CAMPBELL UNIVERSITY
NORMAN ADRIAN WIGGINS SCHOOL OF LAW

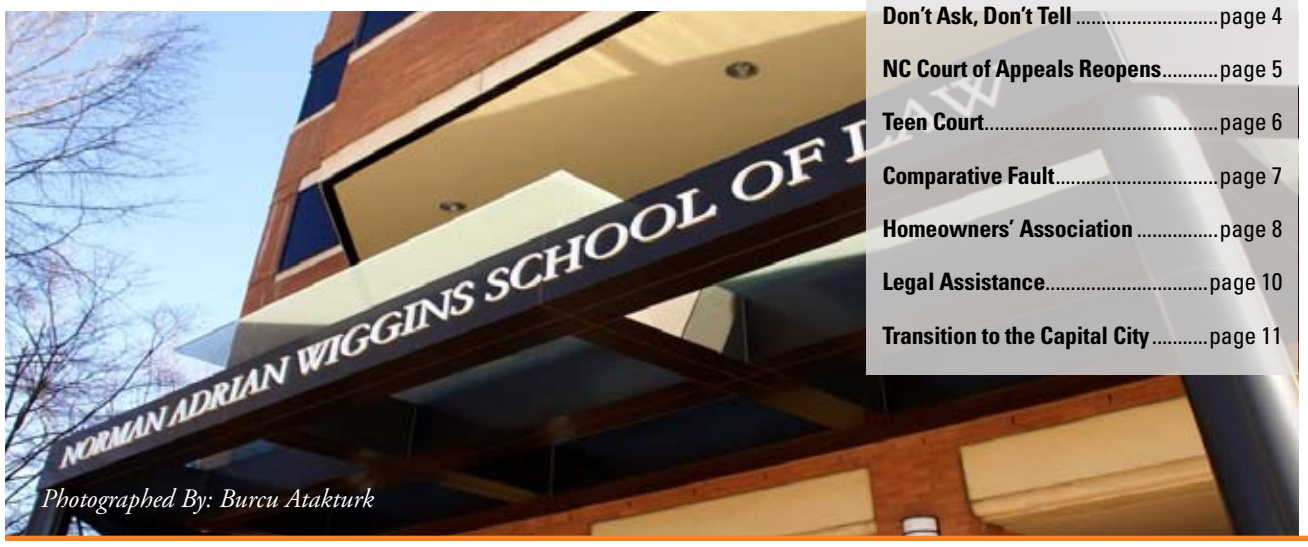
VOLUME 31, NUMBER 2
March 2010

CAMPBELL UNIVERSITY
RALEIGH, NORTH CAROLINA

# CAMPBELL LAW OBSERVER

INSIDE THIS ISSUE:





*Photographed By: Burcu Atakturk*

CAMPBELL LAW OBSERVER
Norman Adrian Wiggins School of Law
225 Hillsborough Street
Raleigh, NC 27603

NON-PROFIT ORG.
U.S. POSTAGE
PAID
RALEIGH, NC
PERMIT NO. 607

## North Carolina Innocence Inquiry Commission Declares Man Innocent for the First Time in United States History

Recently, stories of wrongful convictions seem to dominate mainstream media. Over the last few decades, great strides have been taken to begin to remedy this tragic injustice. North Carolina has distinguished itself as a leader in the nation's fight to improve our justice system and to right the wrongs of the past by preventing and rectifying wrongful convictions. No one in the State of North Carolina has done more to advance the cause of actual innocence than the former Chief Justice I. Beverly Lake, Jr.

**North Carolina Innocence Inquiry Commission**

The North Carolina Criminal Justice Study Commission was established in 2002 by Chief Justice Lake. This Commission allowed members of the criminal justice system to work together and discuss the growing problems surrounding wrongful convictions. After extensively reviewing the post-conviction process for a year and a half, members of the Commission drafted a proposed bill that would establish an Innocence Inquiry Commission. In 2006, the North Carolina General Assembly signed this bill into law, establishing the North Carolina Innocence Inquiry Commission.

Post-conviction review of an innocence claim is a lengthy process involving many steps; the first step is to initiate a claim. Once the claim is initiated, the convicted person must consent to having their case reviewed and complete a detailed questionnaire regarding their conviction. The Innocence Inquiry Commis-

■ *Continued on next page*


*Photographed By: Burcu Atakturk*

*Christine Mumma questions a witness as co-counsel looks on.*

## North Carolina Bar Association helps Attorneys in Economic Downturn

With the national economy still feeling the effects of the most recent recession, the job market as a whole finds itself in a tenuous position. The legal profession is no exception. Despite an overall drop in unemployment from December 2009 and January 2010, Department of Labor statistics show that more than 43,000 fewer people were employed in the legal sector in January 2010 than a year earlier. As a result, established attorneys and recent graduates alike are feeling the job crunch in equal proportions.

To help ease the economic pinch, law school career offices as well as the North Carolina Bar Association are taking new steps to help unemployed attorneys find work. In 2009, the NCBA formed a member task force to start a Career Services Initiative that put in place a multi-tiered support system for attorneys and paralegals looking for employment. The initiative established an email list for job opportunities for attorneys and paralegals, and is sending out updated information on a weekly basis. The task force also held teleseminars, webinars, and live events on topics of interest to those seeking employment.

Another service the NCBA has provided is training for attorneys, both fresh out of school and recently unemployed, on how to effectively start their own practice. Erik Mazzone, the NCBA's Director of the Center for Practice Management, says that he has seen a large number of North Carolina attorneys start their own practice when other ave-

■ *Continued on page 3*

# NC Innocence Inquiry Commission, cont'd.


*Photographed By: Burcu Atakturk*

sion then reviews the questionnaire and rejects or processes the claim for further review. If the claim proceeds, the Commission expands its scope of review to additional legal and public records. After further review, the Commission may either reject the claim or begin a full investigation. The full investigation entails contacting witnesses, going to the scene of the crime, and procuring evidence. At the conclusion of this investigation, the Commission has another opportunity to reject the claim or to conduct a formal inquiry.

The North Carolina Innocence Inquiry Commission's website notes that less than two percent of all claims are accepted for formal inquiry. If a convicted person makes it to this stage, they must waive the protections normally afforded to a person on trial. At this stage the right to counsel is triggered and the victims or their families are notified. Upon completion of the formal inquiry, the Commission may reject the claim or allow the claim to progress to a hearing.

At the hearing the person asserting factual innocence is tasked with the burden of producing sufficient evidence of factual innocence, to merit judicial review. If five or more of the eight voting members of the Commission conclude there is sufficient evidence of factual innocence to merit judicial review, the case shall be referred to the senior resident superior court judge in the district of original jurisdiction. N.C. Gen. Stat. § 15A-1468. At this point a three-judge panel is convened - not including any trial judge that has had substantial previous involvement in the case- and a special session of the superior court of the original jurisdiction is held to hear evidence relevant to the commission's recommendation. N.C. Gen. Stat. § 15A-1469.

*Photographed By: Burcu Atakturk*

While in front of this three-judge panel, the traditional roles of prosecution and defense are reversed. In this courtroom, it is the defendant who bares the burden of proving innocence. The goal for the convicted individual is to have his charges dismissed.

For charges to be dismissed, all three judges must vote unanimously that factual innocence has been established by clear and convincing evidence, a higher burden than required for conviction. Given the seemingly insurmountable task of prevailing under such stringent standards, one may question the ability of anyone to ever walk out of one of these hearings a free man. However, this is exactly what happened on February 17, 2010.

## Greg Taylor Proves Innocence

In a courtroom at Campbell University's Norman Adrian Wiggins School of Law in downtown Raleigh, Greg Taylor made history by being the first person in the United States to be declared innocent by a judicial body on February 17, 2010. This declaration marked the end of accusations against Taylor that began in 1991.

On September 26, 1991, Jacquetta Thomas was beaten and killed. The defendant, Gregory Flint Taylor, was tried upon proper indictments charging him with the first-degree murder of Thomas and with accessory after the fact to the felony of murder. According to North Carolina v. Taylor, 337 N.C. 597, 600, Taylor "was tried noncapitally at the 12 April 1993 Mixed Session of Superior Court, Wake County. The jury found the defendant guilty of first-degree murder and not guilty of accessory after the fact. The trial court entered judgment on 20 April 1993 sentencing the defendant to the mandatory sentence of life imprisonment." In the aforementioned case, Taylor's conviction was affirmed by the North Carolina Supreme Court.

Taylor exhausted nearly all available avenues of appeal to prove his innocence, a claim from which he never wavered. The beacon light of freedom was growing ever dimmer for Taylor until July 23, 2007, when the North Carolina Center for Actual Innocence referred Taylor's case to the North Carolina Innocence Inquiry Commission. Greg Taylor's case was accepted for formal inquiry on September 7, 2007. While the promise of a formal hearing was a significant step, Taylor still faced the grueling process of a three-judge panel ahead.

The impact of the determination of Taylor's innocence by the three-judge panel would not only be significant to Taylor, his family, and friends, but also to our entire nation. If the three-judge panel unanimously determined that Taylor established his factual innocence through clear and convincing evidence, it would not only be the first time a person was freed through the North Carolina Innocence Inquiry Commission, but it would also be the first time in United States history that a person was declared innocent, not "not guilty," or "not acquitted," but innocent by a judicial panel.

On February 9, 2010, a three-judge panel, consisting of Judge Howard E. Manning, Jr., Judge Tanya T. Wallace, and Judge Calvin E. Murphy, convened at the North Carolina Business Court. Greg Taylor was represented by Joseph B. Cheshire V, Maitri Klinkosum, and Christine Mumma. The State of North Carolina was represented by C. Colon Willoughby, Jr., District Attorney for the 10th Judicial District and Tom Ford, Assistant District Attorney. According to the opinion in the case of North Carolina v. Gregory Flint Taylor, the evidence presented at the hearing in-

cluded, "the sworn testimony of 15 persons, including Greg Taylor… stipulations of the State and Taylor, the transcript of the first trial, transcript of the MAR hearing, affidavits of Taylor's prior counsel, and two hearing notebooks containing more than 100 separate exhibits."

The hearing was recessed on February 16, 2010, which afforded the judges an opportunity to review the evidence presented throughout the hearing as well as other documents previously submitted to the panel. The three-judge panel reconvened on February 17, 2010, at which point counsel for Greg Taylor as well as Counsel for the State of North Carolina both presented their closing statements. Upon completion of closing statements, the three-judge panel recessed to consider the ultimate question of whether Gregory Taylor, the convicted person, proved by clear and convincing evidence that he is innocent of the charge of first degree murder of Thomas on September 26, 1991.

Before a courtroom packed with his family and supporters, an anxious Taylor awaited his fate. The tension was palpable as the three judges entered the courtroom and took their respective places. Many hands were clasped in prayer, while others grasped at their faces, almost too afraid to hear the decision. In order for the charges to be dismissed, all three judges would have to determine, individually, that Taylor had shown by clear and convincing evidence that he was innocent of the first-degree murder of Thomas.

When the first Judge declared that Taylor had proved by clear and convincing evidence that he was in fact innocent, the entire courtroom erupted in an expression of joy and relief that was marked by boisterous applause, instant tears, and shouts of approval that echoed throughout the building. The cheers and celebration escalated with each successive judge pronouncing Taylor's innocence. Upon the final declaration of his innocence, Taylor was surrounded by family and supporters, engaging in tearful embraces, as he took his first steps as a free man.

When asked what it felt like when the shackles came off, Taylor stated, "it felt like he was taking it off of someone else." The injustice that Taylor endured cannot be undone solely by the pronouncement of his innocence. For 6,149 days, Taylor lived a nightmare that few of us could begin to imagine. It is the duty of each and every citizen to zealously guard the sacred words "liberty and justice for all." As a lawyer, one must never allow their fervor for success in the courtroom to blind them to the ultimate purpose, to serve justice.

**By: Cassandra Radloff**

*Cassandra is a staff writer and second-year law student. She can be contacted at cmbardell0904@email.campbell.edu.*

*Photographed By: Burcu Atakturk*

## North Carolina Bar Association, cont'd.

nues have not provided jobs. Mazzone helps offer training on many of the most difficult aspects of starting a practice from scratch; administrative tasks such as technology setup and logistical hurdles, as well as tips on finding their first client.

"In law firms, people like to do business with people they know, like, and trust," Mazzone said. "You need to go about finding the people who know you, and helping them like you and trust you." Mazzone said one of the biggest things he tells new attorneys is to focus on their potential practice areas as soon as possible, as it yields more efficient use of time looking for employment. "The biggest advantage you can give yourself is to decide what it is you're going to do," Mazzone said. "If you're chasing 10 things, it's going to be hard to catch any of them."

It is also beneficial for attorneys seeking new business to pinpoint their intended field on a specific geographic location. "Deciding that you want to practice family law in Charlotte gives you an advantage in networking, because you can aim at what you want to do. By focusing your networking there, you can go where the people practicing family law in Charlotte go."

Mazzone tells new attorneys that it is fine to have a short-term approach to their career, especially when student loans are hanging over their heads. "You may not know what you are going to do for the rest of your life, but know that right out of law school this is what you're going to do," he said. "Because having no idea just handicaps you even worse."

*"The biggest advantage you can give yourself is to decide what it is you're going to do. If you're chasing 10 things, it's going to be hard to catch any of them."*

- Erik Mazzone

One new twist in the state of the economy is that law school career centers are increasing their contacts with alumni who are looking for jobs. Julie Beavers, the Director of the Career and Professional Development Center at the Norman Adrian Wiggins School of Law at Campbell University, says her best advice for recent graduates is to expand their networking efforts. "Everyone in their circle should know they are in the job market - former professors, members of your civic groups - everyone that they trust should know they're looking, so when they hear of something, they immediately think of you," she said.

Current students are also feeling the tightness of the market when seeking summer positions, as law school enrollments are up across the board. Beavers said that the biggest thing current students should work on is increasing their visibility to potential employers. "We have seven schools [in North Carolina] putting out law students, so the competition will be heavy, regardless of the market," Beavers said. "Don't rely simply on a resume and good writing — they are good tools, but they will only get you so far."

Generating visibility to practicing attorneys and legal organizations is a good method for students seeking employment to market themselves. "Students should understand the value of positioning yourself in front of employers. I encourage students to do things such as volunteer at CLEs, so you can meet the attorneys in the field you are interested in. Students need to put themselves where the decision makers are."

Whitney von Haam, the North Carolina Bar Association's Director of Membership echoed Beavers' sentiments, saying that students often try to be too selective about summer job opportunities. "It may not be exactly what you dreamed about or offer the amount of money that you were wanting, or any money for that matter, but it may end up offering you the most eye-opening or life-changing experience that you didn't expect."

**By: M. Lee Taft**

*Lee is a staff writer and first-year law student. He can be reached at mltaft1227@email.campbell.edu.*

# Possible Repeal of the "Don't Ask, Don't Tell" Policy in the United States Military

Senator Joe Lieberman (I-Conn.) agreed on Sunday, February 21st to be the lead backer for a bill that will attempt to repeal the long time military policy of "Don't Ask, Don't Tell." In a statement to the New York Daily News, Lieberman said, "I've been asked by both the White House and the advocacy groups within the gay-rights community to be the lead sponsor, and I'm glad to do it." Senator Lieberman's involvement in the repeal will be a jump start to the controversial civil rights action that has been a long time in the making.

The current military policy of "Don't Ask, Don't Tell" was a product of President Bill Clinton's administration in 1993. Clinton's original stance during his presidential campaign of 1992 was to allow all people to serve openly in the military, regardless of their sexual orientation. The standard, prior to Clinton, was set in 1982 by Department of Defense Directive 1332.14, which stated that, "homosexuality is incompatible with military service, and persons who engage in homosexual acts, or state that they are homosexual or bisexual, are to be discharged." Congress did not fully agree on Clinton's proposition to allow openly gay individuals to serve in the military, so Clinton enacted Department of Defense Directive 1304.6 on December 21, 1993. The "Don't Ask, Don't Tell" policy, as it is known today, gave gay individuals more leeway under the watchful eye of the military by focusing solely on the presence of homosexual conduct, rather than actual sexual orientation.

Title 10 § 654 of the United States Code entitled, "Policy Concerning Homosexuality in the Armed Forces," states in part:

**(b) Policy.**— A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

**(1)** That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts….

**(2)** That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

**(3)** That the member has married or attempted to marry a person known to be of the same biological sex.

Additionally, Title 10 § 654 (a) (13) of the U.S. Code states, "The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service."

Advocates of the "Don't Ask, Don't Tell" policy believe that it remains necessary due to the fact that the United States in currently involved in two wars and any significant change would have unfavorable results. Supporters further worry about the heavy physical and mental abuse that homosexuals have received in the past from their heterosexual military brethren. Senator John McCain (R-Arizona), who has been recently scrutinized for his public fluctuation over his stance on the policy, has described the policy as "imperfect, but effective."

Those who back the repeal of the policy do so for a number of reasons. The most obvious concerns are from a civil rights standpoint. The United States has made numerous strides towards equality for homosexuals over the last few decades. Forcing those who are proudly serving their country to conceal their sexual orientation seems, to many, to be incredibly close-minded. Furthermore, there is a very large financial drain associated with the policy. Experts at the Government Accountability Office predict that the policy cost the United States Federal Government around $363 million from the years of 1994 to 2003. The largest portions of costs are associated with the discharge of qualified personnel and the re-training of new officers and enlisted men.

President Barack Obama intends to change the outdated standard, and has recently made it clear that he plans for the seventeen year old policy to be repealed under his presidency. During Obama's State of the Union Address on January 27, 2010, he stated that he will work with Congress and the military to "finally repeal the law that denies gay Americans the right to serve the country they love because of who they are." Obama has made many statements advocating the policy shift, but currently believes that Congress has exclusive authority to lift the ban. The Obama administration, with the assistance of lead backer, Senator Joe Lieberman, hopes to successfully prepare a Congressional Act that will effectively repeal the Federal Law by the end of 2010.

**By: Ty Claggett**

*Ty is a staff writer and first-year law student. He can be reached at wtclaggett0329@email.campbell.edu.*

## Meet the 2010 Campbell Law Observer Staff



### Editorial Policies of the Campbell Law Observer

1. The Campbell Law Observer solicits article contributions from anyone on any topic of interest to the community of practicing attorneys in North Carolina. However, editorial discretion ultimately resides with the editorial staff of the Campbell Law Observer alone, even for articles that are of publishable quality.

2. Neither the Campbell Law Observer nor its staff takes political positions within the context of the periodical itself. However, since discussions of legal issues necessarily involve evaluations of and recommendations concerning public policy, individual pieces may take positions on issues of current controversy. Such positions are those of the writer alone.

3. It is the goal of the editorial staff to include a wide array of articles of interest to the community of practicing attorneys in North Carolina. Some articles may not be printed promptly because of space limitations or because of a desire to thematically arrange certain articles.

4. Advertisements are accepted on a space-available basis only. The editorial staff may for space, design, or other reasons, choose to run a given ad beyond its contract date. In such a circumstance, there will be no charge for additional runs of the same ad. Such decisions are made solely at the discretion of the editorial staff.

# The North Carolina Court of Appeals Reopens its Doors after Nearly Two Years of Renovations

The North Carolina Court of Appeals makeover is finally complete. On January 11, 2010, ribbon-cutting festivities celebrated the long awaited reopening of the court of appeals building. In attendance were prominent state figures, including current court of appeals Chief Judge John C. Martin, current and former members of the North Carolina Supreme Court, and Governor Beverly Perdue.

Originally dedicated in 1914, the 'Ruffin Building,' named after North Carolina Supreme Court Justice Thomas Ruffin, was home to the North Carolina Supreme Court. After the supreme court relocated across the street in 1940, the building housed various administrative agencies. In 1968, however, the building underwent a major transformation and became the current location of the North Carolina Court of Appeals.

The recent $9 million remodeling effort began in June 2008 and was completed last November. The renovation marked the first major reconstruction of the building in decades. In order to expedite the renovation and continue business as usual, the court's operations moved just down the road to the old Wachovia Bank building.

*Photographed By: Burcu Atakturk*

Undertaking the renovations was no minor feat, as a majority of the building was completely gutted and redesigned during this process. A spectacular grand entryway, wider halls, and a more functional layout are the hallmarks of the renovation. The renovations remedied major problems in the building and created a more enjoyable, aesthetically pleasing environment.

At the heart of the renovations was Judge Martin. Clerk of the Court of Appeals, John Connell, acknowledged Judge Martin's instrumental role in getting a job of this magnitude done in such a short amount of time; "Judge Martin worked hard alongside the architectural firm LS3P Associate and the construction firm D.S. Simmons, Inc., to come up with the design plan for the renovations and the end result turned out to be pretty close to what they originally had in mind," said Connell.

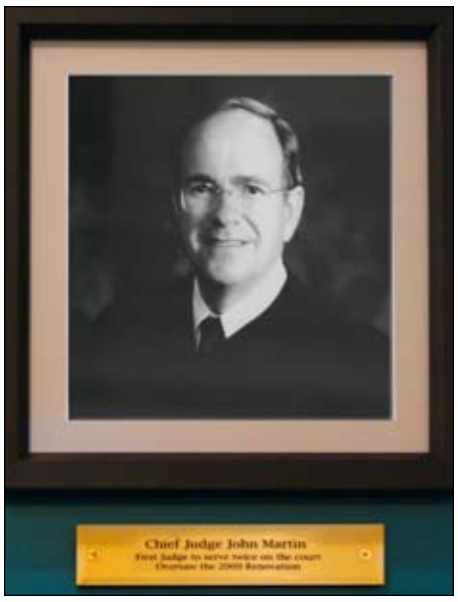

*Photographed By: Burcu Atakturk*

*Photographed By: Burcu Atakturk*

The biggest change may be reorganization in the overall layout of the building. As indicated by Sara Warf, Law Clerk to Judge Rick Elmore, the old design was illogical and inefficient as many judges' offices were located on the third floor while their clerks and research assistants remained on the second. Additions were designed to create private suites for judges and their clerks that prove more functional and promote efficiency within the court process.

Upon entering the building, the extraordinary changes are immediately apparent, beginning with the glass doors that lead up to the grand staircase. These glass panels are detailed with symbols of justice that illustrate the deep-rooted values upon which the court was founded. Beyond the doors, concentrated efforts were made to replicate the original stairway from over ninety-six years ago. The staircase winds upward to the fourth floor, where a skylight provides light and life to the once dark and dungeon-like building.

Continuing on to the third floor, a newly added wall of history adorns the stairwell to remind all those passing by of the rich history of the court. The wall includes pictures from various courts over the years as well as individual photos of some of the most influential people that have played a role in the development of the court; including Judge Richard Erin, the first African-American on the court, and Chief Judge Naomi Morris, the court's first female judge and first female Chief Judge. The wall pays great tribute to the changes in the court system and celebrates over forty years of achievement in the court of appeals.




*Photographed By: Burcu Atakturk*

Beyond the wall of history hangs a vibrant painting of Judge Britt, one of the original judges at the court of appeals, who later went on to serve as a state Supreme Court justice. The painting marks the entryway to two wooden doors that lead to the elegant courtroom 'where all the action happens.'

While the rest of the building was completely rebuilt during this process, the courtroom itself had been restored a few years prior and was not changed much this time around. One of the more notable aspects of

■ *Continued on page 6*

## Court of Appeals Reopens, cont'd.

the courtroom from the prior renovation includes the transformation of the original wood bench, initially equipped with seven seats for the North Carolina Supreme Court justices. The bench now houses three seats for the three judge panels in the court of appeals. In addition, the counsel's benches from which the opposing parties make their arguments are original. Additions throughout the courtroom attempted to replicate the exquisite criss-cross detailing in the wood from the original benches.

The old courtroom floors - lined with cracked, broken terracotta tile - were redone with red plush carpet. Connell noted that not only does the new carpeting add a more comfortable feel to the courtroom, but it also reduces the noise and sounds that once reverberated back and forth across the walls. Leather chairs were also added to the visitors' section to provide a more relaxing, inviting atmosphere to anyone who wishes to attend the court's hearings.

*Photographed By: Burcu Atakturk*

Other necessary changes to the building include increased lighting in the hallways, an improved air conditioning system, and higher ceilings that diminish the confined feeling of the old building. Prior to the renovations, the court of appeals was outdated and in desperate need of a makeover to eliminate the leaky pipes, update the slow elevator system, and remedy other fire hazards throughout the building.

*Upon entering the building, the extraordinary changes are immediately apparent, beginning with the glass doors that lead up to the grand staircase. These glass panels are detailed with symbols of justice that illustrate the deep-rooted values upon which the court was founded.*

After nineteen months, the court was finally able to pack up its boxes in the old Wachovia Bank building and return home. Connell said, "It truly is amazing what has been done here. I think you'd be hard-pressed to find anything of such grandeur like this court building anywhere else in the state."

As court proceedings started back in the Ruffin Building last month, the community is invited to take a tour to get a firsthand feel for the luxurious changes within. Connell indicated that all hearings are open to the public who wish to lend a listening ear to the court of appeals process. Centrally located at the heart of our capital city, all it takes to experience the newly renovated court of appeals is a quick stroll up the steps to the front door. The North Carolina Court of Appeals is located at 1 West Morgan Street in downtown Raleigh.

**By: Sarah Tackett**

*Sarah is a staff writer and first-year law student. She can be contacted at sntackett0902@email.campbell.edu.*

# Peer Pressure: How a Negative Start Can Have a Positive Finish

The desire to be accepted by various social circles drives many of our actions, whether done consciously or subconsciously. In seeking acceptance, one of the most controlling factors of our actions is peer pressure. Peer pressure is responsible for most decisions made by teens as they navigate the emotion-driven waters of prepubescent social acceptance. However, what happens when a teenager commits a misdemeanor as a direct result of trying to fit in? North Carolina, in an attempt to curtail the unintended consequences of punishing teens for their first offense in traditional court proceedings, has established a successful program known as Teen Court.

In North Carolina, if the teen admits his/her guilt to a misdemeanor, they have the option of having their case handled by the Capital Area Teen Court. Except for the judge, all participants in Teen Court are middle or high school students. These students play the roll of representing the defendant, trying the case as the prosecutor, overseeing the court proceedings as the bailiff, and determining the outcome of the case as members of the jury. The experience gives students the ability to experience the legal world in an active and positive manner. (1)

Teen Court conducts hearings on the first and third Tuesdays of every month at the Wake County Courthouse in downtown Raleigh. Students participating in the hearings arrive early to prepare questions as well as their opening and closing arguments. The defendant is given the opportunity to tell what happened from his perspective. In addition, the defendant's parent or guardian is given the opportunity to speak on their child's behalf. Critical to the success of the program,

the defendant's parent or guardian is required to attend. After all the evidence has been presented, the jury deliberates and decides on a sentence. The defendant is read his sentence and participates in an exit interview. A defendant is given ninety days from the date of the hearing to complete his sentence. (2)

Rather than focusing solely on the retributive purpose of punishment, Teen Court focuses on restorative justice to ensure both the plaintiff and community are made "whole." Teen Court's restorative justice recognizes that a crime has been committed against a victim *and* the community. The defendant must take responsibility for his ac-

1) Capital Area Teen Court, "What is Teen Court," (2003), http://www.capitalareateencourt.org/info.asp.

2) Interview with Amy Hall, Coordinator/Manager, Capital Area Teen Court, in Raleigh, NC (Feb. 15, 2010). 3 and 4 Interview with Amy Hall. Telephone Interview with Taylor Cashdan, Teen Court Volunteer, Capital Area Teen Court (Feb. 16, 2010).

tions and must repair the harm he has caused. If the defendant accepts his responsibility, then both the victim and defendant can work together to rebuild their relationship, thereby repairing the damaged community. (3)

Although the program focuses more on restorative justice, defendants are punished for their actions. The punishments include participating in up to three Teen Court jury duties and between five and ten hours of community service. The punishment depends on the level of the offense committed; the more serious the offense, the harsher the punishment. In addition to jury duty and community service, the defendant is also assigned to one of three skills groups: Choices, Youth Development, and Youth Talk.

One of the more enlightening groups is the Choice group because it brings in prisoners from the women's prison and the Wake Correctional Facility. The prisoners talk to the teens and share their life stories. This is beneficial to the defendants because more often than not, the prisoner's bad choices that began in their teens led to their current incarceration. Thus, after hearing the prisoners' stories, most teens choose to turn from the path they are on and become productive members of the community. Less than 7% of teens that are assigned to the Choice group are repeat offenders, suggesting the program is successful. (4)

Teen Court allows youths to engage peer pressure in a constructive way. Instead of being influenced to commit petty crimes, the youth is exposed to peers who can be more helpful than destructive. One teen that is active in Teen Court is Taylor Cashdan. Cashdan is a senior at Wakefield High School and has been active in the Teen Court program since the seventh grade. He says that the process provides a "rude awakening" for teens because the teen realizes that he or she must face the consequences. Taylor's most memorable experience was when he was cross-examining a defendant that brought a knife to school. The offender did not want to admit that he or she had intentionally brought the knife to school. Taylor persisted in asking the teen "Why did you bring the knife?" The teen finally broke down and admitted to bringing the knife to school for protection because of a bully. This is just one example of how influential peer pressure is in dictating teens' poor decisions. Teen Court reaches all types of offenders and gives them the opportunity to correct their mistakes by giving back to the community they have damaged.

Today's teens face a wide array of bad influences. Some teens make the mistake of giving in to peer pressure by committing crimes. Those teens need to face the consequences, but they also need a second chance; nobody gets it right all the time. Teens need a hand in figuring out how to handle the pressure they face every day. Teen Court gives the teen a second chance and teaches them that life is not about mistakes, but about learning from the mistakes they made and moving on.

The teen court is in need of attorneys and volunteers to conduct exit interviews, monitor juries, etc. If you are interested in helping, please contact the Teen Court Coordinator at (919) 856-5671.

**By: Whitney Lundy**

*Whitney is a staff writer and first-year law student. She can be contacted at welundy0505@email.campbell.edu.*

# Comparative Fault: Possible Tort Reform in North Carolina

North Carolina, in addition to Alabama, Maryland, Virginia, and the District of Columbia, has retained the common law defense of contributory negligence. Contributory negligence bars recovery in a tort action if the plaintiff contributed in any way to the harm he or she suffered as a result of the defendant's negligence. Even if the defendant is 99.9 percent responsible for that harm that occurred, the plaintiff is barred from any recovery in states retaining contributory negligence.

This summer, the North Carolina General Assembly will attempt to resolve the debate over how to calculate damages in tort actions. The big question is if North Carolina should move away from being a contributory negligence jurisdiction and shift to a modified comparative fault system. In May of 2009, the North Carolina House of Representatives passed House Bill 813, a bill to adopt the Uniform Apportionment of Tort Responsibility Act. The Bill is currently pending in the North Carolina Senate. If passed, this legislation would replace our contributory negligence laws with a modified comparative fault system.

The modified comparative fault system, commonly called the "51 percent rule", allows the injured party to recover if is determined that his or her fault does not reach 51 percent. In other words, a plaintiff may have caused half of the accident and still recover damages. Damages are calculated on a sliding scale; the greater the fault by the plaintiff, the less he or she will receive in damages.

Injured plaintiffs, plaintiff's attorneys, and even idealistic first-year torts students have a difficult time rationalizing what seem to be glaring inequities between the party at fault and the injured party under contributory negligence. However, every issue has at least two sides.

A common argument against contributory negligence is derived from the visceral reaction one has to hearing stories about injured plaintiffs or from a deceased person's family who cannot recover due to even the slightest manifestation of contributory negligence. For instance, in 2005 an Appalachian State student was killed while riding in the back of a friend's pick up truck. While the driver of the truck was convicted of involuntary manslaughter, he used the defense of contributory negligence in a civil suit – arguing that the young man in the back of the truck was intoxicated and negligent in getting in the car to begin with. Because of this argument, the young man's family was not able to recover damages for the death or their son.

Proponents of contributory negligence present a less obvious, but also important argument. The North Carolina Chamber of Commerce and the Insurance Federation of North Carolina, both umbrella organizations that represent others, point out that attracting businesses and keeping insurance rates low is a possible byproduct of the contributory negligence scheme that is currently in place. For instance, after South Carolina moved away from the contributory negligence standard in 1991, South Carolina residents saw their automobile rates increase 38 percent.

Businesses who see themselves as potential defendants in tort claims want to ensure that their rights are protected under any tort reform. It is argued that if North Carolina wants to continue its rapid growth and maintain its legacy as a business-friendly state, it is increasingly important to weigh the interest of those businesses that create jobs.

Members of the legal community predict increased levels of litigation if North Carolina moves from contributory negligence to comparative negligence. This is not necessarily a bad thing, but could pose greater backups in an already over-taxed judicial system. Under the contributory negligence scheme, potential plaintiffs are often dissuaded from bringing frivolous lawsuits if they can foresee the contributory negligence defense being raised. A plaintiff that realizes that he or she negligently acted, even in the slightest of manners, will often not file suit. And even if the plaintiff does bring suit, it is less likely to make it to trial. However, under the modified comparative fault system, determining the percentage of fault will lie in the hands of judges and juries. This factor alone will likely bring more cases into the courtroom.

This summer, legislators will be forced to consider both the "gross inequities" argument and the "pro-business" arguments to ensure that North Carolinians are benefiting from a fair and just legal system. One method for measuring the arguments of competing interests is likely going to be the classic cost-benefit analysis. Clearly, those competing interests will lobby on behalf of plaintiffs, businesses, and insurance companies. The North Carolina Senate now has the task of debating the issue. If the North Carolina General Assembly passes this legislation in favor of the modified comparative fault system this summer, North Carolina will become the 22nd state to implement this form of recovery.

**By: John A. Hardin**

*John is a staff writer and first-year law student. He can be reached at jahardin0422@email.campbell.edu.*

# Home Ownership- The American Dream

*Photographed By: Burcu Atakturk*

The pinnacle of the American Dream is to find and buy the perfect home, built upon your own land, where you can live freely. This dream however, is not as easy to attain as it once was. In many instances, home ownership does not entitle the owner to change his property as he sees fit. In the city of Cary, for example, the Town Council recently filed a lawsuit against a homeowner because he spray-painted an unfriendly message about the council on the front of his home and refused to remove it. The homeowner pays real estate taxes and special assessments; he abides by city regulations and nuisance laws that allow him to live in a peaceful area. These city ordinances however, are not the only limitation controlling what homeowners can do with their property. Now before purchasing a home, it is important for a potential homeowner to research the community's Homeowners' Association.

Homeowners' Associations, commonly referred to as HOAs, are nonprofit organizations that set rules and regulations for the residents of specific subdivisions. HOAs are very popular and govern most subdivisions in North Carolina. Generally, HOAs are run by elected members that live in the subdivision they govern. The elected members form a board in conjunction with management groups.

The main objectives of the HOAs are to dictate what additions homeowners can make to their home, how their lawns are to be kept, when garage sales can be held, and even what Christmas lights they are allowed to display. HOAs maintain a high standard of living in the subdivision as well as maintain a certain amount of uniformity. HOAs collect fees from each resident for things like landscaping, maintenance of pools, community areas, playgrounds, and roads—if the roads are private—and even workout facilities. In addition, the board members maintain the HOA finances and ensure that residents comply with covenants, conditions, and restrictions. The fees, requirements, and benefits vary depending on each subdivision's HOA.

Recently, HOAs have come under fire with the general public wanting lawmakers to take more control over what HOAs can require the homeowner to do and the remedies available to HOAs for a subdivision resident not in compliance with the HOA rules. On February 2, 2010, the House Select Committee on Homeowners' Associations held a public hearing to receive input from homeowners, homeowners' association board members, attorneys, and management companies. During the public hearing, a new proposal with changes to the current North Carolina Planned Community Act was discussed. The Committee decided the hearing was necessary to address the complaints of homeowners and HOAs across the state. One major complaint is that there is no governing body to regulate the HOAs, to enforce regulations on the subdivision residents, or to mediate arguments between HOAs, homeowners, and developers.

A majority of residents who live in subdivisions governed by HOAs wish there was some form of recourse available for a homeowner who disagrees with the HOA's regulations. One possible solution is implementing third party mediation. Homeowners feel the HOAs exceed their power in controlling what homeowners are allowed to do with their home and property. On the other hand, HOAs want more recourse in the law with available remedies when residents do not pay their HOA dues on time, which causes the HOA to incur debt.

North Carolina General Statute Chapter 47(f) of the North Carolina Planned Community Act created in 1998, currently governs HOAs. This statute covers the forming, merging, termination, and powers of HOAs in its nineteen pages of text. The Act applies to any subdivision with more than twenty lots and gives developers the ability to apply the Act on smaller subdivisions. One of the benefits to homeowners of being a part of an HOA is that the statute requires the HOA be insured and to provide general upkeep on the common elements of the subdivision.

The current statute encompasses upkeep of the communities, the hanging of the American Flag, placing of political signs, voting, bylaws, and more. HOAs are allowed under this statute to require homeowners to maintain an irrigation standard and yard quality. While some homeowners may become overwhelmed with the upkeep requirements, or may disagree with some of the restrictions, they are common requirements imposed by almost all HOAs.

Homeowners are not powerless in determining who runs their subdivision's HOA. Members of the subdivision attend required HOA meetings where they elect board members. If a homeowner cannot be present at the meeting, he has the option of being represented by a proxy vote. Any homeowner put in charge of a proxy vote may not revoke the proxy vote or change it without the homeowner's permission.

If a homeowner gets behind on their HOA payments, the current statute allows the HOA to suspend the homeowner's community privileges or services, such as landscaping or pool usage. For this to occur, the HOA must first have a hearing to determine if the sanction is appropriate. Most agree that this is a fair punishment because a homeowner who is not contributing to the community property and dues should not be allowed to enjoy the benefits of the community property and services.

The most controversial part of the statute is section 47(F)-3-116. Section 47(F)-3-116 permits HOA's to place a lien on residents' homes, and if necessary, obtain a judicial foreclosure on the homes of homeowners who do not pay the required funds. To be fair, there are many steps required prior to the HOA taking such a drastic measure, which include notifying the homeowner after


Photographed By: Burcu Atakturk

a thirty-day period. Moreover, a lien or foreclosure cannot be sought by the HOA if their collection, "consists solely of fines imposed by the association, interest on unpaid fines, or attorneys' fees incurred by the association solely associated with fines imposed by the association."

Since a lien or judicial foreclosure is a drastic measure, many homeowners are calling for the formation of a regulatory agency to monitor disputes; including how the HOA's enforce regulations and laws of the NC Planned Community Act. Finding the balance between external regulatory involvement and the HOA's power to govern a residential community may be difficult.

Many new problems that do not currently exist with those managing HOA's would inevitably arise if a regulatory agency is formed. One such negative consequence on homeowners would be a net increase in costs to all HOA members. This makes sense because with a new regulatory agency, managers will incur expenses from annual license fees, continuing education requirements, and enforcement procedures. Consequently, the primary focus of the HOAs would shift from servicing the homeowners to figuring out how to create enough fees to support the agency.

Patrick Hetrick, revising co-author of Webster's Real Estate Law in North Carolina, co-author of North Carolina Real Estate for Brokers and Salesmen, and property professor at Campbell Law School, is currently a member of two HOA's that he is very happy with. Professor Hetrick is opposed to a legislative effort to create a new state regulatory bureaucracy to license community association managers and said, "the hundreds of thousands of residents more likely millions of residents of North Carolina HOAs who are satisfied with the quality of their manager or management company do not show up at legislative hearings, do not write editorials, and do not lobby for change. I'm sorry, but the HOA sky is not falling, and there is no need for the General Assembly to create yet another regulatory agency, even if legislators can figure out a way to fund it without directly raising taxes."

There are also alternatives to the push for the regulatory agency to govern HOAs. As Professor Hetrick put it, "if owners in HOAs are being abused, simply enact a law that gives them both a remedy and attorney fees for that abuse. There are a few horror stories out there, but most HOAs run smoothly and do not engage in abuse or denial of rights to HOA members."

There is no set date for the House Select Committee on Homeowners' Associations decision as to whether any changes are needed to the current statute or whether a regulatory agency will be created. As the old saying goes, "when you purchase a home, buyer beware." Be sure to check any rules within the community or HOA of the subdivision so there is no unforeseen opportunity for an HOA to ruin your American Dream.

For More Information:

1)http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_47F.html

2) http://news14.com/charlotte-news-104-content/politics/621459/state-lawmakers-study-homeowners-associations

**By: Bridget Smith**

*Bridget is a staff writer and second-year law student. She can be reached at bnschultz0317@email.campbell.edu.*


Photographed By: Burcu Atakturk


Photographed By: Burcu Atakturk

# Legal Assistance for Those Most in Need

The economy is on a downturn; times are hard. I know it. You know it. Your grandparents (and their retirement account) know it. The ten percent of Americans and eleven percent of North Carolinians who find themselves without employment certainly know it. One group, however, has an even more intimate understanding of the meaning of hard times – the homeless.

In general, homelessness is on the rise. From 1993 to 2004, the number of homeless persons in Wake County nearly doubled. Due to the recession, that number continues to increase. A lack of affordable public housing combined with high foreclosure and unemployment rates means more individuals and families are left without adequate housing. Further worsening the situation, explains Victor Boone, Senior Managing Attorney for Legal Aid of North Carolina's Raleigh office, is the apparent disregard many landlords show for the law. Instead of addressing grievances through the proper channels, some unscrupulous proprietors take advantage of their lower income tenants by physically evicting them from their property, knowing these occupants do not have the means to seek relief in court.

Legal Aid of North Carolina offers free legal services to the homeless as well as children in need, battered immigrants and others. This nonprofit organization aims to ensure equal access to justice and to remove legal barriers to economic opportunity. Legal Aid provides these individuals and families with a wide array of legal services, particularly assistance in domestic affairs, landlord/tenant proceedings, disability claims, and restoring drivers' licenses. This last area is especially important in times of high unemployment: without a license to drive, an individual will have a difficult time finding and retaining work.

For the past several years, Legal Aid of North Carolina has supplemented its efforts by joining numerous other nonprofit organizations in the Raleigh area "Veterans Stand Down," designed to provide support to homeless veterans which, according to the United States Department of Veteran Affairs, constitute one-third of the homeless population. This event centralizes the various services available to these individuals, offering those who attend (including non-veterans) free educational, medical, and employment help, among other benefits. Legal Aid participates by affording complimentary legal advice. At the 2009 Stand Down, Legal Aid furnished free counsel to approximately 30 to 40 individuals, and the event overall served 175 men, numbers that have steadily risen since the event's inception.

Legal Aid is just one organization, however, and the Veteran Stand Down cannot reach everyone because of inadequate manpower and funding. According to the North Carolina Equal Access to Justice Commission, there is one private attorney for every 442 people, but only one Legal Aid attorney for every 15,500 low-income people who cannot afford a private attorney. There are gaps that Legal Aid simply cannot fill. Legal Aid needs help from the legal community, which represents a vast resource capable of filling those gaps.

Greater participation from private lawyers could mean both the prevention of homelessness and the assistance of those who have already lost their homes. "There are many ways in which attorneys and firms can do so," states Boone, "legal professionals can participate in homeless projects, provide free or inexpensive legal advice or counsel, assist with drivers' license issues, or advocate for more flexibility in the application of housing law, to name a few." Simply becoming more educated about homelessness in North Carolina can help provide the spark, the impetus needed to stem long-lasting policy change.

The creation and growth of organizations such as JusticeMatters, a brand-new, faith-based nonprofit centered in Durham, North Carolina, is a prime example of how the legal community can get involved. Established to provide free or reduced-cost legal services, preventative and empowering legal education, and holistic counseling on a volunteer basis, JusticeMatters provides an additional and much needed platform for legal services. "JusticeMatters," according to Libby Magee of Parker Poe Adams & Bernstein, one of the organization's founding attorneys, "connects local legal professionals and law students with the tremendous legal needs of their communities, including those of the homeless, resettled, incarcerated, and other disadvantaged in the area, primarily through half-day legal clinics and community education events in conjunction with existing nonprofits, churches, and community centers. The financial and operating needs of the organization are currently minimal," says Ms. Magee, "but JusticeMatters needs active participation from the legal community to implement an effective and widespread impact."

The efforts of groups like Legal Aid and JusticeMatters are a vital part of the effort to combat homelessness. Despite the work of organizations such as these and other dedicated individuals, homelessness remains a chronic problem. More resources – time, funding, and volunteers – are needed. The legal community must do its part in bringing about a permanent reduction and end to homelessness in North Carolina. That includes you.

For more information on homelessness in Wake County and how to get involved, see: Ending Homelessness: The 10-Year Action Plan at http://www.ich.gov/slocal/plans/raleigh.pdf; and The Initial Report of the North Carolina Equal Access to Justice Commission at http://www.ncbar.org/download/probono/nceatjFullSummitReport.pdf

The 2010 Veteran Stand Down will be held on Thursday, March 25, from 7:30am to 3:00pm, at the S. Wilmington St. Center.

**By: Dominic Totman**

*Dominic is a staff writer and first-year law student. He can be contacted at dhtotman0925@email.campbell.edu.*

# Campbell Law's Transition to the Capital City

Comparing Buies Creek and Raleigh is basically like comparing apples and oranges. Although separated by a mere 45 minute drive down Highway 401, Buies Creek and Raleigh seem worlds apart. Each offer different advantages, and both suffer from their own shortcomings. Nevertheless, if you ask any current Campbell law student to choose where he or she would most like to pursue their legal education and career, the overwhelming majority will choose Raleigh over Buies Creek.

When deciding where to attend law school two years ago, the upcoming move to Raleigh was an added bonus. Given Campbell's established tradition of excellence in producing hard-working, excellent attorneys, I believed the new Raleigh location would reaffirm Campbell's position in American legal education by increasing its visibility.

Having completed a full semester in Raleigh, I felt the urge to find out if the transition has been as successful and rewarding as every student, professor, administrator, and alumnus had hoped it would be. Although there are many fond memories of Buies Creek, Wiggins Hall, and Kivett Hall, the answer has been a resounding "YES."

The task of creating a new campus in Raleigh, thirty miles from Campbell's main campus, was an incredible enterprise. The Building Committee composed of faculty, students, and staff went through at least fifteen different plans according to Dean Melissa Essary. The building, located at 225 Hillsborough Street in the heart of downtown Raleigh, was essentially rebuilt from the inside out.

Formerly an office building housing numerous businesses, it is now home to a technologically sophisticated and elegant law school. Despite some "new-building glitches" that students and professors are working through, the transition is considered a huge success. Amidst the change, we must remember Buies Creek offered a warm, intimate atmosphere that created a strong bond among the students and with the faculty. The move to Raleigh will surely test the strength of the Campbell Law community.

Dean Bryan Boyd had the unique experience of being both a student and professor at Campbell. While reminiscing about old Kivett Hall, Dean Boyd's favorite study spot was the Kivett courtroom. That courtroom is unknown to almost every current law student, but each faculty member remembers it well. According to Professor Richard Bowser, also a Campbell Law student in the early 1990s, it had its own unique character far different from the courtrooms we have in Raleigh. The Kivett courtroom was entirely wooden and housed a semi-circular bench with a statue of Lady Justice behind it. The new Raleigh courtrooms are more modern and technologically superior to the facility left behind in Buies Creek.

Kivett and Wiggins Halls forced the Campbell community to interact on a daily basis, especially given the limited entrances and what Professor Bowser referred to as Buies Creek's "natural inhibitors to dispersion." Every 2L and 3L can agree that there was little else to do in Buies Creek but study and few other places to do it than inside the law school.

Dean Essary's fondest memory of her time in Buies Creek was the "serenity" of an almost "throw-back generation." When asked what she missed about Buies Creek, Professor Margaret Currin, Campbell's very first law student, said the people she would see each day on campus is what she missed most. Having left the entire Campbell University community in Buies Creek, the Norman Adrian Wiggins School of Law now forges ahead in Raleigh.

*Student input was highly valued in the library's design which is why more study rooms, tables, and cushioned armchairs are now present.*

Despite the fond memories of Kivett and Wiggins, the faculty and students have been thrilled with the new campus. When asked about the law library, Professor Olivia Weeks commented on the "warm, welcome, and elegant space" we now enjoy in comparison to the cramped quarters of Wiggins and Kivett.

The library now houses eight study rooms while Wiggins only allowed for three. Professor Weeks was proud of the fact that student input was highly valued in the library's design which is why more study rooms, tables, and cushioned armchairs are now present. One of Professor Weeks' favorite parts of the library is how the architect ensured every space was filled with natural sunlight through the large windows in the outer walls.

Professor Johnny Chriscoe, also a former Campbell student, regarded the building's design as his favorite part of the new facility. "This design is far more interesting, aesthetically, than the typical rectangular layout," said Professor Chriscoe.

Professor Richard Lord also regarded Campbell's new home as a "phenomenal facility" that the students and faculty are lucky to have. Professor Lord attributes some of the success of last summer's move to the help offered by Campbell University's Physical Plant employees in Buies Creek. The care and planning taken by everyone involved ensured a smooth transition from Buies Creek to Raleigh in an exceptionally short few months.

The response from students has been as equally positive. The 2Ls arguably have the most unique perspective given their one year in Buies Creek and now almost a complete year in Raleigh. When comparing his experiences in the two locations, Federalist Society President Paul Griffin felt the opportunities Ra-

■ *Continued on page 12*

## Transition to the Capital City, cont'd.

leigh offers are the biggest change. According to Griffin, "the Wiggins basement was the hub of pretty much everything" because that is where students spent the majority of their time and there was nowhere else to go. At the new building, there are numerous spaces within the building for students to congregate and study, such as the student "uncommons." There are also many other attractions in the downtown area to provide much-needed breaks from schoolwork.

Another 2L, Thomas Royer, also appreciates the leisure activities that Buies Creek was lacking because it is "nice to be able to decompress by taking advantage of all that Raleigh offers." Both Griffin and Royer agree the increased space available in our new Raleigh location is a welcome change that allows for easier scheduling of guest speakers and provides more options for quiet studying.

In contrast, the 1Ls never knew Buies Creek, and their law school experience will be exclusively shaped by their time in Raleigh. As a 2L, I was grateful for my time in Buies Creek because, quite frankly, it gave me little else to do but study. Unfortunately, 1Ls do not have this "luxury."

When asked about the distractions of downtown Raleigh, Sara Summe, a first-year student, felt the significant increase in workload compared to undergraduate courses has cut down on her free time and therefore, Raleigh's distractions have not been a problem. Another 1L, Michael Pierrie, has also noted the tremendous effort Campbell Law requires and has not felt unduly impacted by the Raleigh atmosphere.

When asked how the 1Ls were coping with the Raleigh atmosphere, Professor Weeks observed the "same quality of work" expected of a first year Campbell student. Dean Boyd also believes the 1Ls in certain ways are the same as every 1L class has been – they are nervous about grades and anxious for feedback. We may "change the environment but not the quality of teaching," said Dean Boyd, reaffirming the faculty's continued commitment to ensuring student success.

Despite the size of the 1L class, Pierrie remarked how he has "never felt uncomfortable approaching a professor outside of class with a question, or just to chat." It cannot be denied that the larger facility has created a greater dispersion of students and faculty throughout the building, and maintaining Campbell's storied sense of community will be a challenge we all must address.

*Photographed By: Burcu Atakturk*

Professor Bowser feels the move to a larger building has removed some of the regular interaction between students and faculty. Maintaining our community "will require a more intentional effort by both students and professors," said Bowser. Professor Chriscoe also believes we all must "make an extra effort to stay in contact with each other."

Campbell's small size and close community have been its hallmark since its modest beginnings in Kivett Hall in 1976. As we continue to make this transition to our new facility in Raleigh we must remember where and how Campbell Law earned its reputation as an intimate, hard-working institution of legal instruction. As Dean Essary noted, Campbell lawyers are renowned for their "competence and hard work ethic" in the legal community. Continuing the values established in Buies Creek will ensure Campbell's reputation lives on in Raleigh.

**By: Tyler R. Gillis**

*Tyler is a staff writer and second-year law student. He can be reached at trgillis0324@email.campbell.edu.*