

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
13th DIVISION

RICHARD J. PELTZ

FILED 03/07/2008 12:52:27
Pat O'Brien Pulaski Circuit Clerk

v.

Case No. CV2008-2530

VALERIE D. NATION,
as an individual and representative
of The Black Law Student Association;
CHRISHAUNA L. CLARK,
as an individual and representative
of The Black Law Student Association;
THE UNIVERSITY OF ARKANSAS
AT LITTLE ROCK, WILLIAM H. BOWEN
SCHOOL OF LAW'S CHAPTER OF
THE BLACK LAW STUDENT ASSOCIATION;
ERIC S. BUCHANAN,
as an individual and representative
of THE W. HAROLD FLOWERS
LAW SOCIETY; and
THE W. HAROLD FLOWERS LAW SOCIETY

DEFENDANTS

COMPLAINT

Plaintiff Richard J. Peltz, for his Complaint against the Defendants Valerie D. Nation, as an individual and representative of The Black Law Student Association; Chrishauna L. Clark, as an individual and representative of The Black Law Student Association; the University of Arkansas at Little Rock, William H. Bowen School of Law's Chapter of the Black Law Student Association ("the BLSA"); Eric S. Buchanan, as an individual and representative of the W. Harold Flowers Law Society; and the W. Harold Flowers Law Society ("the WHFLS") (collectively "Defendants"), states:

PARTIES

1. Plaintiff is an individual resident and citizen of Little Rock, Pulaski County, Arkansas.

2. Upon information and belief, Ms. Nation is an individual resident and citizen of Little Rock, Pulaski County, Arkansas. At all times relevant to the allegations in this Complaint, upon information and belief, Ms. Nation was a member and officer of the BLSA.

3. Upon information and belief, Ms. Clark is an individual resident and citizen of Little Rock, Pulaski County, Arkansas. At all times relevant to the allegations in this Complaint, upon information and belief, Ms. Clark was a member and officer of the BLSA.

4. Upon information and belief, the BLSA is a student organization at the University of Arkansas at Little Rock's William H. Bowen School of Law ("the Bowen School of Law"). The BLSA's principal place of operation is in Little Rock, Pulaski County, Arkansas. The BLSA is a chapter, member association, and/or affiliate of the National Black Law Student Association.

5. Upon information and belief, Mr. Buchanan is an individual resident and citizen of Little Rock, Pulaski County, Arkansas. At all times relevant to the allegations in this Complaint, upon information and belief, Mr. Buchanan was a member and officer of the WHFLS.

6. Upon information and belief, the WHFLS is a non-profit corporation registered in Arkansas and whose principal place of operation is in Little Rock, Pulaski County, Arkansas. The WHFLS is an affiliate chapter of the National Bar Association.

VENUE AND JURISDICTION

7. This Court has jurisdiction over the parties and subject matter under Ark. Code Ann. §§ 16-13-201, 16-4-201, and 16-58-201.

8. Venue is proper in this county pursuant to Ark. Code Ann. §§ 16-60-104 and 16-60-116.

FACTS

9. Plaintiff joined the faculty at the Bowen School of Law in 1998 and is now a tenured Professor of Law with an exemplary record teaching Torts, Constitutional Law, Communications Law, First Amendment Law, and Freedom of Information Law.

10. Upon information and belief, Ms. Nation is a student at the Bowen School of Law, has participated in the BLSA as a member during the 2004 to 2008 academic years, and has held offices, including the office of president, of the BLSA during that time.

11. Upon information and belief, Ms. Clark is a student at the Bowen School of Law and participated as a member and officer of the BLSA during the 2005 to 2008 academic years and, upon information and belief, has held offices of the BLSA during that time.

12. Upon information and belief, the BLSA is a separate and distinct entity and organization from the Bowen School of Law. The BLSA is a chapter, member association, and/or affiliate of National Black Law Student Association, operating under National Black Law Student Association's Constitution and Bylaws.

13. The BLSA's purpose is to introduce black law students to the professional problems and responsibilities they will encounter upon admission to the practice of law, to address and represent the ideas and concerns of its members, and to promote cultural diversity and inclusion at the Bowen School of Law.

14. Upon information and belief, Mr. Buchanan is an attorney in Little Rock, Arkansas, and at all times relevant to the allegations in this Complaint was the president of the WHFLS.

15. The WHFLS is an African-American Bar Association located in Arkansas and is an affiliate chapter of the National Bar Association.

16. Plaintiff files this claim and cause of action for defamation to recover compensatory and punitive damages from Defendants for substantial and irreparable injury to Plaintiff's reputation. Plaintiff's reputation has been damaged as a result of Defendants' publishing of false statements of fact in spoken and written words of and concerning the Plaintiff, his reputation, his character, and his integrity.

17. In the fall semester of the 2005-2006 academic year, and at the BLSA's request, Plaintiff participated in a BLSA-sponsored debate regarding affirmative action. In the debate, the BLSA requested that Plaintiff explain and defend the views opposing the policy of affirmative action.

18. Later in the same fall semester, members of the BLSA who were in Plaintiff's Constitutional Law class lodged complaints against Plaintiff for teaching affirmative action in an allegedly "racist" manner.

19. In the spring of 2006, Plaintiff was a visiting professor at the Catholic University of America's Columbus School of Law. Although Plaintiff was on and off the Bowen School of Law's campus during the fall of 2006, Plaintiff was considered to be on a sabbatical from his professorship at the Bowen School of Law.

20. Plaintiff returned to the Bowen School of Law to fulfill his obligations as a Professor of Law in the spring of 2007.

21. During the spring 2007 semester, Plaintiff attended a meeting, at the request of the then Editor-in-Chief of the *University of Arkansas at Little Rock Law Review* ("the *Law Review*"), amid false accusations that she and the *Law Review*'s Editorial Board were purportedly "racist" for failing to appoint black students to the *Law Review*'s next Editorial Board (hereinafter referred to as "the *Law Review* meeting").

22. Upon information and belief, after the *Law Review* meeting, the BLSA, including Ms. Nation and Ms. Clark individually and as officers of the BLSA, continued to falsely accuse Plaintiff, the *Law Review*, and its Editorial Board of racism.

23. Upon information and belief, on or about March 2, 2007, the BLSA, including Ms. Nation and Ms. Clark individually and as officers of the BLSA, sent a six-page memorandum entitled "Request for Redress" to Dean of the Bowen School of Law Charles Goldner ("Dean Goldner"). This memorandum communicated and republished false defamatory accusations of racism that were made against Plaintiff in the fall of 2005 concerning his Constitutional Law class. A redacted version of the Request for Redress is attached at Exhibit 1.

24. On or about March 9, 2007, Dean Goldner held a meeting involving student leaders, faculty, and administrators, including persons who had not previously heard Ms. Nation's and Ms. Clark's false accusations against Plaintiff. In this meeting, Ms. Nation and Ms. Clark, individually and as officers of the BLSA, were given a platform to communicate and/or publish false accusations of racism against Plaintiff. These false accusations damaged Plaintiff, his reputation, his character, and his integrity.

25. Upon information and belief, a member of the BLSA sometime during the spring of 2007 informed the WHFLS of alleged racism on the Bowen School of Law's campus and requested that a representative of the WHFLS attend the next BLSA meeting.

26. The WHFLS complied with this request, and the WHFLS's president, Mr. Buchanan, attended the meeting. In addition to Mr. Buchanan, Dean Goldner also attended the meeting. During the meeting, upon information and belief, Mr. Buchanan confronted Dean Goldner for not firing Plaintiff due to Plaintiff's allegedly "racist" remarks.

27. On or about April 16, 2007, the WHFLS and Mr. Buchanan continued their false defamatory accusations against Plaintiff. In a letter to Dean Goldner, which carbon-copied the Office of the Chancellor, the Office of the Provost and Vice Chancellor for Academic Affairs, and members of the Bowen School of Law's faculty, Mr. Buchanan communicated and/or published that WHFLS was "appalled by the racist remarks made by [Plaintiff,]" which Dean Goldner knew about as a result of the BLSA's "Request for Redress." The Letter from Mr. Buchanan to Dean Goldner is attached as Exhibit 2.

28. Upon information and belief, in June of 2007, Dean Goldner attended a meeting with the WHFLS where Mr. Buchanan again requested that Plaintiff be fired because of his allegedly "racist" remarks.

29. Upon information and belief, since the *Law Review* meeting and to the present, the BLSA's officers and members, including Ms. Nation and Ms. Clark individually and as officers of BLSA, the WHFLS, and Mr. Buchanan have continued to accuse falsely Plaintiff of alleged racism in the Bowen School of Law community and the Arkansas legal community.

COUNT I – DEFAMATION

30. Plaintiff reasserts and restates paragraphs 1 to 29 of this Complaint.

31. Upon information and belief, because Ms. Nation was a member of and held the office of president in the BLSA, Ms. Nation spoke as an individual and representative of the BLSA when she stated false statements of fact and used defamatory language of and concerning Plaintiff, his reputation, his character, and his integrity.

32. Upon information and belief, because Ms. Clark was a member of and officer in the BLSA, Ms. Clark spoke as an individual and representative of the BLSA when she stated

false statements of fact and used defamatory language of and concerning Plaintiff, his reputation, his character, and his integrity.

33. Upon information and belief, because Mr. Buchanan was a member of and held the office of president in the WHFLS, Mr. Buchanan spoke as an individual and representative of the WHFLS when he stated false statements of fact and used defamatory language of and concerning Plaintiff, his reputation, his character, and his integrity.

34. Plaintiff is a "private individual" for purposes of the Arkansas law of defamation.

35. Defendants' false accusations of racism against Plaintiff were defamatory and reasonably calculated to cause harm to Plaintiff, his reputation, his character, and his integrity.

36. The defamatory language that Defendants used has negatively affected Plaintiff's reputation, character, and integrity.

37. Defendants' false accusations of racism of and concerning Plaintiff were communicated and/or published to third-parties at the Bowen School of Law and within the Arkansas legal community.

38. Defendants' communications and/or publications of and concerning Plaintiff and his alleged racism were made negligently, intentionally, and/or with actual malice and conscious indifference to the rights of Plaintiff and the consequences the communications and/or publications may have on Plaintiff's reputation, character, and integrity.

39. Defendants' false accusations of racism damaged Plaintiff's reputation, character, and integrity among the community at the Bowen School of Law and Plaintiff's reputation, character, and integrity in the Arkansas legal community.

40. The extent of Plaintiff's damages is not fully known at this time. He has suffered actual damages and losses, as well as physical and mental anguish and suffering, brought about

by Defendants' false accusations of racism against Plaintiff. As discovery in this case develops, it will be possible to predict with greater accuracy what Plaintiff's full losses will be, but it may be estimated that his reasonable actual losses, diminished earning capacity, and diminished other sources of income, along with his mental anguish and suffering, will exceed the jurisdictional limits for diversity jurisdiction in Federal district court.

COUNT II – PUNITIVE DAMAGES

41. Plaintiff reasserts and restates paragraphs 1 to 40 of this Complaint.

42. Plaintiff should be awarded punitive damages in an amount to exceed the jurisdictional limits for diversity cases in Federal district court.

43. Plaintiff should be awarded punitive damages sufficient to punish Defendants for their reckless, malicious, intentional, and wanton conduct.

44. Plaintiff should be awarded punitive damages sufficient to set an example and to discourage Defendants from engaging in future conduct of a similar nature.

45. Plaintiff requests a jury trial on all appropriate issues.

WHEREFORE, Plaintiff Richard J. Peltz prays that this Court enter judgment in his favor and against Valerie D. Nation; Chrishauna L. Clark; the University of Arkansas at Little Rock, William H. Bowen School of Law's Chapter of the Black Law Student Association; Eric S. Buchanan; and the W. Harold Flowers Law Society, individually, jointly, and severally, on this Complaint; award Plaintiff compensatory and punitive damages each in an amount exceeding the jurisdictional limits for diversity cases in Federal district court; award Plaintiff attorney's fees, costs, prejudgment and post-judgment interest; and award all other proper relief to which Plaintiff is entitled.

QUATTLEBAUM, GROOMS,
TULL & BURROW PLLC
111 Center Street, Suite 1900
Little Rock, Arkansas 72201
(501) 379-1700

By: John E. Tull III
John E. Tull, III, Ark. Bar. No. 84150

Attorneys for Richard J. Peltz

To: Dean Charles Goldner
UALR Bowen School of Law

From: [REDACTED]
Black Law Students Association

Re: Request for Redress

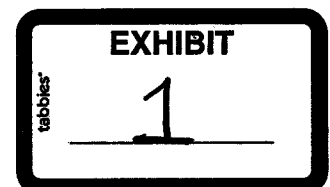
The Black Law Students Association (BLSA) request redress for several incidents involving the faculty, administration, and minority (specifically Black) law students that have occurred from 2005 until the present at the UALR-William H. Bowen School of Law. The following is a brief description of each incident, followed by an earnest request to the administration to address these serious issues:

Fall 2005

Prof. Rick Peltz- Constitutional Law – Affirmative Action Rant

- Prof. Peltz lectured that Affirmative Action was not needed, and Affirmative Action gave unqualified Black people chances over more qualified Whites.
- Then he displayed a satirical article about the death of Rosa Parks and the death of the Civil Rights Movement. The article made fun of Civil Rights Movement and poked fun at the contribution Rosa Parks made, which began the Civil Rights movement. The article was loaded on the *Onion* online magazine, which is a conservative based medium that uses satire to address current events. Many students were offended at Peltz's insensitivity in displaying that article and use at a time he was misinterpreting Affirmative Action.
- After the joke about Rosa Parks, Prof. Peltz passed out a basic grammar worksheet, stating that he'd noticed in recent years that the level of writing at the law school had gone down. We do not think it was a coincidence that he chose this class on Affirmative Action to express his feelings about the poor writing skills of some students at the law school.
- He then began the class discussion by allowing a white student give incorrect facts about the *Grutter v. Bollinger* case. This surprised us all because, until this case, Prof. Peltz had been a real stickler about stating the facts of a case precisely. Previously, he'd stopped class several times to make sure the facts were stated correctly. The way this student stated the facts set the tone for the Black students in the class to have to defend why they were admitted into this law school.
- The Black students sat in one section of the room. The whole class period he kept looking to our section expecting us to speak up and defend Affirmative Action. He admitted this in a later meeting with him.
- At the break of the class one Black student was so offended that she decided to leave class immediately. The remaining Black students decided not to say a word and see how far Prof. Peltz would push this already offensive conversation. By the end of the class we'd heard remarks such as "I have highly qualified friends that didn't get admitted." To which Prof. Peltz responded "We have Affirmative Action to thank for that." And another, "How long are we going to have to pay for them!?"
- He ended the class by passing out a form that asked for your name and race. He said it was mandatory that we complete the form and turn it in to him. Students were to turn in that form with their final exam. The context of the form was that if Black students that scored equal to white students on the final exam Black students got an extra point on their final exam. This, by implication, automatically assumes that a Black student wouldn't score as high as a white student. But *if* they did, then the Black student would be given an extra point.
- When we voiced our outrage to Deans Goldner and DiPippa we were reminded that Prof. Peltz has a First Amendment right to speak openly in his class, and, oh he was newly tenured. Deans

3/2/2007



- Goldner and DiPippa encouraged us to meet privately with Prof. Peltz.
- In a meeting with Prof. Peltz he let us know he did not see anything wrong with what he did, and stated he felt uncomfortable talking to us because he knew we had gone to the administration about his lecture. Prof. Peltz refused to apologize, and his exchange with [REDACTED] was contentious. [REDACTED] made it clear to Peltz that she expected him not to test on Affirmative Action because he could not be unbiased and that if he did it would be clear from the essays, which students were Black and which were white. Peltz immediately agreed and said he would not test on Affirmative Action. This situation was unfortunate, but absolutely necessary in order to ensure that Black students still had some measure of anonymity.
 - A few weeks prior to this class Prof. Peltz was a panelist for an Affirmative Action town hall meeting, sponsored by BLSA, at the law school. We knew then he had some adverse opinions about Affirmative Action. In that meeting he spoke of an internship he felt he was passed over for because of Affirmative Action. He also admitted to having racist friends and not seeing anything wrong with that.
 - We have no problem with the difference in opinion about Affirmative Action. We do; however, have a problem with being put in a position to have to debate one side of an issue that, from the get go, was skewed to be a losing battle against Black students. Prof. Peltz has a chip on his shoulder, and he used that moment and us to bolster it. What happened in class that night was not First Amendment Free Speech. It was hateful and inciting speech, and it was used to attack and demean the Black students in class.

BLSA's requests the following to resolve this issue:

- An apology from Prof. Peltz to the Black students in his Fall 2005 Constitutional Law Class.
- Prof. Peltz openly reprimanded by the administration for his behavior toward Black students.
- Because Prof. Peltz has admitted his inability to be unbiased, he should not be allowed to teach Constitutional Law, or any other required course where Black students would be forced to have him as a professor.
- In addition, the school should make a notation in his employment file regarding his inability to deal fairly with Black students.
- Finally, Prof. Peltz should be required to attend Diversity Training

Spring 2006

The Graduation Stole

Traditionally, fraternal groups were allowed to wear stoles with their insignia on them during graduation.

- Last year, our then [REDACTED] and [REDACTED], met with Dean Goldner to petition for permission for BLSA graduates to wear a BLSA graduation stole. BLSA was told no. They were told that it was not in line with the graduation ceremony and only academic honors stoles could be worn.
- BLSA advised the Dean that other non-academic stoles were being worn by other organizations. BLSA advised Dean Goldner that after many unsuccessful attempts to obtain an answer to this issue from Dean Kinsey, whom it was told was in charge of graduation commencement and proper regalia for the ceremony, it requested a meeting with him and Dean Kinsey to address its concerns. [REDACTED] met with Dean Goldner and Dean Kinsey within six weeks or so from graduation in hopes of getting an answer to its question it posed in the Fall of 2005. In explaining why other students organizations were wearing stoles even though they were not academic organizations was because of the fact that this was something that had been a long-

3/2/2007

standing tradition for the school. Dean Kinsey advised [REDACTED] that this decision was in place when she took over the post. After listening to the situation, Dean Goldner admitted that allowing other student organizations who were not of an academic nature to wear stoles at the graduation was a mistake and that it should not have been happening.

- Dean Goldner asked us to allow Phi Alpha Delta (law school non-academic fraternity) to wear their stoles since they had already purchased them for the ceremony that was in less than a month away, and that for future ceremonies no other organization could wear a stole that was not academically related.
- In short, once the Black folks wanted to do it they shut it down.

BLSA's requests the following to resolve this issue:

- BLSA members be allowed to wear BLSA stoles during Wm H. Bowen graduations from this point on.

Fall 2006

Mock Trial/Moot Court Class Credit-

- BLSA's mock trial team won the 2006 NBLSA Regional Thurgood Marshall Mock Trial Competition and produced two Best Advocates (one regional and one national) last year. The members of the team did not receive class credit
- The Hispanic Law Students Association (HLSA) sent mock trial team to its regionals last year and it did not advance past the first round of its regionals. HLSA received class credit for their participation
- It was not until the Fall of 2007 that BLSA became aware that HLSA had been given class credit. We voiced our concern to Dean DiPippa, he told BLSA that Dean Wood ill-advisedly gave HLSA class credit. He was not aware at the time she had given the students credit, and that it should not have happened. Dean Wood left the law school in the summer of 2006 and other students who received the credit had either graduated or moved on to the next academic year in school, Dean DiPippa told us it would be unfair to take the credit away from HLSA members.
- Now that it was done there was nothing he could do about it. He promised us it would not happen again, but refused to be fair by give us our well deserved class credit.

BLSA's requests the following to resolve this issue:

- BLSA's Mock Trial and Moot Court teams receive class credit for their work during Spring 2006 and Spring 2007.

[REDACTED]

[REDACTED]

[REDACTED]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

Spring 2007

Law and Film Class-

- A white student, who was drunk in the class, said in discussion of the film, "To Kill a Mockingbird", Tom Robinson (the Black person accused of raping a white woman) was killed by the police. The student said that what probably happened was the police took Tom Robinson to a remote place and let him go, telling him to "run Nigger run" before they shot him in the back. Students were outraged when it was said.
- The next class, Sullivan discussed the incident and tried to address it by attempting to desensitize the word, but it backfired. Sullivan said "nigger" about 20 or 30 times, where this student said it only once. He thought that by saying it he was taking power away from the word, but it did not.
- White students were upset with Sullivan, one in particular that told Sullivan that he lost respect for him as a professor.

[REDACTED], [REDACTED], [REDACTED], and [REDACTED] were present in this class and have varying views about the use of this word, the rant, and the ugly tone of the class. It was apparent that the situation in the class was not truly about an insult to Black students but more a fight between professor and white students. Clearly, the class felt the word should be used, but that was the extent of the disgust or horror. There was no consideration of how the word would make Black students feel.

BLSA's requests the following to resolve this issue:

- Diversity training for faculty and staff (possibly students)

Summation

A clear problem at William H. Bowen is that the faculty and administration have too many definitions of diversity. Diversity should not be satisfied merely by placing some dark faces over the threshold of the school. It is more than having sheer numbers of Black folks at the school. Diversity encompasses culture, attitudes, and thoughts as well as our color. Diversity of thought and idea are suppressed here. The professors and administration of this school need to go through some hardcore diversity training. BLSA's demands are:

- Prof. Peltz should apologize to Black students and be openly reprimanded for his behavior toward Black students. In addition, the school should make a notation in his employment file regarding his inability to deal fairly with minority students. Further, Prof. Peltz should not be allowed to teach Constitutional Law or any other required course.
- BLSA members to be allowed to wear BLSA stoles during Wm H. Bowen graduations from this point on.
- BLSA's Mock Trial receives class credit for their work during Spring 2006 and Spring 2007. BLSA's Moot Court team receives class credit for its work during Spring 2007.
- [REDACTED]
- Diversity training for faculty and staff (possibly students), with input from BLSA, HLSA, and other diverse group on campus.

W. Harold Flowers Law Society
An Affiliate Chapter of the National Bar Association
P.O. Box 165033
Little Rock, Arkansas 72216

RECEIVED
APR 23 2007

Dean's Office
UALR School of Law

April 16, 2007

Charles W. Goldner, Jr.
Dean and Professor of Law
University of Arkansas at Little Rock
William H. Bowen School of Law
1201 McMath Avenue
Little Rock, Arkansas 72205-5142

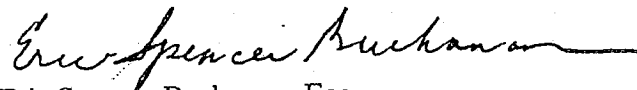
Re: Rescheduling of W. Harold Flowers Law Society Meeting

Dear Dean Goldner:

I understand that you were not able to attend the March 17, 2007, meeting of the W. Harold Flowers Law Society due to personal illness. I am writing to request your attendance at the Society's next meeting scheduled for Saturday, May 19, 2007, to address the issues noted in your February 2, 2007, letter to the Society. Please be advised that the Society also desires to discuss issues raised in the March 2, 2007, letter to you from BLSA. The Society is appalled by the racist remarks made by Professor Peltz and Professor Sullivan which are referenced in BLSA's March 2, 2007, letter.

The Society looks forward to discussing all of these important issues, including appropriate discipline of Professor Pelz and Professor Sullivan. Please advise as soon as possible whether you or any other University official will attend the Society's meeting scheduled for Saturday, May 19, 2007, at 1 p.m., at the UALR Bowen School of Law.

Respectfully,



Eric Spencer Buchanan, Esq.
President, W. Harold Flowers Law Society

cc. Office of the Chancellor
Office of the Provost and Vice Chancellor for Academic Affairs
Associate Dean John DiPippa
Associate Dean Lynn Foster
Associate Dean Aaron Taylor
Assistant Dean Andy Taylor
Professor Sarah Howard Jenkins
Professor Felecia Epps
Professor Adjoa Aiyetoro

EXHIBIT

2