



CSU  
College of Law Library

Cleveland State University  
**EngagedScholarship@CSU**

---

1950s

The Gavel

---

4-1953

## 1953 Vol. 1 No. 1

Cleveland-Marshall College of Law

Follow this and additional works at: [https://engagedscholarship.csuohio.edu/lawpublications\\_gavel1950s](https://engagedscholarship.csuohio.edu/lawpublications_gavel1950s)  
**How does access to this work benefit you? Let us know!**

---

### Recommended Citation

Cleveland-Marshall College of Law, "1953 Vol. 1 No. 1" (1953). *1950s*. 1.  
[https://engagedscholarship.csuohio.edu/lawpublications\\_gavel1950s/1](https://engagedscholarship.csuohio.edu/lawpublications_gavel1950s/1)

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1950s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).





# THE GAVEL



VOLUME 1 NUMBER 1

APRIL 1953

## TEN ON LAW REVIEW BOARD

### CERTIFIED FOR "A" CREDITS

Dean Wilson G. Stapleton certified three hours of "A" credit for ten seniors who have served during the past three years as members of the Cleveland-Marshall Law Review Board. The Dean explained that this certification for credit hours without taking a course was in keeping with the policy which was adopted when the Law Review was founded.

The list of students was submitted by the Board's faculty advisor, Robert L. Lewis. Named for the credits are Raymond Gurnick, Thomas Q. Fulton, Rita McConnell, Nelson Karl, George Maxwell, Warren D. Langer, Philip Golrick, Ruth Hart, Reubin Payne and Harvey W. Mahlig.

The certification for the credit hours will have the effect of leaving the group with free time for study prior to the comprehensive and Bar examinations. It will act as though they have completed an elective course of three hours with the grade of "A".

In explaining the process of certification, Lewis said that the group worked on the Board since its inception either as writers, editors or in one of the many other capacities which are necessary in the publication.

Candidates for membership on the board are chosen at the end of the freshman year. Students with commendable averages are eligible for membership on the Board to fill the various functions.

The Law Review will round out its first year with its next issue and in that time has received many letters of commendation including those of the United States Supreme Court, Supreme Court of Ohio, jurists, practitioners and other law schools.

The National Labor Relations Board has adopted an article written for the first issue by George Maxwell. It is being used in the training of the NLRB's personnel.

Cleveland-Marshall, it might be noted, is the only night law school in the Nation publishing a law review.

## FRESHMAN WINS

### NAME CONTEST

J.R. Hubman, a freshman in the A section of Torts, suggested the name "THE GAVEL" for the new Cleveland-Marshall Law School paper of which this is the first issue.

The staff proudly emblazons the name atop Page One.

The prize is a copy of Clark's Summary of American Law".

The entries submitted were narrowed down to five suggested names and these were rehashed in a joint session of the staff and the faculty.

To Hubman goes the congratulations of the staff and to the paper goes the name he suggested. To the many others who submitted entries, the staff offers thanks.

\* \* \*

## CONGRESS HOLDS

### BREAKFAST SESSION

Because of the difficulty of the members of the Student Congress to attend mid-week meetings, the Congress held its last session around the breakfast table at the Hotel Carter on Sunday, March 22nd.

Congress members report that the attendance was good, the food excellent, the atmosphere conducive to leisurely business and the session results fine.



THE GAVELDEAN STAPLETON

The Gavel is published monthly by and for the students of Cleveland-Marshall Law School, Cleveland, Ohio.

OFFERS BEST WISHESTO THE GAVEL

Dean . . . . . Wilson G. Stapleton  
Editor . . . . . Paul E. Jacobs

FROM THE BAR STOOL

by

J. Cheever Loophole

CLEVELAND WAS QUIET. There wasn't a three gun salute; the sirens and whistles were mute; the bands didn't play and march; the bells didn't chime. Nothing happened.

But in all this vast silence a new newspaper was born. That's as it should be. A newspaper is born and dies without fanfare. Hardly anyone notices the birth of a newspaper and so many die in their infancy because of non-circulationitis. And when the older ones die, there is a passing tear from the staff that loved it and from the citizenry which fears the loss of a comic strip. But they find the strip picked up by another.

And so it was quiet when this paper was born today. No drums, no fanfare, no salute.

Only the merits of this paper will keep it alive.

IT USUALLY BEHOOVES the editor of a new paper to proclaim its slogan. "Give the People Light And They Shall See", cry the mastheads of the Scripps-Howard chain. (As a freshman, ye editor is still in the dark). "A Friend Of The Family", says the Cleveland News. (We need all the friends we can get—the students, the faculty and the alumni). "Public Defender", cries a St. Louis paper. (Let our alumni defend the public; they need the fees).

So we go to press without a slogan by which to live. We won't, as the New York Times declares, print "All The News That's Fit To Print". We'll print most anything short of libel since our staff is hard pressed at this stage to find the proper sources and mine them for their full worth.

But hope springs eternal, so we've heard. And with that hope (and perhaps a modicum of sweat) we will endeavor to turn out a good paper and dream of the day when we can be a weekly printed on a slick sheet with fancy type.

IT IS PERHAPS axiomatic that the strength of any institution is the strength of its component parts. Hence, we of the administration are glad to welcome another activity, which, while extracurricular in nature can, and we believe will, touch every part of the school.

It is perhaps strange that the Cleveland-Marshall Law School has not had before this a student paper. Certainly the raw material, both from the point of writers and editor on one hand, and story content on the other, has always been present. Perhaps it took the particular drive and ability that is apparent in the present student body to bring into being and make an accomplished fact what had heretofore been at best a thought.

WHATEVER THE ACTUATING influences, we welcome THE GAVEL and hope for its continued success. It can be a medium of good reporting, of editorial comment, and of student opinion, and should serve both student body and faculty well. The extent of its success will depend in large measure upon those busy people already taxing their waking hours with the added study of law. The same problem was present when the Law Review was started, but the results there have overcome any latent doubts there may have been concerning the extra time that students would spend.

There will be a personal satisfaction felt by many in knowing that apart from the routine information which a school paper usually contains, many of the unusual events and situations that have taken place in our school will not now go unnoticed.

THERE WAS A TIME when two of our students took time off to get a marriage license, recruited witnesses from the library, were married by Bill Zoul, the local Justice of the Peace, and were back in school after a honeymoon at Niagara Falls over Decoration Day. Several husband and wife teams have gone through successfully, and at least one student took her Domestic Relations examination in the hospital, to the off-stage sound of her newly-born son and to the amazement of her doctor. Incidents like these, while perhaps not newsworthy insofar as the metropolitan papers are concerned will provide a touch of local color in THE GAVEL.

(Continued on Page 3)



CHIMING BELLS ! !NOLL - EMERLING MERGERMARKS "ALL - CAMPUS" WEDDING

MISS CAROL NOLL will become the bride of Stanley Emerling on Saturday May 2nd in a ceremony at the home of the bride. Both are members of the sophomore class.

The coming marriage marks the second time in the history of the school in recent years that students met and married.

Prior to enrolling at Cleveland-Marshall, Carol attended Vassar and Western Reserve University. Stanley is a graduate of the University of Michigan. He is associated with the interior decorating firm of A.M. Emerling & Sons.

The couple will honeymoon following the ceremony by Rabbi Earl Stone and then will return to their studies.

\* \* \*

CONGRESS SOCIAL COMMITTEEPLANS STUNT NIGHT

At the last meeting of the Student Congress, the Social Committee reported that it has set Saturday night, April 11, as "Stunt Night".

The performances by either individuals or groups will be followed by refreshments and dancing.

Lampooning the faculty or the administration will be regarded as fair game for the event and a good ribbing of a faculty member might win the first prize of \$15 or the second prize of \$10.

The tariff has been set at 75 cents per person.

\* \* \*

DEAN STAPLETON

(Continued from page 2)

For a number of years I have told incoming students that we could offer them personal interest, excellent instruction, and adequate library facilities, but I regretted we had no ivy on the walls. The institution and growth of student activities like the Law Review, the Student Bar Association, and now THE GAVEL, may well be symbolic of this ivy. Such is our hope, and with it our best wishes to the editors in this new venture.

\* \* \*

MAY DANCE

The Social Committee of the Student Congress is currently making plans for a semi-formal dance to be held at one of Cleveland's hotels during May. Further details will be announced in the next issue of the GAVEL.

CONGRESS VOTESSCHOLARSHIP PLAQUE

BY UNANIMOUS VOTE of the Student Congress the halls of Cleveland-Marshall will be graced with a bit of collegiate ivy.

A Scholarship Plaque, which will be a permanent addition to the school, will be mounted on the walls. The plaque will carry the name or names of the student or students in the current year's graduating class with the highest scholastic average.

Each year a new name will be added so that permanent recognition may be awarded to those students who have achieved the highest scholastic standings in their respective classes.

\* \* \*

SCHOLARSHIPS AND AWARDSBEING PLANNED

THE STUDENT CONGRESS and the Cleveland-Marshall administration currently are working on a plan to institute a series of awards and scholarships.

Both the awards and scholarships will be made available to the students attending school and various bases on which they are to be granted are under consideration.

Both the Congress members and the administration hope to have the plans crystallized as soon as possible and the scholarships instituted by either the summer or fall session.

\* \* \*

THE GAVEL THANKSIONE BARKER

THE GAVEL staff offers thanks to IONE BARKER, a member of the office staff, for contributing the design which graces Page One. Mrs. Barker is a former member of the staff of the Fleischer Studios and worked on cartoon animation. She is also an accomplished ceramist.



THE FRESHMAN'S LAMENT:

S O Y A G O N N A B E A L A W Y A ?

M A Y B E A W R E A D Y Y A C A N T E L L M E --

"Uncle Louie, you're absolutely right. That's the whole answer. That's all there's to it."

"Huh, so what I need your advice for. Without going in law school, I know the answer".

"Think of the tuition you saved. And the time, too".

Yeah, Uncle Louie couldn't wait. He heard that I'm in law school and he was after free advice. I had learned to that time that there are two kinds of contracts express and implied. And with this information at my finger tips, he was seeking to exploit it without fee.

With Uncle Louis there is no fooling. He is blunt.

"So tell me," he said. "I got a contract or I ain't got a contract? How long in school ya hafta go to tell me either I got or ain't got a contract?"

I was glad to see him leave. As he was about to go, he gave a short "Hm", and added: "You're a lawyer?"

IT WASN'T TOO long after that when an inheritance problem fell in my lap.

"It's this way. My late husband's mother is living with my sister-in-law and her husband. Now, when she dies and if she doesn't leave a will, will my daughter be able to share in her property. I know that my sister-in-law and husband are probably figuring that they'll get everything. So what should I do?"

It should be stated at this point that we had already reached assignment in the study of contracts.

"So I didn't want to argue with the cop, and believe me, I coulda told him off. But I figger if he's smart, I'm smarter. In court I'll make him look like a monkey. To make a long story short, I didn't pay the ticket. Now they send me a summons. So should I pay the ticket or should I get a lawyer?"

This came at third party beneficiary. Should he get a lawyer? The jerk. What does he think I am?

"He wants we should break up the partnership and make better a corporation. I'll have stock an' he'll have stock an' his wife should be the sekatery. So make a suggestion."

I couldn't tie that problem to the Statute of Frauds which must be applicable because we just started on it the night before.

"Hey, you're just the guy that can help me. We're parked in this car of mine and just talking. Well, you know how it is with conversation. After all, what good is words. So after a while I make the break. Now this tomato is hollerin' her head off about suin' me. Cripe, I barely laid a hand on her".

"Parked already?"

"Well, it was warm last week and it looked like a nice night for a ride. So I asked her an' she said okay. Honest, I didn't even get to first base when....."

To me this was clearly a case of constructive condition. Now if I could construe the conditions.....hmmmm....warm night, nice lookin' gal....a parked car..... now if there was a condition precedent, who was to perform first?????

Freshmen, let us kneel and pray  
From us our friends will stay away,  
And relatives with problems juris  
Won't tempt & scheme & try to lure us  
Into solving questions such  
That reveal we don't know much.

Let them, who have such legal trouble,  
Hurry, hurry on the double  
To guys who have a shingle showing,  
And what we don't know they are knowing.  
Begone, you friends and you relations,  
And leave this freshman to his gyrations

MISSING VOLUMESPOSE PROBLEM

An appeal to the student body is being made by the administration of the school for the more careful handling of the library books and the return of the volumes to the shelves.

At the last inventory 300 volumes were discovered to be missing. The loss of the books poses a serious problem in reference and research and study.

The administration is requesting greater student cooperation in the use of the library, a vital function of any law school, so that stringent regulations in the use of the library will not be needed. This takes the cooperation of the entire student body.