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(Sesquicentennial) African-American and Other Minority Law Students and Alumni

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III. THE EVOLUTION OF THE MODERN LAW SCHOOL: CRUCIAL TRENDS THAT BRIDGE PAST AND FUTURE

People

AFRICAN-AMERICAN AND OTHER MINORITY STUDENTS AND ALUMNI

CHARLES E. DAYE

Charles E. Daye was the first African-American to join the faculty of the University of North Carolina School of Law. He was born on May 4, 1944, in Durham, North Carolina. He attended public schools in Durham County, and subsequently received a B.A. magna cum laude from North Carolina Central University, where he was a leader in student government. After college, he enrolled in Columbia University School of Law, where he was a Harlan Fiske Stone Scholar. He received his J.D. degree cum laude in 1969, clerked for Judge Harry Phillips on the United States Court of Appeals for the Sixth Circuit, and practiced law with firms in New York City and Washington, D.C.

Daye joined the law faculty at UNC in 1972. In 1981, he became dean of the the North Carolina Central University School of Law. He returned to the UNC law faculty in 1985 and was named Henry Brandis Distinguished Professor in 1991. Daye teaches torts, housing and community development, and administrative advocacy, and has authored major books and articles in these fields. He has been active in professional, pro bono, and civil activities. He served as President of the Law School Admission Council from 1991 to 1993, a member of the American Bar Association's Commission on Minorities in the Profession, and chair of the Association of American Law School's Committee on Academic Freedom and Tenure. He has served as Executive Secretary of the North Carolina Association of Black Lawyers since 1979. Daye has been a key participant in efforts to ensure that both the UNC School of Law and national legal education serve a diverse community, including ethnic and racial minorities.

INTRODUCTION

From the beginning of their association with the University of North Carolina School of Law, minority students¹ have understood that their enrollment in the law school of the state's oldest, and in many ways most prestigious, university campus required a maximum commitment to academic success because their performance might be used to determine the opportunities available to minority students who followed them. Because of that commitment, minority students have succeeded academically while enrolled in the law school and professionally after graduation.²

Some minority students excelled spectacularly in the law school: two served as editor-in-chief of the *North Carolina Law Review*; one was editor-in-chief and two were editors of the *North Carolina Journal of International Law and Commercial Regulation*; and two served as Chief Justice of the Holderness Moot Court Bench.³ Virtually from the beginning, minority students also have served the law school in many capacities, including recruiting other minority students and organizing academic support systems. They have excelled in many co-curricular endeavors, such as the Student Bar Association—including election as President—and a variety of other student organizations.

The performance of minority students after graduation, like that of many nonminority students, has been a credit to the law school and

1. The ethnic-minority students discussed in this chapter are members of minority groups that historically were discriminated against or are currently underrepresented in legal education and in the legal profession. For purposes of the University of North Carolina at Chapel Hill School of Law, minorities that have been tracked in University records are those who identify themselves as Native American, Asian/Pacific, black or African-American (designations used interchangeably), and Hispanic.

As can be expected, most minority students over the years have been African-American. Because of this fact, in this chapter when a minority student or graduate named is African-American, the name will be stated without ethnic designation. In order to ensure that it is clear to readers that members of all minority groups have played significant roles in the story of, and made achievements that bring credit to, the University of North Carolina at Chapel Hill, when a member of a minority group other than African-American is identified by name, that person's ethnic group will be identified.

2. From time to time, one or more minority students has failed to graduate or upon graduating has failed to pass the bar exam. But that group has been a very small proportion of the students who enrolled. Some students graduated or passed the bar only after the mightiest, most sustained struggle. But considering the historically small numbers and the challenges many faced, that so many did succeed and that so few did not is a point worthy of focus and emphasis.

3. These students are specifically discussed in this chapter. See *infra* notes 33-35, 42 and accompanying text.

vindicated the judgments of those who admitted them. As they had done while in school, many minority graduates continued making breakthrough achievements after graduation. Beginning with the very first graduates, minority alumni have made contributions in a wide range of legal endeavors: they have served as judges, administrative agency commissioners, federal prosecutors, assistant public defenders, state district attorneys and assistant district attorneys, private practitioners, assistant state attorney generals, United States Department of Justice lawyers, law school teachers, members of the state legislature, high-level governmental officials, law clerks to a United States Supreme Court Justice, federal appeals and local judges, and to justices of the North Carolina Supreme Court, lawyers representing the poor with legal services and public interest legal entities, staff members of the state legislative research service, assistant city attorneys, and in virtually every other walk of professional life. Yet African-American lawyers in particular, and other minority lawyers as well, have not been able to make substantial inroads in two important areas in North Carolina: in white law firms and in corporations as corporate attorneys. It cannot be a matter of qualification because they have been offered and have taken positions in major law firms and in corporations outside of North Carolina. These places outside of North Carolina include Birmingham, Alabama; Atlanta, Georgia; New York, New York; the District of Columbia; Los Angeles, California; Seattle, Washington; Minneapolis, Minnesota; Baltimore, Maryland, and other states near and far.

But the full story begins before the first black students enrolled in the law school of the University of North Carolina at Chapel Hill.

AN INAUSPICIOUS BEGINNING: A DIFFERENCE IN CIRCUMSTANCE BUT NOT IN PRINCIPLE

The University of North Carolina School of Law did not exist apart from the times in which it found itself.⁴ For the first 106 years after a law professor was appointed at the University of North Carolina,⁵ the University of North Carolina School of Law, like those in other southern states at the time, did not admit black students, and

4. Many of the facts in this brief historical background stated in this and the next paragraph are related by the court in *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir.), *cert. denied*, 341 U.S. 951 (1951).

5. William Horne Battle was appointed professor of law in 1845. Albert Coates, *The Story of the Law School of the University of North Carolina*, 47 N.C. L. REV., Oct. 1968 Special Issue, at 1, 13.

for all that the record shows, also did not admit members of any other minority groups.

But the leaders could not shield the state or the University from the quest by African-Americans to end state-imposed exclusion from public educational opportunities. In North Carolina, as they did nationally, the strategists at the National Association for the Advancement of Colored People (NAACP) made their first thrust for black uplift in an ultimately futile attempt to implement the "separate but equal" doctrine of *Plessy v. Ferguson*.⁶ If there was no law school for minorities at all, even the doctrine of *Plessy* could be offended. Thus, the NAACP filed suit against the State of Missouri, which had no publicly funded law school that would admit blacks. The United States Supreme Court's 1938 decision in *Missouri ex rel. Gaines v. Canada*⁷ vindicated this strategy when the Court ordered the admission of Lloyd Gaines, an African-American, to the law school of the University of Missouri. In 1939, undoubtedly in anticipation of a *Gaines*-based suit, educational leaders in North Carolina established a law school as part of what was then known as the North Carolina College for Negroes at Durham.⁸ That law school was created for black students in an unabashed attempt to avoid the admission of blacks to the law school at Chapel Hill. Apparently the state's educational leaders thought that the basis for the United States Supreme Court's decision in *Gaines* turned on the complete absence of a law school that admitted blacks in Missouri.

The NAACP and its strategists, for the time being, were still attempting to implement the "equal" educational opportunity part of the "separate but equal" theorem of *Plessy* in this pre-*Brown v. Board of Education*⁹ era. The NAACP supported additional litigation in *Sweatt v. Painter*,¹⁰ challenging the equality of the legal education available to blacks in Texas, which had founded a law school for blacks and still excluded blacks from the law school at the

6. 163 U.S. 537 (1896).

7. 305 U.S. 337 (1938). Counsel for the Petitioner were Charles H. Houston and Sidney R. Redmond, with Leon A. Ransom on the brief.

8. See Maurice T. Van Hecke, *Racial Desegregation in the Law Schools*, 9 J. LEGAL EDUC. 283, 286 (1956) (reprint of former UNC law school Dean Van Hecke's Presidential Address delivered at the Annual Meeting of the Association of American Law Schools, Chicago, Ill., December 29, 1956.) The school's name was officially changed to the North Carolina College at Durham in 1947.

9. 347 U.S. 483 (1954).

10. 210 S.W.2d 442 (Tex. 1948), *rev'd*, 339 U.S. 629 (1950). Counsel for the plaintiffs were Thurgood Marshall and W. J. Durham.

University of Texas. That case, too, ended up in the United States Supreme Court.¹¹ In *Sweatt*, on June 5, 1950, the Court held that the legal education at a start-up, makeshift state law school provided by Texas to Heman Marion Sweatt was not "substantially equal to that which he would receive if admitted to the University of Texas Law School,"¹² and ordered his admission to the University of Texas.

Therefore, *Sweatt* became the basis for the lawsuit brought by Floyd B. McKissick and other black students¹³ challenging the inequality of the education available at the North Carolina College Law School when compared to the education they could get at the law school of the University of North Carolina at Chapel Hill.

Following a trial in the United States District Court for the Middle District of North Carolina,¹⁴ Judge Hayes dismissed the complaint on the grounds that the legal education the state offered blacks at North Carolina College was "substantially equivalent" to that which it offered to whites at the University of North Carolina at Chapel Hill.¹⁵ He did so, in spite of the fact that Dean Henry P. Brandis of the law school at Chapel Hill was called as a witness and steadfastly refused to offer an opinion that would support a conclusion that an education at the College's law school was "substantially equivalent" to one at the University.¹⁶ His colleagues on the faculty were not surprised. As they well knew, Dean Brandis understood and candidly acknowledged that the Chapel Hill law school had had the advantage of a long and illustrious headstart that could not be reckoned merely by comparing quantifiable items, such as physical space, book count in the library, and the like. Dean Brandis knew that intangible advantages made a difference, and he would not be pressured into testifying otherwise. Such was his character.¹⁷

11. *Sweatt v. Painter*, 338 U.S. 865 (1949) (granting certiorari).

12. *Sweatt v. Painter*, 339 U.S. 629, 634 (1950).

13. The lawsuit was filed in 1950 by Harold Epps and Robert Glass. When Epps graduated from the North Carolina College School of Law and it was determined that Glass was not a legal resident of North Carolina, McKissick, Sol Revis, James L. Lassiter, and J. Kenneth Lee replaced them as plaintiffs. See ALBERT COATES & GLADYS HALL COATES, *THE STORY OF STUDENT GOVERNMENT IN THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL* 269-71 (1985).

14. *Epps v. Carmichael*, 93 F. Supp. 327 (M.D.N.C. 1950), *rev'd sub nom*, *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir.), *cert denied*, 341 U.S. 951 (1951).

15. Coates, *supra* note 5, at 87.

16. *Id.*

17. *Id.* He had, as one reporter has described it, "a precise conscience." *Id.*

In its decision in *McKissick v. Carmichael*,¹⁸ on March 15, 1951, less than one year after *Sweatt*, the United States Court of Appeals for the Fourth Circuit recited comparison factors that showed a disparity between the institutions. Tangible factors that the court cited as making legal education at the start-up law school not "substantially equivalent" included less funding, a very small number of faculty members with limited experience and lower compensation carrying a heavier teaching load, the lack of a law review, the absence of national accreditation, and the limited number of courses offered at the College's law school.¹⁹ The court's opinion cited important intangible factors, undoubtedly supported by Dean Brandis's testimony, that favored the education offered at the University's law school.²⁰ These intangibles at the University's law school included the opportunity to be exposed to a wider degree of "competition of minds of diverse types [through which] his mental processes will be stimulated and his outlook broadened."²¹ Also of concern was the value of forming acquaintances with a larger number of persons who would later occupy positions of influence and power in the profession and in the public life of the state.²² Accordingly, the Fourth Circuit reversed the district court's finding of substantial equivalence.²³ Judge Morris A. Soper's opinion found that, despite the effort put forth by the state, the "situation differs in circumstance but not in principle" from the decision in *Sweatt v. Painter*.²⁴ The Fourth Circuit remanded the case to the district court for entry of an

18. *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir.), cert. denied, 341 U.S. 951 (1951). Counsel for the plaintiffs were Thurgood Marshall and Robert L. Carter, with Conrad O. Pearson of Durham, N.C. on the brief.

19. *Id.* at 951-52.

20. *Id.* at 952-53.

21. *Id.* at 952.

22. *Id.*

23. *Id.* at 954.

24. *Id.*

injunction prohibiting the University and the law school from denying admission to the plaintiffs.²⁵

THE SUMMER OF 1951—THE DOOR OPENERS: THE FIRST FIVE
AFRICAN-AMERICAN STUDENTS²⁶

Relief in *McKissick* came in time for Floyd McKissick and four other African-Americans to enroll in the law school's summer session for 1951. These five men thus became the first African-Americans to attend the law school of the University of North Carolina at Chapel Hill. McKissick enrolled in the summer session and took one course, but he had already received his LL.B. degree from the North Carolina College School of Law. It was at the very least ironic that he was the named plaintiff in the door-opening litigation, but did not receive a law degree from the University of North Carolina at Chapel Hill. Harvey Beech, J. Kenneth Lee, and James Robert Walker, Jr., concluded their third year of law school at the University and were each awarded the LL.B. degree in 1952, thus becoming the first three African-Americans to earn law degrees at the University of North Carolina.²⁷ A fifth enrollee in the 1951 summer session, James L. Lassiter, later earned his degree at another institution.

McKissick went on to become a major national civil rights figure.²⁸ He was a signal player in the civil rights struggles during the 1950s and 1960s in Durham, in North Carolina, and throughout the nation. McKissick represented civil-rights demonstrators, organized anti-segregation strategies, filed lawsuits, made important educational and motivational speeches, and inspired many in his

25. *Id.*

26. The early records of minority students had to be reconstructed from the memories of principals involved at the time who are still alive. It is recalled by one of them that following the *McKissick* decision it was decided by Dean Brandis and others that academic records would not be kept by race. Thus, the official records cannot be consulted with confidence to verify the race of the students enrolled prior to the mid-1960s when records first officially included race, as then required for statistical purposes by the Federal Government. Nevertheless, it is believed that the reconstruction in this chapter is substantially accurate.

27. Beech and Lee earned their degrees at the end of the spring term and the records list their date of degree as June 1952. Walker's degree date is listed as August 1952. Thus, the inference is that he completed his work at the end of the summer session in 1952.

28. Much of this historical sketch on Floyd B. McKissick is excerpted, with permission, from North Carolina Association of Black Lawyers, 2 *CHRONICLE OF BLACK LAWYERS IN NORTH CAROLINA* 13-14 (Brenda M. Foreman & Victor J. Boone, eds. 1984) [hereinafter *CHRONICLE*].

children's generation.²⁹ McKissick later became the National Director of the Congress of Racial Equality in 1966. His book, *Three Fifths of a Man*, sets forth McKissick's ideal of political and economic power for African-Americans. He was the founder of the pioneering freestanding new town concept he called Soul City in rural northeastern North Carolina. The project ultimately did not flourish as a new city, but was instrumental in getting a regional water supply, an advanced medical facility, and other projects underway in northeastern North Carolina that have continued. In 1979 McKissick became an ordained Baptist minister. He died in 1991.

Harvey Beech became a successful private practitioner in Kinston and other parts of eastern North Carolina. By personal and professional reputation he is regarded as an outstanding citizen and lawyer. He is now retired.

J. Kenneth Lee opened a law practice in Greensboro, North Carolina.³⁰ He handled numerous civil rights cases, and it is reported that at one time he had an active "sit-in" demonstrator case load numbering over 1700 cases. Working with the NAACP, he was co-counsel in the first lawsuit brought in North Carolina challenging segregation in public schools. Not only was his law practice successful, but he also was a pioneer in business. He was a founder of American Federal Savings and Loan Association and of the Vanguard Investment Company. He was the first African-American appointed to the State Banking Commission. Like his classmates, he too is highly regarded as an outstanding citizen and lawyer by all who know him.

James R. Walker, Jr., prior to enrolling in the UNC School of Law, attended North Carolina College Law School for the 1947-48 and the 1950-51 academic years. He attended some classes at Boston University School of Law during the 1950-51 time period. After receiving his degree in August 1952 from the School of Law and his admission to the North Carolina Bar in 1953, Walker moved to the eastern part of the State. In 1988 he was still active, serving as Executive Director of the United Voters League of Halifax County. He also had become a minister by that time.

29. Indeed, the first time I considered becoming a lawyer was in 1958, when I was in the eighth grade, following a speech by Floyd McKissick to the Parents and Teachers Association of what was then Pearisontown School No. 2. On the night of McKissick's speech, I decided to become a lawyer and, for better or worse, never considered any other career.

30. Much of this historical sketch on J. Kenneth Lee is excerpted, with permission, from Chronicle, *supra* note 28, at 7-8.

Upon graduation from another law school, James L. Lassiter practiced briefly in Durham. Later, in 1969, he was the first African-American to be a field agent for the United States Department of Commerce, where his work consisted of encouraging and assisting the development of minority business enterprises. In 1972 he became Equal Opportunity Officer in the Regional Office of the United States Department of Housing and Urban Development. Following retirement from the latter position, he went into private practice in Greensboro, North Carolina.

THE EARLY PIONEERS: THE REMAINDER OF THE 1950S

For the remainder of the decade of the 1950s, four African-American students followed the door openers. First, Major S. High, who enrolled in the fall term of 1952, earned his LL.B degree in 1953. High, like the other door openers, was a transfer student from the North Carolina College Law School who concluded his third year of law study at the University of North Carolina at Chapel Hill. High practiced law in Greensboro, North Carolina. At various times he was in practice with J. Kenneth Lee and Alvis A. Lee in a firm known as Lee, High, Taylor, Dansby & Stanback.

Romallus O. Murphy was the next African-American to enroll and graduate. He transferred from Howard University Law School, entered in the fall of 1954, and received his degree two years later, in the spring of 1956. He recalls the period of his enrollment as "a really interesting time" and notes that some of his white classmates attempted to shield him from the "indignities" that had been visited upon some of the minority students who attended the law school earlier. He has been a major figure in civil rights litigation and has served as General Counsel to the North Carolina NAACP.

George R. Greene was the first black student to enter as a first-year student and to proceed to graduation. Greene enrolled in the fall of 1953. After taking a year off, he returned and was awarded his LL.B. degree in 1957. Greene, who started a practice in Raleigh, North Carolina, would go on to a distinguished career, first as a district court judge in Wake County and later as a superior court judge in the Tenth Judicial District, a position he currently holds.

Henry E. Frye was the first African-American to enter the School of Law at the University of North Carolina at Chapel Hill and finish in the standard three-year period. He entered in the fall of 1956 and graduated in June 1959. His career has been a particularly distinguished one, with a number of firsts to his credit: first African-American to be a member of the *North Carolina Law Review*; first

African-American to be appointed an Assistant United States Attorney in North Carolina; first African-American in the twentieth century to be a member of the North Carolina General Assembly; and first (and only) African-American justice of the North Carolina Supreme Court, appointed in 1983 to fill an unexpired term. Justice Frye was elected to a full term in 1984 and remains in office today.

THE MINIMALIST PERIOD—1960-69—AND THE SECOND WAVE OF PIONEERS

The number of minority students who earned degrees from the School of Law at the University of North Carolina at Chapel Hill remained small throughout the 1960s. From 1960 to 1970, only eight degrees were awarded to African-Americans.³¹ Undoubtedly this group was no less determined, well-motivated, and challenged than the door openers and the early pioneers had been to enroll in the law school of the state's flagship public university.

Calvin L. Brown enrolled in the fall of 1958 and graduated in June 1961. He began a private practice in Charlotte, North Carolina. During the early years of practice, in particular, he noted that the black lawyers, whether practicing together or not, all supported one another and helped in each other's cases, especially civil rights cases—which were then a natural part of all black lawyers' practices. He is still engaged in the active practice of law today and concentrates on a wide variety of civil matters. He recalls that when one or two black students in the dining hall would sit at a table designed for ten, any white students already seated at that table would ceremoniously leave. While there was "some hostility" and virtually no social interactions, he points out that some of the white students became his close friends and remain so more than thirty years later.

Sylvia X. Allen also enrolled in the law school in 1958.³² She started law school shortly after the birth of her sixth child and commuted from Fayetteville contrary to the advice of Dean Brandis. She has said: "Law school was something I wanted; but taking care of my children was something I had to do." She drove from Fayetteville each day, leaving home at 5:30 A.M. to meet 8:00 A.M.

31. No degrees were awarded to minorities in 1960, 1965, 1966, 1969. The eight degrees were awarded to African-Americans as follows: 1961—1; 1962—4; 1963—1; 1964—1; 1967—1.

32. Much of this historical sketch on Sylvia X. Allen is excerpted, with permission, from NORTH CAROLINA ASSOCIATION OF BLACK LAWYERS, 3 CHRONICLE OF BLACK LAWYERS IN NORTH CAROLINA, (Robin N. Michael et al. eds. 1990).

classes. Serious injuries she sustained in an automobile accident delayed her graduation a year until the spring of 1962. Her life, like that of many of the pioneers, is filled with firsts: She was the first African-American female graduate of the law school; first African-American female practitioner in the Fayetteville/Cumberland County area, where she was in private practice until she was appointed Assistant District Attorney; and first woman and first African-American to become an Assistant District Attorney in North Carolina. She has been and remains an activist for causes in her home area including fair housing, improved human services, relief from homelessness and poverty, and is involved in a broad range of civic affairs.

Julius LeVonne Chambers was also a member of the graduating class of 1962. He distinguished himself by ranking at the top of his class and being elected editor-in-chief of the *North Carolina Law Review*; he was, of course, the first African-American to hold that position.³³ After earning an LL.M. at Columbia University, Chambers became an NAACP cooperating attorney handling civil rights cases in North Carolina, Virginia, Georgia, and Alabama. Among the most significant and well-known cases he litigated are *Swann v. Charlotte-Mecklenburg Board of Education*³⁴ (approving school busing as a remedy for school segregation) and *Griggs v. Duke Power Co.*³⁵ (approving a disparate-impact methodology as proof of employment discrimination). He served as a member of the University of North Carolina Board of Governors and eventually resigned in a policy dispute over the direction in which the General Administration and the Board leaders were taking the University system. In 1984 he left law practice with the law firm he founded to become Director Counsel of the NAACP Legal Defense and Education Fund, Inc. He served there until 1993 when he returned to North Carolina to become chancellor of his undergraduate alma mater, North Carolina Central University.

Alvis A. Lee was also a member of the class of 1962. He practiced law for a time with J. Kenneth Lee in Greensboro, North Carolina. Thereafter he retired from the practice and moved to Florida.

33. Much of this historical sketch on Julius L. Chambers is excerpted, with permission, from CHRONICLE, *supra* note 28, at 5-6.

34. 402 U.S. 1 (1971).

35. 401 U.S. 424 (1971).

Donald D. Pollock was the final African-American member of the class of 1962. Pollock, a physically imposing man, joined in the private practice of law with Harvey Beech. By personal and professional reputation, Pollock is well regarded as a caring, skilled advocate and an outstanding citizen, along with his law partner, Harvey Beech. Although Beech and Pollock were the only two lawyers in their firm, with Beech a person of substantial size and Pollock imposingly tall and large, sometimes it has been said fondly, with only slight exaggeration, that Beech and Pollock had the largest law firm in Eastern North Carolina.

The only African-American member of the class of 1963 was Albert St. Clair Morgan, about whom very little has been discovered. He lived in Raleigh, North Carolina, and reportedly died in 1976.

David M. Dansby, Jr., was the only minority graduate in the class of 1964. He was the first minority student to earn both his undergraduate and law degrees from the University of North Carolina at Chapel Hill. He practiced for many years with other lawyers as a member of a minority law firm in Greensboro engaged in the private practice of law. As of this writing, he is a solo practitioner in the general practice of law in Greensboro, North Carolina.

James R. Robinson graduated in 1967 as the only minority member of the class. Shortly after graduation Robinson became an attorney with the National Labor Relations Board in Washington, D.C., where he was last known to be employed as a senior lawyer.

THE EARLY INCLUSIONARY PERIOD: 1970-79—ESTABLISHING A LEGACY

For minorities at the law school, the 1970s were characterized by two distinct parts. The early '70s were in some ways a continuation of the minimalist '60s. But groundwork was being laid that would yield new results in the second half of the decade.

The Early 1970s

The early 1970s opened a new era in the law school. A visit by Professor Harry Groves to teach in the summer session of 1970, making him the first African-American to teach at the Chapel Hill law school, and the hiring of the author of this essay in the fall of 1972 as the first African-American permanent faculty member, signalled a commitment by the dean and the faculty to create a more diverse law school. Assistant Dean Morris Gelblum possessed an

uncommon commitment to make the law school more inclusive, and his efforts helped immeasurably to bring that about. The effort was also materially advanced by the commitment of leaders in the Student Bar Association (SBA). The Law School Recruitment Committee, an arm of the SBA devoted to attracting top law students to Chapel Hill, decided in 1969 to place its primary emphasis on recruiting black students.³⁶ Members of the Recruitment Committee, under the leadership of Clint Eudy and Ken Essex, visited the eleven historically black colleges and universities in North Carolina to promote interest in the University of North Carolina School of Law.³⁷

Minority Law Day—initiated by black law students, encouraged by Dean Gelblum, and supported by the SBA, the faculty, and Dean J. Dickson Phillips, Jr.—was also established during the early 1970s. Swiftly, diversity at the law school began to improve. By the mid-1970s, for the first time in its history, the law school admitted more than a token number of minority students. In addition, the rudiments of an institutionally fostered academic support effort to reduce attrition and to enhance performance can be traced to this time.

Because of the three-year lead time to reach graduation, the graduation of minorities in the decade of the 1970s, of course, started slowly. Only one minority student graduated in the class of 1970, two in 1971, three in 1972, two in 1973, and three in 1974. The earlier work began to pay off in 1975 when six minorities graduated. In 1976 a quantum leap of sixteen minority students graduated. In 1977, ten minorities graduated. But numbered among the class of 1978 were twenty-three minority graduates—a record exceeded only once in the entire decade of the 1980s and thereafter surpassed only as recently as 1992.

Kenneth B. Spaulding graduated in the class of 1970 as the only minority member of the class. He hailed from a very prominent family in Durham, North Carolina. He opened a general practice, and has since served as a member of the North Carolina General Assembly. At the time of this writing he serves as the chair of the Durham Committee on the Affairs of Black People, one of the most long-lived and powerful political organizations in North Carolina, perhaps in the nation.

Kenneth Ross Johnson and Thomas Gatewood Sampson were the only two minority members of the class of 1971. Little has been

36. Bill Trott, *Black Students Sought by Committee*, N.C. L. Rec. Nov. 1969, at 3.

37. *Id.*

discovered about Johnson, but Sampson is a member of a prominent African-American law firm in Atlanta, successfully engaged in the private practice of law.

There were three minority members of the class of 1972. Robert L. Anderson has for a long time maintained a successful private practice in Smithfield, North Carolina. Harvey D. Harkness, the first graduate listed in the records as being of Hispanic origin, went into private practice in Atlanta, Georgia. Herbert D. Williams, III has served as Legal Advisor to the Inspector General of the United States Army in Washington, D. C.

The class of 1973 had two minority members: David Bernard Smith, who shortly after graduation became and has remained an Assistant United States Attorney in the Middle District of North Carolina; and Leroy W. Upperman, Jr., now deceased, who moved to California shortly after graduating from law school.

Two of the three minority members of the class of 1974 are judges. James A. Beaty, Jr., entered private practice in Winston-Salem, North Carolina after graduation. He was appointed a North Carolina Superior Court Judge in 1981, and was reelected to that position until his appointment as a United States District Judge for the Middle District of North Carolina in November 1994. Carole Y. Taylor was the second African-American female graduate of the UNC law school (twelve years after Sylvia X. Allen, the first African-American female graduate). After serving as a legal services attorney in North Carolina immediately following graduation, she moved to Florida and served, successively, as Assistant University Attorney for the University of Florida, Assistant Public Defender, Assistant United States Attorney, and then entered private practice for eight years. In 1991 she was appointed as judge of the Broward County Court, and in 1992 was elected to a four-year term. Kenneth McArthur Johnson, the final minority member of the class, has maintained a successful private practice in Greensboro, North Carolina, since graduation.

The class of 1975 had six minority members. Beverly Jean Lucas is a member of the Pennsylvania bar and is in private practice in Philadelphia. Pinkney J. Moses is a private practitioner in Greensboro, North Carolina. Ella Quick Thomas is manager with a major corporation in Birmingham, Alabama. Sidney Verbal, III, was, for a time, in the private practice of law in Charlotte, North Carolina; thereafter contact with him was lost.

Two members of the class of 1975 are deceased: Wayne C. Alexander (1989) who practiced law in Charlotte, North Carolina, and Sylvia E. Mathis (1983) who moved to Florida following graduation.

The Mid-1970s to 1979

Beginning with the class of 1976, which had a complement of sixteen minority members, the minority members of the classes become too numerous to discuss each one individually. Accordingly, individuals to highlight were selected to illustrate the range of activities in which minority students at the University of North Carolina at Chapel Hill have engaged and excelled, while in law school in some cases, after graduation in others, or in both.³⁸ The main burden undertaken in the remainder of this essay will be to illustrate that, like their white counterparts in all of the classes, the African-Americans and other minorities are making distinguished contributions to their profession, to the law, to the states in which they reside, and to the nation. Unlike their nonminority colleagues, minorities in North Carolina and in the nation have been compelled to make their contributions despite a legacy of discrimination they have had to face. Those highlighted, like all of the minority graduates, are examples of achievers who refused to accept limitations on their aspirations or barriers to their goals. Rather, they faced squarely whatever disadvantages they confronted, and overcame them.

Turning to the class of 1976,³⁹ Dexter Brooks was the first Native American from North Carolina to graduate from the law school at the University of North Carolina at Chapel Hill. He hailed from Pembroke, in Robeson County, North Carolina, and upon graduation returned to his home community to practice law. He later was tapped to become a judge of the Superior Court and still serves in that position. Mari-Jo Florio, of Connecticut, and Dean B. Suagee, of Maryland, were also in the class of 1976 and comprised, with Brooks, the first three Native American graduates of the law school.

38. The author regrets that time does not permit the collection of data and information on every minority student and graduate. Such an effort would likely be futile in any event. Moreover, space would not permit a detailed statement of the myriad activities and professional successes minority graduates have experienced.

39. Minority members of the class of 1976 were Dexter Brooks (Native American); Freeman Douglas Canty; Humphrey Sherrill Cummings; Sandra Upperman Cummings (formerly Sandra Lousie Upperman); Willie Carroll Dawson; Angela Bryant Ellis (formerly Angela Rebecca Bryant); Mari-Jo Florio (Native American); Brenda Maria Foreman; Edward Garner Jr; Thomas Hilliard, III; Lee Andrew House, Jr; Irene Bartlett Lape (Asian/Pacific); Dean Benton Suagee (Native American); Reginald Leander Watkins; Fred James William; and Otha Ray Wilson.

Irene Bartlett Lape, of New York, also of the class of 1976, is the first graduate of the law school identified in the records as being of Asian/Pacific background.

Angela R. Bryant Ellis engaged in private practice immediately after graduation. Thereafter, she served as a Deputy Commissioner of the North Carolina Industrial Commission (1979-85) and as an Administrative Law Judge (1986-89) with the newly created Office of Administrative Hearings. She was named "Lawyer of the Year" in 1983 by the North Carolina Association of Black Lawyers, in part for her work as a co-founder of the Land Loss Prevention Project, Inc.⁴⁰ She served on the Law School's Board of Visitors from 1985-89 and has been a member of the Board of Trustees of the University of North Carolina at Chapel Hill since 1991. Fred Williams, also of that class, now a law professor at the North Carolina Central University School of Law, served by appointment of the Governor as a special superior court judge in the 1980s.

The class of 1977 had ten minority members.⁴¹ Jerry Braswell entered the private practice of law in eastern North Carolina. He maintained both a successful law practice and an extensive community involvement in the Goldsboro, North Carolina area. He was elected in 1993 as a member of the North Carolina House of Representatives. He also served as the elected President of Legal Services of North Carolina. Edwina Link Charlemagne became an attorney in the Greensboro office of the United States Internal Revenue Service, where she is now a senior attorney. Arlie Jacobs, the fourth Native American graduate of the law school, maintains a private practice in Pembroke, North Carolina. Gregory A. Weeks, following an acclaimed practice as a defense attorney, became a state superior court judge in 1989, a position he still holds.

The class of 1978, as mentioned above, was a numerical pacesetter in the number of minorities, with twenty-three minority members.⁴² Those students, in turn, were pacesetters while enrolled as

40. For further discussion of the Land Loss Prevention Project, Inc., see the discussion of David H. Harris of the class of 1981, *infra* note 55 and accompanying text.

41. Minority members of the class of 1977 were Waylon Arnold; Alvin Quentin Arrington; Jerry Braswell; Edwina Link Charlemagne; Gary Robert Correll (Native American); Roscoe Cecil Hood Jr.; Arlie Jacobs (Native American); Philemina Oneida McNeill; Gregory Arthur Weeks; and Theodore Ra Von Williams.

42. Minority members of the class of 1978 were Owen Hunter Black; Evelyn Dove Coleman; Donald Stephen Cooper; Earlene Hardie Cox; Desiree White Crawford; Patrice Henrika Fields; Carl Raynard Fox; Ronald Lavonne Gibson; R. Darrell Hancock; Reginald Michael Harding; Thelma Marie Hill; Orlando Frank Hudson, Jr.; Carolyn Irene Ingram;

well as pacesetters in a wide range of professional achievements. Desiree White Crawford served as Chief Justice of the Holderness Moot Court Bench. She remains the first and only African-American female to have held that position. Five members of the class of 1978 are or have been in some aspect of corporate practice or endeavor: Earlene Hardie Cox as Director of Taxation with IBM in New York; Ronald L. Gibson as Vice President of Customer Planning with Duke Power Company in Charlotte, North Carolina; Wayne B. McLurkin with the Federal National Mortgage Corporation in Washington; Moses Luski (Hispanic) as a partner in a Charlotte law firm; and Randall E. Robertson with Nissan Motor Corporation as Associate General Counsel in Tennessee.

Nine others are serving or have served in a capacity to render public service: Patrice H. Fields, Thelma M. Hill, and Carolyn I. Ingram, with the North Carolina Employment Security Commission; Carl R. Fox as the first ever African-American District Attorney for Orange and Chatham counties in North Carolina; Reginald M. Harding as Assistant Commonwealth Attorney in Virginia; Orlando F. Hudson as a Superior Court Judge in the Fourteenth Judicial District (Durham County, North Carolina); Henry F. Mebane, Jr., as a Criminal Magistrate in the Eighteenth Judicial District (Guilford County, North Carolina); Regan Miller with the United States Equal Opportunity Employment Commission in Charlotte, North Carolina; and Ronald G. Penny as Director of the Office of State Personnel in Raleigh, North Carolina.

The class of 1979 had nineteen minority members.⁴³ W. Steven Allen, after beginning in private practice, became a superior court judge in 1989. Brenda Ford McGhee has been a public interest advocate since graduation, having served as a legal services lawyer in many capacities, including her current service as Executive Director of the North State Legal Services program in Hillsborough, North Carolina. Patricia Timmons-Goodson became a district court judge

M. Christopher Kemp, Sr.; Moses Luski (Hispanic); Wayne Bertran McLurkin; Henry Franklin Mebane, Jr.; Regan Anthony Miller; Ronald Gerard Penny; Willie Roy Perry, Jr.; Charles Arthur Ray, Jr.; Randall Elbert Robertson; and Linda Ruiz Sedivec (Hispanic).

43. Minority members of the class of 1979 were W. Steven Allen; Thomas Auzenne Armstrong; Elwood Becton; Anthony Waldo Brown; Josie Knowlin Claiborne; Walter Deloatch, Jr.; Milton Glendell Harris; W. Fred Harrison; Nay Malloy Howell; Wanda Pate Jones; Gary Lynn Locklear (Native American); Sidney Thomas Marable; Brenda Ford McGhee; Terry Bernard Richardson; Joseph Michael Smith (Native American); Patricia Timmons-Goodson; Reynauld Merrimon Williams; Claudia Annette Withers; and Delores Ann Young.

in 1984 and was the UNC Distinguished Young Alumnus Award Recipient in 1992. She was elected a Director of the University's General Alumni Association in 1994. Similarly, Gary Lynn Locklear (Native American) became a District Court Judge in 1988.

Claudia A. Withers and Delores A. Young conclude representative examples of minority students from the class of 1979. Claudia Withers is Deputy Director for Employment Programs of the Women's Legal Defense Fund in Washington, where she regularly has an impact on womens' issues of national significance. Delores Young, a former registered nurse prior to going to law school, practices law in Washington, D.C. and received favorable notice in 1988 in the *ATLA ADVOCATE*, a publication of the Association of Trial Lawyers of America, for her successful handling of a medical malpractice case.⁴⁴ She achieved a "substantial settlement" against what the article described as "three high-powered defense firms" representing a hospital, a surgeon, and an anesthetist.

1980-89: TO SUSTAIN DIVERSITY AND BUILD ON A LEGACY

The mid- to late 1970s saw the intensification of a counter-attack by opponents of progress and advancement of blacks and minorities that posed a significant threat to sustaining the fledgling diversity, not only at the law school, but throughout the nation. It is hard to believe that this attack on the modest advances that only recently had stopped the exclusion of African-Americans and other minorities from educational and other opportunities was launched because the egalitarian thrust had succeeded too well. The motivations seem more complex than that.⁴⁵

First, it seems that the motivations included a racial animus on the part of some opponents. Second, nonracists who, on principle, might have mounted a constitutional challenge to any of the nonracial factors in the smorgasbord of admissions criteria considered by state educational institutions had no basis for doing so. They were hindered by the futility of challenging virtually any of the nonracial admissions factors under the Constitution because of the limited scrutiny available to nonracial factors under the Supreme Court's

44. ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 14 *ATLA ADVOCATE*, June 1988, at 3.

45. See Charles E. Daye, *Justice Byron R. White*, 12 *N.C. CENT. L. REV.* 272-76 (1981).

rational basis equal protection analysis. This analysis, of course, left only racial factors effectively vulnerable.

The third reason is profoundly ironic: the legal doctrine and the analytical methodology that served as the liberating formulation advanced by African-Americans were readily pressed into service by the forces mounting the counter-attack.⁴⁶ The methodology for attacking the subjugation of African-Americans treated racial classifications as "inherently" suspect. This methodology was extended or believed to be extendable by those leading the counter-attack to cover any forms of racial classification for any purpose. This position turned out to be essentially the one the United States Supreme Court would later affirm.⁴⁷ The sanctioning of broad attack grounds is doubly ironic because the only kinds of racial classifications the nation had ever known prior to or in the years when the legal doctrine and analytical methodology were being developed were the oppressive, subjugative kinds historically used to burden, deny, and discriminate against former slaves and descendents of former slaves.

Again the law school at the University of North Carolina at Chapel Hill could not isolate itself from portentous national events. The major event was the United States Supreme Court's decision in the first "reverse discrimination" case in which the Court reached the merits, *Regents of the University of California v. Bakke*,⁴⁸ handed down in 1978. A divided Court held that certain aspects of a California medical school's admission procedure violated the equal protection rights of a white applicant who had been denied admission, but affirmed that race could be used as a factor along with other permissible factors. Justice Lewis F. Powell, Jr., whose position was the critical "swing" vote that made a majority for the Court's decision, wrote a concurring opinion that was the focus of much attention and analysis. In the 1978-79 academic year, an Ad Hoc Committee and the Admission Policy Committee⁴⁹ were charged with considering the meaning of the *Bakke* case for the law school. In a nutshell, some analysts suggested that given a prior history of de jure exclusion at the University of North Carolina School of Law, *Bakke* was not applicable at Chapel Hill, since no such history at the California medical school involved in *Bakke* had been asserted or proved. Others thought that abundant caution meant that the factors set forth in

46. *Id.* at 274-75.

47. *See, e.g.,* *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

48. 438 U.S. 265 (1978).

49. I was a member of the Admission Policy Committee for 1978-79.

Bakke by Justice Powell should be used to guide the admission policy of the law school, since Powell's concurrence had been necessary to make a majority for the Court's decision. Still others believed a departure from the traditional criteria and the adoption of any steps to ensure diversity established an indefensible principle. Yet others believed that the *Bakke* case should be taken as an opportunity to discard prior "rigid" criteria in favor of more "flexible" discretionary criteria for at least a significant portion of the classes admitted.

The Admission Policy Committee recommended and, on November 22, 1978, the law school faculty approved, a policy that based admissions on undergraduate grade-point averages and scores on the Law School Admission Test in combination with factors such as those set forth by Justice Powell in his concurring opinion. Discussion of the implementational refinements continued with the Admission Committee appointed for the 1979-80 academic year.⁵⁰ With minor modifications, that policy is the one still in effect today. It mandates that, in making admission decisions, factors that contribute diversity to the law school educational experience will be considered.⁵¹ These factors include extracurricular activities, unique work or service experience, leadership potential, maturity, demonstrated compassion, a history of overcoming disadvantage, including physical disability, ability to communicate with the poor, exceptional talents, race or ethnic origin, trends or developments in academic program, writing skills, demonstrated analytical skills, strength of undergraduate program, and graduate school performance.

In mid- to late 1980, a group of faculty members proposed an augmented academic support system for students, minority or not, who they thought might benefit from a more structured study system shortly before entering and during the first year of law school. That program was approved by the faculty and was implemented in the fall of 1986.⁵² I served as the first Director of that Program, Professor Barry Nakell succeeded me, and the current Director, Clinical

50. I was named to chair the Admission Policy Committee for 1979-80.

51. Justice Powell's opinion, relying on a "diversity" rationale to support the use of race as one factor that could be considered in making admissions decisions, was clearly anticipated by Judge Soper of the U.S. Court of Appeals for the Fourth Circuit in the list of intangible factors he cited in evaluating the College's law school and the University's law school in *McKissick*, over a quarter century earlier. See *supra* note 13 and accompanying text.

52. The program was called Legal Education Advancement Program, or "LEAP" for short.

Associate Professor Ruth McKinney, has directed the program since the fall of 1991.

Notwithstanding the development of the revised admissions factors, the 1980s actually saw a leveling off in the improved diversity the law school had achieved in the latter part of the 1970s. Ten minority students graduated in 1980, fifteen in 1981, twenty-one in 1982, eighteen in 1983, fourteen in 1984, sixteen in 1985 and in 1986, nineteen in 1987, twenty-eight in 1988, and twenty-three in 1989.

The minority students who enrolled, graduated, and became members of the bar during this period continued to make contributions in a wide spectrum of activities.

From the class of 1980, which had ten minority graduates, John A. Dusenbury and T. Diane Phillips are representative.⁵³ Dusenbury was one of a small group of minority law graduates in the history of the law school who achieved a position with a previously all-white law firm when he became an associate with Smith, Patterson, Follin and Curtis in Greensboro, North Carolina. Phillips continued the tradition of UNC minority graduates who went into the public-service arena. After serving for several years with legal services, she became an Assistant Public Defender with the Robeson County Public Defender, where she remains at this writing.

From the class of 1981, from which fifteen minority students graduated,⁵⁴ David H. Harris, Jr., must be noted for his singularly successful effort as Executive Director of the Land Loss Prevention Project, Inc. (LLPP).⁵⁵ Harris took the LLPP from a two-lawyer office located at the North Carolina Central University School of Law, to a three-office, five-lawyer, essentially public-interest law firm representing limited-resource land owners, fostering community economic development, developing markets for farmers, fighting racial and other discrimination, and attempting to stop environmental racism. The Project has a national reputation and it receives requests

53. Minority members of the class of 1980 were Emma O'Neal Andrews; Richard Earl Batts; John Archibald Dusenbury; Angela Denise Lee; Cedric Reginald Perry; T. Diane Phillips; George Scott Sampson; W. Terry Sherrill; Mittie Moore Smith; and Geraldine Turner.

54. Minority members of the class of 1981 were Anthony Vincent Baker; Leslie Brown; Montague Brown (Native American); Grover Cleveland Burthey, Jr.; Brenda Joyce Carter; David S. DeLugas (Asian/Pacific); James Rufus Farrior, Jr.; William Aubrey Gerald; David Herman Harris, Jr.; Hada DeVarona Haulsee (Hispanic); Darnell Felix Hawkins; Lorinzo Little Joyner; Scott Meza (Hispanic); Vernon Alexis Russell; and Otis Wall, Jr.

55. See discussion of Angela R. Bryant Ellis, *supra* note 40 and accompanying text.

for help and consultation from all over the country. Lorinzo Joyner, also of the class of 1981, is also a good representative of the work members of the class are performing. Joyner has served as a lawyer on the staff of the North Carolina Appellate Defender. Currently, she is an Assistant Attorney General for the State of North Carolina.

Twenty-one minorities graduated in the class of 1982.⁵⁶ Frank E. Emory, Jr., made a transition few, if any, other African-Americans in North Carolina law practice have made at any time. He practiced for several years with Ferguson, Stein, Wallas, Adkins, Gresham & Sumter, the premier integrated law firm founded by Julius Chambers, and then made a lateral move, as a partner, to Robinson & Bradshaw, a major, formerly white law firm in Charlotte, North Carolina.

Barry Stanback, who currently serves as Deputy Director of the North Carolina Department of Human Resources after being in private practice in Greensboro, North Carolina, is another strong example of the success of the members of the class of 1982.

From the class of 1983, which had eighteen minority members,⁵⁷ Kathryn Jones Cooper and Addie Wright are representative. Kathryn Cooper is another Carolina minority graduate serving the State as an Assistant Attorney General. Addie Wright served as Chief of Employee Relations with the North Carolina Administrative Office of the Courts from 1984-87. Thereafter, until 1990, she was Personnel Director for Orange County, North Carolina. She is currently a West Publishing Company academic representative.

56. Minority members of the class of 1982 were Angela Johnson Colbert; Arnald Byron Crews; Frank Edward Emory, Jr.; Bertha Lee Fields; Mark Van Lanier Gray; Thomas Matthew Harvey; Larry Sylvester Height; Barbara Elaine Jones (Native American); Randy Kane Jones; Richard Jeffrey Kania (Native American); Milton Lewis; Linda Walke Lilly; George Lyons, Jr; W. Andrew Marsh, III; Phyllis Beatrice Pickett; Edward Alexander Pone; Wanda Hannon Price; Michael Anthony Robinson; Barry Stephen Stanback; Tanita Goodwin Toliver; and Sylvia Delores Yancey.

57. Minority members of the class of 1983 were James Gregory Bell (Native American); Brenda Byers Collins; Kathryn Jones Cooper; James Walter Crawford, Jr.; James Curtis Dockery; Russell Harris; James Edward Holloway; Stella Dorlene Jones; Camilla Florence McClain; Martha Denning Moore; Anita Davis Pearson; Catherine Perry; Robert Thomas Perry; Kenneth Ericson Ransom (Native American); Vicki Ballou Watts; Gregory Leon Woods; Addie Odette Wright; and Debbie Kay Wright.

The graduating class of 1984 had fourteen minority members.⁵⁸ Representative of that class are D. Bernard Alston, who established a private, solo practice in Henderson, North Carolina, and Rickye McKoy Mitchell, who works as an attorney with the United States Equal Employment Opportunity Commission in Charlotte, North Carolina.

Sixteen minorities graduated in the class of 1985.⁵⁹ Belinda Foster is the first female African-American District Attorney in North Carolina history, having been appointed as the District Attorney in Judicial District 17A (Rockingham and Caswell Counties) in 1993 and, subsequently, re-elected without opposition in 1994. David T. McCoy, a Native American, worked as Assistant Director of the North Carolina Commission on Indian Affairs and, since 1989, has been General Counsel for the North Carolina Department of Administration.

The class of 1986, like the class of 1985, had sixteen minority graduates.⁶⁰ Deborah Graves, who was a very effective leader of the Black Law Students Association during her enrollment, has become a prosecutor of criminal offenders as an Associate Attorney General for the State of North Carolina. Erma L. Johnson, upon graduation, took a position with the Los Angeles law firm of Paul, Hastings, Janofsky & Walker. Robert J. Lopez, of Hispanic background, is a principal in the firm of Hyler & Lopez in Asheville, North Carolina.

One of the law school's most illustrious graduates, Teresa Wynn Roseborough, was a member of the class of 1986. While enrolled she excelled academically and was elected editor-in-chief of the *North*

58. Minority members of the class of 1984 were D. Bernard Alston; Gary William Bigelow (Asian/Pacific); Manuel Louis Costa (Hispanic); Bonnie Brade Crawford; Judith Milsap Daniels; Margaret Ekwutozia Edozien; Lilo Alfreida Hester; Clinton Carnell Hicks; Sheila P. Hochhauser (Hispanic); LaVerne Crocker Jordan; Rickye McKoy-Mitchell; Deborah Ann Nance; Frederick Glenn Sawyer (Asian/Pacific); and Kenneth Bruce Stewart.

59. Minority members of the class of 1985 were Lynette Ann Barnes; Gina Maria Clark; Cynthia Williams Clinton; Belinda Jewell Foster; Larry Dwight Hall; Larry Rolando Linney; David Timothy McCoy (Native American); Frederick Dean Mitchell; W. Jeffrey Moore (Native American); Allen Wayne Rogers; Avis Felecia Sanders; Beverly Renee Shepard; Ronnie Neal Sutton (Native American); Herbert Eugene Tatum, III; Marion Arrington Williams; and Demetta Lenae Witherspoon.

60. Minority members of the class of 1986 were John Sherman Best; William Mark Boyum (Native American); R. Jonathan Charleston; Ronald Dean Everhart (Asian/Pacific); Debra Carroll Graves; Gail D. Hunter; Helen Ehobhayi Ijewere; Erma L. Johnson; Robert Joseph Lopez (Hispanic); Robin Nannette Michael; Kathleen Faithe O'Connell (Native American); Teresa Wynn Roseborough; Claire Ann Sanders; Steven Henry Sindos; Robin Thompson; and Neil David Weber (Native American).

Carolina Law Review, becoming the first African-American woman to achieve that distinction and the second African-American in the history of the law school (following Julius L. Chambers). Teresa Roseborough is also one of five University of North Carolina law graduates to serve as a law clerk to a Justice of the United States Supreme Court. Currently she is a Deputy Assistant Attorney General in the United States Department of Justice.

Two minority graduates of the class of 1987, which had nineteen minority members,⁶¹ made inroads into areas in which minorities were not well represented—they secured employment in traditionally white law firms. Jerry W. Blackwell associated with a law firm in Minneapolis, Minnesota while Donna Coleman associated with the firm of Newsome, Graham, Hedrick & Bryson in Durham, North Carolina. Joseph A. Roseborough was elected President of the Student Bar Association, thus becoming the first African-American student elected to that position. Upon graduation he went into private practice with a law firm in Atlanta, Georgia, and later into corporate law practice with the Georgia Pacific Corporation in that city.

The class of 1988 had the highest number of minority graduates of any class up to that point—twenty-eight, of which one was Hispanic, four were Asian-American, and twenty-three were African-American.⁶² Included in that class were Odessa Jackson, Renee Hom Neary, and Jacques S. Whitfield. Odessa Jackson was President of the Black Law Students Association during her second year in law school. She was such an effective all-around constructive force in the law school that she was inducted into both the Order of the Golden Fleece at the University and into the Davis Society at the law school.

61. Minority members of the class of 1987 were Bryan Elliot Beatty, Sr.; Jerry Wayne Blackwell; Angela Ingram Carmon; G. Scott Childers (Native American); Calvin Edward Coleman; Donna Maria Coleman; Anthony Wayne Cummings; Ruth Bizzell Dillard; Juan Antonio Flores, Jr. (Hispanic); Thurston Edward Frazier, Jr.; Karen Evans Johnson; Barbara Jean Namkoong (Asian/Pacific); Cheryl Angela Perry; Joseph Anthony Roseborough; Orian Carlena Southall; Gregory Dwight Underwood; Tracey Sasser Wilkinson; James Lambert Worthey; and Jeffrey Wynn (Native American).

62. Minority members of the class of 1988 were Sherrod Banks; Lester Bernard Bass; Cindy York Beard (Asian/Pacific); Douglas Ray Brown; Lora Maria Brown; Peter Danny Copeland; Fred Alan Cunningham (Asian/Pacific); Steven Dubois Exum; Yolanda Juetta Feimster; Anthony Emerson Flanagan; Nina M. Gworek (Asian/Pacific); Kenneth Leroi Harris; Odessa Palmer Jackson; Clinton Columbus Jones, III; Elizabeth Kelly; Herbert Stanley Lindsey; Lorell Maddox; Renee Hom Neary (Asian/Pacific); Lucky Theophilu Osho; Marleen Joy Phillips; Stephen Anthony Riddick; Marie Boyce Russell; Desiree Darcell Shives; Sonya Renee Tennell; Martha Ann Walker-McGlohon; Kristie Lynn Webber; Jacques Sterling Whitfield; and Althea Johnston Williams.

She went on to serve as a law clerk to a judge on the United States Armed Services Board of Contract Appeals and as an attorney with the Commercial Litigation Branch of the United States Department of Justice. She currently is an Assistant United States Attorney in Washington, D.C. Renee Hom Neary, of Asian origin, who was quite active and participated in many activities while enrolled, after graduation became a corporate attorney with Alumax, Inc., in Norcross, Georgia. Jacques S. Whitfield served as Attorney General of the Student Bar Association, with responsibility for judicial enforcement of infractions. He is believed to be the first African-American law student to hold that position. He went into practice with the firm of Nelson, Tang, Thompson et al., in Los Angeles, California.

Other members of that class went into private practice in North Carolina, including Sherrod Banks, Cindy York Beard (Asian/Pacific), Kenneth Harris, Lorell Maddox, and Martha Walker-McGlohon. Others went into practice with out-of-state law firms. These include Fred Cunningham (Asian American), with Sellars & Supran in North Palm Beach, Florida; Stephen A. Riddick with Piper & Marbury in Baltimore, Maryland; and Marie Boyce Russell with King & Spalding in Atlanta, Georgia. Still others went into various forms of public or governmental service, such as Douglas Ray Brown with the Staff of the Judge Advocate of the Navy in Alameda, California; Lora M. Brown, Legal Services in Philadelphia, Pennsylvania; Peter D. Copeland, the Federal Trade Commission in Atlanta, Georgia; Anthony E. Flanagan with the Kings' County District Attorney's Office in Brooklyn, New York; Clinton C. Jones, III, staff member to the Committee on Banking, Finance and Urban Affairs of the United States House of Representatives; Elizabeth Kelly, Captain in the United States Army in Massachusetts; Lucky T. Osho, attorney with the Department of Community Affairs of Tallahassee, Florida; and Desiree D. Shives, attorney with the United States Air Force in Washington, D.C.

The number of minority members in the 1989 graduating class dropped back to twenty-three.⁶³ This class had what appears to be

63. Minority members of the class of 1989 were Jorgelina Araneda-Chandler (Hispanic); Timothy Connell Batts; Elizabeth Allison Brown; Jack Marvin Brown, Jr.; Joanne Beauvoir Brown; Claudia Laverne Daniels; James Jervalle Exum; Brinkley Autry Faulcon; Adrian Rafael Halpern (Hispanic); Grady Lee Hunt (Native American); Valerie Felicia Kennedy; Vernon Roderick Malone; Theresa Ann Marlowe; Artemeus Elton McNeil; William Russell Morris, Jr.; K. Eric Morrow; Wendy Grode Nissman (Hispanic); Javoyne Hill Reed; Cynthia Tano Shriner (Hispanic); Frances Cecile Silva; Mildred

the highest proportion of minorities in any class to become associated with traditionally white law firms. The members who were employed in out-of-state law firms include Joanne Beauvoir Brown with Freeman & Hawkins in Atlanta, Georgia; Frances C. Silva, who started practice as an associate with Venable, Baetjer & Howard in Baltimore, Maryland, and has since become an Attorney in the Office of the General Counsel of the United States Department of Commerce in Washington, D.C.; and Mildred R. Spearman with Pillsbury, Madison & Sutro in Los Angeles, California. Minority graduates employed by North Carolina traditionally white law firms include Adrian Rafael Halpern (Hispanic) with Coleman, Bernholz, Gledhill & Hargrove in Chapel Hill, North Carolina; Vernon R. Malone with Tharrington, Smith & Hargrave in Raleigh, North Carolina; and Cynthia Tano Shriner (Hispanic) with Faison, Fletcher, Barber et al., in Durham, North Carolina.

THE 1990S AND BEYOND: A GREAT VISION IS HARD TO HOLD

The challenge of the 1990s and beyond perhaps is best expressed by the Native American leader, Chief Seattle, when in the mid-nineteenth century he observed: "A great vision is hard to hold." If the vision either of the legal profession comprised of a reasonably fair representation of the people of the nation, or of the enrollment of minorities in the law schools of the nation in numbers significant enough to manifest America in her true diversity, or of the enrollment of minority students at the University of North Carolina School of Law in reasonably representative proportions might be described as "a great vision," then historical experience demonstrates that a great vision is indeed hard to hold. That would seem to be one of the central lessons of the early 1990s, especially 1994-95, when we celebrate the sesquicentennial of the law school. Only with continued palpable commitment can we "hold" the "great vision" of a truly diverse law school at the University of North Carolina at Chapel Hill for generations yet to come.

Happily, after a low start of only seventeen minority graduates to begin the decade in 1990, the number increased to twenty-seven in 1991 and was sustained at twenty-nine for each of the graduating classes of 1992, 1993, and 1994.

From the graduating class of 1990, which had seventeen minority members,⁶⁴ five students have been selected as representative. Alan Andrews excelled as a student leader and was elected to the position of chief justice of the Holderness Moot Court Bench. After graduation, he became a member of the Judge Advocate General's Corps in Hawaii. Emmanuel Kojo Bentil was elected editor-in-chief of the *North Carolina Journal of International Law and Commercial Regulation*. Following graduation, he became an associate with the New York law firm of Donovan, Leisure, Newton & Irvin. After serving as editor-in-chief of the *North Carolina Law Review*, Jaye P. Mayer (Hispanic) became an associate with the Raleigh, North Carolina law firm of Tharrington, Smith, & Hargrave. R. Andrew Patty, II (Native American) became an associate with the Raleigh law firm of Smith, Debnam, Hibbert & Pahl, while Raymond Van Dyke (Native American) became an associate with the New York law firm Brooks, Haidt, Haffner & Delahunt.

In 1991, the graduating class had twenty-seven minority members.⁶⁵ Anita Brown-Graham, who upon graduation became an associate with Diepenbrock, Wulff, Plant & Hannagan in Sacramento, California, recently has become an Assistant Professor with the Institute of Government at the University of North Carolina at Chapel Hill. Jeen Kim (Asian) became associated with Prickett, Jones, Elliott et al. in Wilmington, North Carolina. Reginald T. Shuford served a clerkship with North Carolina Supreme Court Justice Henry E. Frye and then joined a traditionally white North Carolina law firm, Richard Schwartz & Associates, in Raleigh.

The class of 1992 had twenty-nine minority members.⁶⁶ Winston

64. Minority members of the class of 1990 were Alan Aron Andrews; Emmanuel Kojo Bentil; Marian Louise Borum; Kevin Marc Bridges; Karen Ward Day; Michael Anthony DeMayo (Hispanic); Karen Dye Evans; Carol Batina Fisher; Roger Morgan Goode; Terry Ann Knox; Algirdas Jonas Kreivenas (Hispanic); Ronald Gregory McNeil; Jaye Powell Meyer (Hispanic); Sharon Bernice Moses; John James Padilla (Hispanic); R. Andrew Patty, II (Native American); and Raymond Van Dyke (Native American).

65. Minority members of the class of 1991 were Beverly Rice Allen; Saralyn Towanna Alston; Asa Lee Bell, Jr.; Alicia DeLaney Brooks; Anita Brown-Graham; Michelle Smith Cofield; Robert Terry Drakeford; Paul Wayne Drummond, Jr.; Athena Lynn Fox (Native American); Leesha Lynnette Fuller; Diette McEntire Hansberry; Michael Anthony Hew; Jeen Kim (Asian/Pacific); Kelli Kathryn Luck; William Henry Massenburg; Chrystal Walker Redding; Beverly Lynn Rubin (Asian/Pacific); Maria Curras Scanga (Hispanic); Reginald Tyrone Shuford; Janice Elaine Smith; Jerome Lafayette Smith; Obrie Smith, III; Kenneth Alexander Soo (Asian/Pacific); Barron LeGrant Stroud, Jr.; Edwin Joseph Tisdale (Hispanic); Katrina Daphine Watson; and Ernest Eugene Yarborough.

66. Minority members of the class of 1992 were Rudolph Acree, Jr.; Keith Wayne Allen; Fred Andrew Anderson; Julie Lynn Bell; Pamela Denise Brewington (Native

B. Crisp, who served as president of the Black Law Students Association, so impressed the dean of the law school that she hired him as Assistant Dean for Student Affairs. He is the first African-American to hold such a position at the law school. Kurshid K. Mehta (Asian/Pacific) served as Articles Editor and Kelvin L. Newsome served as Research Editor, respectively, for the *North Carolina Journal of International Law and Commercial Regulation*.

From the class of 1993, which had twenty-nine minority members,⁶⁷ Merlin Bass became a tax associate with Deloitte & Touch in New York. Michael Charles Gardner became an associate with Mudge, Rose, Guthrie, Alexander and Ferdon in New York. Donna Rigg became an associate with Carmody & Torrance in New Haven, Connecticut, while Tamika Shafeek took a judicial clerkship with a judge of the United States District Court for the Middle District of North Carolina.

The class of 1994 had twenty-nine minority members.⁶⁸ Based on those students whom the author came to know during their en-

American); J. Pablo Caceres (Hispanic); Corliss Nichele Carter; Alette-Marie Charles; David Monadi Chilman (Asian/Pacific); Winston Boyd Crisp; Faris Carnell Dixon, Jr.; Jacqueline Marie Dudley; Loraine Dillinder Farabow (Asian/Pacific); Jennifer Sanchez Goebel (Hispanic); Cynthia Rose Howard; Kevin Dwan Howell; Kristi Lashon Jones; Lester Bernard Law (Asian/Pacific); Do-Yol Lim (Asian/Pacific); Melissa Lyn Long (Hispanic); Jonathan Paul Luna; Kymric Y. Mahnke (Asian/Pacific); Sarita Lynn Mallard; Letitia Mason McGeough; Khurshid Kekhushru Mehta (Asian/Pacific); Kelvin LaVel Newsome; Cindy Marie Patton; Geetha Veerabhadrapa Ravindra (Asian/Pacific); Lucia Margarita Trevino de Lane (Hispanic).

67. Minority members of the class of 1993 were Charles Lenard Alston, Jr.; Merlin Bass, III; Tracy Lolita Brown; Anna Perez Chason (Hispanic); Cherry Ophelia Crawford; John Paul Fernandez (Hispanic); Michael Charles Gardner; Berge Hovsepian; Stephanie Renee Johnson; Anne Goco Kirby (Asian/Pacific); Patrick Henry Lambert (Native American); Emanuel Dubois McGirt; Carena Cavette McIlwain; Anthony Bernard Norris; Christopher Parker-Cyrus; Kenneth Martin Perry; Donna Rhea Rascoe; Donna Marie Rigg; Timika Shafeek; Dawn Elizabeth Siler; Peyton Michelle Stepney; Normand Jacob Travis; Granette Allene Trent; Mark Kenneth Velasco (Asian/Pacific); Alfred Walker Jr; Charlesena Elliott Walker; Doretta LaShaun Walker; Bryan Edward Wardell; and Faith LaFrance Wynn.

68. Minority members of the class of 1994 were Colleen Lynn Adams; Lisa Marie Anderson; Jonathan Baldwin; Sorojini Judith Biswas (Asian/Pacific); Brian Keith Brooks (Native American); Earl D. Brown, Jr.; Yvonne Emersonia Bulluck; Steaven Hong Campbell (Asian/Pacific); Lori Grundy Christian; Lauren Michelle Collins; Letitia Carol Echols; Aubrey W. Fountain; Simone Elizabeth Frier; Cheryl Lynette Head; Susan Maria Hunt (Native American); Valerie Alston Johnson; Sheena W. Jones; Chiege Ojiugo Kalu; Julia Jin-A Kim (Asian/Pacific); Vinatha Vijaya Linga (Asian/Pacific); Shelley Jane Lucas; Felice Shanta McConnell; Loi Neeza; Deanne Johnson Nelson; Gloria Denise Ruiz (Hispanic); Marjorie Johnice Smith; Renee Nicole White; Anthony Ray Williams; and Jamie Melissa Woods.

rollment, they too have the capacity and the drive to be achievers in the same manner as, if not even better than, their predecessors.

CONCLUSION

One might well ask several questions about this project. What is the purpose of a history of an institution written by those who are associated with it? Surely the objectivity of such writers is questionable. How can those who are law professors with no formal training in historical research methods be relied upon as authoritative? Surely such writers will misinterpret important events. How can a nonsystematic, but rather, more or less anecdotal, arbitrary, personal knowledge, or even random selection of students and alumni to discuss be useful?

Such questions deserve answers. For the author of this chapter, this project of attempting to relate something about the history of minorities and the University of North Carolina School of Law became an occasion to revisit inspiring aspects of both minority peoples' struggle for justice and an institution's struggle to adapt and improve. Since most of the individuals discussed are persons with whom the author is personally acquainted, the author was pleased to systematically examine inspiring facts—some of which had long been known to him, others he newly discovered—about these individuals in the context of an analysis of the institution. The interplay of the stories of individual achievements with the story of the institution's growth presents a richer rendering of both this aspect of minority peoples' struggle and of the institution's improvement, than could have been achieved in an accounting of either alone.

These events are not seen from an objective perspective and the presentation in this chapter does not purport to be objective. This presentation is designed not merely to inform but also to inspire us to hold onto the "great vision" until, at some distant time, it may come closer to fulfilment. It should inspire those who have previously been associated with the UNC School of Law, including especially those alumni who love and care about the institution, to better appreciate where it has come from, where it now is, and where it ought to be trying to go. It should inspire those of us now associated with the enterprise as students, staff, administrators, and faculty to understand the struggle more fully, to acknowledge that diversity of backgrounds and perspectives in the institution strengthens the educational value for everyone, and to appreciate more adequately the accomplishments of minorities after graduation. Moreover, the people currently

associated with this institution desire to move it to even higher planes of excellence. To reach these entirely worthy ambitions, everyone must be cognizant that the prestigious law schools that UNC might emulate have achieved a degree of diversity in their student enrollments at the present time that the University of North Carolina School of Law can only aspire to achieve in the future.⁶⁹

It should inspire those who will be associated in the future with the School of Law at the University of North Carolina at Chapel Hill to recognize that they will add their legacies of labor, sweat, toil, accomplishment, and occasional disappointment to those of all who preceded them. In that way may everyone be inspired to give a full measure of support and devotion to an institution that needs that support and devotion and merits it for the opportunities it has provided and will continue to offer.

Finally, the persons selected are the responsibility of the author. Every student could have been named in some respect, because every student's and graduate's achievements on their own merits are clearly worthy of mention. Omissions exist solely because of insufficient time, space, energy, and knowledge on the part of the author.

69. Prior to 1994, the University of North Carolina School of Law had never had a minority enrollment that equalled 15%, although it reported 14.9% minority enrollment in the 1995 *Official Guide to U.S. Law Schools* (Law School Admission Services, Inc.) 22-29 (1994). Also in 1995 *Official Guide to U.S. Law Schools*, the following highly regarded law schools reported minority enrollments that substantially exceeded the University of North Carolina School of Law as follows: Yale Univ. 25%, Stanford Univ. 36%, Columbia Univ. 27%, Harvard Univ. 27%, New York Univ. 23%, Univ. of Michigan 23%, Univ. of Pennsylvania 21%, Georgetown Law Center 27%, Univ. of California at Los Angeles 39%, and Univ. of California at Berkeley 36%. The entering class in 1994 at the UNC School of Law indicates that the school's enrollment percentage is increasing, because the class included 17.8% minority students.