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Closing the Margin

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SCHOOL OF LAW

HOWARD UNIVERSITY

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FOUNDED BY GENERAL O. O. HOWARD

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CLOSING THE MARGIN

By

J. Clay Smith, Jr.*
Dean

It is my pleasure to welcome you to the Howard University School of Law. Founded in 1869, this Law School has produced hundreds of lawyers from almost every state in this nation and many of our graduates have come from the several continents of the world.

Now, here you are at the Law School, the first enrollees in a pilot program called the Early Enrollment Program. The Early Enrollment Program was conceived a year ago. We saw the need to provide students with a head start in learning the analytical process so essential in the mastery of the study of law. I had wanted at least twenty-five early birds. However, I won funding for only ten this year.

What are my expectations of you during this thirty days of intense early enrollment training, indeed, as students in law school itself? First, we expect your appetites to be dedicated to the quest for knowledge; second, to question everything that is new and to answer for yourself that which you understand; third, to create a bond within this group that is open and frank about the substance about which you are learning and to learn to res-

* Opening remarks of the inaugural Early Enrollment Program at Howard University School of Law in the A. Mercer Daniel Law Library, June 30, 1987. The first members of the program are: Brian D. Albritton, (Mich.); Vicki L. Allison, (Va.); Kenneth W. Burnley, (Ca.); Tonya Y. Cureton, (Conn.); Abel Garcia, (N.J.); Angela Garner, (V.I.); Lee Goodman, (Mo.); Yvonne M. Harris, (Ca.); Shirley R. Hill, (N.Y.); Darma A. Wilson, (N.Y.). Professor W. Sherman Rogers, Director, assisted by Professor Harold R. Washington.

pect the intellect of each other; fourth; to dedicate your minds to study; fifth, to learn how to read with a sophistication for words and word groups; sixth, to acknowledge what you do not know or cannot understand and to seek counsel at every step of your journey; seventh, to exert your ego and to define your identity for who you are, tempered by reality, patience and prudence; eighth, to listen to the words spoken to you — let those words be the signals that direct your mind to the outer reaches of the unknown; ninth, to maintain, develop and evaluate the values that you bring to the study of law — your values may be challenged, indeed, altered, but if they are, you will know why they are; and tenth, to fear failure because you allowed success to slip from your firm control.

You will find the study of law to be different from your undergraduate training. In undergraduate school you memorized terms for the sake of memory. That method helped to prepare you for the study of law because the capacity to memorize is important. However, in law school your memory is always directed to human conduct. Human conduct is what makes the law exciting. Without human conduct the law has no applicability — it is like a doctor with no patients; it is law in suspension.

The understanding of law and its meaning is your challenge. Human conduct is for you to assess, as you read what is called "cases." For example, the case is where you question whether "A" who has a serious contagious disease and knows it and intentionally infects "B" without "B's" consent, causing "B" to contract the disease, is subject to criminal or civil liability. Is "A's" conduct immoral? Maybe. Does it violate any religious or other public prohibitions? Probably. However, the question is whether the conduct of "A" is subject to the reaches of the law. From what source is law derived?

Is law man-made? What is natural law? In order to apply law to human conduct one must be careful to trace the law to its source and then apply it to the facts giving rise to the human conduct charged or claimed.

Do not expect to figure out the law overnight. You will find the study of law to be like your first merry-go-round ride -- exciting, but scary. Even today, the law and its application excites and scares lawyers because it is so forceful, so potent, yet, so important in the maintenance of order, community, nationhood, justice and equality for all.

In conclusion, I am delighted that you are here and I wish you the best in the study of law at Howard University School of Law. I ask that you take down the following statement as your first notes in law school: In the study of law, seek first to identify the margin of what you don't know, using what you know as the tool to do it.