

Our Story

Our Story: The History of THURGOOD MARSHALL SCHOOL OF LAW

PART III

Protect It...

Improve It...

Pass It On...



Urban Research and Resource Center

2019

*The “story behind the story” of the blood, sweat and tears-drenched road to the founding of the Thurgood Marshall School of Law, as well as the warrior battles against “powers & principalities” to **protect it**, the eternal charge to **improve it** and the ancestral responsibility to **pass it on**.*

OUR STORY
THE THURGOOD MARSHALL SCHOOL OF LAW EDITION

Third in a Four-Part Series

PART III: “PROTECT IT, IMPROVE IT, PASS IT ON”

1961-2018

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PROTECT IT: 1961-1980

Historians describe the almost two decades between 1961 and 1980 as among the most divisive periods in world history, marked by the civil rights movement, the Vietnam War and antiwar protests, political assassinations, women's rights, gay rights, environmental movements, and the Watergate scandal to name a few.¹ Houston, Texas also marked the era with major events like the city being selected as the location for NASA's Manned Spacecraft Center on land donated by Rice University, the University of Houston became a state university and Texas Southern University Law School became the Thurgood Marshall School of Law.

It was a time that the law school would emerge as a beacon of hope and opportunity for disenfranchised communities in Houston and around the world. And with its emergence, the school developed a strong sense of duty to *'protect it'*.

Leadership

The law school was led by five men during this period, Deans Kenneth S. Tollett, Sr. and Otis King and Interim Deans Robeson King, Earl Carl and Caliph Johnson.



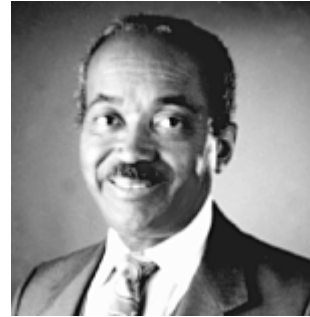
Kenneth Scruggs Tollett Sr. was born to well-known Muskogee dentist, Dr. Harrel Tollett and Nettie Scruggs Tollett on July 14, 1931 in Muskogee, Oklahoma. Tollett graduated from the University of Chicago with a B.A in Political Science in 1952. He earned his law degree in 1955 and a master's degree in Political Science in 1958, all from the University of Chicago. Tollett spent the 1950s practicing law while simultaneously advancing his academic career. During this time, he acted as the supervisor of the Cook County Sheriff's Office. His first marriage to Jacqueline Tollett produced two children- Erica E. Tollett and Nicola Tollett. With his second marriage to Queen Tollett came his third child,

Kenneth S. Tollett Jr.

At 28 years of age, Kenneth Tollett was named acting dean of Texas Southern's Law School in 1961 and was appointed to serve as dean in 1963.

Tollett resigned his position as dean of the law school in October 1969 in order to conduct research at the Center for Study of Democratic Institutions at Santa Barbara, California where he was twice a visiting fellow. He went on to teach law at the University of Colorado and later moved to Washington D.C. where he was affiliated with Howard University's graduate school.

Tollett was a recognized expert in affirmative action, desegregation and historically black colleges. He served as a distinguished professor of higher education at Howard University and directed its Institute for the Study of Educational Policy. He was awarded the Black College Act Award of the National Association for Equal Opportunity in Higher Education and the Professional Achievement Award from Chicago University, Alumni Association in 1972. He was a member of the National Bar Association, which, in 1978, awarded him its highest prize, the C. Francis Stradford Award, for his writings on affirmative action.²



Tollett authored several books including *The Crisis of Black Masculinity* and *The Case for Black Higher Education and Affirmative Action*. He also served as an author of a landmark report of the Carnegie Commission on the future of higher education, "From Isolation to Mainstream: Problems of the Colleges Founded for Negroes," which made a case for the preservation of black institutions.

Tollett died suddenly on September 22, 2003.³



Earl Carl was born in New Haven, Connecticut on March 23, 1919, the only child of proud and supportive parents, Lawrence and Lillian Carl, owners of a catering service. Carl attended public school only through his second year of high school, because he was progressively going blind due to glaucoma. He attended his final two years of high school at the Connecticut School for the Blind. There he would encounter peers and teachers who would positively impact his emotional state for a long time to come. Later, happier, and by this time completely blind, he graduated with honors and applied to Fisk University. They rejected him. Undeterred, Earl Carl sought explanation for the rejection and discovered only his blindness prevented his admission. Fisk had no prior experience with a blind student.

After much discussion, he was ultimately admitted to Fisk where he proved that his blindness was not a bar to academic achievement. Carl considered it a compliment when another blind student was admitted to Fisk the following semester. Carl graduated with honors from Fisk University in 1942, receiving a Bachelor of Arts in Sociology. Later, he applied to law school and was offered admission to both Yale and Harvard. He chose Yale. After graduating from law school, Carl became the first blind black man to be admitted to the Connecticut Bar on July 27, 1948. Carl was recruited to serve as a founding professor at the law school; a position he accepted.

What the school could have never anticipated was that Carl's life experiences and physical disabilities had created not only a teacher but also a devoted leader. Again undeterred by a

challenge, Earl Carl left his friends and family and traveled some 1,700 miles to Houston, Texas, where he began his career as an advocate and professor for black (and minority) future lawyers. At the time he was approached to serve as an initial faculty member of the new law school, there were less than 1,000 black lawyers in the country. Dr. Carl vowed to “increase the number of minority lawyers in the United States.” During his tenure at TSU, the number of minority lawyers in the country would double. Carl’s appointment at Texas State University for Negroes Law School began September 1, 1948. He would not retire until some 38 years later in 1986. He served as interim dean from 1969-1971.

“I could not understand why this was happening to me. I was a good, all-American boy and had plans to do good and productive things. When this near catastrophe fell upon me, I did not believe that I was really going blind. I thought that any day I would wake up and have 20/20 vision. I waited in vain.”

— Dr. Earl Carl —

A loved and respected husband to Iris Harris Carl and father of two girls, Francine Carl Walker and Nina Carl, Earl Carl would undoubtedly also count among his family his seeing-eye dogs, known to the students as Dundee and Hector. Dr. Earl Carl was a legend. One who at one point had helped “mold the cast” of 20 percent of all minority lawyers in the country, and further was said to have then engineered the basic development of



almost 75 percent of Texas minority lawyers. During his tenure, the enrollment at Thurgood Marshall School of Law quadrupled, and the number of minority attorneys across the United States doubled. Carl served under six university presidents, saw the name of the university and law school change, witnessed the number of law faculty quadruple, and observed the transitions the law school



underwent when its facilities moved to different locations four times. He wrote extensively about the need for black lawyers and exemplified the positive aspects of legal professionals in all parts of his life. Giving back to the community was something he did constantly. Carl served as an attorney of record in *Fisher v. Carrousel Motor Hotel*, a landmark case wherein the Texas Supreme Court found that the conduct by a restaurant employee of grabbing a plate from a black customer, yelling in a loud voice, “a Negro could not be served in the club,” constituted battery. Professor Carl served as interim dean of the law school from 1958 – 1959 and again

between 1976 – 1978 when Dean Otis King was on leave to serve as Houston’s city attorney.

In 1978, Carl worked to earn his Master of Laws Degree (LLM). Thereafter, Fisk (the university which once rejected him) awarded him an honorary doctorate degree in law.

After 38 years of advocacy and teaching, Carl retired. Six years after his retirement in November 1992, the law school would name its premier institute in his honor: the Earl Carl Institute for Legal & Social Policy, Inc. Thus, the legendary Professor Carl continues to serve as a symbol to students that they can accomplish whatever they are willing to despite all odds.

His achievements remind us that we are limited only by the barriers we choose not to overcome.

Dr. Earl Lawrence Carl died on March 30, 1996, at the age of 77.



DR. OTIS KING, Dean — School of Law

Otis Harold King was born on February 3, 1935 in Texarkana, TX to Griffin Randolph and Eula Estelle Duncan King. He grew up in Houston's historic Fifth Ward where he attended Bruce Elementary, graduating from Phillis Wheatley High School in 1952 as class salutatorian.

After graduation, he enrolled in Texas Southern University where he competed on the debate team under the leadership of Dr. Thomas Franklin Freeman. He and Congresswoman Barbara Jordan were debate team partners for four years and it was their team that debated the Harvard University team and won in 1956.

King graduated Magna Cum Laude from Texas Southern University in 1956 earning a Bachelor of Science Degree in Biology. He followed graduation with service in the United States Army for two years mostly in North Carolina at Fort Bragg where he served as a medic in the 82nd Airborne. As an airborne paratrooper he made 16 jumps before returning to TSU to enter law school in 1958. While in law school, he participated in sit-ins all over Houston that successfully helped to bring about the integration of Houston's eating establishments, theaters, and public accommodations. He co-founded the Progressive Youth Association with Eldrewey Stearns and Holly Hogrobrooks. The organization coordinated various civil rights activities including the March 4, 1960 sit-in at Weingarten's Grocery.⁴

King married Martha Ann Roberts in 1960 and they had two sons, Byron and Corey. That marriage ended in divorce and he later married Nancy Tervalon Rickett in 1986.

King graduated first in his class at law school in 1961 with an LL.B. After passing the Bar exam, King started practicing law and began his life as an attorney in the law firm Washington, King &

King Attorneys at Law with his friend, George Washington, and brother, Hamah King. King also became an adjudicator for the Veterans Administration Regional Office in Houston, Texas. By 1964, King became a field attorney for the National Labor Relations Board in Houston, the first African American in Houston to have that position. He was a project director for programs catered to at risk youth in the Houston area, and led the creation of Project HAPPY (Houston Area Planned Program for Youth).

In 1966, Dean Tollett hired King as an assistant professor at the law school where he taught property law, alternative dispute resolution, and clinical legal education. He served as a professor for almost 40 years, serving as dean for 10 of those years. In 1969, King was named a Ford Foundation Fellow in Clinical Legal Education at the Harvard University School of Law. He earned his LL.M. degree from Harvard University School of Law in 1970 and in 1975, testified before the Appropriations Committee for the Texas House of Representatives on the importance of clinical education⁵. Dean King's testimony received support from Chief Justice of the Texas Supreme Court Joe Greenhill and as a result the state included a law school legal aid clinic into the university's budget. The Texas Legislature provided \$95,000 for funding of the law school's clinic program.

In 1976, Houston Mayor Fred Hofheinz appointed King to serve as the city's first African-American city attorney.

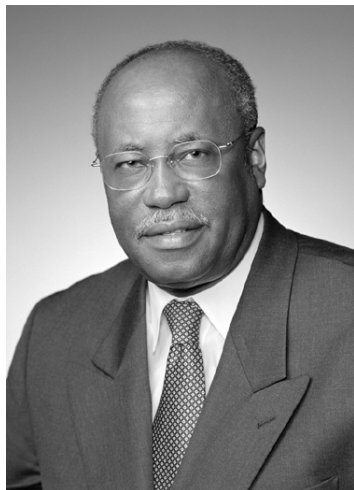


In 1971, King became the first alumnus to be appointed dean of the law school serving until 1976. King held that position again from 1978 until 1980 when he resigned as dean of the law school to return to the classroom as a full professor. In 1986, King became the executive assistant to the interim university president, Robert J. Terry. In 1988, King served as one of the members of a three-person committee that led the university after Terry's death. King retired from his position as a professor of law in 2006. King, who had been described as a renaissance man, was a painter and sculptor. He authored law review articles and two law casebooks and one novel, *The Man Who Had No Rhythm*, published in 1999. He died in Houston on November

21, 2012 at the age of 77.

Caliph Johnson

Caliph Johnson graduated from the University of Maryland in 1964 with a Bachelor of Arts degree. He earned a Master of Arts degree from San Jose State University in 1968 and his Doctor of Jurisprudence degree from the University of San Francisco in 1972. In 1973, he was awarded the Master of Laws degree from Georgetown University.



After joining the faculty at Thurgood Marshall School of Law, Johnson served as a professor and as an associate dean before being appointed interim dean in 1980. He returned to the classroom in 1981. He also served as general counsel of Texas Southern University before his retirement from TSU in 1999.

Since 1980, he has been an active mediator, arbitrator and administrative law judge. He served on the first Texas State Bar ADR (Alternative Dispute Resolution) Committee (1980), as chair of the Texas State Bar Section, and as co-chair of the Bar's Across Culture ADR Taskforce in Houston. Johnson serves as a member of the Board of the Houston Chapter of the Association for Conflict Resolution (ACR), and the Texas Association of Accountants and Lawyers for the Arts (TALA). He is active in his community and has served on the Board of Trustees of the Episcopal Foundation of Texas, Board of Directors and Advisory Board of the A.A. White Dispute Resolution Institute, faculty and trainer for the A.A. White Center, Harris County Dispute Resolution Center and the Texas State Bar. He is a member of the College of the State Bar of Texas. In 1999, he founded the Southwest Institute for Dispute Resolution.

Johnson retired his position as a captain in the United States Navy, Judge Advocate General's Corps in 2006.⁶

Caliph is married to Attorney Ayesha Mutope-Johnson. His son, Caliph, Jr. was born of his previous marriage to Attorney Cheryl Chapman (Henderson).

Robeson L. King

Robeson L. King, a native of Wichita Falls, Texas, graduated from the University of Chicago Law School in 1948. Upon graduation, King came to Houston and became the first law librarian and a faculty member at the Thurgood Marshall School of Law, where he remained until his retirement in 1986.⁷ He simultaneously maintained a law practice with his partner Aloysius M. Wickliff, Sr.

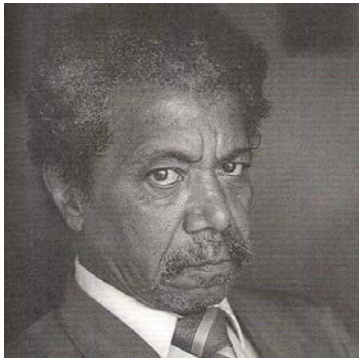
He was a founding member of the Houston Lawyers Association, Alpha Phi Alpha Fraternity, Inc. and a member of Antioch Missionary Baptist Church. His honors and awards include: Charles A. George Dental Society "Award for Meritorious Service" – 1965, Texas Southern University "Service Recognition Award" for 20 years of service – 1968, Booker T. Washington High School "Teacher of the Year Award" – 1969, and the Wichita Falls "Outstanding Alumni Award" – 1969.⁸

Tollett served as dean of the law school during one of the most contentious periods of the university's history as its students were at the forefront of the fight for civil rights and equality in Houston.

Protecting our Dignity



encounter, the incident spurred him on to taking on the plight of African Americans in the Houston area.⁹



Recognized as a leader among his classmates, Stearns helped lead the sit-ins at the Weingarten's store lunch counter. The march to Weingarten's began on the steps of Hannah Hall with fourteen students, but by the time the students reached the store, their numbers had swelled to more than 100.¹⁰ After the march, one of the protesters, Felton Turner was kidnapped and taken to the woods where he was beaten with chains and two rows of "KKK" were carved into his stomach. Instead of eliminating the protests, students became more active than ever in the fight for justice.¹¹ Stearns led students to march on Houston's City Hall where they demanded

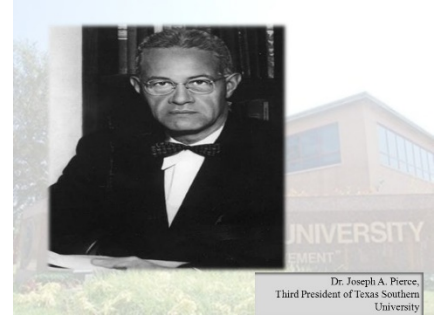
service in the building's Jim Crow cafeteria. After their successful protest, John Miller became the first black man to be served coffee in the publicly owned City Hall cafeteria.

Stearns was joined by fellow law student, Otis King and undergraduate Curtis Graves¹² in demanding desegregation throughout the City of Houston. On April 25, 1960, the three men led protesters to the Greyhound Bus Station cafeteria on Texas Avenue. The protestors were served without incident. Stearns, joined by other law students, went on to lead student demonstrations and boycotts at area department stores, grocery stores and other businesses. Beginning on August 24, 1961, business leaders slowly began desegregating their stores, restaurants and hotels.¹³



On March 28, 1967, between 300 and 400 T.S.U. students filled Wheeler Street which was a main street that ran through the center of campus. Students assembled on Wheeler to protest the dismissal of the friends of SNCC (the Student Non-violent Coordinating Committee) as a campus organization and the firing of government instructor Mack Jones, who had been the SNCC group's faculty advisor. The protests lasted a week, extending itself into the month of April. The student

demonstrators made numerous demands including wide-ranging changes in university operations. Once the demonstrations escalated, three protest leaders were jailed on various charges including threatening to kill police officers. TSU students gathered at the courthouse in support of their jailed leaders, many of them camping at the courthouse overnight. Although the protest leaders were released soon after their bonds were lowered from \$25,000 each to \$1,000, city officials pressured university president, Dr. Joseph A. Pierce to end the disturbances.¹⁴



Dr. Pierce attempted to settle the unrest, in part, by establishing the Student Advisory Committee, a platform for students to express their discontent. But it was not enough. The anger regarding the overall maltreatment of African Americans in Houston persisted.

In a terroristic response to the student unrest, Houston police blockaded Wheeler and stationed a 300-man riot squad at Robertson Stadium located on the nearby campus of the University of Houston. Equipped with tear gas, paddy wagons and police dogs, the police

descended upon Texas Southern's campus, unleashing a night of terror. The Houston Police invasion on the university campus on May 16, 1967 resulted in one policeman's death and the jailing of 488 people. After the invasion, the university that Dean Tollett described as "born in sin" became a key player in social justice in Houston and along with prominent city leaders began working to ensure African Americans were treated with dignity.¹⁵

Protecting our School

In 1966, the Texas Higher Education Coordinating Board (THECB), created in 1965 by the Texas Legislature, ordered the university to phase out its law program by 1973. The THECB's overall purpose was to provide leadership and coordination for the Texas higher education system in order to achieve excellence for the college education of Texas students. The THECB assessed the state of higher education in Texas, developed recommendations for the governor, legislature and institution for its enhancement, and established policies for the effective and efficient use of higher education resources provided by the state. The THEBC also worked to eliminate duplication in academic programs, unnecessary construction projects, and to ensure access to high quality programs at different instructional levels. The THECB's decision to phase out the law school of 60 students was mired in controversy due in no small part to the fact that talk of closing the school came merely three years after the University of Houston became a state supported institution in 1963. At that time, many people questioned the need to place another state-financed university almost adjacent to Texas Southern University. But rather than spend the millions of dollars it would take to expand TSU, the increasing focus was to eliminate TSU and more particularly, its

If a student has done well in high school, notwithstanding the fact that he has only reached the eighth or ninth grade level, and if he continues to do well in situations where he is judged on the basis of a curved score, he has no reason to think that he is something short of brilliant. Thus the student will likely make less effort to close the gap. "The T.S.U. student," ...must distinguish between the trappings of higher education and higher education itself.

Mack Jones,
TSU Government Instructor and SNCC Faculty Advisor

law school, a school whose existence as a state-funded institution pre-dated UH by almost 20 years.¹⁶ It was that fact that prompted state Representative Wilhelmina Delco to say that she was not against the merger as long as it was UH that was merged into TSU.¹⁷

The push also came amidst discussions that the university as a whole suffered academic

challenges, notwithstanding that Mark Taylor McDonald, a 1962 TSU law graduate had scored the second highest score on the Texas bar examination.¹⁸

Supporters of the law school, led by Dean Tollett, emphasized the important role the law school played in producing African American lawyers. At the time, the five other Texas law schools had a combined total of 25 African American students, while TSU had an enrollment of 87 students in 1968-1969, 60 of whom were African American, five were Mexican American and 22 were white. At the time, only 1.4% of the lawyers in Texas were African American with 64% of that number residing in Houston.¹⁹

"...although we are small, we have produced substantially all of the Negro lawyers in Texas."

Dean Kenneth Tollett

This push back inspired some of Tollett's notable speeches including "The Alarming Shortage of Negroes" and "The Education of the Negro Lawyer." In these speeches Tollett emphasized the importance of Black education, and the racial disparities in financial and social support of Black education. He also highlighted the need for, and importance of Black educators in a time of civil unrest. Black educators generally came from the same environment as their students, therefore they are at some level, equipped with an advantage in creating relationships that foster Black

"Black schools are constantly neglected and it puts me in a state of incandescent rage to hear black education belittled when it has not ever been financially supported"

Dean Kenneth Tollett

educational advancement and nurture Black students. Tollett also emphasized the importance of criticism of Black institutions for the purpose of improvement, and Black educators not losing themselves -heritage and culture- when they have finally "arrived" or become notably affluent in the world of White men.

The THECB rescinded its phase out order in April of 1969 after appeals from TSU President Dr. Granville Sawyer, Law Dean Kenneth Tollett, senior law student Craig A.

Washington, Harris Council of Organizations President Surrey E. Davis and president of the Houston Bar Association, Leroy Jeffers. The rescission order provided, however, that the decision would be reviewed in three years.²⁰

As a result of the THECB 5-2 vote ordering rescission, the Ford Foundation announced it was awarding the law school \$500,000 for a three-year period to increase the number of African Americans trained in law.

Nevertheless, State Representative W. S. Heatly of Paducah, chairman of the state's House Appropriations Committee introduced a rider to the state's spending bill that would have shut down the school in 1971. The committee's action had to be ratified by the House and Senate to pass. It was voted down later that year.

Ultimately, THECB claimed the reason for the phase out of the law school was not academic, but for legislative purposes claiming the law school's enrollment made its existence uneconomical.

Responding to the legislature's concern that the school needed too much money, Barbara Jordan, who in 1971 was a member of the Texas Senate stated, "It is short-sighted indeed to begrudge an expenditure of \$31,000 a year to continue this indispensable law school."²¹



Protecting Legal Education in Texas

In 1973, King was appointed to the Texas Higher Education Coordinating Board's Task Force on Education. The task force studied legal education in Texas and published its report in April 1973 called "Lawyers for Texas."²² The seminal question presented to the task force was whether there was a need for more law schools in Texas. The study, among other things, showed a significant increase in matriculants at the law school between fall 1967, when total enrollment was 64 and fall 1972, the study period, when the law school enrollment had reached 284.²³

During fiscal year 1972, the state of Texas spent \$2,624,341 on annual instructional costs at the four public-supported law schools: \$1,326,081 at the University of Texas at Austin with a total enrollment of 1,572 students (\$844 per student); \$577,548 at the University of Houston with a total enrollment of 799 students (\$723 per student); \$513,659 at Texas Tech University with a total enrollment of 425 (\$1,209 per student) and \$207,035 at Texas Southern University with a total enrollment of 284 students (\$729 per student). The report also revealed that Texas Southern University Law School graduates earned an average beginning salary of \$12,500 compared to UT's top fourth salary range between \$13,200 and \$16,000 while their remaining three fourths averaged salaries between \$10,000-\$12,000.²⁴

Protecting its Mission

Even under the threat of closure, the Law School continued to pursue its mission. Law school enrollment was expanding and increased dramatically for the 1969-1970 school year to a record 149 students, a 71% increase in enrollment.²⁵ Its course offerings were also expanding, particularly in the area of experiential learning. The school's legal aid program of providing legal services to people who could not pay for legal representation, began in 1959. Also in that year,

the law school established a practice course called law office management aimed at providing its students with knowledge needed to run a law office. Over the decade to follow the course became a legal clinic and then a required course for seniors. The Clinic was co-directed by Assistant Professor Otis H. King, who would later become dean of the law school, and Frances T. F. Jalet, a Ratliff graduate with four degrees who was a member of the bars in New York, Connecticut and Texas. Tollett viewed the clinic as a meaningful commitment to the poor community, particularly African Americans.²⁶



Facilities



The dilemma of the law school is symptomatic of the neglect from the very beginning of the total university.

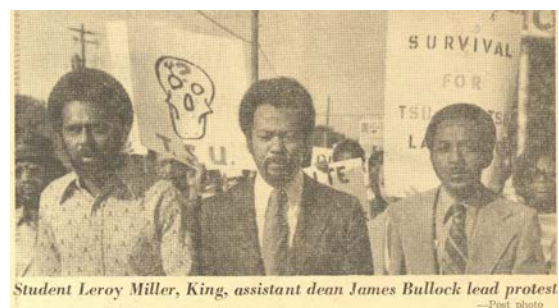
Dr. Granville Monroe Sawyer
President, TSU 1968-1979

In 1960, the law school was located on the second floor of Hannah Hall, the university's administration building. With an expanding enrollment, it would

become clear that it had outgrown its "corner of the second floor of Hannah Hall where it had two offices, a meager library, a moot courtroom and two classrooms. On the first floor were four faculty offices and a two-office legal aid clinic. Moreover, the school had a budget that was a pittance of what it should have been. The law school still had the remainder of a Ford Foundation grant that provided funds for student scholarships but the law school envisioned a much finer institution that would rival traditional law schools.²⁷ In March 1971, the law school received a capital grant of \$10,000 from the Gulf Oil Foundation to be applied to renovation of law school facilities.²⁸

Protecting the Vision: The Law School Boycott

On October 17, 1972, the law school's 13 full- and part-time faculty and 284 student body began boycotting law school classes at the campus, opting instead to hold classes at nearby churches for two weeks.²⁹ Dean King led the boycott demanding better facilities including improvements in maintenance and physical layout of the classrooms for the school. King blamed the law school's





Law school convenes students for planning session 1971

problems on Dr. Sawyer's urban thrust in lieu of the campus capital needs. He believed that the university should not be forced to choose between whether it served the community or the campus and that the university being placed in that position resulted from "the state's apathetic policy toward TSU, choosing not to bring it up to the efficiency standards of the [predominantly] white state universities."³⁰

By November 1972, the TSU Board of Regents agreed to allocate \$2,000,000 for the construction of a new law school building. In addition to the

commitment for a new law school, the law school received adequate funds for its operations and the university agreed to seek line item funding from the Texas legislature for the law school.

On July 11, 1974, King led the groundbreaking ceremonies for the new \$3,500,000 law school building designed by Houston Architect John S. Chase.

Legal Fraternity

The Phi Alpha Delta Law Fraternity, founded in 1902, was the first law fraternity to admit members regardless of race. John Crump, Jethro Currie and James Bullock, with the assistance of Albert M. Lehrman faculty advisor and Kenneth S. Tollett formed the fraternity's chapter at the law school. The installation team was Henry C. Rohr, supreme justice; C. Raymond Judice, supreme secretary; Ray Phillips, district justice; John F. Nichols, justice, Houston Alumni Chapter; Kenneth Jusice, vice-justice of Sam Houston Chapter; Judge Joseph M. Guarino and John Elder, clerk, Houston Alumni Chapter.³¹



The Chapter was named Richard Theodore Greener, after former educator, lawyer, ambassador, and writer, who was the first African-American graduate of Harvard College. Thirty men were initiated into the chapter as charter members on December 6th, 1969. Faculty members, including Professors Earl Carl, Albert Lehrman, Isaac Henderson, and Craig Washington, were also initiated as charter members.

Protecting the Legacy: A New Name: The Thurgood Marshall School of Law



renaming was important as a symbol of the law school's long history of diversity among its student body, faculty and staff. ³²

King enlisted the assistance of former Texas Supreme Court Chief Justice Joe Greenhill. Ironically, Greenhill had represented the state in *Sweatt v. Painter* opposite Thurgood Marshall

"Now for our journey which, with apologies to Nikolai Rimsky-Korsakov, could be called the flight of the bumblebee. Supposedly the bumblebee, due to its aerodynamic design, it is not capable of flying.

Thus, TSU, is a place that wasn't ever supposed to be and certainly was not designed to fly, but like the bumblebee, who obviously doesn't know he is so limited, we go right on flying nevertheless." -Otis King

but the two men had become friends and Greenhill helped persuade Marshall to support the law school with his name. In 1978, the Honorable U.S. Supreme Court Justice Thurgood Marshall, agreed to rename the former 'Law School of Texas Southern University', the "Thurgood Marshall School of Law."

By the time this era had ended, the law school no longer faced the threat of merger, student enrollment had risen and was trending upwards, the school had taken on the name of a civil rights icon and while the mandate of its creating legislation that it would be treated equally to the University of Texas law school had not been realized, great strides had been made to ensure that traditionally marginalized people

retained the opportunity to achieve a legal education.

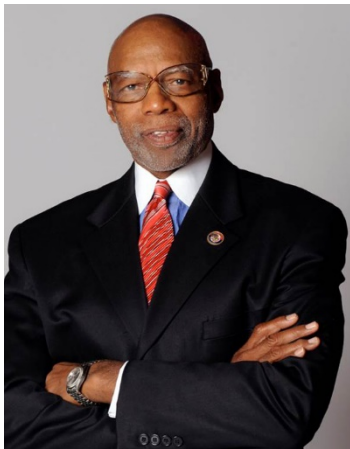
IMPROVE IT

IMPROVE IT: 1981-1999

During the next 20 years, the law school would see dramatic internal changes, from governance structure to collaborations with people within the law school academy and outside the law school. Major changes would also occur in curriculum and grading. These changes were made in an effort to improve the school's standing and student outcomes.

Leadership

From 1981 until 1995, James Douglas served as dean and from 1995-1998, McKen Carrington served as the interim dean. Larry Darnell Weeden served as interim dean in 1998 and Marcia Johnson served as interim dean from January to June 1999.



James Matthew Douglas was born on his maternal grandmother's farm in Onalaska, Texas on February 11, 1944 the third of nine children. At the age of three his father moved the family to Houston, Texas and settled in the Fifth Ward. When Douglas was 10, his parents moved to the all-white neighborhood of Kashmere Gardens. In 1962, Douglas graduated from Kashmere Gardens High School and enrolled in Texas Southern University. Douglas had long wanted to be a litigator so he enrolled at TSU in what was called a three-three program (three years of undergraduate studies and three years law school) with a major in Pre-Law/Political Science. However, at the beginning of his sophomore year he changed his major to mathematics but not his desire to become a lawyer. That fall, Douglas

was elected president of his class and by the next spring, he was elected president of the Texas Southern University student body. He graduated from TSU in 1966 with a Bachelor of Arts degree in Mathematics and went to work at the IBM Corporation.

While at IBM, Douglas enrolled at TSU's law school and was there for about a week when he realized that he was not ready to put in the time it would take to excel in law school, so he withdrew. Douglas then took a position as a computer analyst for Singer General Precision, an engineering firm that provided flight simulation to NASA. He was assigned to the Lunar Module Mission Simulator. He returned to TSU law school the following fall.

In law school, Douglas earned 10 Jurisprudence awards, became a member of the law school's Moot Court Team and in 1970 earned his Juris Doctorate, graduating first in his class. Continuing his studies, Douglas enrolled at the Stanford University School of Law, receiving a JSM degree in Computer Law in June 1971, the first African American to receive a graduate law degree at Stanford. Douglas welcomed the idea of improving the prestige of TSU and with his JSM in hand, Douglas confidently returned to a dual role as computer analyst with Singer General Precision and Assistant Professor of Law at Texas Southern University.

In September of 1972, Douglas accepted a teaching position at the Cleveland Marshall College of Law at Cleveland State University. He taught there for two years before also becoming the position of Assistant Dean of Student Affairs. In March of 1975, Douglas became the first African

American law professor and the first African American associate dean at Syracuse University. In 1977 Douglas was tenured at Syracuse where he worked until 1980 before accepting a teaching position at Northeastern University School of Law where he remained until returning to Texas Southern in August 1981, at 37 years of age, as the seventh dean of Thurgood Marshall School of Law. In 1995 Douglas resigned his position and McKen Carrington was named interim dean serving through 1997. Douglas's marriages to Betty, Denise (daughter: Delicia) and Keryl (son: James Matthew III) ended in divorce. He has four grandchildren, Love, Edwin, Charlie and Sydni. He is married to Tanya Douglas.

McKen Carrington

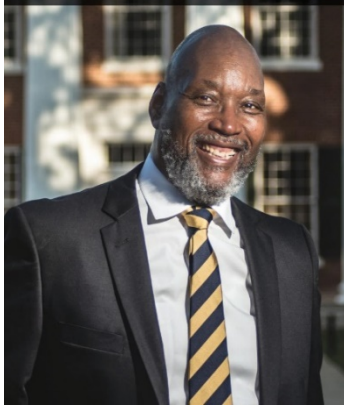


McKen Carrington was born on December 22, 1949 in St. Vincent, one of the Windward Islands in the Caribbean. His father, Leonard, a carpenter and mother, Annabella, a house wife, had seven children. His sister Cynthia moved to Fort Lauderdale, Florida after retiring from nursing in England, Canada and the United States. Brother Winston lives in Pembroke Pines, Florida. Younger sibling Lynette has been an emergency room physician in New York since 1982. Carrington's remaining three brothers include Mac who resides in St. Vincent, Samuel a soccer coach at a New York university and Hollis who resides in upstate New York.

After completing elementary and high schools in St. Vincent, Carrington moved to America where he served in the United States Army for two years, stationed at Fort Sam Houston in San Antonio, Texas. Upon fulfilling his military obligations, he enrolled in City College and later at Brooklyn College, in New York where, in 1979, he earned his Bachelor of Science degree in Accounting. He earned his juris doctorate degree three years later from Albany Law School. After graduating law school he worked for two years with an executive compensation company where he became an expert in estate planning and investment and insurance planning. In 1984 he accepted a position as assistant professor at Thurgood Marshall where he began his more than 30 years teaching wills and trust. He also taught immigration law and in the summer LEAP program.

Carrington served as associate dean of administration from 1987-1995 when he became associate dean for Academic Affairs. He served as interim dean between 1995-1997 and from 2002-2005, and as dean from 2005-2009.

His first marriage to Melody Ellis ended in divorce. He later married Anwilichukwuica Carrington, a TMSL alumna with whom he has three children, Ndidi Allison, who earned a master's degree in chemistry, Ikenna Richard, who graduates law school from St. Louis University in May 2019 and Azubuike Andrew.



Larry Darnell Weeden was born in Tunica, Mississippi, the middle child born to Annie Mae and Rodney Weeden. At the time of his birth in 1950, Tunica was one of the most impoverished areas in the country. Nevertheless, his mom always instilled in her children that they could do whatever they wanted. This may have seemed like a pipedream to some, but Larry believed it throughout his educational journey that began with him attending racially segregated public schools in Tunica County.

After graduating from Rosa Ford High School in 1969, he was on his way to Jackson State University when he discovered that the University of Mississippi was actively seeking to enroll low income African American students. After conferring with his mother, Weeden entered the University of Mississippi to study political science in order to become a lawyer.

Not long after enrolling, he decided to change his major to journalism and became the first African American to graduate from the University of Mississippi's School of Journalism in January 1972. Following graduation, he worked as an assistant sports editor with politically progressive Hodding Carter, III, a wealthy and powerful publisher in Greenville, Mississippi whose father had been a Pulitzer Prize winning journalist and publisher.

In the fall of 1972, Weeden returned to Ole Miss, this time to the law school where he earned his juris doctorate degree in 1975. He practiced law in Clarksdale, Mississippi until 1976 when he joined Coahoma Legal Services. In 1977 he joined the Law Clinic faculty at Antioch Law School in the District of Columbia before becoming assistant professor at North Carolina Central Law School. In 1989, he joined the faculty at Thurgood Marshall School of Law as a clinical visitor and became a tenured full professor in 1990. From December 1997 through December 31, 1998, he served as interim dean of the law school. Weeden has written over 60 law review articles and has had his works cited over 200 times. Weeden married Tracy Weeden in December 1991 and they are the parents of 19-year old twin sons and a 13-year-old daughter.



Marcia Johnson is the first of three daughters of civil rights activists Malachi (a contractor) and Margaret Green (a teacher). She grew up in North Miami Beach, Florida. After graduating from high school she enrolled in the University of Florida (UF) in Gainesville, Florida. There she earned a bachelor of science degree in broadcast journalism (1974) and a juris doctorate degree (1976).

After graduating from UF, she moved to Houston and joined the legal staff at the City of Houston Legal Department (1977). She left that position to join the law firm of Washington & Randle before becoming general counsel of the Housing Authority of the City of Houston. Upon leaving the housing authority in 1991, she created the Neighborhood Recovery Community Development Corporation (NRCDC) and along with Rev. William Lawson and Bishop Fiorenza served as a founding director

of the corporation's three-member board of directors. She also volunteered as the corporation's executive director, serving in that capacity until she left in 1995. During her tenure with NRCDC, the corporation purchased and renovated what is now, Nubia Square Apartments and in partnership with the MacGregor Area Community Development Corporation, redeveloped the shopping center located at Scott and Old Spanish Trail in the Third Ward.

She joined the faculty at Thurgood Marshall School of Law in August 1991. In 1992, she founded the Earl Carl Institute for Legal and Social Policy, Inc. as a law school think tank. She served as director of the Institute until 2012. She served as interim dean of the law school from January 1, 1999 to July 31 that same year.

She has long been active in community revitalization and advocacy. In 2017 she became the founding director of Texas Southern University's Urban Research and Resource Center. She is married to her lifetime partner, Dr. Luckett Johnson, M.D., is the mother of three men (Jules Evan [Elishandra], Vincent Alan and Luckett Anthony) and grandmother of five with one on the way (Morgan Annise, Vincent Kai, Jordan Lee, Alani Jayla, and Janna Cornelia).

Facing the American Bar Association

The era of improvement began with facing challenges to address the American Bar Association's negative findings during its accreditation visit in 1979. By 1981, the law school had undergone a show cause hearing before the ABA to determine whether it would lose accreditation. The ABA identified serious financial non-compliance issues as well as deficiencies in faculty research and resources and bar pass rates.³³

It found that the law school had failed to meet ABA standards in that "it lacked the resources necessary to provide a sound level education and to accomplish the objectives of its education program (Standard 201). Of particular concern [it continued] were the inadequacy of financial resources for faculty salaries, maintenance of the present library collection, and expansion of the library collection; and (b) conditions at the School of Law [that were] inadequate to attract and retain a competent faculty (Standard 405)."³⁴ Still suffering from historic underfunding, the law school had spent all of the money it had received from the Ford Foundation grant during the previous administration.

Improving the School's Financial Condition: Addressing the Financial Crisis

When the State of Texas established its funding system for colleges and universities it did not take into consideration institutions like TSU. So one of the first things the dean did was to begin negotiations with the Texas Higher Education Coordinating Board to address the issue raised by the ABA. One of the problems with the higher education funding formula was that it did not make adjustments for schools that had smaller enrollments. By the time negotiations ended unsuccessfully, it was clear that under the state's funding system, the law school would have to boost its enrollment to at least 600 students to meet its financial obligations in order to comply with ABA standards. It was also anticipated that the increased enrollment would provide sufficient financial resources to address the school's low bar pass rates. By the time enrollment at the law

school doubled to 600, it produced revenue sufficient for the school to address another ABA concern: faculty salaries.

In 1981, TMSL faculty were the lowest paid in the country. The law school enhanced its budget to grant each law school faculty member an increase in salary for the 1981-82 academic year of 25% over the salary earned in 1980-81. Each staff member's salary was also increased during the same period by 14.2%. In addition to these increases, the University granted overall faculty salary raises of 11% for the 1982-83 academic year, and funded two visiting professor positions at \$42,000 and \$38,000 respectively for the fall of 1982.

By 1995, there was only one law school in Texas that had a higher faculty salary than TMSL and that was University of Texas.³⁵

The law school also established tuition rates separate from that paid for undergraduate courses. The Texas Legislature agreed to disaggregate law school tuition from the undergraduate tuition allowing the law school to charge higher tuition, conforming to the industry standard. So, between increasing enrollment and increasing tuition, TMSL was able to increase revenue sufficient to strengthen their program of legal education.

Improving Bar Passage

Another ABA concern was the school's bar pass rate which in 1981 was on average about 40%. For Thurgood Marshall School of Law, the low bar pass rate was a major concern for it and the ABA. To address its poor first-time bar pass rates, the law school enacted an academic program with the dual purpose of providing high quality education to its students while also preparing them in a way that increased first-time bar scores. The new academic program included several strategies including revising the curriculum, establishing a grading curve, and enhancing faculty development.

Improving the Curriculum

Between 1981 and 1986, the law school pored over the curriculum changes it believed necessary to see improvement to student bar performance. One of the challenges faced was identifying the reason for the low bar performance. In pursuit of the answer(s), Dean Douglas served on an ABA committee that conducted three parts of a four-part study that researched minority performance at law schools across the country. Only three parts of the study were completed and reported. The report reviewed law school admissions and recruitment, law school performance and graduation but failed to include a report on bar performance. The only conclusion the study reached was that even when compared against similarly situated counterparts, African Americans and Latinx students underperformed.³⁶

Without definitive reasons for the disparity in bar pass cores, the law school identified areas that it believed would greatly impact student outcomes. First it expanded first-year legal process and writing programs; second it required upper level students to produce at least one research paper of publishable quality; third it expanded the number of required upper level courses; fourth it revised

grade point requirements for first-year students increasing the minimum from 1.8 to 2.0 and fifth, it developed Texas bar courses in procedure, evidence and trial simulation.

Improving Student Mastery: Comprehensive/Common Exam

The law school also instituted a common exam that was taken by all first-year students regardless of what class section the student was assigned. The comprehensive examination was designed to ensure that coverage of core subjects was uniform. The exam, once implemented, revealed a huge disparity in pedagogical and grading practices. Another of the exam's purposes was to minimize those disparities³⁷ and thereby ensure that the strongest students remained in school after their first year, graduated and took the bar exam.

Improving Grade Change Procedures

One of the challenges that the law school faced was the faculty's overreach in trying to keep students from failing law school. Among the most controversial claims was that faculty would change grades with the purpose of keeping students from failing out. To address this situation, the law school changed the process by which grades could be changed. The school required that grade changes could only be based on two reasons: computational/clerical error or discrimination. Furthermore, regardless of the basis for the grade change, before the change could occur, the request had to be submitted to the academic standards committee comprised of faculty and students who would review the request and determine whether the request was meritorious. The committee's determination would not be subject to review.

Improving Grading Equity

Beginning in fall 1989, the law school revised its first year final examination process to ensure that the most prepared students who had the likelihood of academic and bar success were retained to complete their studies. To accomplish this, the law school required that first year examinations for all courses except legal research and writing classes would administer a single multiple choice examination that accounted for 50% of the total class grade. The common test would eliminate any biases that might result from one professor giving easy exams or scoring easily, while another professor would test and grade harder.

Improving Faculty Development

The school also embarked upon an aggressive program of faculty development as part of the effort to enhance the scholarly culture and to raise bar scores. Faculty training covered broad areas from teacher training for learning how people learn to developing strategies to successfully address each learning style. The law school also worked to ensure that the faculty rigorously challenged students in a way that encouraged preparedness and readiness. Finally, as part of a series of forums designed for faculty to understand their roles in improving student learning outcomes, faculty and administrators participated in various professional academies and associations.

Improving Facilities

During the late 1980s, the Law School underwent its first major renovation and expansion which resulted in vastly expanded facilities by the early 1990s.³⁸ After tropical storm Allison devastated

southeast Texas in 2001, leaving severe damage to TMSL, the dean was able to convince the university to renovate the law school. Garnering somewhere between \$12,000,000 and \$18,000,000, the damage to the law school was repaired and the law school facility was expanded to meet increased needs. During the same period, the old TSU automotive repair facility was completely renovated to house the Earl Carl Institute adding much needed work and student development space for the law school. The renovation was made possible with Title III funds that had been restricted to undergraduate programs before the law school was able to work with Senator Lloyd Bentsen to expand the program to include HBCU law and pharmacy schools.

Improving and Expanding our State and National Image

In 1998, Associate Supreme Court Justice Clarence Thomas visited the law school spending all day with students, faculty and staff.³⁹ The associate justice shared some of his perspectives on a number of topics including his support of Historically Black Colleges and Universities (HBCU). On the state side, the law school developed and nurtured its relationship with the Honorable Mark White, Governor of Texas. Convinced of the law school's significant value to the state, Governor White worked with the State Bar of Texas to establish a committee to help the law school increase support among state legislators as well as within the legal community. Once the committee was established it played a significant role in helping the school reach its financial overall goals, and with implementing the corrective plan submitted to the American Bar Association. The committee also worked with the dean to implement a governance plan that empowered the dean of the law school to act in the event faculty failed to meet or to govern as contemplated by principles of shared governance.⁴⁰

Improving the Culture

At the same time the law school was working through its troubles with the ABA, it was tending to troubles within the school. There were deep-seated feelings between certain members of the law faculty and the law school administration. Various factions had strong commitments to their philosophies of academic achievement in law school. Among the most prominent issues were faculty governance, the role of the law school administration in that governance structure and fairness in the treatment of its faculty.

Faculty Governance

There was significant unrest between the faculty and the dean in the early 1980s. Faculty resisted a number of changes proposed by the dean and the resulting governance structure change that was supported by the university president, board of regents and the ABA. Pursuant to the report of a special bar committee convened by Governor Mark White, a new governance document was put in place that provided the governance power would rest with the dean in the event the faculty failed to act. The change in structure was never formally challenged and the dean never invoked such power.⁴¹

The end of the period showed a strong revival of traditional faculty governance principles, though no changes were made to those that existed during the more contentious period.

Racial Discrimination

From this era through the present time, the law school would be plagued with claims of discrimination based primarily on race or gender.

In May 1983, 13 law school professors signed a document entitled, “Bill of Particulars.” In this document, the signatories complained that the dean discriminated against certain professors as to salaries, that he failed to adhere to law school policies and that he mishandled various administrative duties.

The Bill of Particulars addressed:

- (a) the professors’ concerns regarding American Bar Association (ABA) mandates,
- (b) extreme insensitivity to the role of the Chicano students in the Law School,
- (c) unilateral reduction of courses resulting in harm to students,
- (d) reversing a long-standing policy on Senior Priority exams,
- (e) unilateral increase in enrollment at the Law School,
- (f) jeopardizing the status of the Law School by failing to develop a plan for the clinical program, and
- (g) failing to properly certify Law School graduates for the July 1982 Bar exam.

This Bill of Particulars also addressed the signatories' concern that certain professors had received arbitrary or unfair performance evaluations or salary increases. The bill was followed by another letter to the dean followed by letters of complaint to the university president who denied the complainants relief. Several faculty members then wrote to the president of the American Bar Association complaining that the university's refusal to remove the dean violated ABA guidelines. After conducting its investigation, the ABA dismissed the complaint.⁴²

Complainants then filed with the Equal Employment Opportunity Commission, and later filed suit in federal court alleging violations of their constitutional due process rights among numerous other civil rights and constitutional claims, as well as pendent state claims.

The jury found for the plaintiffs and the magistrate judge awarded attorneys' fees and costs to them.

Academic Culture

By 1998, the law school’s focus was on improving the culture of scholarship, service and academics. The school launched a series of programs geared toward enhancing faculty and student scholarship including the Hon. Calvin Botley Distinguished Lecture Series that featured campus visits and lectures from some of the area’s most prominent and accomplished attorneys. Judge Botley, a class of 1972 TMSL alumnus, was a federal magistrate for the southern district of Texas from 1979 until he retired in December, 2009.⁴³

In 1999, the law school hosted the Texas Supreme Court and the Fifth Circuit Court, both of which convened court at the law school. For the first and only time, during that same year, the Equal Employment Opportunity Commission (EEOC) convened its annual meeting at the law school. Also in 1999, the Presiding Judge of the International Criminal Tribunal for the Former Yugoslavia, the Hon. Gabrielle Kirk McDonald spent a day-long visit with students and faculty on the law school’s campus.

Service was a cornerstone during this period as the administrative staff focused on providing service of the first class to its students and faculty. The law school worked to ensure that its constituents expected and received top service through transparency, raising expectations and living up to those heightened expectations. Working with the students, the law school sought to beautify its surroundings and facilities. Working with Crime Prevention through Environmental Design (CPTED) and the TSU police, the school implemented security systems that operated 24 hours.

The law school focused on additional improvements to academics by working with several high profile legal giants who taught classes in their areas of expertise as adjuncts. They included famed criminal defense attorneys Craig Washington (class of '69) and Richard "Racehorse" Haynes, internationally acclaimed employment and labor law expert, Jeffrey Londa, and noted civil litigation expert John O'Quinn.

By the time this era ended, the law school had a student enrollment over 600. Its fiscal condition was dramatically improved both in the revenues it received as well as with faculty salaries overall. The program of legal education had been expanded and the school's national profile had been enhanced to include positive news coverage on National Public Radio, Cable News Network, as well as state and local news media. Moreover, the American Bar Association's visit to the school had resulted in a clean interim inspection report.

PASS IT ON

PASS IT ON: 2000-2018

This period would include two of the most significant historical events in American history, the election of the first African-American president, the Honorable Barack Obama and his selection of the first Puerto Rican American to serve on the United States Supreme Court.

The Honorable Barack Obama was inaugurated as the 44th President of the United States of America, becoming the United States' first African-American president.

From 2000 forward, the law school has sought to pass on its legacies of opportunity and excellence to its generations of descendant beneficiaries. The almost two decades that make up this era have been marked by great institutional strides as well as back-breaking challenges, some of which by its own making. As with any period, history has shown that one of the important factors that portend success for the law school is the quality of its leadership. During this period, the law school was led by five men, John Brittain who served as dean from 1999-2003; McKen Carrington who served from 2003-2005; Danyne Holley, who served first as interim and later as dean from 2005-2016; James Douglas who served as interim dean from 2016-2017 and Gary Bledsoe who has served as acting dean since November 2017.

Leadership



John Brittain was born in 1944 in Connecticut to John Brittain, Sr. and Ardessa Brittain. His parents moved from Georgia to Connecticut in the late 1930's with their boss, Chandler Dobbs who was the chairman and CEO of Coca-Cola Bottling Company. His mother was Dobbs's maid, and his father served as the butler, boat captain, pilot for Dobbs's private plane, and chauffeur to his fleet of exotic cars.⁴⁴ In 1950, Dobbs lost the bulk of his fortune and the Brittain family was forced to move from the estate. Fortunately, Dobbs gave the Brittain family money for a down payment on a home and they moved to Norwalk, Connecticut where his family inadvertently integrated an all-white neighborhood.⁴⁵ In Norwalk, his mother worked in a factory, and his father became an automobile mechanic.⁴⁶ Almost 50 years later, Dean Brittain discovered a second

gesture of kindness from the Dobbs family, Chandler Dobbs's children took out a second mortgage on the Brittain family home, essentially paying John's and Ardessa's first mortgage on the property.⁴⁷

Brittain attended Winnepauk Elementary and Middle school, where he was the only African American in the school.⁴⁸ After graduating high school in 1962, Brittain turned down several hockey scholarships at predominately white institutions and enrolled at Howard University.⁴⁹



There, Brittain spent seven years earning both his bachelor's and law degrees.⁵⁰ At Howard, Brittain said that one of his closest college mates was (Black activist) Stokely Carmichael. He joined other student activists including Courtland Cox and Marion Barry; and he fondly remembers many civil rights activists coming to campus when traveling through Washington D.C. like Muhammad Ali, John Lewis and H. Rap Brown.⁵¹

During his time at Howard University, the pressures of the Vietnam War played a role in Brittain's decision to continue school to graduate.⁵² Just prior to making his decision, Brittain attended an event at Howard University where Muhammad Ali gave a rousing speech, ending with, "[N]o Black man should fight for the United States in a war against a people of color who didn't do anything to them, until such time Black people are given equal rights in this country."⁵³ Moved by Ali's speech, Brittain recalls choosing to continue his education in graduate school, deftly avoiding conscription for three years.⁵⁴

Herbert O. Reed, who represented Martin Luther King, Jr., in *Bolling*, SNCC, and others, advised Brittain to attend law school.⁵⁵ Following his advice, Brittain enrolled in Howard University Law School, but just three weeks into the semester, he said he would have dropped out of law school had he not seen "a light-skinned, wavy haired, Black man drive up to the school in a Jaguar Convertible." He remembers that the press asked, "Congressman Powell, what are you going to do now that you have been kicked out of Congress?" Powell replied, "I'm going to see my lawyers baby." Powell was there to meet with Brittain's mentor Herbert Reed, and when he emerged from the meeting, the same reporters asked: "What are you going to do now Powell?" Powell responded: "I'm going to sue the bastards baby. I'm going to sue the bastards." Brittain became a principal research assistant for the case *Powell v. McCormack*, which was won in 1967.⁵⁶ After receiving his juris doctor in 1969, Brittain continued his civil rights work in the Mississippi Delta.⁵⁷

Over the next two and a half decades, Brittain litigated school desegregation cases and focused on several areas of law, including, school cases, employment law, and criminal matters.⁵⁸ From 1977 to 1999, Brittain served as a tenured law professor at the University of Connecticut School of Law, and as Chief Counsel and Senior Deputy Director of the Lawyers' Committee for Civil Rights Under Law in Washington, D.C., a public interest law organization founded by President John F. Kennedy to enlist private lawyers in taking pro bono cases in civil rights.⁵⁹

Crowning Civil Rights Victory

Brittain is best known as the lead attorney in the 1996 *Sheff v. O'Neill* case, in which the Connecticut Supreme Court recognized de facto segregation in the Hartford public schools and ruled that it violated Hartford students' rights to an equal education.⁶⁰

The *Sheff* ruling enabled Brittain to witness, first-hand, the regressive impact on minority enrollment at Texas law schools due to the *Hopwood v. Texas* anti-affirmative decision.⁶¹ The Fifth Court of Appeals banned any use of ethnicity--also known as "affirmative action"--in public school admissions.⁶² The year before *Hopwood*, Thurgood Marshall had enrolled about 78% of Texas's African-American first-year law students.⁶³ A little more than two years after the *Hopwood* decision, 90 percent of Texas's 212 Black first-year law students enrolled at TMSL. The *Hopwood* impact was felt almost immediately.

Brittain began his tenure during a period of transition and reformation. He faced a newly adopted

curriculum, a contentious relationship with ABA, and frequent budget, operations and management disputes with TSU's administration.⁶⁴

Save the current acting dean, each dean during the period would exit their positions, cloaked in pleasantries but burdened with conflict between the law school and the university administration.⁶⁵

Brittain and his wife Sondra were married in 1968.⁶⁶ Their two children, son Karim and daughter Kensei, are Howard alumni.⁶⁷ He and his wife have three grandchildren: Noah, Branden, and Kieran.⁶⁸

McKen Carrington, served as interim dean and as dean during this period. His bio is presented earlier in this paper.



Dannye R. Holley was born in Buffalo, New York on July 23, 1945. He has two younger siblings; a sister who lives in the District of Columbia and a brother who lives in Buffalo. After high school, Holley enrolled in the State University of NY-Buffalo where he received his B.A. in 1967. Holley received his second degree – Juris Doctor – from the State University of NY-Buffalo three years later. A year after receiving his Juris Doctorate, Holley received a LL.M. from the University of California-Berkeley in Berkeley, CA. While there, he continued to recruit on behalf of his alma mater because the university wanted to increase its minority enrollment.

Holley met and fell in love with his wife, Dr. Joyce Holley, while he lived in Northern California which also captured his heart. ‘Dr. Joyce’ was a Texas native and a graduate of Texas Southern University. She obtained her master’s degree in English from Stanford and her MBA in Accounting from State University of NY-Buffalo. She later received her PhD in Accounting from the University of Texas. They met when she was teaching at California State University-Hayward. Dannye had gone to California State University-Hayward in an attempt to raise funds to rescue a law student and California native who was jailed in Texas. The two married and moved to his hometown, Buffalo, where Holley began his teaching career at his alma mater.

“Excellence and Achievement coupled with Protect it, Improve it, and Pass it on. You can do it all and still maintain the integrity of the history of this school” – Dannye Holley

While on an annual family trip to Houston, Texas in 1976, Holley got in contact with Professor Earl Carl, then acting dean of Thurgood Marshall School of Law (TMSL). The two discussed the possibility of Holley joining the TMSL faculty and the following year, Holley joined the TMSL faculty as a conflict of law and contracts professor. He was named Interim Dean in 2009 and served as permanent dean from 2010 through 2016.

The Holley union was blessed with three children: Danielle Holley-Walker, Kenan Holley and Quentin Holley. Joyce died after a long illness in Houston, Texas on Tuesday, October 3, 2017.



Gary Bledsoe was born in Odessa, Texas to Matthew and Bernice Bledsoe on September 6, 1953. His father was a laborer and his mother a nursing graduate of Prairie View A&M University School of Nursing. His dad's uncle, Judge Frank Bledsoe, served as a justice of the peace in 1936 and later became a federal magistrate. His grandfather's first cousin, Jules Bledsoe, an actor and singer, served as the inimitable Paul Robeson's understudy on Broadway's *Old Man River*. According to Gary, Jules shared a special relationship with actor Errol Flynn.

Bledsoe attended racially segregated Carver Elementary and Blackshear Junior High until schools were integrated in 1966 when he went to high school. After graduating high school in 1970, Bledsoe entered the University of Texas where he remembers enduring overt racism from hostile and bigoted students and professors. He remained at the university's law school from 1973 to 1976. While at law school he served as the class representative to the Board of Governors from 1974 to 1975, the standards committee from 1974 to 1976 and became permanent class president for the class of 1976. One of his classmates was Heman Sweatt's nephew who shared various memorable experiences that his uncle had faced while at UT. Bledsoe remembered that one such experience was that on Sweatt's first day at the law school, after he was finished with a research assignment, he was leaving the library to go home. A white student whom he did not know grabbed him and warned him not to leave. Outside, there was a gang of white thugs with burning crosses waiting for him to leave the building. Sweatt waited them out, but by the time he had finally left the building and returned to his car, all four tires had been slashed.

After graduating law school in 1976, Bledsoe became the first African American to work at the City of Austin Legal Department. He left in 1979 to join the Texas Attorney General's Office where he remained until 1993 when he went into the private practice of law in Austin, Texas. He maintained a primarily civil rights practice and was chief counsel in several well known cases like the Cedar Avenue case involving excessive force by city police against 13 and 14 year olds. The case ultimately settled for \$1.2 million but Bledsoe refused to take any attorney fee leaving the entire sum to go to the plaintiffs. He also led the team that established the ninth congressional district in Texas, a seat held by TMSL alum Alexander Green. He is also known for his work in voter rights litigation. In 1998, he was named Lawyer of the Year by the Travis County Bar.

He has been active in state and national civil rights efforts and served as the president of the National Association for the Advancement of Colored People (NAACP)-Austin from 1987 to 1991 and as president of the NAACP-Texas since 1991. He served as Travis County Democratic Chair from 1991-1994.

Bledsoe is married to journalist, the former Alberta Phillips and has two sons, Mehcad (an actor) and Billy. Immediately before joining TMSL as its acting dean in November 2017, Bledsoe had served on the board of regents for Texas Southern University.

Conflicts Between Law School and University Administrations

One of the controversies plaguing this period for the law school was the relationship between the law school and university administrations. The relationship often mirrored the experience of the

very first law school dean, Ozie Johnson, when the law school faced continued conflict between university administrators, faculty and alumni.⁶⁹ In a 1949 letter from the ABA to then university president Lanier, the ABA warned the president that his failure to recognize the law school as a professional school could endanger the school's likelihood of membership to the Association. ABA adviser John G. Hervey wrote:

"...where the law school is the only one of the time-honored professional schools within a university, there develops a tendency to treat the law school simply as a department of the institution without sufficient recognition for its professional status...If the law school be the only professional school within the university, then of course it should have the recognition and autonomy accorded to professional schools generally in universities and colleges throughout the country. The matter of autonomy of law schools is one which always give pause to our Council..."

The law schools train for professional service and their objectives are not the same as those of liberal arts and graduate colleges and only in those university and colleges in which recognition is given to the professional status of the law school, and treatment so accorded, are the law schools approved by the American Bar Association.

*In short, subject to general over-all policies which are fixed by the university administration, the law school is administered by the dean and faculty and they formulate and enforce the policies peculiar to that school. Any other arrangement makes for difficulty."*⁷⁰

Another recurring issue between the law school administration and the university's administration was tuition remission.⁷¹ During the ABA's 2002 review, it challenged the university's chronic underfunding of the law school.⁷² It found that while the law school produced revenue of \$7.3 million, the university allocated only \$5.3 million to the law school.⁷³ After the ABA expressed its concerns, the university agreed to raise the law school's budget to \$7.5 million.⁷⁴ Unfortunately, the university actually gave much less and kept the remainder for main campus expenditures.⁷⁵

Raising the Student Academic Performance Bar

Another issue the law school faced during this period is the conflict in identifying what it is that the school must pass on. Some believe that it is essential to carry out the school's legacy of providing an opportunity for a legal education to a student body comprised of historically disenfranchised students. Others are fighting to change the student profile.⁷⁶ They believe that the legacy can be retained and passed on even if the bar for admissions is substantially raised. In the early 2000s, TMSL alumni overwhelmingly rejected the idea of raising admission requirements for first-year applicants particularly during a time when opportunities for Black law students were diminishing at other law schools.⁷⁷ By design, TMSL was founded to provide an opportunity to Black and later to non-traditional minority students.⁷⁸ Alumni feared that higher undergraduate GPA and LSAT requirements would prove to be counterproductive if the very students in need of an opportunity would be screened out and unable to apply or attend.⁷⁹

This period would find first-year students adjusting uncomfortably to the comprehensive exam and other more rigid grading practices.⁸⁰

The changes were extensive and included reducing first-year class size from 330 to 250, increasing the number of sections and lowering the student-teacher ratio; increasing the UGPA and LSAT admissions profile of entering students; establishing a pre-bar review program; hiring four new tenure-track faculty members with "stellar publication

We have a tradition of advocacy. We want our legal education program to enhance the life options of each student and we want to make [students] ready and able to become a person who embraces professionalism.” - DANNYE HOLLEY

potential;” revising the curriculum and expanding writing opportunities of students; establishing a Caribbean law clinic with a consortium of law schools and the attorneys general of Caribbean countries and a diplomatic clinic with the Mexican Consulate in Houston; and, managing a \$7 million renovation design and temporary relocation plan to refurbish the law school.⁸¹ However, despite the numerous curricular and testing changes, Texas Bar results failed to sustain improvement during the years.⁸²

Under the ABA Spotlight

Law schools that are accredited by the ABA are inspected every seven years after accreditation. During this period, the seven-year accreditation reviews occurred in 2002, 2009 and 2016. In each review, the ABA registered its concerns about TMSL’s low bar exam passage rates for first-time takers.⁸³ TMSL’s pass rates were generally at or near the bottom among the nine accredited Texas law schools.⁸⁴ During the last year of this period, TMSL was burdened with the lowest bar pass rate in more than 30 years.⁸⁵

TMSL’s first-time bar pass rates are reflected below:⁸⁶

	JAN/FEB	JUNE/JULY	OCTOBER	AVERAGE
1950	100	Not available		
1951-1969	Not available	Not available		
1970	Not available	31.25		
1971	40.00	36.36		
1972	60.00	51.40	16.70	
1973	46.90	48.80	18.20	
1974	56.50	21.40	23.10	
1975	45.50	36.50	37.50	
1976	21.60	29.50	37.10	
1977	21.70	16.10	34.00	
1978	42.40	27.00		
1979	35.30	29.50		
1980	32.79	51.43		
1981	46.80	33.00		
1982	44.60	27.00		
1983	31.63	13.70		
1984	30.76	29.78		

1985	25.00	28.00		
1986	29.16	38.80		
1987	37.93	24.44		
1988	35.29	36.17		
1989	59.25	38.46		
1990	44.44	57.14		50.79
1991	52.63	33.33		42.98
1992	47.61	37.80		42.71
1993	52.63	55.66		54.15
1994	68.57	67.00		67.79
1995	42.86	61.96		52.41
1996	92.00	75.29		83.65
1997	74.07	60.64		67.36
1998	56.41	54.84		55.63
1999	52.54	65.00		58.77
2000	50.00	51.90		50.95
2001	35.85	46.07		40.96
2002	35.48	46.43		40.96
2003	37.50	50.43		43.97
2004	41.67	52.43		47.05
2005	60.00	59.38		59.69
2006	76.92	56.56		66.74
2007	54.84	65.32		60.08
2008	59.26	59.71		59.49
2009	40.74	71.11		55.93
2010	62.07	75.76		68.92
2011	76.47	66.67		71.57
2012	44.44	64.79		54.62
2013	66.67	79.23		72.95
2014	66.67	62.7		64.69
2015	63.64	55.46		59.55
2016	41.38	66.06		53.72
2017	40.00	63.64		51.82
2018	27.78	44.52		36.15

Gender Bias and Charges of Discrimination

Charges of racial- and gender-based discrimination plagued the law school for much of its lifetime.⁸⁷ This period would also see a number of discrimination charges filed against it including lawsuits filed by Patricia Garrison and another by Faith Jackson. Garrison, who served as Assistant Dean of Academic Support filed a racial discrimination lawsuit on August 29, 2012 and Faith J. Jackson, a law school professor, filed a sex discrimination lawsuit on April 25, 2016 against the president and dean. Both lawsuits settled amidst administrations' claims that the cases lacked merit.

Regardless of personal opinions and the outcome of the cases, in 2016 the ABA determined that gender bias was indeed an issue amongst faculty and staff at TMSL. Although the gender bias issue became public during this period, as it has become throughout the country and world, it has been a historical problem at the law school since inception.⁸⁸

Most recently, the ABA specifically required the law school act proactively to ensure that no faculty, student or staff members would be subject to any form of impermissible discrimination.⁸⁹

Passing it a Legacy of Excellence

Despite the trials and tribulations that the law school has endured, this remarkable institution and

- On August 8, 2009, Sonia Sotomayor became the first Hispanic Associate Justice of the United States Supreme Court.
- In January of 2014, the law school was admitted to membership in the Association of American Law Schools (AALS).
- TMSL was voted #1 Law School for Diversity by *The National Jurist* 2014
- In 2015, TMSL 64% bar pass rate exceeded the average first time pass rates from other American Bar Association accredited schools that passed at a 61% rate.
- On June 24, 2016, Dean Holley was appointed by the Supreme Court of Texas to serve on a task force overseeing the Texas Bar Exam.

the people who have been a continuing part of it has survived victoriously for more than 70 years. Its tremendous successes overshadow its problems by far. Its glorious legacy of providing a high quality legal education to African American citizens who were denied that education in their own state, found refuge and much more within the walls of Thurgood Marshall School of Law. Thurgood Marshall has produced 43% of practicing African American lawyers in Texas and 17% of African American lawyers in the United States. It has also graduated more than 100 Hispanic lawyers.⁹⁰

The law school's graduates would help spur the growth of the middle class African-American family. The school has awarded degrees to more than 500 students, many of whom have ascended to high positions within the profession, in political office, in academia and in law practice.

Famed criminal defense lawyer, Johnnie Cochran was known to refer to himself as the "Craig A. Washington (class of '69) of California." Federal District Court Judge Kenneth Hoyt (class of '72) presided over the case of former Enron Executive Andrew S. Fastow. The judge who presided over a sensational murder case in Florida, Hon. Belvin Perry Jr. graduated from Thurgood Marshall School of Law (class of '77). The list goes on to include, the Honorable Hank Johnson (class of '79), United States Congresspersons Alexander Green (class of '73), Sylvia Garcia (class of '78), Former Texas Criminal Appeals Judge, Morris Overstreet (class of '75), Hon. Brian Wimes (class of '94), activist Collins Iyare Idehen Jr. aka Colion Noir (class of '12), Florida Legislator Kionne McGhee (class of '03), Texas State Representative Shawn Thierry (class of '96), Rose Meza Harrison (class of 2003), Harry Johnson (class of '86), Texas legislator Senfronia Thompson (class of '82), Ronald C. Green (class of '96), Texas legislator Joe Deshotel (class of '80), Arkansas legislator Stephanie Flowers (class of '79), Texas State Representative Harold Dutton (class of '91), Mississippi Supreme Court justice Leslie D. King (class of '73), Texas legislator Robert Guerra (class of '85), Sergio Munoz (class of '06), Texas legislator Victoria Neave (class of '09),

Joy Dawson-Thomas (class of 2012), Alabama Judge Javan Patton (class of 2007), Author Norma Jarrett (class of '99), Hon. Calvin Botley (class of '72), Lois Prestage Woods (class of '52), Linda Reyna Yanez (class of '76), David Adler (class of '89).

Perseverance

After almost 70 years, TMSL was finally admitted into membership with the Association of American Law Schools (AALS) in January, 2014. The school had been denied admission in 1948, notwithstanding that it qualified for membership. Its denial was based on the fact that Texas law limited its enrollment to African Americans even as the other law schools limited their enrollment to whites.

In addition to securing TMSL's membership in the AALS, the nation's first Immigration Master of Law program was established, the brainchild of TMSL law Professor Fernando Colon. TMSL graduated its first LL.M. class in 2016.

The law school also created a learning center reserved for law students within its facilities. Known as 'the commons,' the learning center provides study rooms, equipment and supplies for students to use during class breaks to study.

After more than 70 years of commitment, tolerance, service and dedication to its community of constituents, the Thurgood Marshall School of Law has established a legacy of excellence and indomitable spirit even as it faced unfathomable odds and enduring barriers. This Legacy It Passes On.

¹ See history.com/topics/1960s; history.com/topics/1970s

² See Claudia Levy, Washington Post, September 28, 2003, available at https://www.washingtonpost.com/archive/local/2003/09/28/affirmative-action-expert-kenneth-s-tollett-sr/8d5d828a-7f94-4ee2-8976-0c744be75ccb/?utm_term=.4ce922e99a9d

³ Id.

⁴ See Handbook of Texas Online, Etta Walker, "King, Otis Harold," accessed May 23, 2018, <http://www.tshaonline.org/handbook/online/articles/fki80>.

⁵ Martina E. Cartwright & Thelma Harmon, Fifty Plus Years and Counting: A History of Experiential Learning and Clinical Opportunities at Thurgood Marshall School of Law. Thurgood Marshall L. Rev. 204 (2014).

⁶ Caliph Johnson, TMCA Credentialed Distinguished Mediator, https://www.txmediator.org/bios/johnson_caliph.pdf

⁷ Houston Lawyers Association, About our Founders, Robeson L. King, <http://www.houstonlawyersassociation.org/about-us/founders/>

⁸ Id.

⁹ Thomas T. Cole, No Color is my Kind: The Life of Eldrewey Stearns and the Integration of Houston, U T Press, ISBN 10:0292711980/ ISBN 13:9780292711983 (1997) and see Michael Anderson, Eldrewey Stearns and Houston's Student Civil Rights Movement, Houston History Vol. 14 No. 2, pp-22-

¹⁰ Id.

¹¹ Id.

¹² Curtis Graves was elected to the Texas House of Representatives where he served from 1967 to 1973.

¹³ Supra n.9

¹⁴ Texas Southern University: Born in Sin, A College Finally Makes Houston Listen By William C. Bryson, May 22, 1967, The Harvard Crimson, available at <https://www.thecrimson.com/article/1967/5/22/texas-southern-university-born-in-sin/?page=>

¹⁵ See OUR STORY published 2012, available from author

¹⁶ See generally, The VOICE OF HOPE, April 19, 1969

¹⁷ See Benjamin Wermund, Histories of TSU and UH marked by segregation, April 2016, New haven Register, <https://www.nhregister.com/local/history/major-stories-events/article/Houston-s-public-higher-education-history-a-9175498.php>

¹⁸ From interview with James Douglas

¹⁹ See Reid Beveridge, The Houston Post, Order to Phase Out TSU School of Law Rescinded, April 2, 1969 quoting Tollett that "there are now just 90 Negro lawyers in Texas out of more than 81,000 members of the Texas Bar Assn. He said 52 of these live in Houston

²⁰ Id.

²¹ Houston Post, The Case For The TSU Law School

²² Lawyers for Texas, Texas Higher Education Coordinating Board Task Force on Education Report, April 1973 available at Heartman Collection, Texas Southern University.

²³ Id.

²⁴ Id.

²⁵ Houston Informer, October 11, 1969

²⁶ The Houston Post, February 23, 1969

²⁷ Otis King, The Legal Sin: The Creation of Texas Southern University, A Place that never should Have Been" an address delivered by Otis King at the Thurgood Marshall School of Law on February 23, 2012 available at the law library, Thurgood Marshall School of Law.

²⁸ See Law School Receives Grant, TSU Herald, March 12, 1971 available at TSU Library, Heartman Collection

²⁹ The law school convened classes in St Mary's Roman Catholic Church on Rosedale Street and in St. Luke's Episcopal Church on Wheeler Avenue

³⁰ Mary Rice Brogan, 100 at TSU Seek More Classrooms, Houston Chronicle, October 17, 1972.

³¹ Forward Times January 31, 1970 PAD Chapter Installed At TSU

³² See Law Schools, State Bar of Texas, Texas Bar Journal, Vol 78, No 10 p 788 https://www.texasbar.com/AM/Template.cfm?Section=Table_of_Contents&Template=/CM/ContentDisplay.cfm&ContentID=31790 and see Angela Morris, One Texas Law School is Doing the Heavy Lifting when it Comes to Diversity Efforts, Texas Lawyer, <https://www.law.com/texaslawyer/2018/03/01/one-texas-law-school-is-doing-the-heavy-lifting-when-it-comes-to-diversity-efforts/> -texas-lawyer.pdf, March 2018 and see Marguerite L. Butler, The

History of Texas Southern University, Thurgood Marshall School of Law: “The House that Sweatt Built”, 23 T. Marshall L. Rev. 45,53 (Fall 1997)

³³ See ABA letter dated November 12, 1979 to Dr. Granville Sawyer and Dean Otis King action of Accreditation Committee of the Section of Legal Education and Admissions and see October 23, 1979 report of the ABA inspection team both obtained from the files and records of James M Douglas, bound in American Bar Association, April 15, 1973 thru May 26, 1981

³⁴ See Notes, Thurgood Marshall School of Law September 1981 thru August 1984, maintained in the files and records of James M Douglas.

³⁵ Oral Interview with James M. Douglas conducted Summer, 2018; tape on file with URRRC.

³⁶ Dr. Linda Wightman, LSAC National Longitudinal Study on Bar Passage Study available at <https://lawschooltransparency.com/reform/projects/investigations/2015/documents/NLBPS.pdf>

³⁷ An example of the disparity: All first year students were divided into three sections to take contracts, a core subject. At the end of the semester, one section of contracts may have produced only one “A”, in the second section there were three as, in the third there were 26 As. Because the students were randomly placed, the disparity was diagnosed as being the result of pedagogy and professorial grading.

³⁸ DeCarlous Spearman, Remembering Our Past, Celebrating Sixty-Four Years Thurgood Marshall School of Law, 36 T. Marshall L. Rev. 63, 69 (2010)

³⁹ See Otis King, The Naming of the Thurgood Marshall School of Law: A Personal Reminiscence, 28 T. Marshall L. Rev. 117 (2003) reporting that In the 1970s, the Honorable Justice Thurgood Marshall visited with law students on campus during the official school’s name changing ceremonies.

⁴⁰ This power was granted to the dean in the face of serious dissension of stalemate proportion between the law faculty and the dean in the early 1980s. One faculty member, Martin Levy, remembered that committee representatives visiting the school to investigate conditions met with the faculty. He said the faculty was so uncooperative that he was certain the committee would determine traditional governance rules needed to be suspended. [during meeting of the gender diversity committee, November, 2018] According to Douglas, notwithstanding the empowerment, he never used it. [during interview, November, 2018]

⁴¹ Id.

⁴² There was evidence that many of the professors’ complaints centered on Douglas’s failure to provide notice that he planned to enforce rules regarding faculty attendance, participation, and timely submission of grades as bases for denying merit increases and other punitive measures

⁴³ See Oral History of Judge Calvin Botley, uploaded by Federal Magistrate Judges Association, Sep 15, 2016 available at <https://www.youtube.com/watch?v=l4FEmoBZ9E4>

⁴⁴ See JOHN BRITAIN, JR. interview available at http://mscivilrightsveterans.com/uploads/3/5/1/2/35128753/john_brittain_jr..pdf [hereinafter BRITAIN INTERVIEW].

⁴⁵ Telephone Interview with John C. Brittain Jr., Former Dean, Thurgood Marshall School of Law; Acting Dean, University of the District of Columbia David A. Clarke School of Law, in Houston, Texas (Sep. 19, 2018) [hereinafter *Interview*].

⁴⁶ BRITAIN, *supra* note 42.

⁴⁷ *Interview*, *supra* note 43.

⁴⁸ BRITAIN, *supra* note 42.

⁴⁹ *Interview*, *supra* note 43.

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

⁵³ Muhammad Ali, Speech at Howard University (Apr. 22, 1967); *Muhammad Ali Speech on Black Power at Howard*, HBCU DIGEST (June 5, 2016) <https://hbcudigest.com/muhammad-ali-speech-on-black-power-at-howard/>; See JOHN BRITAIN, JR. interview available at http://mscivilrightsveterans.com/uploads/3/5/1/2/35128753/john_brittain_jr..pdf [hereinafter BRITAIN].

⁵⁴ Interview, *supra* note 43

⁵⁵ *Bolling v. Sharpe*, 347 U.S. 497 (1954).

⁵⁶ BRITAIN, *supra* note 42; *Interview*, *supra* note 43; *Powell v. McCormack*, 395 U.S. 486 (1969).

⁵⁷ BRITAIN, *supra* note 42; *Interview*, *supra* note 43.

⁵⁸ Stan Simpson, *Brittain's Texas Move Brings Him Full Circle*, HARTFORD COURANT (May 12, 1999) http://articles.courant.com/1999-05-12/news/9905120246_1_brittain-school-dean-law-school.

⁵⁹ Dean John C. Brittain, UNIV. OF DIST. OF COLUMBIA, <https://www.law.udc.edu/page/JBrittain>.

⁶⁰ *Sheff v. O'Neill* 678 A.2d 1267 (Conn. 1996) (holding that Connecticut has an affirmative constitutional obligation to eliminate de facto segregation in Hartford-area public schools); Christian Nolan, *A Career Shaped By Sheff; Attorney reflects on 20-year-old desegregation case*, CONNECTICUT LAW TRIBUNE [Online] (May 4, 2009) <https://advance.lexis.com/search?crid=1d0592ee-dfa7-4135-a36a-d7a1143a8823&pdsearchterms=LNSDUID-ALM-CLT-1202557015154&pdbyasscitordocs=False&pdmfid=1000516&pdisurlapi=true>.

⁶¹ Scott Brede, *LONE STAR BOUND; Behind the Bar*, CONNECTICUT LAW TRIBUNE (Jun. 16, 1997); *Hopwood v. Tex.*, 78 F.3d 932 (5th Cir. 1996).

⁶² SUSAN EATON, *THE CHILDREN IN ROOM E4: AMERICAN EDUCATION ON TRIAL* (2009).

⁶³ *Id.* at 288.

⁶⁴ *TSU law school dean quitting, denies funding feud*, HOUSTON CHRONICLE, June 12, 2002 [hereinafter Deny], <https://www.chron.com/news/article/TSU-law-school-dean-quitting-denies-funding-feud-8927451.php> (last visited Sep 24, 2018).

⁶⁵ See e.g. Brittain: “The dean of Texas Southern University’s law school has resigned in a move he says has nothing to do with the school’s accreditation and funding concerns.” *TSU law school dean quitting, denies funding feud*, PLAINVIEW DAILY HERALD (2002), <https://www.mypainview.com/news/article/TSU-law-school-dean-quitting-denies-funding-feud-8927451.php> (last visited Sep 24, 2018); Deny, *supra* note 30.

⁶⁶ *Interview*, *supra* note 43.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ See Johnson, *Price of Freedom* at pg 48 where, in or near 1948, the TSUN Board of Directors intervened to quash the conflict between the law school dean and the university president in order for the law school to appropriately prepare for its first ABA inspection by issuing an edict stating: “All matters pertaining to or affecting the School of Law of the Texas State University for Negroes, shall originate in the law school, shall be decided by the law school faculty and shall be transmitted in writing to the board of directors by the dean of the law school, through the president of the university. If the president of the university objects to any or all of the matters decided by the law school, such objections shall be transmitted to the board of directors by the president, in a separate writing attached to that of the law dean. This resolution is hereby adopted as the policy of the board of directors.” Notwithstanding the board resolution the often contentious relationships between the law school administrations and the university administrations would continue to modern times

⁷⁰ *Id.* at 55 quoting letter from John G Hervey ABA Adviser to President R. O’Hara Lanier, dated January 8, 1949.

⁷¹ *Id.* *Interview*, *supra* note 43.

⁷² *TSU law school dean quitting, denies funding feud*, PLAINVIEW DAILY HERALD (2002), <https://www.mypainview.com/news/article/TSU-law-school-dean-quitting-denies-funding-feud-8927451.php> (last visited Sep 24, 2018) *supra* n. 63;

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ See John Brittain, Jr. interview available at http://mscivilrightsveterans.com/uploads/3/5/1/2/35128753/john_brittain_jr.pdf [hereinafter Brittain] discussing the impact of the Hopwood lawsuit brought against UT and the resulting drop in black enrollment thereafter. And see Michael Good, *An Evaluation of the Impact of Hopwood on Minority Enrollment at the University of Texas at Austin, An Applied Research Project in partial fulfillment of the requirements for the degree of Masters of Public Administration*.

⁷⁷ See *id.* also see Michael Greene, *Minorities, Women Still Underrepresented in Law, Bloomberg Law, Big Law Business, 2015*, available at <https://biglawbusiness.com/minorities-women-still-underrepresented-in-law/finding> “African-American representation among lawyers dropped in 2013 to 4.2 percent from 4.7 percent in 2009, whereas the percentage of Hispanic and Asian-American representation increased to a five-year high of 5.1 percent during the same time frame.”

⁷⁸ “The mission of Thurgood Marshall School of Law (“Law School”) is to prepare a diverse group of students for leadership roles in the legal profession, business, and government.” About us, About Thurgood Marshall School of Law in Houston, Texas, <http://www.tsulaw.edu/about/index.html> (last visited Oct. 11, 2018); See Pamela Manson, *ABA Asks Thurgood Marshall School of Law to Raise Bar Exam Passage Rate*, Law.com (2001), <https://www.law.com/almID/900005524940/> (last visited Sep. 21, 2018).

⁷⁹ *Interview*, *supra* note 43.

⁸⁰ *Id.* Each first year student enrolled at TMSL is graded on a 2.0 GPA scale and required to take a uniform multiple choice comprehensive exam for Civil Procedure, Contract Law, Criminal Law, Property Law, and Torts. The comprehensive exams and the professor’s grade are both fifty percent of the final grade.

⁸¹ See Pamela Manson, ABA Asks Thurgood Marshall School of Law to Raise Bar Exam Passage Rate, Law.com (2001), <https://www.law.com/almID/900005524940/> (last visited Sep. 21, 2018); Pamela Manson, Thurgood Marshall bids Adieu to Dean, Law.com (2002), <https://www.law.com/almID/900005372265/> (last visited Oct 11, 2018).

⁸² The February 2001 bar pass rate for Thurgood Marshall first-time test-takers was 35.85 percent and 46.07 percent for the July 2001 bar exam. The statewide average for all first-time test-takers not graduated from TMSL who graduated from one of Texas' nine law schools was 87.78 in February 2001 and 73.78 percent in July 2001. *February 2001 Examination Statistics*, TEXAS BLE, <https://ble.texas.gov/2001feb> (last visited Oct. 11, 2018); *July 2001 Examination Statistics*, Texas BLE, <https://ble.texas.gov/2001july> (last visited Oct. 11, 2018).

⁸³ See Pamela Manson, ABA Asks Thurgood Marshall School of Law to Raise Bar Exam Passage Rate, Law.com (2001), <https://www.law.com/almID/900005524940/> (last visited Sep. 21, 2018).

⁸⁴ *Id.*

⁸⁵ See July 1987 bar pass rates

⁸⁶ See Texas Board of Law Examiners Statistics and Analysis, available at <https://ble.texas.gov/statistics> but only covering years 1997 to 2018; during some years, the state administered the spring exam in January and the summer exam in June. Now those exams are administered in February and July respectively, also between 1972 and 1977, the state also administered an October exam; those scores are shown; and see McKen V. Carrington, A Question of Institutional Credibility, 16 T. Marshall L. Rev. 499, 504-513 (1991) generally covering bar pass rates from 1960 through 1971, years not covered on the bar web site although request of the bar for those years exam results is pending; the period 1960-1969 data reported in the Carrington article is not relied on in this article because it is not clear whether the scores are for first time pass rates or cumulative all attempts.

⁸⁷ Price of Freedom, *supra* n. at 52-53; and where the first law school dean remembers his grave disappointment in not being permitted to hire Mrs. Juanita Kidd Stout as one of its first law professors. At pg 58, he states “The failure to secure the services of Mrs. Stout was considered by the dean as a serious setback. He knew Mrs. Stout to be trustworthy, loyal and brilliant....The dean also thought that the real reason Mrs. Stout was rejected was due to a natural prejudice against women in the field of law.”

⁸⁸ *Id.*

⁸⁹ See Standards: 2018-2019 Standards and Rules of Procedure for Approval of Law Schools, American Bar Association Standard 205 available at https://www.americanbar.org/groups/legal_education/resources/standards/.

⁹⁰ See Katrina Dewey, Day 20: Thurgood Marshall Law School is Towering Presence for Diversity, Campus Snapshot: LawDragon Campus, March 2017, available at <http://campus.lawdragon.com/day-20-thurgood-marshall-law-school-is-towering-presence-for-diversity/>

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