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Legal Line

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## Legal Line, Vol. 2

North Carolina Central University School of Law

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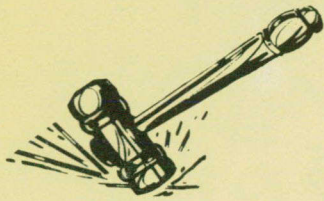
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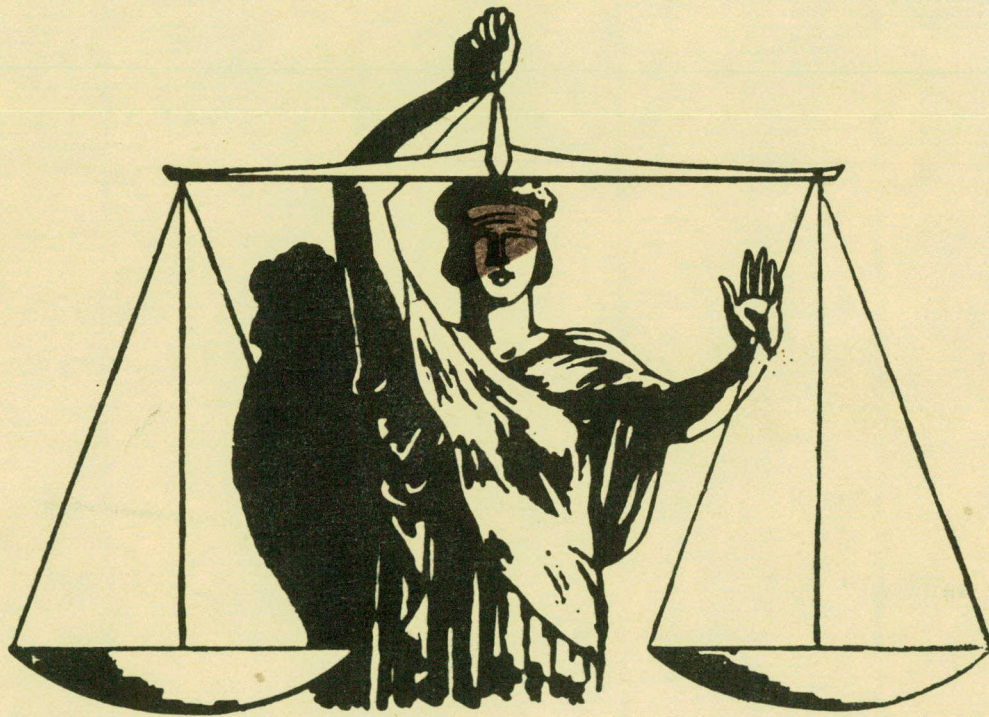


# LEGAL LINE



Presented Monthly By 2nd Year Class  
of

## North Carolina Central University *School of Law*



### **Editor**

Ms. J. Hall

### **Faculty Advisor**

Prof. M. Payton

### **Class Officers**

Pres. - J. Ashford

V. Pres. - W. Darby

Secretary - E. Braswell

Treasurer - C. Jones







LEGAL-LINE

2ND EDITION  
October, 1976

FROM THE PRESIDENT:

Have you ever considered what constitute a winner? Winners have different potentials. Achievement is not the most important thing. "Authenticity" is. The authentic person has a clear perception of reality and through this develops himself into a credible and responsive person. He realizes his uniqueness and appreciate the uniqueness of others.

He does not dedicate his life to a concept of what he imagines he should be, rather he is himself and as such does not use his energy maintaining a pretense or manipulating others into his games.

A winner is not afraid to do his own thinking and to use his own knowledge. He can "separate facts" from "opinion" and doesn't pretend to have all the answers. He listens to others, evaluate what they have to say, but comes to his own conclusions.

A winner's timing is right. He responds appropriately to the situation. His response is appropriate when it is related to the message sent and perserver the significance, worth, well-being, and dignity of the people involved. For everything there is a season and for every activity a time.

It is imperative that we become a winning class. To those of you that are contributing to the unification of this class it is profoundly appreciated. To those of you that have not the time is now.

J. Bell Ashford  
North Carolina Central Univer-  
sity  
School of Law







#### EDITOR'S NOTE

In the midst of many changes which are occurring in the NCCU Law School community there are many people who deserve our recognition. Special recognition from Legaline's October issue goes to Professor Le Marquis De Jarmon, Dean of the Law School at the time the second year class entered NCCU. Although I have not had an opportunity to take a course under Professor De Jarmon, the "law talks" on the steps, in the halls of the school, at student functions where his presence was felt, left me with great admiration for him. Most of these sessions last year were ones where I was only an observer. Members of the third year class then were frequently engaged in informal "classes" where they energetically partook of his great store of knowledge. At the beginning of the year I never felt confident enough to participate in those sessions, but eventually it became evident to many of us in our class that he was open to discussion with anyone who ventured to initiate a conversation. I was astounded by his broad understanding of the law. Legaline applauds his many contribution to the Law School. His dedication is appreciated and will be remembered throughout the years.

Jacqueline B. Hall





## THIS YEAR'S BAR RESULTS

This year's North Carolina Bar results were by no means impressive for NCCU Law School graduates. NCCU graduates who took the bar of other states fared considerably better. What's the problem within the state?

I can only make conjectures and repeat what I have heard. Conjecture and hearsay only leads to confusion, therefore, I will refrain from doing so. Instead I will attempt to clear up any statistical misconceptions you might have.

A total of seventy-three (73) 1976 graduates took the Bar. Of this number 30 passed, for a percentage of 41.1 percent. One of the successful passers was Walter Melvin, a member of the class of 1977. A total of 52 repeaters took the Bar and of this number only three passed. A percentage of 5.76 percent. Out of 126 applicants a total of 33 passed for an overall pass rate of 27 percent.

Four NCCU graduates took the Virginia Bar in February and were successful. There was at least one graduate to take the Virginia Bar this past September, but the result is not yet known.

Taking everything into consideration the final pass rate is still not very convincing. Statistics can mean anything you want them to, but in this case they clearly point out the fact that NCCU Law School students lack that little edge needed to pass the Bar.

Granted, there are a number of subjective forces that interact with one's bar exam before the final grade is entered. However, there are ways to defeat subjective forces.

One is preparation. Preparation encompasses learning the law and the only way to learn the law is through self-discipline. I define self-discipline as a "stick-to-it-ness" that can only be generated by a denial of self.

Another way to overcome subjectivity is to accept the challenge with a positive attitude. If one begins the attack in the right frame of mind then the preparation, the self-denial, and the sacrifice will be almost automatic. To obtain the right frame of mind one must put law school in its proper perspective.

Law school is a much too rigorous training process to have a board of examiners tell you that you failed. Law school is a much too demanding drain on one's physical and financial resources to have the experience end in failure.

If one does the preparation and accepts the challenge with a positive attitude, he or she builds up a force strong enough to withstand any subjectivity. The later is predicated on the fact that 33 students passed. I dare say that their passage was based on some form of luck. I believe they paid the price.

Forgive me if I sound as if I have passed the Bar. I assure you that I have not, but I am concerned about you and about me. My concern is







THIS YEAR'S BAR RESULTS (continued)

ignited by the fact that we are members of the NCCU Law School. This institution is not judged by the accomplishment of a few, but by the efforts of us all. I call upon all law students to dedicate yourselves to the proposition that no bar examiner, no matter his subjective intent, will ever say to you-- "I'm sorry you didn't make it."

Willie Darby

Special thanks to the office of the Dean  
for supplying the statistical information.







## MINUTES

On September 21, 1976 at 11:00 President Ashford called the second meeting of the second year class to order. The meeting, held in the Moot Court room, was begun by a reading of the minutes. There being no additions or corrections, the minutes were approved as read. SBA representative Gary Henderson then gave a report on the activities of the Student Bar Association. Vice President Willie Darby next discussed the installation and purpose of our new bulletin board. There was then a brief report by the secretary, Pam Hunter of the Grievance Committee, Faculty representative Larry Smith, and Liaison Officers Willie Darby and Norman Loggins. President Ashford then called for a discussion of Legal Line and it was suggested that the publication be expanded along with its editorial staff. Thomas Cuffie was then appointed chairman of the social committee and plans for a school social were discussed. Treasurer Charles Jones then talked about dues and represented prompt payment. After a discussion of faculty committee appointments, the meeting was adjourned.

Respectfully submitted,

Edwin Braswell  
Secretary





## STUDENT'S CORNER

It is good news that, at last, Congress has taken a practical approach towards consumer protection in the area of antitrust legislation.

The Hart-Scott-Rodino Antitrust Improvement Act, pending before the House for action, is a bold step in this direction. The bill allows each state to bring suit on behalf of its citizens against businesses indulging in illegal price-fixing. The treble damages thus collected, would be distributed among the ascertainable consumer victims of that particular illegal price-fixing, and the balance deposited in the state treasury.

Under the existing law, only large corporations, who are victims of price-fixing have been able to meet the stringent class action requirements of notice to every member of the class, bearing the cost of litigation by the party bringing suit, and convincing the Court that the suit is manageable. On the other hand, consumers at large have not been able to take advantage of these laws because of their unascertainability and involvement of small individual stakes.

The opponents of the bill contend that the proposed law would result in private attorneys (roving bands of hired guns) convincing state attorneys-general (ambitious politicians) to bring nuisance and frivolous antitrust suits to harass law abiding businessmen.

But the fact is that the legal community owes it to the general public to inform their representatives in government, including state attorneys-general, of any antitrust violation that comes to their notice. As to solicitation of frivolous law suits by private attorneys, there are enough professional safeguards in the ABA Code and state laws to deter private attorneys from indulging in this kind of activity.

Under the proposed act, the greater likelihood that law violators will be sued and forced to pay treble damages will itself deter antitrust violators. In support of the bill Bernard Nash, Senate Antitrust and Monopoly Subcommittee Counsel stated that the proposed law would have tremendous voluntary compliance with the Antitrust laws, because the risk of being caught will be so great. He says that in the past they could weigh the risk of getting caught in violation of the law with the profits that they could earn in the meantime; there was a small risk of being sued--at the most a \$50,000 fine and very little chance of jail. With the probability of being sued and exposure to treble damages so much greater, violators would not risk a chance after the bill passes.

Unlike Great Britain or Japan our business activities are mainly supported by home consumers and businesses; therefore, those who earn their profits basically from American Consumers have a certain obligation of honesty towards them. If they are not prepared to discharge these obligations voluntarily, Congress has a duty to pass legislation through which consumers can protect themselves in the most practical way possible. Most certainly the Hart-Scott-Rodino Antitrust Improvement Act is aimed in this direction.

Syed Lobal Hyder





## CATCHING UP WITH THE WORLD OF SPORTS

How do you whip the heavyweight champion of the world? You knock him down and when he gets up you knock him out. Ken Norton did everything but that in his fight with Ali. Ali left Yankee Stadium knowing that his time is limited, but with his championship still in tack.

Fight results show that Muhammad took rounds 1, 2, 9, 10, 11, 12, 13, and 14, while Norton took rounds 3, 4, 5, 6, 7, 8, and 15. Ali's margin of victory? He took his rounds more convincingly and he entered the fight as the champ. "To the victor goes the spoils." Norton, I'm sorry you couldn't use your Mandingo and Drum tactics.

Turning to football. Carolina seems to be riding a bubble. The Tarheels tricked Miami, stunned Florida, ripped Northwestern and held off Army. N. C. State should start over, especially after their loss to East Carolina. The Pirates could be the next ACC member. Another victory over Carolina should provide a big boost.

In the MEAC, NCCU looks surprisingly strong. The Eagles are currently 2-1. The Eagles lone defeat came by the hands of Alcorn, 23-17. A&T and the officials robbed S. C. State and Morgan State traveled all the way to Japan to lose to Grambling, 42-16. I expect the MEAC to be nip and tuck to the end. The Turkey Day Classic might be dooms day for the Eagles or the Aggies of A&T.

In the pro ranks, Buffalo's got the Juice back and everybody in Washington is wearing a bandaid. O. J. Simpson returned to the Bills for a reported 2 million dollars but has yet to add an electricity. Billy Kilmer, the Washington Redskins quarterback, received a five stitch laceration across the nose in the skin's opening game. To show their sympathy (I call it simplepathy) 40,000 fans wore bandaids across their nose. The L. A. Rams need a quarterback and San Diego has finally become a team to reckon with. The Charges are 3-0.

Here's a sports eye opener. What's the worth of an NFL team? The Washington Redskins are worth 22.8 million dollars and the newly formed franchises in Tampa and Seattle are worth 16 million each.

How much profit a specific team generates is difficult to pin down, since only two NFL teams have any public stock. The only clues that are available comes from the NFL Management Council. The Council's figures show the top eight teams in 1975, on the average, had pretax operating profits of 1,574,000 on an income of nearly 8 million dollars. Watch out Prof. Crumwell, no accounting problems based on transactions of NFL teams.

This month's student athlete is Paul Cloud. Mr. Cloud was a bad dude on the old hardwood. He was all-city 2 years, MVP city 1 year, was all-northwest and lettered in college. If anyone wants to take Mr. Superstar on catch him after Constitutional Law.

Willie Darby





EDITORIAL STAFF

THE MEMBERS OF THE CLASS OF 1978

CLASS MEETINGS ARE TENTATIVELY SCHEDULED FOR THE THIRD TUESDAY OF EACH MONTH. WHENEVER A CHANGE OF MEETING IS NECESSARY, IT WILL BE POSTED WELL IN ADVANCE ON THE SECOND YEAR CLASS BULLETIN BOARD WHICH IS TO BE PLACED IN THE LAW SCHOOL. THE FIRST MEETING WILL BE HELD ON THE 21st OF SEPTEMBER AT 11:00 A. M. (*Place of meeting to be announced.*)

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BEGIN TO THINK ABOUT REFERENCES, TRANSCRIPTS, AND OTHER OFFICIAL MATERIALS THAT YOU WILL NEED TO MAKE YOUR PRELIMINARY APPLICATION TO TAKE THE NORTH CAROLINA STATE BAR EXAMINATION (*if you intend to take it*). IF THE DATE IS THE SAME AS LAST YEAR THAT APPLICATION WILL BE DUE SOMETIME AFTER CHRISTMAS VACATION. CHECK THIS NEWSLETTER EACH MONTH FOR MORE SPECIFIC INFORMATION. DON'T BE CAUGHT IN THE JANUARY RUSH.

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