



File photo
Judge Burke with his mother, Winston-Salem Mayor Pro Tempore Vivian H. Burke, and his father, former N.C. Rep. Logan Burke, who has since died.

Judge

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Of course, it's the kind of job where 50 percent of the people are going to be happy with you and 50 percent of the people are going to be upset with you because you can't make decisions to please everyone," he said. "I try to be respectful and courteous as I can and not make things personal with litigants or parties in both cases."

Lawyer Frederick Adams agrees that Burke is fair in his practices.

"I've appeared in front of him many times. I think it is a well-deserved appointment. Judge Burke's works and service to his community speaks for itself," Adams said. "Of all the times I've appeared in front of Judge Burke, I felt that he took the time that was necessary to make sure that my client had a fair opportunity to be heard, which is all that you can really ask for when you have a client appearing in court."

The life-long Winston-Salem resident, and son of former North Carolina Rep. Logan Burke and Mayor Pro Tempore Vivian H. Burke, graduated from East Forsyth High School. Burke is a 1983 graduate from Morehouse College and received his Juris Doctor degree from the North Carolina Central University School of Law in 1986.

After graduation, Burke became a prosecutor in Kinston before returning to his hometown, where he opened up his own practice, the Law Firm of Friende & Burke.

In December 1994, Gov. James B. Hunt appointed Burke to the Superior Court bench, making him the youngest serving resident superior court judge in the state at the time.

He was also the first African-American male to be named to the senior resident position and the first black male prosecutor in Forsyth county.

Burke gained national attention after hearing a case in Wilkesboro where a drunk driver killed another driver in an accident. As a result of a guilty plea, the woman was ordered to wear a sign that stated she was a convicted drunk driver and as a result someone lost their life. The sign was to be worn for an hour once a month outside of the courthouse for a year.

She was also to maintain a memorial site at the scene of the accident, go for alcohol treatment, serve six months in jail and serve on probation.

He appeared on Nancy Grace's "Pros and Cons" TV show, Fox national

news, and a TV show hosted by John Walsh, who is known for "America's Most Wanted" and other TV outlets.

While he comes from a long familial legacy of service to the community, he wants to forge his own path.

"I had an opportunity to observe my parents in leadership roles all my life as a child," he said.

"I bring with me their experiences and how I've observed them interact with and serve the community."

Burke said that he hopes to be remembered as someone who made fair decisions.

"I just hope that it would be that I was a person of integrity and I abided by the rule of law while I upheld my oath to do so," he said of his legacy.

Adams said that he has known Burke for a number of years and would consider him a friend.

"He's active in the Winston-Salem Bar Association. He is very helpful to young attorneys by giving them advice and mentoring them," Adams said.

Housing

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"It's very seldom where you get a case that has a smoking gun, you know, have someone who maybe used racial slurs or someone who put in writing they don't rent to certain people who are in those protected classes, so the cases don't come neatly packaged that way," said Wanda Allen-Abraha, director of the city's Human Relations Department that handles housing complaints.

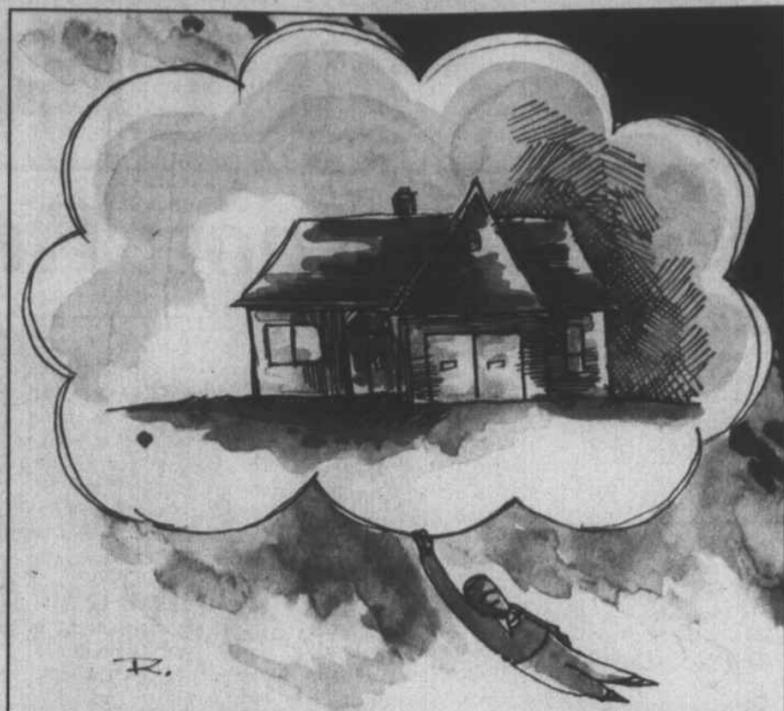
Human Relations Department, which mediates landlord/tenant disputes, has about 110-120 residential cases a year. Of those, about a dozen are usually fair housing claims, which involves a belief or accusation of discrimination by a tenant who is part of a protected class. As a partner with the U.S. Department of Housing and Urban Development, the case is filed with HUD and investigated by Human Relations staff, who act as a neutral party in the dispute. If a case for discrimination is found, then its referred to the city attorney, though Allen-Abraha said they're usually settled before they go to court. Of the 60 discrimination cases the department has had in the last five years, 33 have been based on national origin, 17 on race, seven on gender and seven on disability. Cases can be appealed to the Human Relations Commission and legal action can be pursued regardless of the department's ruling.

The Winston-Salem office of Legal Aid of North Carolina, currently has 11 fair housing cases open. Liza Baron, supervising attorney of its General Practice Unit that includes housing cases,

said discrimination can take many forms, including not making accommodations to the handicap and fabricating reasons to evict an interracial family. She said the provision being debated is both clear and needed.

"I think it's very alarming and very disconcerting because if they do come down the way some folks think they will, it will make it much harder to litigate on behalf of victims of housing discrimination and probably reverse years of advocacy and gains in the courts."

However, she said, North Carolina has its own Fair Housing Act that is equivalent to the federal one. This would allow lawyers to use disparate impact with the state law, though without the federal law and the option to go to federal court, the case would be weaker. Most other states, however, don't have disparate



Ron Rogers/Chronicle Illustration

impact in their housing laws.

Jeff Dilliman co-director of the state Legal Aid's Fair Housing Project, also said the provision is needed because discrimination is rarely overt anymore. He said he's concerned the high court is taking the case just to change the law, since there's no disagreement on it in the lower courts.

"Every court of appeals that has looked at this across the country has come down on the same side, that there's a right under the Fair Housing Act to bring what's called the disparate impact case," he said.

But it's not just individual tenet cases that it'll effect. Richard Moye, an assistant professor of sociology at Winston-Salem State University, is concerned it'll effect cases of discriminatory practices in lending and other housing policies that lead to segre-

gated housing.

The case before the Supreme Court, is one example. It involves the non-profit Inclusive Communities suing the Texas state authority for assigning most of its affordable housing tax credits to black neighborhoods.

A federal judge didn't find intentional racism, but that it unacceptably increased housing segregation and that the tax credits should have been more evenly distributed.

Moye said there have been gains in desegregating neighborhoods every decade since the Fair Housing Act went into effect, most of which have come from blacks moving into white neighborhoods. He said if the court strikes down disparate impact, that progress may come to a halt.

"I think it's been a powerful tool," he said of the Housing Act.

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