
ESSAY

“DARLIN’, THE TRUTH WILL SET YOU FREE” – A TRIBUTE TO JUDGE ELRETA MELTON ALEXANDER¹

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“I keep myself on the other side of the bench mentally and try to identify with the other person.”³

This is not a newly-discovered statement by Supreme Court Justice Sonia Sotomayor considering these words were uttered thirty-five years ago by Judge Elreta Melton Alexander. Judge Alexander became the first African-American elected judge in North Carolina and only the second female African-American judge to be elected in the nation on

¹ Judge Alexander often told persons appearing in her court that “‘the truth will set you free,’ a saying her father frequently employed to encourage her ‘to approach things with honesty and integrity.’” Interview by Anna Barbara Perez with Hon. Elreta Alexander Ralston, in Greensboro, N.C. (Feb. 18, 1993), 3-4.

² Associate Justice, Supreme Court of North Carolina. Justice Timmons-Goodson began her judicial career in 1984 when Governor James B. Hunt appointed her a trial judge in the Twelfth Judicial District of North Carolina. She writes that “after more than twenty-five years in the judiciary of North Carolina, it is unlikely that I have twenty-five or even twelve years more to serve. This realization leaves me both immensely grateful for the privilege that I have been given by the people of North Carolina to serve as a judge, but also reflective. As I consider my service on the Supreme Court of North Carolina, I am mindful that some thirty years earlier, another African-American woman offered herself for service on North Carolina’s court of last resort. Given my tenure in the judiciary, I intimately understand the quest, sacrifices, and legacy of this great woman that preceded me.”

³ Jim Lasley, *She’s Been Walking Proud All Her Life*, DURHAM MORNING HERALD, July 7, 1974, at 2D.

December 2, 1968.⁴ A generation ago, Judge Alexander was embracing the empathy that President Barack Obama values in his judicial nominees. Her story follows.

As we mark what would have been Judge Alexander's ninety-first birthday and the forty-second anniversary of her judicial service, it is appropriate to reflect and pay tribute to this outstanding graduate of Columbia University Law School. Her decision not to allow the circumstances of her birth, the realities of her time, and the limitations imposed by others define her destiny is a testament to the timeless values of perseverance and determination "against all the odds."⁵ Like other early female and African-American lawyers and judges, her triumph should inspire current and future attorneys and judges. In the same vein as other pioneering and civil rights lawyers, her legacy of innovation and empathy "imbues me with a powerful and awe-inspiring admiration and respect."⁶

I first met Judge Alexander in 1974 at the University of North Carolina at Chapel Hill. Dr. Paul Dickerson Brandeis brought lawyers, judges, and legislators to speak with his undergraduate speech students. Judge Alexander, the first African-American judge I had ever met, was beautifully attired, spoke commandingly, and "wowed" us all. I remember thinking, "I want to be like her when I grow up."

Our paths crossed a second time in 1988, when, while serving on the district court bench, I was sent to Guilford County. As I presided in a district courtroom assigned to hear criminal matters, the rear door opened and a regal, older woman entered and asked to approach the bench. I instantly recognized her. With an outstretched hand, she began to introduce herself. I quickly assured her that I knew who she was. In a booming voice she announced, "Your Honor, history is repeating itself." Yes, seven years after Judge Alexander donned her judicial robe for the final time, another woman of color had assumed the bench in Guilford County, if only for the day.⁷ I called a fifteen-minute

⁴ Judge Alexander was elected in the Eighteenth Judicial District of North Carolina. 3 NORTH CAROLINA ASSOCIATION OF BLACK LAWYERS, CHRONICLE OF BLACK LAWYERS IN NORTH CAROLINA 25 (1990).

⁵ This phrase is the title of a chapter about Judge Alexander in *Recollections of Greensboro*. MARY LEWIS RUCKER EDMUNDS, RECOLLECTIONS OF GREENSBORO 96 (1993).

⁶ Charles E. Daye, *Legacy of Civil Rights Lawyers: Still Needed as Much as Ever*, N.C. ST. BAR J., Winter 2000, at 12.

⁷ Judge Alexander retired from the General Court of Justice on April 1, 1981. CHRONICLE OF BLACK LAWYERS, *supra* note 4.

court recess. In chambers, I shared with Judge Alexander our first encounter and the tremendous impact it had on me. Throughout our conversation she laughed and smiled, leaving little doubt that she was enjoying our time together as much as I.

My final meeting with Judge Alexander took place on October 27, 1990, at North Carolina Central University, where the North Carolina Association of Black Lawyers held a banquet to honor pioneering African-American women lawyers including Judge Alexander. The keynote speaker, Pennsylvania Supreme Court Justice Juanita Kidd Stout,⁸ provided a detailed history of African-American female lawyers in the United States, which showed the active role that the nation's early African-American female attorneys played in the struggle for civil rights. When I learned of Judge Alexander's death in 1998 and that, pursuant to her wishes, no public funeral or memorial service would be conducted, I was saddened that I could not say a proper "good-bye" and "thank you." This article is, at last, a proper "thank you." As a society we celebrate pioneers as well as those who successfully break barriers and are the first to achieve previously denied opportunities. In contrast, their forerunners attempt to achieve great feats and "clear the trail" for others to follow while often going unnoticed. While Judge Alexander's many barrier-breaking accomplishments solidly place her in the category of pioneer, she was also a forerunner for me and other African-American and women appellate judges.

A Prodigious Childhood

Born on March 21, 1919, in the small eastern North Carolina farming town of Smithfield, Elreta Narcissus Melton was the youngest of three children born to Joseph C. Melton, a Baptist minister and teacher, and Alian A. Reynolds Melton, a schoolteacher.⁹ Soon after her birth, the family moved to Danville, Virginia, where Judge Alexander received her early education.¹⁰ When she was twelve, they returned

⁸ In 1959, Justice Stout was elected to the Municipal Court of Philadelphia, becoming the first African-American woman elected judge in the nation. Justice Stout ascended to the Pennsylvania Supreme Court on March 3, 1988, becoming the first African-American woman to serve on a state's highest court. *Id.* at 11.

⁹ NORTH CAROLINA LIVES: THE TAR HEEL WHO'S WHO 9 (William S. Powell ed., Historical Record Association 1962).

¹⁰ PATHS TOWARD FREEDOM 128 (Frank Emory, Doris Lucas, Tom Parramore, & Earlie Thorpe eds., N.C. Center for Urban Affairs, North Carolina State University 1976).

to North Carolina, where the Reverend Melton became pastor of the United Institutional Baptist Church in Greensboro.¹¹

Judge Alexander's father strongly believed that education was essential to equip his family for life. As a result, each of his three children obtained a college education.¹² Indeed, the value of education was so entrenched in this family that Judge Alexander's mother returned to school after the birth of her children and graduated from Bennett College two years before Judge Alexander obtained her undergraduate degree.¹³ Not surprisingly then, Judge Alexander credited her father as the one who most profoundly influenced her life.¹⁴

Important to Judge Alexander's sense of pride and confidence were the lessons her parents instilled in her as a child. The Reverend and Mrs. Melton did not allow their children to ride in segregated buses or otherwise participate in segregation. Judge Alexander's colleagues would one day note the profound effect this had on her personality. "Her sense of self-worth and pride was that she was not allowed to go to segregated theaters and not being allowed to be subjected to 'degradation;' she had a high sense of self-worth . . . in the way you would want your kids to be," says her one-time law partner Gerald Pell.¹⁵

Nevertheless, Judge Alexander's family was no less vulnerable to injustice than other African Americans in that era. For example, one of her earliest memories was of her family being evicted from its home because Reverend Melton purchased the property without a prior title search, and when a third party asserted ownership, Reverend Melton was unable to pay the cost to clear the title.¹⁶

Notwithstanding the obstacles confronted by African Americans during the first three decades of the twentieth century, Judge Alexander thrived as a child prodigy in her community: She could read at the

¹¹ "The Mount Sinai Church, which was organized in 1903, and the East Market Street Church founded in August 1903 merged in June 1930 and became the United Institutional Baptist Church. Reverend J. C. Melton was called to serve as the first pastor in January 1930." United Institutional Baptist Church, <http://www.united-institutional.org/history.htm> (last visited Feb. 14, 2012).

¹² Eleanor Kennedy, *New Judge Reluctant Pioneer*, GREENSBORO DAILY NEWS, Dec. 1, 1968, at E1.

¹³ *Id.*

¹⁴ Lasley, *supra* note 3.

¹⁵ Interview with Gerald Pell & James Pell, in Greensboro, N.C. (Feb. 19, 2009).

¹⁶ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 6.

age of four, graduated from Dudley High School in Greensboro at the age of fifteen, and earned a Bachelor's of Science Degree in music from North Carolina Agricultural & Technical College at the age of eighteen.¹⁷ Aside from academics, she sang and operated a radio program as a teenager.¹⁸

Admission to Columbia Law School

After graduating from college in 1937, Judge Alexander taught high school mathematics, history, and music in South Carolina.¹⁹ There she met Girardeau Alexander, a physician, and they married on June 7, 1938.²⁰ It was a tumultuous marriage that would end in divorce thirty years later.²¹ The young couple returned to North Carolina in 1941. Employed as a librarian,²² Judge Alexander volunteered for the 1943 campaign for Greensboro City Council of Reverend Robert Sharpe, a local preacher and mortician who narrowly lost the election.²³ Because she viewed the actions of some African Americans as "more or less selling the black vote," she was bitterly disappointed by the loss and wept tears of frustration.²⁴

When he found her upset and crying over the loss, Reverend Sharpe told her not to despair because "there will come a time." Observing that the African-American community in Greensboro "needed a good Negro lawyer," he encouraged her to attend law school,²⁵ something she had not previously considered, and he presented her with a copy of *Blackstone's Commentaries on the Law*. Reading its contents as a young librarian gave her "the opportunity to explore and to nourish the seed of possibility."²⁶ Further, as she once explained, "I wanted to get my marriage straightened out more than anything else. And I figured by being [away in law school], [Dr. Alexander] would welcome me back home and we'd live happily ever after."²⁷

¹⁷ Lil Thompson, *First N.C. Black Judge, Funny Times Came; So Did Her Only Tears in Court*, WINSTON-SALEM J., SEPT. 13, 1984, AT 32.

¹⁸ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 12.

¹⁹ *Women in the Law*, WAKE FOREST JURIST, Spring 1975, at 13.

²⁰ NORTH CAROLINA LIVES, *supra* note 9, at 9.

²¹ Andy Duncan, *Judge A*, GREENSBORO NEWS & REC., MAY 22, 1988, AT G2.

²² *Id.*

²³ Lasley, *supra* note 3.

²⁴ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 22.

²⁵ Lasley, *supra* note 3.

²⁶ *Women in the Law*, *supra* note 19, at 13.

²⁷ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 19.

Despite her decision, Judge Alexander was aware that a legal career in 1943 did not hold the promise for women and African-American lawyers that it held for others. She wondered, "Who in the world would hire me in the South?"²⁸ While there were many civil rights battles to wage, the North Carolina legal community was largely filled with whites that were firmly committed to maintaining the ways of the Old South. African-American lawyers researched property titles rather than trying cases.²⁹

Law school options were limited. The University of North Carolina School of Law did not admit African-American students until a 1951 federal court order required it.³⁰ Duke University and Wake Forest University did not admit African-American law students until 1961 and 1962,³¹ respectively. Her only intrastate possibility, therefore, was the North Carolina Central School of Law, founded in 1939 for the purpose of educating African-American students.³²

When Judge Alexander asked her husband whether she could attend law school, he replied, "Yes, you can go. But, you have to go to school in New York and stay with my mother."³³ In explaining why she decided to apply to Columbia in particular, Judge Alexander explained:

[M]y marriage was on the rocks . . . I sat up in the [North Carolina Agricultural and Technical College] and went through all the catalogs, all the schools in New York. And the most expensive one was Columbia. So I wanted to punish [Dr. Alexander] a little bit. And that's how I wrote Columbia and they got interested.³⁴

In 1943, at the age of twenty-four, Judge Alexander was admitted to the prestigious Columbia Law School.³⁵ This was no small achievement. Only three African Americans, all men, had previously gained

²⁸ *Id.* at 22.

²⁹ DONALD DALE JACKSON, JUDGES 129 (1974).

³⁰ *High Court Upholds Negroes Asking Entry Rights at UNC*, RALEIGH NEWS & OBSERVER, June 5, 1951, at A1. The plaintiffs were Harvey Beech, J. Kenneth Lee, Floyd McKissick, and James Robert Walker Jr.

³¹ Duke Law School, *Law School Timeline*, <http://www.law.duke.edu/history/timeline> (last visited Feb. 11, 2012); Wake Forest University, *Celebrating Wake Forest at 175—August 1962*, https://alumni.wfu.edu/whats_new/viewer.php?edition=27 (last visited Aug. 27, 2009).

³² North Carolina Central School of Law, <http://law.nccu.edu/about/history> (last visited Feb. 11, 2012).

³³ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 22.

³⁴ *Id.* at 23.

³⁵ Constance Baker Motley, *Reflections*, 102 COLUM. L. REV. 1449, 1449 (2002).

admission.³⁶ However, in the 1920s Columbia had voted to admit women,³⁷ and when Judge Alexander wrote to the school, Columbia expressed interest.³⁸ The importance of her role as the first African-American woman at the school was not lost on Judge Alexander. Young B. Smith, the Dean of Columbia Law School, made it clear that her success or failure would largely determine the admission of African-American women at other law schools.³⁹ Judge Alexander "struggled under the knowledge—stated directly by the dean—that the admissions office would be watching her performance to determine whether other black women would be considered for admission."⁴⁰

Like many of the pioneering women lawyers, the decision to pursue a legal education came after working in another career. Looking back on her experiences, Judge Alexander stated, "I wanted to be a minister. It was a case of father adoration. I went to Columbia law school [sic] more or less to pass the time. I was the first Negro woman there, but I didn't want to be a social experiment. I didn't think I'd go all the way through."⁴¹ Indeed, she nearly left Columbia because of her troubled marriage. After her first semester, upon receiving Dean Smith's assurance that she had "opened the doors" for other African-American women, Judge Alexander sought a semester leave from the school's accelerated wartime curriculum.⁴² However, Dean Smith pleaded with her to stay, stating that the South was going to need more African-American lawyers. He also wrote to Dr. Alexander, who in turn *told* his wife to return to Columbia. Ultimately, Judge Alexander remained in law school at the insistence of her husband and Dean Smith.⁴³

Despite her initial trepidation, Judge Alexander thrived at Columbia Law School.⁴⁴ She was popular among students and professors and later commented, "At Columbia, I was made to feel that I was a

³⁶ *Id.* Notably, one of them was Herman L. Taylor, also from Greensboro, North Carolina. CHRONICLE OF BLACK LAWYERS, *supra* note 4, at 23.

³⁷ *Id.*

³⁸ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 23.

³⁹ *Id.* at 16.

⁴⁰ WALTER BENNETT, THE LAWYER'S MYTH 164 (2001).

⁴¹ JACKSON, *supra* note 29, at 126.

⁴² Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 23.

⁴³ *Id.* at 24.

⁴⁴ *Id.* at 17-18.

queen.”⁴⁵ In 1945, Judge Alexander became the first African-American woman to graduate from Columbia Law School.⁴⁶

Admission to the North Carolina Bar

Admission to the North Carolina Bar would not be easy. The Board of Law Examiners required all North Carolinians attending out-of-state law schools and intending to seek admission to the North Carolina Bar, often African Americans who were unable to attend the state’s segregated schools, to register within six months of beginning law school.⁴⁷ Those who failed to do so had to prove that they were “exceptionally meritorious”—a requirement that operated to limit the number of African-American attorneys in North Carolina.

Unaware of this registration requirement, Judge Alexander had to prove that she was an “exceptionally meritorious” applicant.⁴⁸ Her law school professors and the dean submitted affidavits and contacted the North Carolina Bar on her behalf.⁴⁹ The North Carolina Bar did not respond, so Judge Alexander began studying for the New York Bar exam. However, by early July of 1945 her plight in North Carolina began receiving attention in the local press. Because North Carolina administered only one bar exam each year while New York administered three, Judge Alexander, believing that the public attention might aid her effort, returned to North Carolina and commenced studying for the August bar exam.⁵⁰

⁴⁵ *Id.*

⁴⁶ AFRICAN AMERICAN NATIONAL BIOGRAPHY 73 (Henry Louis Gates Jr. & Evelyn Brooks Higginbotham eds., 2008). Most law schools at the time of Judge Alexander’s graduation had yet to admit African-American students. Notably, in 1946 Heman Sweatt was denied admission to the University of Texas School of Law. Sweatt brought suit against the law school, and in 1950, the United States Supreme Court ordered the integration of the law school. *Sweatt v. Painter*, 339 U.S. 629 (1950). Constance Baker Motley, another African-American female graduate of Columbia Law School, helped litigate *Sweatt* as a member of the NAACP Legal and Education Defense Fund. Motley, *supra* note 35, at 1449 n.2.

⁴⁷ Rules Governing Admission to Practice of Law, N.C. GEN. STAT. § 7 (1943) (The Rules Governing the Admission to Practice of Law are not codified within the North Carolina Rules of Court).

⁴⁸ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 25. See also N.C. GEN. STAT. § 7 (1943).

⁴⁹ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 25-26.

⁵⁰ *Id.*

Soon afterward, however, her house caught fire, severely burning the young woman.⁵¹ The news spread and finally, while recuperating, Judge Alexander received notice that the North Carolina Bar deemed her an "exceptionally meritorious" applicant. Her injuries prevented her from completing the three-day exam. Hurt, but not defeated, she returned to New York and passed the October 1945 bar exam.⁵² In 1946, Judge Alexander returned to North Carolina to apply for the North Carolina Bar exam again.⁵³ This time, she was informed that her application would be denied for lack of residency during the prior twelve months. While waiting to establish her residency in North Carolina, Judge Alexander worked in the Harlem, New York, firm of Dyer & Stevens⁵⁴ and "was back and forth down here [in North Carolina] every weekend, had everybody see me because of the [bar] situation."⁵⁵ Because she did not want to compromise her North Carolina residency, Judge Alexander received no salary aside from the costs of traveling between the two states on weekends.

Needing to hone her litigation skills before returning to North Carolina, Judge Alexander focused on getting as much court experience as possible. In what was probably her first litigation appearance, she argued a case in the United States Court of Appeals for the Second Circuit. Her firm represented the employees of Delaware Lackawanna Railroad.⁵⁶ However, the senior counsel, Mr. Hope R. Stevens, was in the Caribbean representing another client and could not return in

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ During this period, attorney Hope R. Stevens was a member of the firm of Dyer & Stevens. As the first African-American president of the Uptown Chamber of Commerce and the cofounder of several financial and legal organizations, most notably the National Bar Association, Mr. Stevens was a pioneer African-American attorney and banker in the Harlem community. LLOYD A. WILLIAMS, *FOREVER HARLEM: CELEBRATING AMERICA'S MOST DIVERSE COMMUNITY* 125 (Lloyd A. Williams & Voza W. Rivers eds., 2006).

⁵⁵ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 29-30.

⁵⁶ In *Joint Council Dining Car Emps. Local 370 v. Delaware, Lackawanna & Western R.R. Co.*, 157 F.2d 417, 419 (2nd Cir. 1946), employees of the railroad company brought suit seeking enforcement of an order by the division of the National Railroad Adjustment Board requiring the railroad company to reimburse the employees. The district court dismissed the employees' complaint on the basis that under the Railway Labor Act the employees' cause of action for enforcement did not accrue until the day after the date given by the board's order to make reimbursement. *Id.* On appeal, the Second Circuit Court of Appeals reversed and remanded the district court's dismissal of the employees' complaint. *Id.* at 421.

time to appear. Since Judge Alexander had helped prepare the appellate brief, the firm asked her to argue the case. Having recently passed the New York Bar exam, but not yet sworn-in, she sought the assistance of Carmel Prasker, a former Columbia Law School classmate, to obtain the court's permission to appear. Despite her inexperience, Judge Alexander won.⁵⁷

Judge Alexander continued to insist on going to court to gain trial experience. She finally got her chance in a landlord-tenant case.⁵⁸ Under New York law, landlords must sue to evict tenants for violations of the municipal code or risk being penalized themselves. Although the firm's client duly brought suit, he did not desire to win the suit and lose the tenant. Believing that Judge Alexander was likely to lose the case because of her inexperience, the firm assigned it to her. As predicted, Judge Alexander was nervous and unsuccessfully objected throughout the trial. Nevertheless, the jury returned a verdict in her favor, thwarting the firm's desire to lose the case. In fact, the trial judge encouraged her to continue trying cases and predicted that she would become a successful litigator.⁵⁹

In 1947 Judge Alexander again sought admission to the North Carolina Bar. The story of how she finally prevailed sheds light on the ways in which African Americans confronted such problems during a time when they lacked power and were forced to rely upon their relationships with whites in the community. Mary Lewis Rucker Edmunds, a prominent member of the Greensboro community and the mother of North Carolina Supreme Court Justice Robert Edmunds, recounts the tale in *Recollections of Greensboro*.⁶⁰ One day Judge Alexander and her father were sitting on the front porch discussing how she could take the Bar exam as Ms. Fannie White, a neighbor and member of Reverend Melton's church, passed. Ms. White was the housekeeper and friend of the Pierce Rucker family, one of the most powerful in Greensboro. Judge Alexander and her father discussed the problem with Ms. White. After giving the matter some thought, Ms. White told Judge Alexander that Mr. Rucker was to have dinner with Governor Robert Gregg Cherry the following day and that she would bring the matter to Mr. Rucker's attention. Two days later, Ms. White summoned Judge Alexander to the Pierce-Rucker home per Mr. Rucker's

⁵⁷ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 31-32.

⁵⁸ *Id.* at 32-33.

⁵⁹ *Id.*

⁶⁰ EDMUNDS, *supra* note 5, at 96-98.

direction. After confirming Judge Alexander's inability to sit for the bar exam, Mr. Rucker telephoned Herbert Falk, a leader of the local bar, who told Judge Alexander that he would send letters on her behalf and that she should have no more trouble sitting for the bar exam.

In 1947, her application was accepted. When she appeared for the exam, it was obvious to her that she was receiving "the red carpet treatment" as a result of her ties to Mr. Falk and Mr. Rucker.⁶¹ She passed the examination and was admitted to the North Carolina Bar, becoming the first African-American woman to practice law in the state.⁶²

Private Practice in North Carolina

Judge Alexander opened a solo law practice in Greensboro and quickly developed a large criminal and traffic practice through the connections and associations of her minister father and her physician husband.⁶³ These people would in turn recommend her to their friends.⁶⁴ In one case that typifies the early days of her practice, Judge Alexander represented a woman who sought child support from her estranged husband.⁶⁵ The courtroom, full of spectators, looked on as Judge Alexander won the case. The presiding judge imposed his customary child support judgment for black men—a payment of five dollars per week per child. This sum was half of what the judge required of white men under the same circumstances. "Your Honor," Judge Alexander said, "it costs just as much to feed Negro babies."⁶⁶ The judge accepted her point, and Judge Alexander obtained the additional five dollars for her client. The result was approvingly noted by citizens of both races.

⁶¹ *Id.* at 98; Interview with Hon. Robert Edmunds, in Raleigh, N.C. (Feb. 11, 2009).

⁶² AFRICAN AMERICAN NATIONAL BIOGRAPHY, *supra* note 46, at 73. The first African-American woman to be licensed to practice in North Carolina was Ruth Whitehead Whaley, who was admitted by reciprocity on May 30, 1933. *Oath Administered to Negro Woman Lawyer*, NEWS & OBSERVER, May 31, 1933, at 3. She was also the first African-American woman to actively practice law in New York. REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMEN LAWYERS 312 (J. CLAY SMITH JR. ED., UNIV. OF MICHIGAN PRESS) (1998). LIKE JUDGE ALEXANDER, MS. WHALEY WAS A NORTH CAROLINA NATIVE, STUDIED LAW IN NEW YORK, AND WAS THE FIRST AFRICAN-AMERICAN WOMAN TO ATTEND HER LAW SCHOOL, FORDHAM UNIVERSITY SCHOOL OF LAW. *Id.* Although licensed, Ms. Whaley never practiced in North Carolina. *Id.*

⁶³ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 53.

⁶⁴ *Id.*

⁶⁵ Lasley, *supra* note 3.

⁶⁶ *Id.*

Five or six months after beginning her practice, Judge Alexander broke with the custom of the day by representing a white client, Bill Godfrey. A friend of Dr. Alexander, Godfrey was charged with a speeding offense that would have resulted in the loss of his driving privileges. She hesitated to take the case since African-American lawyers did not represent white clients,⁶⁷ but Godfrey insisted. Judge Alexander convinced Godfrey to permit her some time to investigate the matter. Appearing on the court date, Judge Alexander approached the presiding judge in chambers and asked his opinion on her representing a white client. The judge told her, “You’re licensed. You’re not licensed to practice white law or colored law. Go and try your cases.”⁶⁸ She later obtained a good result for Godfrey.

Judge Alexander later practiced with Herbert Parks, an aging African-American attorney from whom she learned to try DWI cases.⁶⁹ The local bar came to respect her as a superb trial attorney, and judges liked her because she was “a straight shooter and reliable.”⁷⁰ Judge Alexander then formed one of the first integrated law firms in the South with Edward Alston and brothers Gerald and James Pell, the firm of Alston, Alexander, Pell & Pell.⁷¹ When *Time* magazine contacted Judge Alexander to write a story about the firm, she declined the offer, saying that she did not do it to become a “first.”⁷² Decades later, the Pell brothers said their decision to practice with Judge Alex-

⁶⁷ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 57.

⁶⁸ *Id.* at 58.

⁶⁹ Mr. Parks’ entry into the legal profession is a fascinating story. Mr. Parks was a minister and custodian at the law office of Henderson & Henderson, in Greensboro, North Carolina. One evening Attorney Worth Henderson returned to the firm and found Mr. Parks reading a law book instead of cleaning. After discussing the matter with partner Clifford Frazier, Mr. Henderson asked Mr. Parks whether he wanted to become a lawyer. When Mr. Parks replied that he did, Mr. Henderson and Mr. Frazier “read law” with Mr. Parks. In that era, North Carolina had an oral bar exam instead of a written one. After thoroughly preparing Mr. Parks, Mr. Henderson and Mr. Frazier approached the North Carolina Bar to allow Mr. Parks to “stand” for the exam. When bar officials refused, Mr. Henderson and Mr. Frazier convinced them by arguing that Mr. Parks was not a threat and would not pass the bar exam in any event. However, Mr. Parks passed the exam and was licensed to practice in North Carolina in 1937. To assist Mr. Parks in developing his practice and rid themselves of unwanted cases, Mr. Henderson and Mr. Frazier referred their DWI cases to Mr. Parks. Interview with Hon. Joseph A. Williams, in Greensboro, N.C. (August 20, 2009).

⁷⁰ *Id.*

⁷¹ Interview with Gerald Pell and James Pell, *supra* note 15; Nancy H. McLaughlin, *Judge Ushered in a New Day for Greensboro*, GREENSBORO NEWS & RECORD, June 14, 1999, at A5.

⁷² McLaughlin, *supra* note 71.

ander was based on their mutual respect for one another's work rather than a desire to make a social statement.⁷³

Indeed, Judge Alexander could "try" a case. Her legal ability and talent in the courtroom were widely reported. She had a considerable repertoire of trial techniques. It is said that once during the State's closing arguments in a criminal trial, Judge Alexander instructed her client to look straight ahead and under no circumstances to turn and look at her. Then, she turned her head to look at the jury while holding a hatpin in her hand and began twirling the hatpin close to the client's eye. Many surmised that the jury could not focus on the district attorney's closing argument and found for the defendant.⁷⁴

Judge Alexander also was known in the courtroom for her sense of style. She often wore beautiful dresses, a wig, large hats, jewelry, and fur coats to court. To retain her as one's attorney in a trial was to participate in a production. She would have clients walk into the courtroom behind her while she made her grand entrance. The white clients would go to one side, and the African-American clients would go to the opposite side. Before integration, the judge would invariably invite her to sit in the section reserved for whites, but she would decline, throwing her mink coat on the chair and taking her seat among other African Americans.⁷⁵ Though she often sat with the poorest and most unkempt in the community, Judge Alexander's appearance had an uplifting effect on the jury's perception of her clients and the client's pride in retaining her. As she once observed, "people rate you by what [they] see."⁷⁶

Judge Alexander's practice consisted of a variety of civil and criminal cases. Because of her reputation as a stellar litigator, Judge Alexander gained black and white clients and the respect of her colleagues. In 1950, for example, in the same year in which she gave birth to her only child, Girardeau Alexander III, Judge Alexander successfully represented a citizens' group against the Greensboro City Council.⁷⁷ The Council sought to re-zone African-American owned land to allow investors to build private low-income housing. The group opposed the action.⁷⁸ The legal battle is said to have mobilized African Americans to

⁷³ Interview with Gerald Pell & James Pell, *supra* note 15.

⁷⁴ *Id.*

⁷⁵ Interview with Hon. Joseph A. Williams, *supra* note 69.

⁷⁶ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 70.

⁷⁷ AFRICAN AMERICAN NATIONAL BIOGRAPHY, *supra* note 46, at 73.

⁷⁸ *Id.*

elect the first African-American member of the Greensboro City Council.⁷⁹

Known for her tenacity and innovation in the courtroom, Judge Alexander showed a rare moment of emotion while representing a young African-American maid charged with manslaughter of a newborn. The young woman had the child at the home of her absent employer and subsequently abandoned the infant who later died.⁸⁰ While advocating for this client, Judge Alexander cried for the first and only time in a courtroom.⁸¹ In fact, by the end of her defense, “[Judge Alexander] didn’t think there was a dry eye in the house.” Although convicted, the defendant only received a probationary sentence with certain conditions.⁸²

Judge Alexander was also the first African-American woman to argue a case before the Supreme Court of North Carolina.⁸³ In *McKinley v. Hinnant*, her earliest reported case there, Judge Alexander represented the seller in a dispute over a series of real estate transactions.⁸⁴ The Supreme Court of North Carolina ruled partly in her client’s favor. Another notable case was *State v. Yoes*, in which four African-American defendants were convicted of raping a white woman in Guilford County in 1964.⁸⁵ Retained by the family of defendant Charles Donald Yoes, Judge Alexander served as trial counsel in one of North Carolina’s longest running trials up to that time. The racially charged case reached the Supreme Court of North Carolina on her challenge to the selection of jurors. She argued that they were unfairly selected because the clerk could select jurors by race to replace challenged jurors, and that the court failed to adhere to the procedures for securing and holding the keys to the jury box. Despite losing on appeal, the *Yoes* case is said to have helped launch the Jury Commission in North Carolina for the purpose of ensuring fair jury selection.⁸⁶ Looking back on the *Yoes* case, Judge Alexander-Ralston would later say, “I think that’s about when I started thinking about becoming a

⁷⁹ *Id.*

⁸⁰ Thompson, *supra* note 17.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ 87 S.E.2d 568 (N.C. 1955).

⁸⁵ 157 S.E.2d 386 (N.C. 1967).

⁸⁶ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 85-86, 89.

judge. They were convicted, but it was like a kangaroo court. The judge called them 'niggers.' We didn't have a chance."⁸⁷

Election to the District Court

Judge Alexander's opportunity to join the judiciary came with the unification of North Carolina's court system in 1967.⁸⁸ Before 1967, the state had a hodgepodge of local courts, each operating with its own rules and personnel.⁸⁹ In 1967, however, North Carolina consolidated the various trial courts into superior and district courts, with district courts hearing criminal misdemeanors and civil disputes involving less than \$10,000.⁹⁰ The overhaul also created an intermediate appellate court, the North Carolina Court of Appeals.⁹¹

To run, Judge Alexander became a Republican. This decision was motivated by two considerations. First, because the dominant Democratic Party tended to have more contenders, she would have a better chance of surviving the primary and advancing to the general election as a Republican.⁹² Second, Judge Alexander felt that the Democratic Party was unresponsive to the needs of African Americans.⁹³ In particular, many African Americans in Greensboro at the time felt that the Clerk of Court in Guilford County, a Democrat who had held the office since the 1940s, treated African Americans badly. When Judge Alexander tried to convince the Democrats that the Clerk needed to be replaced because of this, they ignored her.⁹⁴ Later explaining her decision to switch her party affiliation from Democrat to Republican, Judge Alexander said:

I had to decide we were going to open the door. Seems like my whole life I've been opening doors without an organization behind me. All the judges were Democrats. I felt that in a one-party system all I'd get would be the crumbs. And I'm like Pearl Bailey, honey . . . I don't like crumbs.⁹⁵

⁸⁷ JACKSON, *supra* note 29, at 127.

⁸⁸ COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA, WITHOUT FAVOR, DENIAL OR DELAY: A COURT SYSTEM FOR THE 21ST CENTURY, APPENDIX B: NORTH CAROLINA'S COURT SYSTEM 77-79 (1996).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Interview with Hon. Robert N. Hunter, in Raleigh, N.C. (Jan. 29, 2009).

⁹³ Interview with Hon. Joseph A. Williams, *supra* note 69.

⁹⁴ *Id.*

⁹⁵ JACKSON, *supra* note 29, at 127.

In her campaign, Judge Alexander drew upon her relationships in the community, as well as her experiences while campaigning for Reverend Sharpe. Reverend Melton and others in his church convinced parishioners and the African-American community to support her and the Republican Party. Whites in the community also campaigned on her behalf, urging whites and Republicans to support her.⁹⁶ Her campaign stealthily bused voters to polls. When the votes in the election were counted, people were shocked.⁹⁷ Judge Alexander had managed to win the election, not only as an African-American woman, but also as a Republican.⁹⁸

On December 2, 1968, Judge Alexander became the first African-American elected judge in North Carolina and the second African-American woman elected judge in the United States. By switching to the Republican Party, she successfully garnered the votes of Republicans and carried the support of African-Americans throughout the judicial district. Consequently, her campaign allied the two district minorities, Republicans and African Americans, into a formidable coalition. Some predicted a strong challenge to the dominance of North Carolina Democrats.⁹⁹

Her success in this 1968 election probably contributed to the General Assembly's decision to change the way district court judges were elected.¹⁰⁰ Prior to the change, in district court elections the judicial candidates that received the most votes filled the requisite vacant seats. This allowed African-American voters to place all their votes on one candidate, increasing that candidate's chances of becoming one of the top vote getters. Partly as a result of this system of elections, Judge Alexander had finished third among the eleven contenders for seven open district court seats in 1968.¹⁰¹ However, the revised judicial election system required each candidate to run for a specific seat. Thus, head-to-head matches between African-American and white candidates

⁹⁶ Interview with Hon. Joseph A. Williams, *supra* note 69.

⁹⁷ *Id.*

⁹⁸ See Edward C. Winslow, *Comments from the President: A Place in the Firmament*, 60 GREENSBORO BAR ASS'N NEWS 8 (2011) ("When, in 1968, Guilford County elected a woman, an African American and a Republican to our District Court bench, those were all unusual for the times. But, the fact that all three were combined in one person was remarkable").

⁹⁹ Interview with Hon. Joseph A. Williams, *supra* note 69; Interview with Hon. Robert N. Hunter, *supra* note 92.

¹⁰⁰ Interview with Hon. Robert N. Hunter, *supra* note 92.

¹⁰¹ JACKSON, *supra* note 29, at 127; McLaughlin, *supra* note 71.

were likely to present a great challenge for the election of African-American candidates.¹⁰² However, after securing a judgeship, Judge Alexander was able to maintain her coalition, establish herself as a judge, and win the allegiance of the legal community and the public, both black and white.¹⁰³ Despite the new system of judicial elections, Judge Alexander was able, by running unopposed, to win re-election in 1972, 1976, and 1980.¹⁰⁴

Judge Alexander's popularity with lawyers and the public was due in part to her ability to "apply[] justice in a meaningful and unique way."¹⁰⁵ Often, in family law and misdemeanor criminal cases, she imposed judgments that were moderate and more effective than the options presented to her by the parties. One practice that endeared her to some was "Judgment Day," her alternative approach to sentencing young offenders and first-time misdemeanants. Prior to the more recent enactment of alternative sentencing laws, sentences for crimes under North Carolina law were limited to probation, fines, or imprisonment. Some judges circumvented these limitations by granting continuations of judgment, called prayers for judgment continued, often in traffic court.¹⁰⁶ However, Judge Alexander used the prayer for judgment continued to fashion a more individualized approach to sentencing young and first-time misdemeanants.¹⁰⁷

She would assign the defendant a combination of tasks aimed at reforming the individual. These tasks might include making restitution, completing one's education, performing community service, touring a prison, gaining employment, or supporting one's family. The parents of young defendants were involved throughout the process. Judge Alexander would warn the defendant that she would eventually render judgment against the defendant, taking the defendant's subsequent conduct into account. She then would designate an entire session of court for "Judgment Day" and require all such defendants to appear before her. If a defendant satisfactorily demonstrated rehabilitation and performed the assigned tasks, Judge Alexander would enter

¹⁰² Interview with Hon. Robert N. Hunter, *supra* note 92.

¹⁰³ *Id.*

¹⁰⁴ Thompson, *supra* note 17, at 32.

¹⁰⁵ Lasley, *supra* note 3. See also Winslow, *supra* note 98 ("She sized up every case, the people, the law and what a right outcome ought to be – and that's exactly what happened.").

¹⁰⁶ *The Inimitable Judge A*, GREENSBORO NEWS & REC., MARCH 17, 1998.

¹⁰⁷ Duncan, *supra* note 21, at G1.

a “prayer for judgment continued.”¹⁰⁸ If not, she would impose a fine or sentence the defendant to imprisonment.¹⁰⁹ Judge Alexander’s individualized justice impressed members of both the black and white communities, and she gained the trust of the citizens of Guilford County. The practice helped reform the lives of many teenagers who would go on to become ministers, attorneys, and businesspersons.¹¹⁰

Nevertheless, some courthouse officials opposed “Judgment Day” because the practice reduced the revenue derived from fines and court costs. With Judge Alexander imposing alternatives to traditional sentencing, the courthouse was unable to collect court costs and fines in such cases. Neither Judge Alexander’s supporters nor her critics were certain of the exact meaning and limits of the legal fiction “prayer for judgment continued.”¹¹¹ Yet, Judge Alexander was able to persist with the practice, even after one court clerk challenged it. Although the clerk briefly convinced a superior court judge to suspend “Judgment Day” until its legality could be determined, Judge Alexander appeared and pointed out that the judge lacked the authority to issue the suspension since the superior and district courts were co-equal divisions of the judiciary.¹¹² Her strong personality and reputation for being able to handle opponents inside and outside the courtroom meant that opponents did not lightly challenge her. As she put it, “I had a disposition that I’m not easy to walk over.”¹¹³

Ultimately, the Supreme Court of North Carolina ordered judges to stop issuing “prayers for judgment continued.”¹¹⁴ But from 1975, after many citizens, black and white, rich and poor, complained,¹¹⁵ the North Carolina General Assembly enacted statutes that enabled judges to impose, through the Department of Corrections, first-offender and alternative sentencing programs similar to Judge Alexander’s “Judgment Day.”¹¹⁶ Judge Alexander was most proud of “using the bench for

¹⁰⁸ Interview with Hon. Joseph A. Williams, *supra* note 69; Interview with Hon. Robert N. Hunter, *supra* note 92.

¹⁰⁹ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 90.

¹¹⁰ *Id.* at 91.

¹¹¹ Interview with Hon. Joseph A. Williams, *supra* note 69.

¹¹² *Id.*

¹¹³ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 70.

¹¹⁴ *Id.*; Duncan, *supra* note 21, at G2.

¹¹⁵ Interview with Hon. Joseph A. Williams, *supra* note 69; Duncan, *supra* note 21, at G2.

¹¹⁶ CHRONICLE OF BLACK LAWYERS, *supra* note 4, at 26; Interview with Hon. Joseph A. Williams, *supra* note 69.

something else other than punishment," which, in her view, "doesn't correct anything."¹¹⁷

Judge Alexander knew who she was. Other people did too. One particularly memorable illustration of this was related to me by Edward Winslow, former President of the Greensboro Bar Association. At the time, the Supreme Court of the United States was hearing an appeal addressing whether African Americans were unfairly impacted by the death penalty in North Carolina. During oral argument, Justice Thurgood Marshall asked the Assistant North Carolina Attorney if North Carolina had any black trial judges, implying that an all-white judiciary was problematic. Judge Alexander was a district court judge at the time and was North Carolina's only black judge, and perhaps the only one in the country. The Assistant North Carolina Attorney cited Judge Alexander in response to Justice Marshall's question. However, he did not call her by name; but rather referred to Judge Alexander as a "negress". This comment was reported on the CBS Evening News and in newspapers nationwide. As Mr. Winslow recounts the next morning in traffic court Judge Alexander had a few things to say.

In Judge Alexander's courtroom the next morning, I had no idea what had happened. (I didn't have a TV then.) Instead, I was entirely focused on trying to get a "70 in a 55" reduced to "exceeding a safe speed" and hoping for a PJC. I did notice a reporter in the courtroom though, which I thought was strange. When court opened, we stood and made ready to start, but Judge Alexander had some things she wanted to say before we began. Ostensibly, the Judge was addressing the prosecutor and me when she spoke but we quickly understood that no responses from us were needed or wanted. She was speaking to a wider audience. She began with a learned disquisition on the word that had been used in the Supreme Court and explained why it is offensive. She said with considerable dignity that to be referred to by that term was an insult and not acceptable. I particularly remember Judge Alexander saying that when Justice Marshall had asked his question from the bench of the United States Supreme Court and before the national media, she knew it was merely a rhetorical question. She knew that, Judge A said, looking down from her own bench at those of us assembled in Guilford County traffic court that morning, because Justice Marshall didn't need the information. He already knew the answer. "Thurgood," she said, "knows me." She and Mr. Justice Marshall had been friends, she told us, since Judge Alexander's time at Columbia Law School. That was a grand lady and one who had a great – and absolutely justified – sense of herself and her place in history – and in the firmament.¹¹⁸

¹¹⁷ Interview with Hon. Elreta Alexander Ralston, *supra* note 1, at 92.

¹¹⁸ Winslow, *supra* note 98 ("She sized up every case, the people, the law and what a right outcome ought to be – and that's exactly what happened.").

Running for the North Carolina Supreme Court

In 1973, the Republicans successfully elected James Holshouser as the first Republican governor in seventy-two years.¹¹⁹ When Judge Alexander filed in the Republican primary for Chief Justice of the Supreme Court of North Carolina on February 25, 1974, it was without prior notice to the state's Republican leadership.¹²⁰ Governor James Holshouser and other Republican insiders did not know what to make of her decision.¹²¹ It came "out of the blue; she did not ask anyone for permission."¹²² Notwithstanding the recent Republican victory, the party often failed to field candidates for offices dominated by the Democrats, and the 1974 Republican primary for the Chief Justice seat was no exception.¹²³ Even though the Republican Party did not seek candidates for the position, another candidate had also filed for the Republican primary on February 22, 1974. Judge Alexander's opponent was James M. Newcomb, a fire safety equipment salesman with no legal training or judicial experience.¹²⁴ The Democratic contender was Justice Susie Marshall Sharp, the first woman on the North Carolina Supreme Court.¹²⁵

Governor Holshouser "met Judge Alexander when [he] was the North Carolina Republican Party Chair in 1966 and 1971, but did not know her otherwise. The fact that she won [a district court judgeship] in Guilford County in 1968 meant that she had something on the ball. [He] thought it would be a disaster if the fire extinguisher salesman won the primary."¹²⁶ Governor Holshouser desired to assist Judge Alexander, but it was neither common nor prudent for a governor to get involved in his party's primaries. Still, he sought to help her candidacy "without getting caught."¹²⁷

Robert Hunter, an advisor to Governor Holshouser, was dispatched to meet with Judge Alexander and her campaign in the spring

¹¹⁹ UNC-TV, Timeline – James Holshouser, <http://www.unctv.org/biocon/jholshouser/timeline01.html> (last visited Feb. 11, 2012).

¹²⁰ Interview with Hon. Robert N. Hunter, *supra* note 92; Interview with Former Gov. James Holshouser, in Raleigh, N.C. (July 9, 2009).

¹²¹ Interview with Former Gov. James Holshouser, *supra* note 120.

¹²² Interview with Hon. Robert N. Hunter, *supra* note 92.

¹²³ ANNA R. HAYES, *WITHOUT PRECEDENT, THE LIFE OF SUSIE MARSHALL SHARP* 347 (2008).

¹²⁴ *Id.* at 350.

¹²⁵ For more about the life of Chief Justice Sharp, see HAYES, *supra* note 123.

¹²⁶ Interview with Former Gov. James Holshouser, *supra* note 120.

¹²⁷ *Id.*

of 1974 to determine her motives and whether the GOP could assist her. According to Hunter, Governor Holshouser "wanted to be helpful, but he did not know what she wanted."¹²⁸

During the meeting, the discussion turned to how to get Judge Alexander through the Republican primary. The group believed that Judge Alexander, as a Columbia Law School graduate with six years of judicial experience, could handily defeat her opponent. After all, Newcomb had no legal training or judicial experience. But to win, Judge Alexander would have to conceal her gender and race.¹²⁹ Her campaign literature should have omitted both details, and the candidate should have run as "Judge E. M. Alexander, a Columbia-trained lawyer and judge." She, however, would have none of it and was upset that her advisors suggested she run her campaign in this manner.¹³⁰

Her reasons for refusing to conceal her race and gender are unclear. Quite possibly she felt that such a campaign would have been inconsistent with her values. After all, in breaking barriers throughout her life and successful career, Judge Alexander had never concealed her race or gender. Another, related possibility is that Judge Alexander, who was popular among African-American and white voters in Guilford County, mistakenly believed that she would have the same support from voters statewide.¹³¹

Whatever her reasons, Judge Alexander refused to hide her race and gender during the campaign. She not only refused to conceal her race and gender, but included her picture in the campaign literature and attended Republican Party events wearing her signature style of dress and wigs. At times, "the contrast of her appearance and that of other Republican women highlighted their differences."¹³²

On May 7, 1974, Newcomb won the Republican primary.¹³³ Many in the legal community were surprised that Judge Alexander, an experienced judge and popular politician in Greensboro, lost to New-

¹²⁸ Interview with Hon. Judge N. Robert Hunter, *supra* note 92.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Interview with Hon. Robert N. Hunter, *supra* note 92.

¹³² *Id.*

¹³³ HAYES, *supra* note 123, at 354.

comb.¹³⁴ Some suspected that race played a role in her defeat¹³⁵ while others believed that she lost as a result of her gender.¹³⁶ While she did not dwell on her defeat, Judge Alexander believed that “there was an organized opposition against her.”¹³⁷ Reflecting on her defeat, Judge Alexander remarked:

That I lost to a man without any legal background reinforces my conviction that reform is needed in regard to judicial qualifications . . . I feel that I was successful in my purpose. I was not running to win. I was running to cause us to re-examine the two-party system, to point out the need for some type of reform about qualifications and to emphasize that in a democracy a candidate should not feel intimidated.¹³⁸

Her loss in the Republican primary sparked a debate in North Carolina regarding judicial qualifications and standards.¹³⁹ In the general election of November 4, 1980, the people of North Carolina adopted a constitutional amendment that required judges to be licensed to practice law in the state.¹⁴⁰

Judge Alexander's Legacy

Judge Alexander continued to serve as a district court judge following her loss in the Republican primary, winning reelection to the district court in 1976 and 1980. In 1979, having finally divorced Dr. Alexander, she married John D. Ralston, a retired IRS officer. Judge Alexander-Ralston retired from the judiciary on April 1, 1981.¹⁴¹ She then became a senior partner in the law firm of Alexander-Ralston, Speckhard, and Speckhard,¹⁴² and continued to practice law until 1995, when she retired due to failing health.

Judge Alexander's innovations nevertheless continued. She helped establish an assisted-retirement community for indigent people. She strongly believed that poor people deserved health care and

¹³⁴ Interview with Gerald Pell & James Pell, *supra* note 15; Interview with Hon. Robert N. Hunter, *supra* note 92; interview with Former Gov. James Holshouser, *supra* note 120; Interview with Hon. James G. Exum, in Greensboro, N.C. (Feb. 19, 2009); HAYES, *supra* note 123, at 354.

¹³⁵ Interview with Hon. Joseph A. Williams, *supra* note 69.

¹³⁶ HAYES, *supra* note 123, at 354.

¹³⁷ Lasley, *supra* note 3.

¹³⁸ *Women in the Law*, *supra* note 19, at 14.

¹³⁹ Interview with Hon. Robert N. Hunter, *supra* note 92; Interview with Former Gov. James Holshouser, *supra* note 120; Interview with Hon. James G. Exum, *supra* note 134.

¹⁴⁰ N.C. CONST. ART. IV, § 22.

¹⁴¹ CHRONICLE OF BLACK LAWYERS, *supra* note 4, at 26.

¹⁴² Interview with Gerald Pell & James Pell, *supra* note 15.

assisted-living facilities of the same quality as the more affluent. She designed an apartment in the retirement community for herself, planning to spend her last days among those who shared her humble beginnings. Indeed, as she aged, Judge Alexander sought to get closer to her humble beginnings, insisting that she was "no more than a little girl from Smithfield that people put up on a pedestal."¹⁴³ She believed that she owed her success to the lay people, whom she considered to be the source of true power. As she once shared with a confidant, the public can place one on a pedestal and prop one up when knocked down from the pedestal. Judge Alexander also did not wish a public memorial because she preferred to "just fade away into the sunset."¹⁴⁴ In her view, it was better to be remembered by the individuals whose lives she had touched. She died on March 14, 1998, at the age of seventy-eight.¹⁴⁵

Winning election to the highest judicial office in North Carolina was the only barrier that Judge Alexander failed to break. Yet, in seeking the office of Chief Justice, she signaled that indeed a day would come when a person of color would rise to lead the judiciary of North Carolina.¹⁴⁶ It is an unavoidable truth that Judge Alexander left a significant mark on the law of North Carolina. She was a great woman and a great judge. Her presence on the bench strengthened the court system in North Carolina. For the first time, a person of color joined the leadership team of a critical branch of government, the judiciary. Her presence strengthened the court system because of her first-rate legal talent and the diversity she contributed to it. Public confidence in our judiciary increases when there is diversity on the bench.

Just as Judge Alexander did not allow her judgments to be limited by the sentencing options of the 1960s, she refused to be limited to the few professional choices available to an African-American woman in the segregated Southern society of her birth. Her legacy is the instruction that her life's journey provides. She did not wait for opportunities, but actively sought them and competed for them. She repeatedly demonstrated her courage and willingness to take risks. When the odds were against her, she used unconventional means to achieve her

¹⁴³ Interview with J.J. Lawson, in Greensboro, N.C. (Aug. 20, 2009).

¹⁴⁴ *Id.*

¹⁴⁵ *The Inimitable Judge A*, *supra* note 106.

¹⁴⁶ The Honorable Henry E. Frye achieved this goal when he took oath of office as Chief Justice on September 7, 1999. Interview with Hon. Henry E. Frye for the TARHEEL JUNIOR HISTORIAN (Spring 2009).

goals, and constantly took on new challenges. With zeal, she offered novel solutions to old problems. Just because business is typically conducted in a certain way, one should not avoid proposing new ideas.

In preparing this tribute, I spoke with many of Judge Alexander's contemporaries, who willingly shared their memories of her. Perhaps the most poignant observation was that of Governor Holshouser, who offered, "As the drama is unfolding, you don't get the big picture. But when you look back, at the end of the day, [hers] was a remarkable journey."¹⁴⁷ I feel privileged to have known Judge Alexander and to have shared some brief moments in her incredible life. In the parlance of the court she sought to join in 1974, I *concur* in any opinion offered on Judge Alexander's life *holding* that it was well-lived and worthy of celebration. At the conclusion of this article, I doubt that there is any *dissent* forthcoming.

¹⁴⁷ Interview with Former Gov. James Holshouser, *supra* note 120.