

The Barrister

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Law Day '88

By Greg Davis

This year's law day celebration commences March 14th. Under the theme "Critical Thinking: Embarking Upon Our Fiftieth Year—The Struggle Continues" law week offers students, faculty and alumni the opportunity to reminisce about the past and to reflect upon the future. Law day/week is a celebration of community awareness of the legal profession. It is observed annually across the country in American law schools. Chairpersons Regina Smith and Melinda Lawrence-Dula both expressed delight that the celebration comes on the eve of the law school's Golden Anniversary.

For those unfamiliar with law day Central style, it is a time when undiscovered talent is discovered, studded fashion stars shine along the runway, and students meet faculty in a head to head basketball game. However, on the less "serious" side is the forum, the In House Moot Court Competition and the banquet. The highlight of the banquet will be NCCU School of Law alumnus Florida attorney, Willie Gary, who was recently featured in *Ebony* for his million dollar lawsuit recovery. Monies raised in conjunction with law day will be used to benefit the law school's scholarship fund. (Now that's critical thinking.)

Eagles Soar to No. 1 Spot

By Randy Emory &
Robert Vowels, Jr.

There is a team in the Triangle that is consistently in the top three in the national polls this year and has only lost one game to date. No it's not the Tar Heels, the Blue Devils or the Wolfpack, it is the North Carolina Central University Eagles and they are soaring right now. The team is 18 and 1. However the success and high rankings have not come without many hours of hard work, practice, sacrifice and dedication says Coach Michael Bernard, a 40 year old Brockton, Massachusetts native.

Coach Bernard feels that organization, preparation and repetition are the key elements upon which to build a winner. In his three years as head coach, Bernard has tried very hard to recruit Student-Athletes with a winning attitude so that he could implement his own coaching philosophies. Coach Bernard's philosophies about basketball go hand-in-hand with his general beliefs about life. His positive thinking and hard work ethics were created from a solid family foundation. Bernard's parents instilled in him that hard work, patience and perseverance result in true success. Consequently, Coach Bernard's players are winners both on and off the court. He states that in his tenure at Central he has never lost a player to academics. That achievement is a

reflection on Coach Bernard and the University and one that most programs around the country would be envious of.

Coach Bernard played collegiate basketball at Kentucky State University. During his four years, Bernard helped his team win three NAIA national championships. His coach at Kentucky State was Lucious Mitchell, a man who was an excellent recruiter, motivator, and strong disciplinarian. After his playing days, Coach Bernard was an assistant coach under Mitchell for four years. He then went on to Norfolk State University as an assistant to Charles Christian. Coach Christian is a master technician and excellent strategist and Coach Bernard learned a great deal during his tenure at Norfolk State. Coach Bernard's background beginning with his family and his experiences with excellent coaches have enabled him to develop a very positive outlook about life and a strong concept about how the game of basketball should be played.

Before this season began, Bernard's squads have had two solid campaigns with won lost records of 14-12 and 15-13. The two straight winning seasons came after rebuilding a team that was 4-21 the year before he became coach. Bernard took the job at Central because he saw it as a great challenge and opportunity. Bernard felt confident that he could turn the program around and wants to be known as someone who can build a

Eagles Soar (Continued)

program. Additionally, Coach Bernard puts great emphasis on defense; he feels that in order to have a great program you have to be able to stop the other team from scoring and not rely solely on your own offense.

The team's goals for the 1987-88 season are threefold: (1) win the southern division of the CIAA, (2) win the CIAA championship, (3) and to participate in the national championship.

North Carolina Central's success on the basketball court is great for the university and the community. A successful program helps the university enrollment grow because incoming students wish to be associated with a winner. Winning is contagious and it has transcended into the community through kind words, thoughts, and large crowds filling McDougald Gymnasium. A winner helps to instill a sense of pride and interest throughout the university and into the community.

What is even more impressive about the Central program is that it has the best record of any college in this area and operates on a budget that is less than one-tenth of what the Atlantic Coast Conference schools do. Most coaches would be very leery of coming to coach at Central where it is located in the hotbed of the A.C.C. but Bernard has turned that negative into a positive and feels that this area can probably say that the best basketball in the country is played in this area and feels that Central is a major reason for that statement.

Editorial

The American dream of "hot dogs, baseball, apple pie and a Chevrolet" is sought by many but achieved by only a few. Black Americans have long sought to fulfill the American dream only to realize that it is much easier said than done. In spite of this, Blacks have maintained their faith in the "ideals" of democracy and have relied heavily upon the legal system to make the American dream a reality. It is therefore appropriate during this month which has been designated as Black History month to pay homage to Black lawyers who have been in the forefront of the

Black American's struggle for justice and equality. It is also an appropriate time to reflect upon the ongoing struggle of Black lawyers within the legal system as well as the legal profession itself.

Since Macon B. Allen was admitted to the bar in the state of Maine in 1854, Black lawyers have played a major role in the efforts of Black Americans to overcome racial injustices. Charles Houston, for example, is credited with having laid the legal strategy for the case of *Brown v. Board of Education* in which the U.S. Supreme Court declared segregation to be unconstitutional in 1954, exactly one hundred years after Allen was admitted to the bar in Maine. Other Black lawyers who have made contributions include Constance Motley Baker, an associate counsel for the NAACP, Sadie T. Alexander, a veteran of many court battles in Philadelphia and Thurgood Marshall, currently serving as U.S. Supreme Court Justice, to name just a few.

Black lawyers have been makers not only of Black history but of American history. However, these accomplishments have not come easily. Even today, Black lawyers continue the struggle for justice and equality not only within the legal system but within the legal profession. Although Blacks gained admission to the bar in 1854, several aspects of the practice of law have continued to elude Black attorneys. A prime example of this is the major law firm. According to a 1985 survey by the *National Law Journal*, Blacks account for only 1.5 percent of the lawyers in the 250 largest U.S. law firms.

In Vermont there are no Black attorneys in any private law firms or for that matter any public law office. In other words, out of the 1,819 practicing and non-practicing attorneys there are no Black attorneys in the state of Vermont. How did this come about? An article entitled "And Then There Were None" (written by Terry Dalton) located in the Student Lawyer February 1988 issue spoke of Sam Johnson, the only Black attorney in Vermont, who left after he could not find a job with a private law firm there.

Mr. Johnson sought employment with a number of private law firms located in the state of Vermont but was denied a job because either (1) the firm had no need for his legal specialty, (2) the firm was

not hiring at that time or (3) the firm had no record that he (Johnson) ever applied with them.

However, since 1854, Black lawyers have accepted the challenges that have been placed before them and will continue to accept these challenges whether it be as solo practitioners, small private firms or public interest lawyers. Thus, while February may be a time for reflection, we should remain cognizant of our achievements and our goals yet to be achieved throughout the year.

Black History Month

By Stephanie Commander

The month of February has been set aside to celebrate Black history. This celebration, which at first was only for a week, pays tribute to the many Black Americans who have made contributions to the lives of all Americans. These contributions range from science, where Dr. George Washington Carver discovered many uses for the peanut, to the field of law where Justice Thurgood Marshall sits on the Supreme Court and has played a part in major decisions affecting the way we live. Other Black Americans who are not a household word have also made contributions affecting our lives in one form or another: the Fanny Hamers, the Douglas Wilders and the Gordon Parks. The list goes on and on. It behooves us all to take a moment sometime this month and in other months to find out something about these many individuals and to contemplate on the changes they have made in all of our lives and on how much better the world is for these contributions great and small.

Mark Anthony Clayborne ...Editor-in-chief
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An Indepth Look at the Evening Program

by Stephen Kearney

In the twilight hours between 4 and 6 p.m. when most students are heading for home and a hot meal or a watering hole for their favorite beverage, one group of students is just beginning their day. They come from positions of responsibility and importance in industry and the community. Most of these students have already worked a full working day by the time they arrive at the law school. These are the students of North Carolina Central's evening law school program.

When they arrive at the law school, the evening students are greeted by the same topics which day students confront every day: torts, property, trial practice, taxation and others. Many of the same people which the day students regularly encounter are also present to greet the evening students. One addition to that list is acting dean for the evening program, Professor Mark Morris.

When Prof. Morris took the position of acting assistant dean for the evening program he added yet another episode in his continuing relationship with the Law School at North Carolina Central. Prof. Morris graduated from N.C. Central School of Law in May of 1982 and went on to attend Harvard Law School where he received his L.L.M. in 1983. After Harvard, Morris practiced in Miami for a year before coming to NCCU as an assistant professor in the fall of 1984. While in that position, Morris taught Torts and Workman's Compensation. In the spring of 1987 Morris was offered and accepted the position of acting assistant dean of the evening program.

"When Dean Leary resigned, the dean asked me if I was interested in the position. The dean expressed confidence in me. He led me to believe that he would like me to do the job," Morris said. "This was a chance for me to make a contribution to this law school. That appealed to me."

"The purpose of the Evening Program is to provide a quality legal education to students who are unable to devote full time to the study of law," Morris said when asked about the general purpose of the Evening program at NCCU. "We have the only part-time program in the area, and it is the only one, to my knowledge, between Atlanta and Washington, D.C." Morris said. "I think it is obvious that the Evening Program adds an important dimension to the overall program at the Law School."

What are the differences between the Day Program and the Evening Program? Morris indicated that the major difference between the two programs is the age of the students.

"The students in the Evening Program tend to be older than those in the day program," Morris said. "They are typically people who are well along in a professional career and therefore unable to attend school full time during the day. That is the assumption we make about night school students."

Dean Morris also stated that admissions standards were different for students entering the Evening Program as opposed to those for students entering the Day Program.

"Yes, they are different," Morris said when asked about the differences. "Our assumption is that the night students are working at least 40 hours a week and carrying nine hours of law school. When the law

school administration got together with the University of North Carolina General Admission and the American Bar Association to set up the night school program, we were directed to give greater weight to the traditional indicators of a student's likelihood for success in law school. To a great extent we do look in our evening program at those traditional indicators—LSAT and undergraduate GPA in determining admission."

"Of course, we consider other things as well, 'The whole file,' but those factors play a very significant role in admissions decisions," Morris added.

In most other aspects the Day and the Evening programs are very similar. Day and evening students often share classes that are scheduled in the late afternoon and early evenings. Dean Morris believes that interaction between the two programs is beneficial.

"I think it should be easy for day students to take classes in the evening and vice versa," Morris said. "In the past there has been some effort to keep the programs separate and therefore the students separate. There are benefits to be derived from Day Student-Evening Student exposure. Dean Westerfield agrees and permission to take courses in either program is routinely granted.

"The same courses are required of the Evening Students as of the Day Students," Dean Morris pointed out. "There are some minor differences. It is very difficult to offer four hour courses in the evenings, so instead of Business Associations, we offer a three hour course in Corporations and another course in Agency and Partnerships."

"There are no true electives in the Evening Program because the only choice is to take what is offered or not. I would like to do something about this. I would like to widen the selection. Perhaps late afternoon courses are the solution."

Recruiting standards for the Evening Program is another concern for Morris. "Evening students are typically recruited by the recruiting and placement director and the assistant dean for the Evening Program," Morris said. "I think that there should be a special effort to recruit qualified minority students for the Evening Program."

"We must identify markets so as to get qualified minority students. Personal appearances by myself and Gayle Moses are ways we can do this," Morris continued. "I recently spoke at the North Carolina Nurses Association District 8 meeting. Since then I've had four inquiries from persons in the audience about the program."

"A lot of people don't know the Evening Program exists," Morris said. "Primarily the students who come to the Evening Program have heard of it by word of mouth from former students."

"We can advertise our program," Morris stated. "For example there was an educational supplement in the Raleigh News and Observer. We could advertise there. We could get mention of the law school in literature circulated by the University."

From the perspective of a day student, one gets the impression that the Evening Program is underemphasized. Morris dispelled that notion.

"I don't have the sense that the Evening Program is underemphasized," Morris said. "The fact is that we are without the financing to create additional faculty positions. As a result we are operating at near capacity. We can take around 25 entering students each year. Competition is intense. There are some very qualified persons interested in coming here; some will be turned away."

"I'm told there are misconceptions about the Evening Program, but I just don't know what they are," Morris said. "I would like to dispel the myths concerning the Evening Program. Because the Evening Program is small and because the Evening students are here after most of the faculty students and staff have left, it is easy to forget about evening students and not take into account the evening students."

Dean Morris singled out the current S.B.A. president, Fred Whitfield as an exception. "When carrels were being assigned, Fred made sure that carrels would be available for the evening students," Morris said. "That's how it should be."

Dean Morris indicated that the shift in his schedule had not been easy but that he had help in adjusting to his new duties.

"Ms. Caroline Anthony works roughly the same hours as I do," Morris said. "She has been an invaluable aid to me."

Faculty Spotlight

By Debra L. Cole

For the past year you could probably find Professor Adrian Fox seated at a computer upstairs in the law school computer room. All of her work is about to pay off. Her book, *Admissibility of Evidence in North Carolina* should come out by February 26th. The book, her first, is "primarily for practitioner. It's written in a handbook format," she says. The book, which she's worked on for a year, is primarily a

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Spotlight Continued

reference book for practicing attorneys. It covers both civil and criminal evidence.

The publishers were so impressed with her first book they have already approached her about a second book. Professor Fox stated, "This book would be on North Carolina Evidence also but it would be more of a treatise. The first book is for quick reference and the second book will be more in-depth."

Professor Fox is also involved in the National Institute for Trial Advocacy, which is run out of UNC-CH Law School. She is the director for the Southeastern Regional Program. They are sponsoring a Continuing Legal Education program for attorneys.

"The CLE program will be eleven days in May. It is a learn by doing type of workshop," Fox said, "much like the Trial Practice class at school. We give them problems to work through." The program consists of 50 to 75 lawyers from all over the country but primarily lawyers from the Southeast. Teaching at such programs for years, Fox is currently "trying to get faculty for the program."

Professor Fox attended Goucher College, a small women's college in Baltimore and began law school at Catholic University in Washington. Fox finished her law degree at Duke University and thereafter went to work for Legal Services in Durham. At Legal Services, Fox represented clients in civil cases who couldn't afford to pay an attorney. Fox went back to Duke to get her LLM, taught at Duke while she was going there and remained there to teach when she graduated. Fox has taught Evidence, Civil Procedure, Trial Practice at N.C. Central in various part-time and full-time positions since Fall, 1981/

She says that "Trial Practice is fun to teach," and she "enjoys teaching the first year students be-

cause their ideas about law school are not hard and fast yet."

Judging from the drawings on her office walls, Professor Fox is very proud of her two boys, David, who is 5, and Adam, who is 8. Fox's husband is Charles Bentley, an attorney practicing in Durham.

NCCU Professor Highlights UNC BLSA Event

N.C. Central Professor Highlights UNC BLSA Celebration of Black History Month

On February 15th, Dr. David Bishop, Professor of History at N.C. Central, will speak at the UNC School of Law and part of its BLSA chapter celebration of Black History Month. Dr. Bishop is a well-renowned scholar in constitutional history and his topic of discussion will be "The Evolution of the Constitution and Black Americans." The UNC chapter of BLSA extends a warm invitation to members of the N.C. Central BLSA chapter to join us for, what will prove to be an exciting and enlightening discussion.

The Joyner Report

Associate Dean Irving Joyner recently completed a survey of Black lawyers in North Carolina which appeared in the Fall 1987 publication of the North Carolina State Bar Quarterly. The article, entitled "The Black Lawyer in North Carolina: The Joyner Report", is a very informative study of the geographic distribution, the profile background and the income of Black lawyers in the state. It also speaks to the economic burdens and benefits of the Black lawyer and should be of special interest to students planning to practice law in North Carolina upon graduation and admittance to the bar.

Congratulations to the Following People who have successfully completed their candidacy for membership to the Law Journal:

1. Chuck Bishku
2. Mark Clayborne
3. J. Brad Donovan
4. Jay Ferguson
5. R. Dawn Gibbs
6. Addie Harris
7. Lundy Johnson
8. Judith Stewart
9. Lyniece Trice
10. Suzanne Wasiolek
11. Vickie White

Moot Court

The Senior Board Members of 1987-1988 wish to congratulate the Moot Court Board Members for 1988-1989.

1. Charles Bishku
2. John Britt
3. Gregory Davis
4. Walter Dukes
5. Jay Ferguson
6. Patricia Ford
7. R. Dawn Gibbs
8. Carol Goins
9. Addie Harris
10. Lundy Johnson
11. Randle Jones
12. La Tanya Mansfield
13. Zipporah Mapp
14. Michael Murphy
15. Monica Proffitt
16. David Redden
17. Marty Rosenberg
18. Teresa Smith
19. Suzanne Wasiolek

Diane Gilbert, Lisa Holmsen and Stephen Kearney will be participating in the Craven competition held February 18th through the 21st at the University of North Carolina Chapel Hill Law School.