

# A Black Man's Case, An All-White Jury

A JURY FINDS NCU LIABLE FOR A RACIALLY HOSTILE WORK ENVIRONMENT

By Asia Zeller

**S**ometimes finding a jury for a court case takes one-and-a-half to two hours, attorney J. Ashlee Albies says. On Tuesday, April 23, selecting the jury for Lake v. Northwest Christian University took more than four hours.

The jury, Albies says, was all white. The plaintiff, Johnny Lake, Ph.D., is black. He brought claims against NCU that included disparate treatment, retaliation and a hostile work environment due to racial discrimination.

It's unusual, Albies says, "to have people talking and engaging" to the degree that the jury pool did for this case. In the courtroom that day, Albies asked the potential jurors a series of questions and encouraged them to share openly and honestly.

She asks the jury if they believe racism exists. Then she asks them to share if they have any close relationships to people of other racial backgrounds. The jury pool — which did include people of color — shared experiences of coworkers and relatives of other racial backgrounds. Other questions included topics of implicit bias and political correctness.

On Friday, May 3, around 5:45 pm, the jury found NCU liable for a racially hostile work environment and awarded Lake \$172,000 in emotional distress damages.

The jury did not find NCU liable on the other three claims. At the time of filing, the plaintiff asked for a total of \$750,000. During the trial, the plaintiff asked for about \$285,000 in economic loss, and about \$465,000 in emotional distress.

"It's fair to say he feels validated by the jury," says Albies of the verdict.

She says, "the fact that we won on the racially hostile work environment" claim shows that the jury understood "it was a long slow burn sort of thing" that Lake experienced during his time as an assistant professor at NCU.

Pat Walsh, senior director of marketing and communications at NCU, would only comment via email. He says, "While we respect the court and the deliberation of the jury, we are surprised, given the dismissal of the three claims related to the alleged racial discrimination, that the jury found in favor of Dr. Lake regarding a supposedly hostile work environment. The university is reviewing its options with legal counsel."

According to allegations in the court documents, NCU administration inadequately addressed grievances of racial discrimination, reduced Lake's status from full-time to part-time, despite positive performance feedback and required that Lake be on campus every day despite this reduced status.

Albies says, "those things by themselves are not unreasonable," but when put in a larger context, they add up to something more significant.

"I think that for [the jury] to understand this is significant when you have an all-white jury."

Albies says that for Lake, it was never about the money. "It was about standing up for himself."

Lake kept a photo of his grandmother under the table he was seated at during the trial. She was "foundational to his faith," Albies says. In Lake's grandmother's time, it was socially unacceptable for a black person to look a white person in the face. Albies says Lake takes his family legacy very seriously.

As part of her opening statement in the courtroom

on Wednesday, April 24, Albies said that as a child, Lake began school before the landmark Supreme Court case, *Brown v. Board of Education*, which ruled that segregation of public schools was unconstitutional. Lake started his education in segregated schools and saw the difference in educational quality.

Since then, Lake has dedicated his life to teaching others. Albies says of her client, "he's an incredible educator."

Levi Brown was a junior at North Eugene High School in 2014. Every Tuesday in the culinary arts classroom, Brown and several other students would prepare snacks with Lake as they began their club meeting for EYES, a club centered around youth equity and social justice.

Lake led the club, which was made up of largely students of color. He led student groups at both North and South Eugene High schools.

The club was about "creating space for minorities and underprivileged groups to have their voices heard" and giving them "the tools they need to be successful in the classroom," Brown says.

As a white man, EYES was a place where Brown says he worked through questions like, "How do I share my privilege?" and "What social justice looks like" for him.

EYES was a space where "a person like me was able to listen and take it in" as well as be talked out of his own ignorance, Brown says.

He recalls Lake as being "really good at being able to walk people through their area of blindness" and says the club was as impactful as it was for him "because Johnny was the person who led and organized it."

In an email, Albies says of the case, "My client tried to resolve this directly with NCU many times before hiring an attorney, and even after. Not only because he wanted to avoid a lawsuit, but because he believes strongly it is the Christian way to reach reconciliation directly."

Brown says he is not surprised Lake first tried to deal with the issues out of court, as he tells *Eugene Weekly*, Lake has always been "very gracious with people." ■

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