

The Barrister

NORTH CAROLINA CENTRAL UNIVERSITY
SCHOOL OF LAW

DURHAM, NORTH CAROLINA

VOLUME IV

JANUARY 1989

NUMBER 1

PASSING THE BAR

by Debra L. Cole

The question is, where do we go from here? The results of the past summer's Bar Exam were disastrous as far as NCCU graduates were concerned. Of the forty-three NCCU graduates who took the Bar for the first time, twenty-three failed. Eleven evening students took the Bar and seven of them passed. Of the twenty-two people who took the Bar for at least the second time, six passed. Those figures combined for a 40% passage rate. Overall, graduates of North Carolina law schools had a 79% passage rate.

Reasons for NCCU's poor showing have ranged from students had to work, students were lazy and did not study, to students did not take advantage of Bar study courses. Education officials have called for studies of academic problems but no one seems to know what that means. The North Carolina State Bar Examiners will not give the

law school any information as to what substantive areas our students might be weak in. "We are falling down on the multistate," Dean Westerfield said.

In 1985, NCCU graduates had an even poorer passage rate of 37%. The next year the passage rate nearly doubled to 71%. In 1987, the rate dropped only 2 points to 68%. Dean Westerfield feels that one of the factors in the poor showing this summer was the lack of participation in Bar preparation courses. Only one student last year attended all of the sessions of the In-House Bar Course and only four students attended three or more sessions. The participation is grossly disproportionate to the number of students who participated in 1987. That year ten people attended more than six of the sessions, fourteen people attended more than five and sixteen people attended more than four. Also, in 1987, more people attended the post-graduation session which is offered in the summer. This helps students prepare for the essay

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NEW FACULTY AT NCCU LAW SCHOOL

by Dale Deese

Several new additions have been made to the faculty for the 1988-1989 academic year. Two of the new members are Assistant Professor Brenda Hampden and Assistant Professor Charles Donnegan. This article contains interviews with these two new members. The next issue of *The Barrister* will hopefully contain interviews with the other new members of the faculty.

Professor Hampden, a visiting professor at Central, is a native of Greensboro, N.C. During the fall semester of 1988, she taught Appellate Advocacy for the Day Division and Property Law for the Evening Division of the law school. This semester Professor Hampden will teach Copyright Law for the Day Division and Property Law II for the Evening Division of the law school.

Professor Hampden came to N.C. Central with a diverse educational and professional background. She began her educational and professional career with an undergraduate degree in Music Education, cum laude, from Howard University in 1967. After graduation from Howard University, Professor Hampden taught Orchestral and Vocal Music for the New York City Board of Education until 1971.

In 1971 Professor Hampden left her teaching position to pursue a fellowship from the National Endowment for the Humanities. She completed a fellowship program in Ethnomusicology at Stanford University. In 1973 Professor Hampden returned to New York City to teach Orchestral and Vocal Music until 1975. During her second teaching stint in 1974 in New York, Professor Hampden received her Masters degree in Music Education from Howard University.

Professor Hampden became interested in the legal aspects of the music industry

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Early Bird Bar Review Schedule

DATE	SUBJECT	TIME
Sat., Feb. 4	Evidence I	9:00 am - 12:30 pm
	Evidence II	2:00 pm - 5:30 pm
Sun., Feb. 5	Criminal Law I	9:00 am - 12:30 pm
	Criminal Law II	2:00 pm - 5:30 pm
Sat., Feb. 11	Constitutional Law I	9:00 am - 12:30 pm
	Constitutional Law II	2:00 pm - 5:30 pm
Sun., Feb. 12	Real Property I	9:00 am - 12:30 pm
	Real Property II	2:00 pm - 5:30 pm
Sat., Feb. 25	Contracts I	9:00 am - 12:30 pm
	Contracts II	2:00 pm - 5:30 pm
Sun., Feb. 26	Contracts III	2:00 pm - 5:30 pm
Sat., March 18	Torts I	9:00 am - 12:30 pm
	Torts II	2:00 pm - 5:30 pm
Sun., March 19	Multistate Testing Drills	2:00 pm - 5:30 pm

— EDITORIAL —

N.B.

by Debra L. Cole

The poor scores of NCCU's students taking this past summer's Bar exam have been the subject of many newspaper articles. I hope this will be the last one.

After reading all the articles, talking to students and to a few faculty members, I have come to the conclusion that what you get out of law school depends on what you put into it. No one else can do that for you.

Many of the students who *did* pass the Bar, say that it was not work that got in the way of others passing—it was just plain laziness. Students who did not take the time to prepare for classes and exams did not take the time to prepare for the Bar. In fact it seems, based on an informal poll, that students who worked developed a discipline for combining work and studying. You've heard the old adage, "If you want something done, ask a busy person." People who must work seem better able to balance their time. Personally, I don't recommend getting a job while in law school, but we cannot lay the blame on that without considering other factors.

I once overheard a practicing attorney telling a student who had just taken the Bar, "You know more law now than you will ever know." It's true that you must know "the law" and probably when you get out in practice a lot of it will be forgotten. That's okay—you can look it up then. The hardest part of learning the law, I think, is that it is ever-changing and there are different variations for different situations. Nevertheless, whether you get it from your teachers or on your own, you have to know the law for the Bar exam. I agreed with Dean Westerfield that learning the law begins on the first day of law school. It's much easier to review something that you've already learned than it is to try to learn it at the last minute, especially considering the volume of material that a student has to cover before the Bar exam.

It is up to each individual to put in the time and effort necessary to pass the Bar. I don't think there is any one factor which can be singled out to blame it on. I would suggest that students take advantage of every opportunity they get to prepare for the Bar.

As far as the school itself goes, I think it would be beneficial if a study were done to examine which substantive areas students fell down on. The school has made some positive steps towards preparing students for the Bar, if we will just take advantage of them.

OPEN LETTER TO PROFESSOR BRODERICK

It was with great disappointment that we learned you were not returning to the NCCU Law School this year. We have come to know and value you as the scholar and friend that you are. Anytime that a constitutional issue arose, we knew you could be depended on for the latest (or the earliest) in case law. And I noticed that when the graduates returned for a visit to the law school, they always seemed to gravitate to your office. Could it be that a person of your caliber who has the courage of their convictions, a true scholar and a humanitarian who is color blind as to skin, religion, and gender does not often come around to touch our lives?

There was never any doubt in the minds of the students that you cared about us and that we were your primary concern. Your door was always open for our questions; your time available to lend a sympathetic ear. I recall when you meticulously recalculated the scores on an exam because a few of us would have been slightly disadvantaged when others successfully appealed an answer. There were all the times you let us keep the old exams even though it meant you would have to compose new ones. I remember one semester when you gave three reviews a week because a few students could not work the main review into their class schedule, and you didn't want anyone to be left out. There was also the time you made arrangements for the class to visit the U.S. Supreme Court in Washington, D.C., or when you took time to help us get an affordable rate on the law week publications so we would be encouraged to keep up with the latest court rulings. I wonder how many student articles you reviewed for errors, and how many unknown favors you gave. And while I'm at it, we know you are turned off by rumors, but word through the grapevine had it that you were prone to take the student's side on issues in faculty meetings even though it might require a little more effort on the part of the faculty to accommodate us (and by the way, was it true that some of the U.S. Supreme Court justices sometimes consulted you as to your opinion on difficult constitutional issues?). Be that as it may, we appreciate that you cared enough for your students to treat us with the dignity and respect we deserve in our struggle to become attorneys.

We miss you, Professor Broderick, but we can take consolation in knowing that the NCCU Law School is a better place because you were a part of it. Your love

and respect for the U.S. Constitution will live on in the seeds you planted in the minds of your students. Your inspiration and concern that we learn the laws that protect human rights, not only to pass the bar but to make better lawyers of us, will serve us for the rest of our careers.

I'm not sure how to say thank you to someone whom I think has given so openly and unselfishly to our law school, but please know that you have our sincere gratitude and best wishes for your own future endeavors. We will always remember you as a true gentleman of impeccable integrity, who epitomized the principles we should strive for as lawyers. Thank you for letting us be a part of your life.

Godspeed,
Georgia Jacquez Lewis 3L

Passing the Bar

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portion of the Bar. Not one student attended this past summer. "It's so frustrating," Westerfield commented, "because the ABA says we cannot make students attend, but it's suicidal not to. It wouldn't be so frustrating if we didn't have the programs available, but we do and they don't take advantage of them."

Even the Multistate Modules have not been used to their full potential. The Multistate Modules, for those still unfamiliar with them, are a series of questions on a computer program which lets the student choose the answer, tells him if he is right or wrong, and gives him the reasons why the answer is correct or incorrect. The program covers areas of substantive law which will be on the Bar. More students are using them this year because Dean Westerfield told his Constitutional Law students that he might use some of the questions on his final exam. Westerfield praised the program. "It is designed to

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The Barrister

Debra L. Cole Editor-in-Chief
Mary Wright-Hunt . . . Editorial Advisor

Contributors this issue:

Dale Deese
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Walter Dukes

acquaint students with the type of questions that will be on the Bar and to develop necessary test-taking skills. It also keeps people in to common or key phrases.”

“Generally our students don’t score as high on standardized tests,” he commented. “Therefore, unless we prepare, we won’t do well again.”

This year several new steps have been initiated toward that goal. The first and most important of these is the Early Bird Bar Review Course sponsored in conjunction with BarBri. Ms. Jane Perkinson, the North Carolina BarBri Director, has arranged for NCCU students to be exposed to videotaped lectures on each of the multistate subjects in February and March of 1989. The program will be provided free of charge to students who pre-register by January 15, 1989. At the end of the course, the materials will have to be returned to BarBri. At each session, a professor will be present to monitor the tapes and answer questions. The last session will be a series of multistate testing drills. A schedule of the lectures is printed on the front page.

Another step which has been taken is that a committee has been formed to study the common strains and characteristics of a good essay answer. This committee is being headed by Professors Monica Kalo and Fred Williams. The law school has copies of the July Bar essays along with sample answers. The answers cannot be reproduced but will be used for the In-House Bar Course. “The biggest thing, as far as the essay portion goes, is good writing skills,” Westerfield stressed. “The Bar examiners emphasized that they are impressed with good writing, writing that is clear and grammatically correct.” The possibility of offering the essay part of the In-House Course before graduation is being looked into also.

Thirdly, the Statutory Interpretation classes have been restructured. Professor Patti Cappelletti Solari is in charge of this program.

Lastly, there are at least two plans in the works to make money available to students who are studying for the Bar. The Board of Vistors is trying to raise one million dollars for interest-free loans to those students studying for the Bar. The Board of Vistors is a group of citizens who advise the law school. The chairman is Dr. Leroy Walker, a former chancellor of the university. The other members come from diverse backgrounds ranging from State government, academia, and the judiciary, to practicing members of the Bar. The Alumni Association has also embarked on a campaign to provide loans for students taking the Bar.

Westerfield advises that, “you have to develop good work habits. Memorizing a holding is not enough. You must be able to apply the rules to the facts.” For the purposes of the Bar exam, Westerfield urges, “You must be well-grounded in the law and that begins the moment you walk into law school.”

New Faculty

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and subsequently entered Seton Hall University School of Law in Newark, New Jersey where she received her Juris Doctorate in 1977. During law school, Professor Hampden served as an adjunct professor of Musicology and Choral Music at Seton Hall University. During law school, she also was involved with Carousel Communications, Inc. of New York City.

Upon graduation from law school and admittance to the New Jersey and New York State Bars, Professor Hampden continued to work with Carousel Communications as a musical director and legal analyst.

In 1981 Professor Hampden joined the faculty at her alma mater, Seton Hall Law School, as assistant professor. She taught classes in entertainment law, copyright and trademark law, and sports law. In addition to her teaching duties, Professor Hampden served as project director of the Summer Institute of Prelegal Studies from 1980 until 1988. The Summer Institute conducted an intensive six-week residential program for minority and disadvantaged students interested in law school and the legal profession. Professor Hampden also served as faculty advisor for the Black Law Student Association at Seton Hall.

After several years at Seton Hall, Professor Hampden became interested in returning to her home state of North Carolina. Thus when the opportunity to come back presented itself this past summer, Professor Hampden accepted the invitation to join the faculty at N.C. Central. Professor Hampden stated that coming to N.C. Central has been a good experience. She further remarked that the students at Central are thoughtful and well-prepared. She also stated that the atmosphere at Central was more relaxed and warmer than the atmosphere at Seton Hall.

While at Central, Professor Hampden hopes to get involved with the In-House Bar Review and the Black Law Student Association. Finally, as a glimpse into her upcoming class on copyright law, Professor Hampden stated that the focus of the

class will be on the “stolen song” in the music industry and the tests used by the courts to determine when a copyright infringement has occurred.

The second professor who joined the faculty is Professor Charles Donnegan, a native of Illinois. Professor Donnegan taught Federal Jurisdiction for the Day Division and Constitutional Law for the Evening Division during the fall semester. This semester Professor Donnegan will teach Administrative Law for the Day Division and Constitutional Law II for the Evening Division of the law school.

Professor Donnegan received a B.S. degree in business administration from Roosevelt University, located in Chicago, Illinois. In 1959, Professor Donnegan received his M.S. in industrial relations from Loyola, also located in Chicago, Illinois.

After becoming interested in the legal profession, Professor Donnegan entered Howard University School of Law where he served as a member of the law journal and received his Juris Doctorate in 1967. Upon graduation and admittance to the New York State Bar, Professor Donnegan began working as assistant counsel with the NAACP Legal Defense and Educational Fund in New York, New York.

In 1969, Professor Donnegan left the Legal Defense Fund to join McKissick Enterprises as staff counsel. After several months with McKissick Enterprises and in private practice, Professor Donnegan began his teaching career at Bernard Bauch College in New York City. The following year, Professor Donnegan joined the faculty of State University of New York at Buffalo as an assistant professor and taught for three years in the area of Constitutional Law. During his stay at SUNY-Buffalo, Professor Donnegan, with a background in business administration and industrial relations, began serving as a labor arbitrator.

After leaving SUNY-Buffalo School of Law in 1973, Professor Donnegan joined the faculty at his alma mater, Howard University, where he taught for four years as an assistant professor. Upon leaving Howard University, Professor Donnegan taught for a year at Ohio State University, and then left the teaching field and entered governmental service, joining the Midwest Region of the U.S. Environmental Protection Agency, located in Chicago, Illinois. For two years, Professor Donnegan served as assistant regional counsel with the Agency.

In 1980, Professor Donnegan left the EPA and returned to his first love—teach-

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New Faculty
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ing. He joined the faculty of Southern University School of Law in Baton Rouge, Louisiana. At Southern University, Professor Donnegan was chosen as Most Outstanding Law Professor for two consecutive years. Professor Donnegan's teaching areas included Constitutional Law, Administrative Law, Federal Jurisdiction, and Civil Rights Legislation.

After an enjoyable four-year stay at Southern University, Professor Donnegan returned to private practice, opening an office in Washington, D.C. Professor Donnegan's practice was in the areas of labor law, contract law, corporate law, and estates. Professor Donnegan spent four years in private practice. Though he enjoyed practicing law as a solo practitioner, Professor Donnegan wished to return to teaching. In the summer of 1988, Professor Donnegan was contacted by a former fellow faculty member from his teaching days at Southern University, Dean Westfield, about possibly coming to N.C. Central. Professor Donnegan accepted the invitation and was subsequently extended a position on the faculty as a visiting professor.

Professor Donnegan remarked that he has enjoyed his stay at N.C. Central. With more than eight years of teaching experience in Constitutional Law and related areas of law and as a member of the New York State Bar, Illinois State Bar, and the Louisiana State Bar, Professor Donnegan stated that he is willing to share his experience and helpful hints with those students preparing to take the bar exam in the spring and summer of 1989.

PHI DELTA PHI

Phi Delta Phi served doughnuts and soft drinks to the evening students on their last night of class in the summer session.

During first year orientation, a table was set up to disburse information about the club. Vice-Magister Debra L. Cole and Historian Haral Carlin greeted the first year students at the meeting of the student organizations panel.

The club held its annual Fall Rush Party at Brookstone's clubhouse in Chapel Hill. An initiation ceremony was held and thirteen new members were welcomed to the club. A wine and cheese reception was held immediately following the ceremony.

Phi Delta Phi raised money by having a hot dog sale on election day in November. They also rotated with other clubs to operate the coffee hour to raise funds.

A Province IV meeting was held in Concord which was attended by Vice-Magister Debra L. Cole. Also attending that meeting were representatives from Wake Forest, Carolina, and South Carolina. Duke's Phi Delta Phi did not send a representative. Campbell does not have a Phi Delta Phi fraternity. The meeting consisted of an overview of the duties of each officer as well as a brainstorming session to discuss problems with recruiting members, raising finances and ideas for projects.

The club held a costume party at Penrith's clubhouse for Halloween. The annual Christmas party was held on the last day of class at Brookstone. The clubhouse was festively decorated with lights, ribbons and a Christmas tree. A good time was had by all, members and guests alike.

The last project for the fall semester was a toy collection for needy children. The club collected old and new toys from the entire law school to be distributed to needy children for Christmas. The new toys were taken to Durham County Social Services and the old ones were taken to Women In Action to be given to the needy. For the spring semester, the club has plans for new officer elections, a volleyball challenge match, another initiation of new members, hot dog sales, service projects, and last, but not least, an end-of-the-year party!

TO THE THIRD YEAR CLASS:

- Suggestions are welcome for the class gift. Leave them in Debra Cole's box downstairs.

- Watch the administrative bulletin board for notice of when to apply for graduation.

- Fees and application for the March 17 Professional Responsibility Exam must be postmarked by February 17, 1989.

- Register for and participate in the Early Bird Bar Review. It's free!

LAW JOURNAL STAFF

The Law Journal announced its 1988-89 staff early in the fall semester. They are as follows:

Board of Editors

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Suzanne Wasiolek . . . Business Manager
R. Dawn Gibbs . . Note/Comment Editor

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Susan Fisher	Jennifer Umbaugh
Willie Gilbert	Sarah Wyckoff
Wayne Hamilton	Vercelia Young
Barbara Holloway	

Faculty Advisor

Patti Cappelletti Solari

SBA PICNIC by Walter Dukes

The annual Student Bar Association picnic was held Saturday, September 23, 1988 at the South Boundary Park. Forty to fifty students attended as well as several professors. The students represented a near equal cross-section of the 1L, 2L, and 3L classes. Appetites were insatiable both for food and for fun. Good food was consumed heartily in the form of bar-b-que'd chicken, hamburgers, hot dogs, baked beans, potato salad and all the traditional toppings. Numerous rounds of horse-shoes, volleyball, and cards were enjoyed by all. The weather was less than perfect but the clouds were not enough to dampen our spirits as the fellowship lasted well into the evening.