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Finding the Difference Between Day and Night

Probably the most frequent question I've been asked this semester is "How do you like the Day Program?" This is followed closely by "So what's the difference, anyway?" There's a world of difference.

The NCCU School of Law has the only Evening Law Program between Atlanta and Washington D.C. Most of the students in the Evening Program are mature professionals who are looking for some way to supplement their careers. By contrast, the Day Program has more traditional students, students who have come directly from college to law school.

This difference seems evident in the attitude the students have. The evening students have to work very hard to focus on school. Basically, life as an evening student is: get up, go to work, go from work to school, go home, do homework, go to bed. Students in the Day Program have more flexibility with their time, but that flexibility can sometimes interfere with their focus.

Because of the time constraints of Evening Program, evening students often feel burned out. The constant drain of work and school and going to almost every summer session exacts a heavy cost. So far, I think the day students have it easy, comparatively speaking. I now have time to talk to instructors, to do more thorough research, or to just blow off a few hours every now and then. I can even attend special events, tutorials, or school parties that I couldn't as an evening student (since all of those seem to be invariably scheduled during the day or while the evening students are in class). Those are not options for the vast majority of evening students.

Evening students are on a four-year program at NCCU. They generally take nine credit hours per semester and attend both summer sessions each year.

There are very few elective courses in the evening, although evening students are free to register for day classes.

Day students are on the traditional three-year program. They usually take between 12 and 15 credit hours per semester and an occasional summer session. Class scheduling, while not the best in the world, is comparatively flexible.

There are only a few times when the world of the day student intersects with that of the evening student. Most often that occurs when someone registers for a class in the other program. And even then, the interaction between the students of the different programs often leaves something to be desired.

A common complaint day students have about taking classes with evening students is that the evening students ignore the day students. Evening students say the day students are too cliquish and act like they don't want to talk. More than anything else, it seems like this may be the result of differing class atmospheres.

Classes in the evening tend to be very orderly and controlled. There is little, if any, talking in class. Attention is usually focused on the instructor. Also, most evening students attend class after a full day of work, so they can be very tired.

Day students generally work a part-time job at some time during the day or don't work at all. Classes are often so large that one's attention is easily distracted from the instructor by classmates. Talking during class is more tolerated. And more people seem to speak out in class.

In short, day classes are more lively, but also more distracting. In fact, the Day Program is generally more

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lively than the Evening Program but also full of more distractions, such as parties, school-sponsored events, and such. In the evening the students show up for school and participate in all the things that go with being part of the evening program.

Another misconception about the evening students that seems fairly common is the belief that students in the Evening Program are “spoon fed” the law, making it easier for them to learn, and that’s why they have a better bar passing rate. If I was spoon fed anything in the Evening Program, I certainly don’t remember it. I see no qualitative difference between the teaching in the two programs. Quite simply, you get out of school what you put into school.

That proposition dovetails with a misconception some evening students hold about the Day Program. Some people seem to feel that a fair number of the day

students don’t belong in law school. My experience has convinced me that, yes, there are some dummies in the Day Program, but there were also one or two at times in the evening. On the whole, though, the day students are good students who work hard. I think that sometimes, though, the distractions available in the day take a higher toll than some people realize until it’s too late.

I like being a day student more than I did being an evening student, but that won’t be the case with everyone. I would encourage anyone, though, to get to know their counterparts and make them feel accepted.

Michael Jordan is in his second semester as a day student after completing two years in the Evening Program. Last year he was one of the Evening Representatives to the Student Bar Association.

“Finding the Difference” Response

Upon first reading Mr. Jordan’s article, in my official position as Assistant Editor of *The Barrister*, I found myself adding and deleting too much of his work. After calming down and considering that most of his work was just his opinion, I decided to prepare this response to express my opinion and not stifle his. His article appears in substantially the same condition as submitted.

I wholeheartedly agree with Mr. Jordan that there is a world of difference between the Day and Evening programs. His assertion that most of the Day Program students are more traditional law students is not entirely true. For example, in my class (of 92) there are more students over thirty than under twenty-five. I’ll also agree with Mr. Jordan when he suggests that there is a huge difference in the attitude of the students.

But, I do not agree with his assessment that Day students have it easy, comparatively speaking. Where the hell has he been? Obviously not taking any of my final exams. The constant drain that Evening students feel is also felt by Day students, but I would not dare to be so bold as to say either student feels more pressure. To me, pressure is pressure. I also agree with Mr. Jordan’s statement that there are only a few times when Day and Evening students interact.

Also, in regard to his assertion about Evening classes being very orderly and controlled. Please! My experience has been that most Evening professors do not call on their students. And if they do, it is more like requesting participation than demanding it. The professors’ attitudes are totally different than with the Day students.

Classes in the Evening program are more relaxed. Imagine this: lecture, lecture, lecture with no student participation at all. Classes in the Day program are simply more intense. Now imagine this—sitting on the edge of a broken seat with sweat rolling down your back and so much stress, fear, and tension in the air that you can hardly breathe. Also, the Evening Students are fortunate enough to come to class and actually be treated as human beings and not pieces of meat. Now, I must admit that I personally do suffer from the misconception that Mr. Jordan asserts some Evening students have about the Day students. As far as “dummies,” I know that there are more than “one or two at times” in the Evening program. Furthermore, I do not think the majority of the Evening students belong at NCCU School of Law because they are, for the most part, not concerned with the mission of our school (which, by the way, Evening students, is to provide

legal education for those who might not ordinarily be able to obtain one, and provide legal services to underserved communities including poor, minority, and rural ones). They seem to be more concerned with earning another degree to boost their incomes a little higher, or to get a promotion on the current job. Money is their motivation, not justice.

Finally, I would like to mention in my article that I do realize these statements may bother some of you. However, these are things that need to come out in the open and be discussed. I do not intentionally mean to offend anyone in particular, but if you do find yourself with a frown on your face at the end of this article, it may be time for you to take a closer look at yourself and your values.

Angela M. Dolby

Journey with a "Guide"

"After I had arranged my structural scheme and was capable of discarding many data that were superfluous to my initial effort of uncovering the cogency of his teachings, it became clear to me that they had an internal cohesion, a logical sequence that enabled me to view the entire phenomenon in a light that dispelled the sense of bizarreness which was the mark of all I had experienced. It was obvious to me then that my apprenticeship had been *only the beginning of a very long road*. And the strenuous experiences I had undergone, which were so overwhelming to me, were but a very small fragment of a system of logical thought from which Don Juan drew meaningful inferences for his day-to-day life, a vastly complex system of beliefs in which injury was an *experience leading to exultation*."¹

How exhilarating it would be to have a professor who not only thoroughly analyzes questions and discussed the law, but one who truly enjoys "guiding" students through the many quagmires encountered while seeking legal knowledge . . . Perhaps we have such a person, such a "guide." Such a "guide" would have us journey through, and then beyond the texts, hornbooks, restatements, and treatises, all of which are known virtually verbatim by the "guide." He would be able to summarize a questionable statute or court decision by simply noting that, "there is a point beyond which even justice becomes unjust."² . . . Perhaps we have such a person, such a guide.

Visitors to our university, strolling in our hallways might happen to overhear dialogue or interchange be-

tween student and such a person, such a "guide." The visitors might stop and look quizzically towards the classroom, or might simply break stride and momentarily pause to reassure themselves that they are in the right building — they might have just heard the "guide" saying in a whisper, to a hushed audience of students straining to hear his every word, after not having been able to answer, to his own satisfaction, a query pertaining to a precept of law:

"Flower in the crannied wall,
I pluck you out of the crannies; —
I hold you here, root and all, in my hand,
Little flower — but if I could understand
What you are, root and all, and all in all,
I should know what God and man is."³

The "guide" would explain that no one knows *everything* about any one thing and when man ascertains all knowledge about any one thing, then man has become one with his or her God . . . Perhaps we have such a person, such a "guide." Another visitor, at another time, during another course, may have heard the "guide," after asking for volunteers to "assist" him in attempting to unlock the mysteries of a particularly difficult, seemingly unfathomable statute, and getting no response simply say, "A man should never be shamed to own he has been in the wrong, which is but saying, in other words, that he is wiser today than he was yesterday."⁴ . . . Perhaps we have such a person, such a "guide."

If we did have such a person, such a "guide." He would have been considered by many to have been the Promethean spark, the keystone for North Carolina Central University School of Law with his vigorous defense, in 1965, against Governor Moore's proposal to

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close the law school. His research would have led to the "Paper" which assisted in the defeat of Governor Moore's desire to close the law school because the school was supposedly not cost effective. One would only obtain but a glimmer of this "guide's" mindset, by reviewing but a portion of his 1965 prophetic statement:

... More and more law schools are limiting their enrollment to the top five or ten percent of college graduating classes. Consequently, the student graduating in the lower, upper, or middle part of his class from any college is finding his source of obtaining a legal education diminishing. Because of this factor, North Carolina College Law School is in a unique position of performing an invaluable service to worthy and deserving students as well as contributing to the general welfare of the State.

Dean Emeritus Daniel Sampson has been our guide. He obtained his B.S. and M.A. degrees before serving in the Army during World War II. He then obtained his L.L.B. and L.L.M. at Boston College and joined the faculty in 1950, at what is now known as North Carolina Central University School of Law; and he has been with us ever since. He would become the Dean of this Law School from 1965 to 1969 and be largely responsible for admitting native American and white students, thereby integrating the student body. He was instrumental in getting the degree classification, bestowed upon law school graduates, changed from a L.L.B. to a J.D.⁵ In 1969, he was asked to serve as the Legal Advisor to the University President and also served on numerous committees and became Chairman of the Law Dean Search Committee in 1980.

This man, this "guide" is not one to rest on his many laurels. Since retiring in 1984, he has been an adjunct professor and the "guide" for Advanced Torts and Debtor/Creditor law. He was a member of the 1985 Law Dean Search Committee.⁶

Our "guide" is a man who was described in 1971 as a person who never had students who were uncomfortable in his presence and, "his understanding of students' problems forges a strong link which is inseverable."⁷ Nothing has changed. Our "guide" continues to agonize whenever a student has a poor performance, thinking that he somehow failed in his responsibilities as "guide," rather than placing the blame upon the student for not being prepared. Our "guide" will not allow a student the false luxury of suggesting any outcome, in the law, is

certain. He would be inclined to say, "Certainty generally is illusion, and repose is not the destiny of man."⁸

Try not to pass up the "journey," the inquiry, the experience, which could lead to exhilaration with this wise and uniquely qualified "guide." You will sense his wisdom, you will feel it and be able to turn your mind towards it, just as you would turn your face towards an early summer sun. You will enjoy the self-depriving humor and come to "know" the clarity, the wisdom which emanates from this "guide." "The most manifest sign of wisdom is a continued cheerfulness: her state is like that of things in the regions, above the moon, always clear and serene."⁹ Bask in this "guide's" good humor and serenity. Tennyson said, "Knowledge comes but wisdom lingers."¹⁰ The hope is that this wise "guide" lingers with us for many a year, and "guides" many a student through some of the seemingly overwhelming, complex legal disciplines, allowing them to see how the strenuous mental experiences of trying to understand cases, reveling in the poetic beauty of the writings of Cardoza, Hand, et. al., will build a system of logical thoughts.

The perhaps, more of us would be in a position to say, "thou wert my guide, philosopher, and friend."¹¹

W.J.O., a grateful traveler

Endnotes

- (1) Carlos Castaneda, The teachings of Don Juan: A youqui way of knowledge, 254, 255 (Ballantine Books 1971) (1968).
- (2) Sophacles: Electra.
- (3) Alfred Lord Tennyson, Flower In the Crannied Wall, in Idylls of the King and a Selection of Poems, 317 (Signet Classic 1961) (1830).
- (4) Jonathan Swift: Thoughts on Various Subjects.
- (5) The J.D. Degree carries with it the distinction of being a Doctorate Degree. The L.L.B. did not; and for purposes of graduates of this law school was deemed not as prestigious.
- (6) North Carolina Central University School of Law, Biographical Sketch of Dean and Professor Emeritus.
- (7) Anne Duncan, quoted in, ID.
- (8) Oliver Wendell Holmes, Jr., The Path of the Law.
- (9) Montigne: Essays Lxxv.
- (10) Alfred Lord Tennyson: Locksley Hall.
- (11) Alexander Pope: An Essay on Man; in Epistle IV.

A 2L's View From Above and Below

As I stood in the seemingly never ending line to pay tuition fees last August, I engaged in conversation with my fellow classmates. We talked of their exciting summer jobs and my attendance at summer school. We conversed about people whom we had seen over the summer, and mentioned those we had seen in line to pay tuition fees. We then made mention of those not returning for one reason or the other. Some of those in the conversations commented: "Thank goodness I don't have to repeat any classes." I then changed the subject and feared that the worst was yet to come.

The first day of classes came and I wondered what I would say to my previous classmates, and, to my new classmates. My first thought was to say nothing, or to say as little as possible. My confidence wasn't just shaken, it was gone. My advisor constantly told me to hold my head up high and **learn**. He said that he understood how embarrassed I felt, but the situation would get better. When asked if I understood Con Law Today, not only did I say "I'm not enrolled in that course" but added: "I didn't have to purchase any new books."

The next hurdle was my new classmates, the 1Ls. My plan was to get to the class early, get a seat down front, and be as inconspicuous as possible. Despite all

of my well intentions to arrive early, I arrived late, and the only available seats were in the back of the classroom where the other 2Ls caught by the infamous C-gavel were seated. As the professor called our names the 1Ls turned around as if to say: "Who are they? They were not at our orientation session . . ." As the weeks passed, it appeared that the looks of wonder changed to sneers of superiority. "Umph, they didn't pass last year." We 2Ls took this in stride, for we remember doing the same thing last year. We knew that the reality of mid-term grades would be a hard pill to swallow.

Most of my new classmates were genuinely inquisitive as to how this happened to me, and wanted to know if I could offer them any suggestions so that this would not happen to them. There are still a few 1Ls who seemingly sport that superiority complex. I willingly respond to those who seek my advice.

My best advice to them is, ask for help if they do not understand, or if they have the slightest doubt. Most importantly, if the C-gavel is struck against one, it is not the worst thing that can happen in pursuance of a legal education. The worst thing is not to be given a second chance.

Angela Foster

Why the C- Rule?

The C- Rule is unique to the NCCU School of Law. The rule is: "If any student receives a C- or below, in any of the first year courses, he/she must repeat that course the following year . . ." The rule was initiated in the 1980's by the faculty in response to bar passage rates which did not meet faculty expectations.

The faculty took it upon itself to find out why students fared poorly on the North Carolina bar examination. It was discovered through 1) conferences with the bar examiners; and 2) examining NCCU students' answers on the bar examinations, that some students did not have a sufficient understanding of fundamental legal concepts taught during the first year of law school. It was then determined that either the students simply forgot the fundamentals, or that they never had a firm understanding of the material. Thus, the C- Rule was created in an attempt to strengthen the students' understanding of those basic legal principles.

The faculty believed that if a student received a C- or below as a final grade, it was an indicator of a deficiency in fully understanding basics from those first year courses which were essential to passing the bar. Therefore the purpose of the C- Rule was, and still is, to ensure the students' knowledge of the material. Since its inception, NCCU students' passage rates have improved significantly.

The C- Rule is reviewed on an annual basis by the faculty during its yearly faculty retreat to determine if the purpose of the ruling is being met and maintained.

It is important for the students to realize that most other law schools have a 2.0 G.P.A. minimal cut off, and that if a student falls below that G.P.A., he/she must withdraw. Such is not the case at NCCU. NCCU does not adhere to this policy, which may explain why the C- Rule continues to be in effect at NCCU.

Angela Foster

What the "L's" Goin' On

John Sheldon said, "There is not anything in the world more abused than this sentence, (The safety of the people is the supreme law), for we apply it as we ought to forsake the known law." He must have pre-viewed some of these laws!:

TAX — On their tax returns Minnesota taxpayers must include the usual "name, address, social security number, age, . . . (and) date of death." Pretty darn thorough those Minnesotans — or they're psychic!

FAMILY LAW — Ashland, Kentucky believes in keeping it all in the family. "No person shall knowingly keep or harbor at his or her house within the city any women of ill repute, lewd character or a common prostitute — other than wife, mother, or sister."

CONSTITUTIONAL LAW — Kentucky knows how to deal with statutes that are too "broad." "No female shall appear in a bathing suit on any highway within this state unless she be escorted by at least two officers or she be armed with a club." Now for the amendment: "The provisions of this statute shall not apply to females weighing less than 90 pounds nor exceeding 200 pounds nor shall it apply to female horses."

PROPERTY LAW — If you want to vacation at the Cape you had better buy a cottage — or nice flannel pj's. Salem, Massachusetts still has a hotel law on their books stating that no man and woman, even married couples, are allowed to sleep in the nude in a rented room.

TORTS — In Arvada, Colorado, a town with an obviously strong A.S.P.C.A. lobby, their canine ordinance says, "If a stray pet is not claimed within twenty-four hours, the owner will be destroyed."

REMEDIAL LEGAL WRITING — Canine have it pretty darn good in Belvedere, California. An ordinance reads, "No dog shall be in a public place without it's master on a leash."

ATTORNEY FEES — Ten "bucks" takes on a whole new meaning in Clarendon, Texas. An attorney may be disbarred if he refuses to accept farm products in lieu of payment for his legal fees.

DRESS CODE — Charlotte, North Carolina must want to be the "clothing" capital of the South. ". . . all females must at all times have their body covered by a minimum of 16 years of cloth."

STOP SMOKING — Ordinance in Peacedale, Rhode Island makes it illegal ". . . for any male to give a cigarette to any female."

"EVERYONE" STOP SMOKING — In Zion, Illinois "It is illegal for any person to give lighted cigars to dogs, cats, and other domesticated animals kept as pets."

SHOTGUN WEDDING — If you plan to attend a wedding in South Carolina you had better be packing more than your lunch. "Every law abiding citizen must carry his gun to church with him . . . and he is not obligated to leave his gun outside the church upon entering the service."

HALLOWEEN ALERT — Those of you who have any thoughts of dressing up as 'belle of the ball — either wear a nice simple smock or don't have a beard, if you're going to the 'Gator state. In Miami, Florida, "it's against the law for any man to be seen publicly in any kind of strapless gown."

BAH HUMBUG — What's good for the goose; In Minnesota it's illegal for a woman to dress up and impersonate Santa on any city street. Violators can be fined \$25.00 and/or thirty days in jail.

Bill Olynik

The editors and writers of The Barrister wish to thank the Law School community for its patience.

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