The New Law School Building

H. E. Groves, Dean

January 16, 1978, marked the beginning of the work on our new law school building when men with chain saws began cutting down the stand of pine trees which covered the site at the corner of Alston Avenue and Cecil Street. It is regrettable that the trees had to be almost entirely removed. But the building, parking areas, access roads and sidewalks will cover most of the site. The sloping terrain will lend itself to attractive landscaping when construction is completed.

The traditional symbolic groundbreaking ceremonies were held on January 27th. The Chancellor invited a representative group of persons to a luncheon at the Ramada Inn. These included the two former deans, Professors DeJarmion and Sampson, who planned the building, the presidents of each class, Mary Rudd, First Year, Brewwington Croswell, Second Year, Pamela Hunter, Third Year; representatives of the faculty, the alumni, the administration, the legislature, the bench, bar, and friends of the school. The group moved from the Ramada Inn to the site and turned several shovelsful of earth. Appropriate remarks were made by U.S. Attorney H. M. Michaux, the Mayor of Durham, President of the University of North Carolina, William Friday, Mr. William A. Clement, President of the Board of Trustees, Chancellor Albert N. Whiting, District Judge William Pearson, the class presidents, and others. The affair was attended by representatives of television and the press and received favorable coverage throughout the state.

The building will contain more than 75,000 square feet, distributed over four floors. On the ground floor will be located a student lounge, a cafeteria, lockers, student activities offices, including the Law Journal, and some library storage space, as well as the receiving area for library shipments.

The first floor will house a large Moot Court room, with an elevated circular seating plan. Also on this floor will be two large classrooms, the administrative offices and a faculty and staff lounge. The main entrance is spacious and will provide some lounge area for students and visitors. It will do double duty as a place for small receptions. A compact serving kitchen is available for this use.

The second floor contains the library offices, faculty offices around the outside walls, and stack and reader space. Special features on this floor of the library include a student smoking lounge, a student conference room and a media room. Also on the second floor are four classrooms and complete facilities for the legal clinic, with offices for the director, the assistant director and secretaries, as well as two seminar rooms.

The top floor is devoted entirely to the library, with stack space and individual student carrels, and with both a student lounge and a separate student smoking room.

Proposal for Giving Predominantly Black Law Schools More Representation on BALSA’s Executive Board

I. Introduction

The question was to BALSA’s relationship to predominantly Black schools has often been asked. Although BALSA is supposedly a national organization that represents Black law students nationally regardless of the mixed make-up of the schools they attend, BALSA in the past has primarily focused its attention on the problem confronting Blacks attending predominantly white schools. Very little has been said about what policies BALSA initiates to alleviate some of the problems confronting Black students at Black law schools. This is not to say that BALSA is not concerned about predominantly Black law schools, but it should be noted that BALSA has not addressed the problems these schools are faced with on a national level. It is believed that this problem exists because the decision-makers of BALSA do not attend these schools. Although all BALSA board members and regional directors are elected in a democratic manner, the fact still remains

The architect for the handsome 3½ million dollar brick building is W. Edward Jenkins of Greensboro, who designed the new Communications Building on campus.

The contract completion date for the new building is July 9, 1979. However, approximately one month was lost because of severe weather at the beginning of site clearance. The pace has, however, picked up, and we are still hoping for occupancy at the beginning of the 1979-80 academic year. The building will permit an increase in the student body. Present plans are that total student enrollment will rise to about four hundred and stabilize there. This means an annual entering class of about 150 students.
that students from predominantly Black law schools do not have the input in BALSA as their portion dictates. One-fourth of Black law students or more attend predominantly Black law schools; however, at present not only have BALSA executive board members come from these schools, nor do any of the regional directors come from these schools. Without any of their members being in any decision-making capacity with BALSA, it is almost impossible for BALSA to be fully apprised of the problems confronting predominantly Black schools, nor can it be truly representative of the students attending these schools.

This proposal offers a plan whereby BALSA can be assured that problems confronting predominantly Black law schools can be fully appreciated by the organization. It is also a plan whereby BALSA can become more of an organization that truly represents Black students.

II. Objectives

Although Blacks attending predominantly Black law schools are not necessarily faced with a hostile internal atmosphere or administration, they are constantly faced with the problems regarding the existence of their schools. Year after year, Black law schools are threatened to have their accreditation revoked by the ABA. This is the ultimate problem facing most predominantly Black law schools. Although the ABA finds their curricula to be fine, for some reason or another, it can still find some area in which to reprimand these schools. For instance, at Southern University School of Law, for the past three years, the ABA has complimented the school on its academic curricula, but has questioned the school’s accreditation because of limited building space, the number of full-time instructors, etc.

It is believed that BALSA does not fully appreciate the problems confronting Black law schools, primarily because students attending these schools are not given the input into the organization that they should have. Therefore, to alleviate this problem, it is necessary that BALSA develop a program whereby these students can be given a greater voice in the organization. If each predominantly Black law school is given one seat on the BALSA executive board, then the problems confronting each school could be more easily brought to the attention of BALSA. If BALSA was to increase its executive board to a number whereby it could give each of these schools a seat and at the same time, have one third of the board members be elected at large, then the problems of BALSA’s supposed emnity toward Black law schools will end, and BALSA will be a more representative organization.

III. Goal

This proposal asks that predominantly Black law schools be given one seat per school on the National BALSA Executive Board. This proposal asks that each predominantly Black law school be allowed to develop its own means of electing representatives on the board. If this proposal is adopted, BALSA will be more representative of Black law students and their problems.

IV. Conclusion

This proposal does not seek to give students attending predominantly Black law schools more representation than their share; rather, it is a means whereby the individual problems confronting students at each predominantly Black school will be better heard. Since each Black law school accounts for such a significant number of Black law students, and since every Black law school is faced with its own individual problems, it is necessary that each school be given a seat on the executive board of BALSA in order for BALSA to fully understand their problems.

BALSA has a lot to offer predominantly Black law schools, if for no other reason than because it is in a position to focus on the problems of these schools on a national level. To fully understand the problems of these schools, it is necessary that this proposal be adopted. The Southern University Delegation sees this proposal as being very realistic, and hopes that you will give it the utmost attention.

Wille Rose, SBA President

Southern University School of Law
Baton Rouge, Louisiana.

NEWS ITEMS

ABA/LSD Silver Key Awards

Syed I. Hyder

Syed I. Hyder (class of 1978), Lt. Governor, ABA/LSD 4th Circuit (1977-78) and Jacqueline Sellers (class of 1979) ABA/LSD Representative at NCCU School of Law (1977-78) received Silver Key Awards from the American Bar Association/Law Student Division (ABA/LSD) on March 12, 1978. Miss Sellers was elected to the post a day before at the Spring Roundtable Conference of the Division held at Washington and Lee University School of Law, Lexington, Virginia. Traditionally, home school of the Governor becomes the headquarters of the circuit. Accordingly, NCCU School of Law should expect to be the center of most of ABA/LSD activities in the Fourth Circuit comprising all law schools in Virginia, West Virginia, North Carolina and South Carolina in 1978-79. Such activities will include, among others, regional rounds of Client Counselling Competition (spring 1979) and National Appellate Advocacy Competition (spring 1979), and Spring Roundtable Conference of the Division (1979).

Cheek and Whisenhunt Are Finalists in Client Counselling Competition

Michael Cheek and Margaret Whisenhunt
Michael Cheek (class of 1979) and Margaret Whisenhunt (class of 1979) advanced all the way up to the final round of the Client Counselling Competition held at Washington and Lee University School of Law, Lexington, Virginia on March 4 and 5. They finally lost to the team from University of Kentucky. Teams from Wake Forest University, Louisville University, William and Mary, Washington and Lee University of Richmond, and the University of North Carolina also participated in the competition which was sponsored by American Bar Association/Law Student Division.

Students Denied Membership in the Law Journal Board

There has been some recent controversy with regard to admission criteria for Law Journal membership. On February 21, 1978 two second year students Michelle Jackson and William Fewell were denied membership on the staff of the Law Journal. Editor-in-Chief, Mr. Ben Alford stated in a memorandum addressed to these candidates that the reason for their exclusion was “lack of interest” in the Law Journal as manifested by their lack of involvement. The excluded students have attempted to redress what they claim was an unfair treatment by the Editorial Board of the Journal, by asking the Student Bar Association and the Dean to intercede. The SBA is trying to resolve this controversy on an organizational level.

Statement of Charles Markham Before City Council Hearing on Downtown Civic Center

In January of 1978, the Durham City Council chose to consider the recommendation by certain select advisors to build a new million dollar civic center in downtown Durham. Faced with the possibility of an increase in Durham property taxes to finance the project, a group of citizens including NCCU Law School professor Charles Markham were not so willing to endorse what would seem to be an unquestioning acceptance of the civic center project by the Council. Professor Markham sought to have the Council consider the impact on Durham property owners of such a costly project. The Barrister presents Mr. Markham’s speech to a public hearing of the Durham City Council on January 1978 as an example of one professor’s and the law school’s concern that administrative agencies respond to the needs of the people concerned.

This is my third appearance at a public hearing before this Council. Nearly 20 years ago, I appeared to discuss a zoning matter, and I prepared a brief to present to your predecessors. I took it to the office of one of them. He passed it back across the desk to me. He said, “I can’t read your brief. It might influence my decision.” I have been one who believes we have come a long way from conducting the public business in this manner; this public hearing is a healthy sign that we have.

Thirteen years ago your predecessors held a public hearing on the downtown urban renewal plan. On that occasion, the consultants were there with their charts, and the delegations of the so-called establishment of Durham were there to voice their enthusiastic support. Although not the only skeptical citizen, I was the only one who appeared to raise objections. I said: “If this plan is approved, downtown Durham will one day be the largest parking lot in the world surrounded by shopping centers.” The Council approved the plan, 13 to 0. History will decide whether that decision was wise, but in a sense the verdict of history is in. If that plan had been more carefully considered, more thoughtfully executed, and more closely coordinated with development activity in other parts of the city, we would not be here tonight considering ways to pick up some of the pieces.
errors of privately endowed and
operated university, which is obviously
not a governmental body of the state.
The Board is similarly not a gov-
ernment body. The Dallas Cowboys
actions of the statute. Justice Exum de-
clined to join the majority, which ac-
cording to him, was trying to tie the
meaning of statutory words to some
"essential meaning of the words", and
explaining these words with
"classroom dictionary definitions."
Without offering any possible in-
terpretations of the statute in positive
terms, he concluded his dissent with
these words: "The most simple and
direct answer to the issue posed in
this case is that the official meetings of
the law school faculty should be open to
the public." - Student Bar Assoc.
Board of Governors v. Byrd, 46 LW

Wrongful Life
In a case alleging negligent steriliza-
tion the Minnesota Supreme Court
allowed parents of an unplanned child
to recover compensatory damages
from a doctor for the burden of caring
for a child who would have been born
had the cost of caring for the child to the
age of majority is a direct financial injury
to the parents caused by doctor's neg-
ligence in sterilization, for which 생명
compensatory damages are reas-
sonable.
Amount of damage was mea-
sured by computing the reasonably
foreseeable cost of caring for the child
with a set-off for the value of benefits
conferred to parents by the child. The
court disapproved public policy con-
siderations in permitting parents to
recover damages by proving their
healthy child a net burden to them.
Sherlock v. Stillwater Clinic, 47 LW
2227 (1977).

Appellate Division of the New York
Supreme Court went a step further and
recognized a cause of action for wrongful
damage in a case where a child was
expected to be born with Down's syn-
drome but was not born. The court
found that the child could have lived
but for a medical error. - People v.
New York Hospital, 44 LW 1745

OSHA Crippled
Fifth Circuit Court of Appeals re-
cently invalidated a regulation by Sec-
retary of Labor under Occupational
Safety and Health Act giving employ-
ers right to refuse to work under cir-
cumstances constituting an "imminent
danger" at the work place, which would
cause him to conclude that there is real
danger of death or injury and that
there is insufficient time, due to the
urgency of the situation, to eliminate
the danger through resort to regular
statutory enforcement channels.
Agreeing that the regulation is de-
signed to achieve an end consistent
with the purpose of the Act the court
held that the means adopted by the
Secretary were deliberately rejected
by Congress. Outlining the required
procedure for protection from an
"imminent danger" the court found
that the worker, on discovery of such
danger must notify the secretary who, if satisfied that reasonable
ground exists to believe the infor-
mator, will have the OSHA inspector
to investigate. If the inspector
believes that such a danger exists
will recommend to the secretary that
immediate injunction be sought.
Thereupon, the Secretary will seek
injunction through a federal court.
Although such procedure for meeting
imminent dangers is unrealistically
burdensome and the regulation was
designed to clear the path for effective
enforcement of the Act, the court was
constrained to invalidate the regula-
tion due to legislative history of
OSHA where it found that Congress
deliberately (a) rejected workers' right
to strike with pay and instead allowed
them the right to request inspection
of employers premises and (b) rejected
administrative orders prohibiting
employment and instead allowed only
for injunction through federal courts.
-Marshall v. Daniel Construction

COMMENTS
Hard Times
by Mary Rudd

Lots of things can happen to you
the first semester of law school. It
was because you aren't looking or you
don't know.
1. You may be hard at work
studying and then go to your locker
to find your book and instead realize
you no longer have a job.
2. You may only read twenty-five
pages for Civil Procedure when
you were supposed to read one hundred
and five.
3. You may break your shoe heel
going down the stairs and
4. Your name may get mis-
pronounced for the first six
weeks.
If you get past all of these little
tings, you will be on your way to
success in the law school. Leaving the
honor behind, making it through the
first semester depends on you. Most
first-year students found that a study
routine helps. Certain hours every
night, certain subjects everyday, and
of course a rest day. I think we found
relaxation was essential to our peace
of mind. Those of us who felt we
could run like steam engines all
semester found that December, when
we only had a puff-puff left.
Focus should be on the word
adjustment. The UNT longhorn and
Cowboy fan and I never missed one of
their games on television until this year.
In fact, I'm a football fan, period. But,
I saw very little live action last fall. I
did manage to catch the last NC
marching band's practice session while
studying at the law library, however.
Giving up a few of those things you
would like to do is all part of a law school.
Their replacements will be Torts, Property,
Contracts and Civil Procedure.

While I did give up a few things I
wanted to do, I did not neglect them
all. Don't think that I never went out
to the mall, to the shopping center or
to a party. I did. It was good
therapy. It relaxed my mind so I
could get on with the studying.
I'd like to tell you what my colle-
agues and I expected last semester,
but I found we anticipated very little.
We did not know what to expect from
law school the first semester and we
left our minds open to any happening.
I think that was the best approach. There
were few disappointments and few
dreams were destroyed.
Law school is time consuming, but
not totally time consuming, nor should
it be. I think that law like everything else
has its place, its place just happens to take up a lot of
space.

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SUPPORT LAW DAY
Law Day Speaker Program
Friday, April 21, 1978, 11:00 a.m.
B. N. Duke Auditorium
Speaker: Retiring Professor and
Former Supreme Court Judge
LeMarquis DeJarmorn
Banquet: Holiday Inn, Raleigh,
North Carolina (downtown)
Time: 6:30 p.m.—Banquet Speaker:
Theodore R. Neumann
Fees: Free for Law Students—Fees to
be posted for guest and alumni

The Barrister invites all N. C. C. U.
Law School organizations to submit
articles for publication. An organiza-
tion may submit one regular article
for space on the "News Items" page or
submit individual articles for publica-
tion prior to various publication dead-
lines. To insure that notice is received
by concerned organizations, the vari-
sious organizational heads should sub-
mit to the Barrister either a regular
article for space reservation or a request for reg-
ular notice of publication deadlines in
writing. A request for a space allotment
reservation must be accompanied with an
obligation to submit an article of a minimum
length of 200 words and no more than
600 words for each publication. This
reservation is effective only if articles that your
article will appear in a given publica-
tion. All other articles submitted will be
subject to a selection process by the
editorial staff.