



The BARRISTER

School of Law, N. C. College, Durham, N. C.

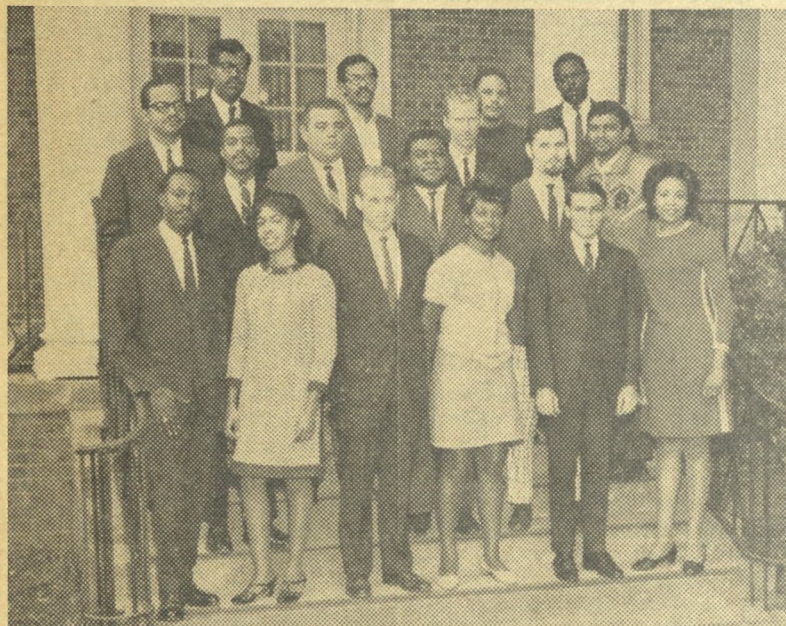
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J. D. Degree Approved By Executive Committee & Trustees

Dean Sampson Welcomes Freshmen And New Students



On September 19, 1968, Dean D. G. Sampson, welcomed the Law School Freshmen and New Students. The Freshmen Class and new students comprise an enrollment of 27 students. The new students are from various geographical sections of the country and also various undergraduate schools of the country. The Dean read to the class the various rules of the school, The American Bar Association, and the North Carolina Bar Association. It is hopeful that the new students will feel at "home" while here in Law school, and will "carve their niche" in the making of this law school a great school. The editor and the students also, extend a welcome hand to each student and hope his stay will be successful. The invitation is extended on behalf of the staff of the "Barrister" that their ideas, aspirations and help will be greatly appreciated in the publication of this newspaper.

American Bar Association Proposed Ethics Amendments

In a separate tentative recommendation, the Special Committee on Specialization of the American Bar Association proposed that the following provisions be added to the Canons of Professional Ethics:

"1. A lawyer should not knowingly assume legal representation which is beyond his existing competence, or which he cannot perform without unreasonable risk or expense to his client.

"2. A lawyer who elects to confine his practice to one or more fields of law may publish a statement in reputable law lists and legal directories that he so confines his practice. If he does so publish, then he must confine his practice to the fields designated and not accept professional employment in other

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IN MEMORIAM

"Thou wilt not leave us in the dust"

Thou madest man, he knows not why;

He thinks he was not made to die;

And thou hast made him; thou art just."

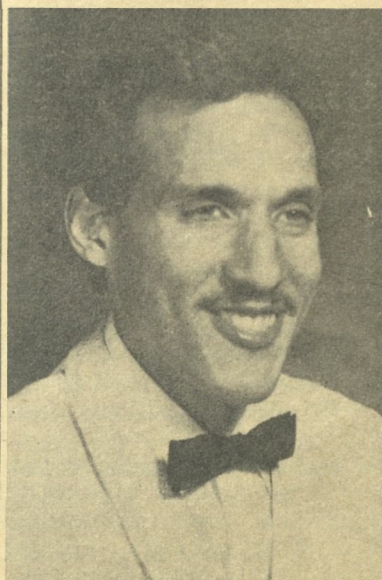
—Tennyson

This edition of "The Barrister" is dedicated to a former law student, David Williams, a native Philadelphian, who was killed in a car accident in Fredericksburg, Virginia, while returning to school. David, better known to his many friends and acquaintances as "Stretch," was a congenial, likable individual. He was active in the law school, responsive to the needs of others, and receptive to wholesome fun.

During the short span of his lifetime, he won a special place in the hearts of those with whom he came in contact, and enjoyed the warmth of friendship experienced only by a privileged few.

It can be said with all respect and genuineness of heart

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DAVID O. WILLIAMS

By JAMES McNEIL

Dean Sampson and the J. D. Committee announced that the Board of Trustees of North Carolina College has approved the Law School's request for a change from the LL.B. to the J. D. degree. The Board of Trustees have forwarded their approval and recommendations to the State Board of Higher Education and the State Attorney General's office, for their approval and opinion. Mr. Lewis Ray, President of the SBA has announced that the State Attorney General's office has rendered a favorable decision. We are hopeful that the State Board of Higher Education will approve the change.

The J. D. degree is to the law graduate what the M.D. is to the medical school graduate

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Moot Court Team Preps For Contest

By TIMOTHY CRAWFORD

The Law School Moot Court Team will meet its first opposition in Charleston, West Virginia. This contest is to begin November 14th and carry through to the 16th of November. Other schools participating will be Duke University, University of South Carolina, University of North Carolina, Washington and Lee University, West Virginia University, William and Mary University, University of Virginia and University of Richmond. The faculty advisor, Mr. LeMarquis DeJarmon is no stranger to such competition, for he has served in such capacity since the forming of a Moot Court Team to represent our school.

North Carolina College should be well represented by our team of Vincent Maltese, Glennie Matthewson and Donald Pitts. Last year counsels, James McNeil and Vincent Maltese, who were extremely impressive in

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THE BARRISTER

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EDITOR'S NOTE

Law And Order

By James E. McNeil

Recently there has developed a fear that we face an internal disintegration of the rule of law. Two aspects of our culture are pointed to as evidence. They are described in slogan-like phrases laden with implication but barren of understanding:

1. Crime in the streets or Law and Order.
2. Usurpation of power by federal courts.

Everyone is for law and order, or at least his own version of it. Few Americans can define precisely what they mean by the term, but the belief that law and order is being destroyed represents a trauma unmatched in intensity. The issue has virtually anesthetized the controversy over Viet Nam. It has perverted the presidential election. The law and order issue has elevated George Wallace from a sectional maverick to a national force, suddenly making the two party system vulnerable. Every pollster's report, every sounding by reporters, attests to the momentum of the law-and-order issue. A recent poll showed that eighty-one percent of the public believe that law enforcement has broken down. Even more believe that looters should be gunned down on the streets. By varying majorities, people blame Negroes, the Mafia, Communists, rebellious youth, the courts. Opinion Analyst Samuel Lubell concludes: "To most people, crime and lawlessness and the Negro are part of the same issue."

The break down of law and order can be significantly and permanently reduced only by attacking its cause, and not its occurrence. Nicholas Katzenbach recalling his experience in

the Justice Department puts it this way: "In many places, we have had law and order without justice, operating extraconstitutionally."

The main thrust of the Kerner report, however, was aimed at basic causes and cures of racial problems. Its central thesis was that the black's adversity is attributable to white racism. It is doubtful that the majority of whites will agree with a point of view that amounts to writers Walt Kelly's point of view: "We have met the enemy and he is us."

The corollary to law and order is equal justice. The strength of the rule of law depends not on the mere existence of laws, but on a conscious effort toward equal opportunity for all, toward decent conditions of living and toward just laws. The real solution to the law and order issue is the elimination of poverty, ignorance, and unequal opportunity.

Crime and lawlessness reflects the character of the nation and its people and you cannot legislate character.

The Role of Federal Courts

What of the rharges that federal courts are usurping power? I believe the federal courts today are the greatest institution-liberties of the individual ever devised by man. A people who al protection of the rights and do not respect their legislators, judges and lawyers, cannot respect the rule of law for these professions make, apply and enforce the laws. To be sure, I too disagree with some of the federal courts decisions. Notwithstanding, I have the greatest respect and absence of fear for this judicial institution. Loose talk about the highest court in the land by politicians have tended to give the middle-class citizen a scapegoat for

Law School Newspaper Staff Announced
For School Year 1968-69

The Law School Newspaper Staff was announced September 24, 1968. The Editor-in-Chief was selected by the President of the Student Bar Association, R. Lewis Ray. The following positions were filled by the Editor-in-Chief, James E. McNeil:

Name of Newspaper: The Barrister; Publication Dates: Nov. 30, 1968; Feb. 1, 1969; May 1, 1969.

Staff: Editor-in-Chief, James E. McNeil; Asst. Editor, George Manning; Managing Editor, Samuel Lefkowitz; Feature Writer, Timothy Crawford; Advertising Manager, Joseph Arrington; Photographer,

George Manning; Alumni News Director, James Harris; Book Review Editor, Alfred Lile; Sports Director, Freddie Polhill; Typist, Mrs. Cecelia Cook; Reporters, Ralph Williams, Donald L. Pitts, Vincent Maltese; Business Manager, James Smith.

The objectives of the newspaper is to reproduce a paper representative of professional students. Although most of the newspaper will be dedicated to various aspects of the law, it will also be involved in the community problems and the graduate and undergraduate news of importance.

their fear of the lawless. The courts' duty is to protect the individual's rights under the Constitution; and that, in my opinion is what they are doing. When we belittle the men on the Supreme Court we belittle ourselves because they are our representatives and agents in the rule of law. Freedom to me is generally that state or condition in which an individual may to the greatest extent possible do as he chooses so long as he does not wrongly interfere with others, or their right to do the same. Although, some of the recent federal court decisions have brought down the heavens of wrath upon these able jurists; it can be said with all honesty that they are just following the constitution of the U. S. and the Declaration of Independence. Law is the fountainhead of freedom and for this reason it must be served. Anarchy and despotism both preclude freedom because they fail to protect the essential individual rights of man — rights which are the substance of freedom. Law is the only technique

civilization has devised which effectively preserves freedom to th individual. The courts will continue to play a creative role in interpreting statute and constitution the latter, drawn in general rather than specific language. Indeed, as long as written constitutions prevail, (Please turn to Page 4)

Juris Doctorate Degree-
(Continued from Page 1)

ate, or the D.D.S. is to the dental school graduate. The recent trend in law schools throughout the nation has been to award their graduates the J. D., instead of the LL.B. In 1961 only 16 of the 136 law schools approved by the American Bar Association awarded the J.D. Today, only eight (8) years later one hundred (100) schools are now awarding the degree. In North Carolina, only North Carolina College school of law does not awarde the J.D. degree.

We are optimistic that starting with this year's graduating class, the J.D. degree will be given to all future graduates.

INVOLVEMENT IN COMMUNITY PROGRAMS

By RALPH WILLIAMS

As students, we are here to get an education, but education does not start or end in the library or the classroom. The thirst for knowledge extends into the community, and to those persons we may be able to enlighten.

Today Black communities are asking their educators to assist them in setting up businesses, anti-poverty programs and educational classes. Yes, they have to ask us, because we live on a hilltop, in an ivory tower and the affairs of those persons not directly associated with the academic world never get past the gate. I suggest, that we walk downtown (any Black community) and listen to the voices of the people and their chant for education and advice. You can hear them say, "You, up there, share your knowledge with us." I am afraid, that we as pseudo-up-and-coming professionals, will go downtown, but the only people we will see if we see any at all, will be through rear view mirrors in our speeding middle-class automobiles heading to the newly accepted community.

No one is saying you should not acquire the luxuries of life if you can afford such tokens of so-called acceptance. What is being said, is for you, to, "Extend a hand to those brothers and sisters who need a helping hand to lift them out of the quagmire of degradation."

I agree that in many cases your hand will be slapped, bruised and abused, but at some time, someone will grasp your hand firmly, sincerely and use beneficially what you have to offer. A Black educational enterprise which recognizes the legitimacy and worth of the total experience of Black people will not only help the cause, but will strength this country.

This black educational enterprise should be the primary goal of the educationally conscious Black community and will help in the alleviation of current problems.

To this aim, the Black educators (students) and the Black community must commit itself and all its resources to the creation of Black educational structures which derive, reflect and contribute to the vitality of the Black experience. An experience which is relevant and responsive

to the needs of the community, will help direct Black resources toward the development of relevant Black values and Black modes of critical thinking.

For the first step, I would like to see students from our Law School in a work-study program with North Carolina Mutual Life Insurance Company, Mechanics and Farmers Bank, Mutual Savings and Loan Association and the various Black law firms in the Durham-Raleigh metropolitan area. This will be an attempt to break through the insularity and sterility of present institutions, and join together as Black people across institutional boundaries to create new behavioral models for the Black community which will emphasize cooperation, rather than competition. This practical experience would be of a distinct advantage to the uniting of the race.

In closing, I would like the students to think about building a new society. One that is seeking progress and changes. Each student can do his share in remaking this society by promoting industriousness, trustworthiness, scholarship, and service.

-Bar Association-

(Continued from Page 1)

fields of law. Such limitation of practice shall not permit the lawyer to hold himself out in the form of publication or otherwise as possessing special competence in the fields of the law to which he has so confined his practice.

"3. A lawyer has a duty to maintain and enhance his legal ability by participating in those continuing legal education programs essential to the proficient handling of legal work of his client."

The committee majority agreed that the ABA should not determine whether to formulate a national plan for certification of specialists until pilot or experimental plans have been conducted at the state level. The report said that experience thus obtained would be available for study prior to any decision as to the feasibility of a national plan.

*Reprinted from ABA Newsletter

POVERTY: A MANY-SIDED PROBLEM

DONALD L. PITTS

The great society stands like a huge pyramid on its square base with four triangular sides meeting at a point. The base of this pyramid has been weakened by the corroding substance of exploitation. The winds of political paradox are blowing the base into the void of immaterial insignificance. The question at bar is how long can this decadent base hold the weight of the falling structure? How long will it be before the upper portions of this edifice will lay in ruins on the same level as its weakened base, due to the lack of the base being properly reinforced by those who were supposed to strengthen it? This phenomenon transcends lines of color, race, and this imposter treats both black and white alike. The imposter of the "great society" is draining a large segment of our population of its initiative and security. This can be seen in the poor distribution or the lack of distribution of wealth. It is the story of the "haves and have nots." It is the tale of a system that produces beggars whereby men are forced to abandon their families, and mothers are forced to walk the streets. I can not for the likes of me understand how this happens during an era of great prosperity. It is also ironic that we are living during the greatest moment etched on the infinite scale of time, where techniques have climbed to heights unknown but failed in areas of human endeavors. It is true that poverty is tipping the scales of justice, and believe me my friends, the blindfold that once rendered justice unable to see has slipped, and she has been subdued by the green-eyed monster of prejudice. She knows color, she knows wealth, she knows white, she knows black, she knows green, she knows Puerto Rican, she knows Mexican American, she knows the poor, away from whom the scales are tipped. White and green have so tipped these scales, that the most ornamented pillar of our great democracy has been tainted and we stand near constitutional collapse.

A new breed of lawyers must be realized. That new breed will not be found in the already existing rank and file now in the field. It will be from conferences such as this that the new breed will be birthed. You

must profoundly advocate and take to the far reaching areas of white Appalachia; to the most blighted corners of the black ghetto; and through the black belt of the racist south, whose governors' lips drip with interposition and nullification; and yes, even to the rolling plains so as to engulf the Mexican American, this highly protected American right known as "Due Process of Law."

Justice is the foundation of the edifice of democracy, and this foundation is sinking into the quick-sands of time. You must realize ladies and gentlemen, this structure stands or sinks on your shoulders. You must, this day, re-dedicate, and you must reaffirm your belief and commitment to democracy and justice.

How long are we going to isolate a segment of our population from "Due Process of Law?"

How long are you going to allow some courts to make a mockery of justice?

How long are you going to allow the judicial system to defraud democracy?

How long are you going to wait in answering the call of these deprived people?

How long? For the sake of justice, how long will it be before you put the blind-fold back in place?

How long?

I challenge each and everyone of you to put on your working clothes and to reinforce the base of the pyramid with justice and equality, mixed with a compound of the "Due Process of Law."

There is a leak in this old ship, and I want to know if you are willing to get your hands dirty and your feet wet by going down into the hole of this floundering ship and shoring up the torn area, and stopping the influx of frustration and despair, and save this sinking ship!

How long?

The battle for humanity is not lost. The Blacks and Whites are withering toward the light, and everywhere the laborer with a ballot in his hand, is voting to open the gates of justice, opportunity and peace.

*Speech delivered at Duke University, Law School, April 6, 1968.

-Moot Court Team-

(Continued from Page 1)
competition are back as student coaches. Researchers are Joseph Arrington, Louis Kleiman and Peter Smilde.

The subject of this year's National competition is a controversial and timely one. It involves the war in Viet Nam. This is a hypothetical case, in which the Plaintiff, a Private in the United States Army seeks (1) an injunction against the United States prohibiting the Secretaries of Defense and of the Army from sending him to serve in Viet Nam, and (2) a declaratory judgment that the United States military participation in the Viet Nam conflict is a violation of the Constitution and of various treaties to which the United States is a party.

The United States Government has moved to dismiss the case on the grounds: (1) the complaint presents a purely political question; (2) the conflict is not a war within the meaning used in the Constitution of any treaty; (3) the participation in conflict is authorized by the Tonkin Resolution (4) the plaintiff has no standing to raise the question.

Sine there are a large number of young men in our law school who still have to meet their military obligations this particular case should be of significance because in the near future they may be confronted with the same issues.

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LEGAL BOOK REVIEWS

By ALFRED LILE

HONESTY AND COMPETITION: George J. Alexander—315 p. \$10.00

In this 1967 editioned book from Syracuse University Press, the author researches the work of the Federal Trade Commission in terms of its relationship to advertising deception, and the alembic of modern day competition.

No small part of author's purpose is to show the kinship between the aims and objectives of antitrust; namely keeping a balanced competitive economy, and policing false commercial advertising.

In reading the F. T. C. decisions, one views the Commission as a "good guy" with "good intentions" in opposing commercial fraud while trying to maintain the meaningful relationship between competition.

It would seem, from the author's work that policing deception in advertising should be re-evaluated so as to overcome the two-horned dilemma of commercial honesty in high-yield competitive society.

**A CONTRAST BETWEEN THE
LEGAL SYSTEMS IN THE U.
S. AND THE SOVIET UNION::**

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This book is based on a questionnaire prepared by the International Commission of Jurists in 1957. It was directed to most of the countries of the world to determine the nature of the rule of law in each country.

In an introduction to the 299 page book, President William T. Gossett of the ABA said the study "reminds us that the Soviet legal system has done little to erect safeguards against a return to the perversions of legality that occurred less than 20 years ago under Stalin . . . "The degree to which our legal institutions respond to accelerating social demands is the real criterion of the strength of our law society" said Gossett. "This study in contrast shows that such changes come more slowly in the Soviet Union, whose legal institutions appear to bear little or no relevance to the factors that produce change in our society."

-Editor's Note-

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with limitations on official power and the way it can be exercised, the courts cannot avoid participating in developing the law and dealing with fundamental issues concerning the relationship of private rights and official power.

-In Memoriam-

(Continued from Page 1)
that David left behind ideals, goals and warmth that will live forever in the hearts of his friends, classmates and family.

A Farewell

"Flow down, cold rivulet, to the sea;
Thy tribute wave deliver:
No more by thee thou steps shall be,
For ever and for ever.

"A thousand suns will stream on thee,
A thousand moons will quiver:
But not by thee thou steps will be,
For ever and for ever.

—Tennyson

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