob. No teacher has ever dealt with complex first year matter—in his case, the law of torts—with greater clarity while maintaining an appreciation for the depth and subtlety of what he was teaching. His examination questions were remarkable: no law teacher has ever crammed as many challenging issues into such short statements of fact.

His research into important questions related to the law of torts was focused, appropriately, on North Carolina issues. He wanted most of all to make an impact on the law of this state and therefore

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published predominantly in the *North Carolina Law Review*.¹ Bob Byrd became the definitive voice on North Carolina treatment of negligence, proximate cause, actual cause, strict liability, malicious prosecution, tort reform, and other key torts issues. His writing was fluid and his analysis insightful.

Bob Byrd's public service was also devoted to the state of North Carolina and to its University, both of which he loved dearly. Perhaps most importantly, he served on the North Carolina General Statutes Commission—reviewing important proposed legislation—for more than two decades. He also served on the Legislative Study Commissions on the Rules of Evidence and Comparative Negligence. He chaired the Governor's Brown Lung Study Commission from 1979 to 1980. He freely gave advice to state administrators and agencies on a variety of issues.

His service to his University was equally remarkable. Perhaps his greatest legacy to the University was his work as a member of the faculty Committee on Student Conduct, beginning in 1974. As a member of that committee, he largely rewrote the current Honor Code and Code of Student Conduct under which generations of UNC students have governed themselves. He mentored hundreds of students who served on the honor court and the student attorney general's staff. Most importantly, he was a model of academic and personal integrity for the future leaders of the state. Other significant University activities included work as a frequent consultant to UNC Hospitals and the Division of Health Affairs on issues of human research review and psychiatric standards. Before joining the law faculty, Bob served as an assistant director of the UNC Institute of Government.

Bob's service went beyond the state of North Carolina. After his graduation from UNC School of Law in 1957, he served his country for three years as a first lieutenant in the Judge Advocate General's Corps as a trial and defense counsel. He continued his service for many years as an active member of the North Carolina National Guard, serving as commander of the Selective Service Unit. Those who served with him remember him as one of the most respected officers in the National Guard. He reached the rank of colonel.

1. Examples of his articles include: Robert G. Byrd, *Misrepresentation in North Carolina*, 70 N.C. L. REV. 323 (1992); Robert G. Byrd, *The North Carolina Medical Malpractice Statute*, 62 N.C. L. REV. 711 (1984); Robert G. Byrd, *Recovery for Mental Anguish in North Carolina*, 58 N.C. L. REV. 435 (1980); Robert G. Byrd & Dan B. Dobbs, *Survey of North Carolina Case Law: Torts*, 43 N.C. L. REV. 906 (1965).

In recognition of his outstanding teaching, research and service, Bob Byrd was named the Burton Craige Professor of Law in 1979—a title he held until his death.

Long-time law faculty and many alumni will remember Bob best for his time as dean. The mid-1970s were an especially significant time for the law school. New and diverse faculty members had been hired under the outstanding leadership of Dickson Phillips, who served as dean from 1964 to 1974. Bob Byrd took over from him as the law school was emerging from its traditional role as a fine state and regional school to a national academic powerhouse. Bob sought to keep the school on a steady course, to maintain the sound academic and service values it had always had while making sure that its national reputation would grow. He also fully recognized that growth as an academic institution would not be possible without a significant influx of private funds. He greatly boosted the fundraising infrastructure and enhanced the school's relationship with its alumni. Bob also sought to maintain faculty and student standards. At times, his approach was challenged by faculty colleagues who wanted faster movement up the national rankings than was realistic. His response was invariably wise, gentle and thoughtful. What carried him to great success in his deanship, though, was not only his own considerable wisdom and ability, but a deep sense of institutional loyalty. Bob's only concern was the welfare of the institution.

We will very much miss Bob Byrd on this faculty, at this University, and in the state. But his life and career have given all of us a great deal. We can only be thankful for having him here for more than forty-five years.

