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Russell A. Sherman

Sherman Elected - Constitution Adopted

Russell A. Sherman, a Senior, was elected President of the Student Bar Association at the Council's last meeting of the 59-60 school year. His term of office started on September 16 when the Student Council met for the first time this year. Because of the constitutional changes regarding time of elections, the term will expire in January 1961.

Russ, a mortgage loan representative for the Travelers Insurance Company, lives with his wife Audrey and two children in Elyria Ohio. He is a graduate of John Carroll University and as a student at that school distinguished himself both scholastically and as a football player.

B. Joan Holdridge was elected Vice-President. Miss Holdridge, a Senior, is an active member of the Law Review staff and is Chairman of the Student Directory Committee. Sophomores, Donald Haley and Albert Oberst were elected Treasurer and Secretary.

Fall Plans Made

Moot Court and the annual Open House were discussed at the September 16 meeting. James F. Kilcoyne, a junior, was named chairman of the Open House Committee and John E. Martindale, a Junior, was appointed Chairman of the Moot Court Committee.

Constitution Ratified

At the last meeting of the 59-60 school year the Cleveland-Marshall Law Student Bar Association Constitution (as revised) was ratified by the Council after receiving an overwhelming majority vote from the student body. The purpose of the revised constitution is to make greater participation possible for the student body in the formulation of policy and planning of activities in the Council.

The date of the annual elections was changed from September to January to make it possible for the student body to become better acquainted with potential candidates and to allow hopefuls a chance for active campaigning.

First Year Students Welcome

The Freshmen, though they are not members and will not be represented in the Council until January, are welcome to attend any of the Council meetings.

Moot Court Convenes

CLEVELAND-MARSHALL, September 26 — The very controversial and long-awaited moot court is finally a reality at Cleveland Marshall Law School. After several years of very vigorous campaigning and planning by a small group of faculty members and students, a moot court program, closely resembling the Ohio Appellate Court system, was established here last week.

The program, offered to Juniors as an alternative to Legal Writing II, will tentatively be worth two credit hours. Interested Juniors may make immediate application to the faculty moderator, Professor Jack Smith.

Briefly, the program is as follows: A list of "problem" cases that have never been decided in Ohio Courts has been compiled by

Professor Smith. A team, consisting of two Juniors, will be assigned one of these "problems," and will prepare and file an appellate brief. The next team of two Juniors will be assigned the task of filing an answering brief. The "case" will then proceed to trial where each team will be allowed thirty minutes of oral argument.

The proceedings, if possible, will be presided over by either a Municipal or Common Pleas judge, and will take place in one of the county court rooms. The briefs and oral arguments will be presented in compliance with Ohio Appellate Court procedural rules.

While only Juniors may participate as counsel, plans are being made to offer Seniors

(continued on page 5)

168 FRESHMEN REGISTER

The final tally from the registrar's office shows that 168 Freshman, a drop of fifteen from last year's 183, registered for the Fall session at Cleveland-Marshall.

There are, however, a total of 505 undergraduate students registered which is an increase of nineteen over last year's 484.

The current registration includes 90 Seniors, 102 Juniors, 145 Sophomores, and the 168 Freshmen. In September 1959 the registration figures were: 81 Seniors, 95 Sophomores, 125 Juniors and 183 Freshmen.

The mortality rate or drop-outs at this time in last year's Freshmen class number 38; Sophomore class, 23; and Junior class, 5.

We Salute You *in re pool*

Letters to the Editor

In the department of credit where credit's due, we take this opportunity to commend John E. Martindale, Professors Samore and Smith, the Student Council, and the Delta Theta Phi Fraternity, for their very laudable efforts in creating interest, planning, and finally establishing a moot court program here at Cleveland-Marshall.

For too long Cleveland-Marshall has been known only by its outstanding Law Review. We hope that in the not-too-distant future our Moot Court will have achieved this same excellence.

This very worth-while program will be a hard master, but can be an invaluable teacher of the skills that we ultimately hope to acquire.

Gentlemen, we salute you!

PRESIDENT'S MESSAGE

by Russ Sherman

Each year the classes elect their representatives to serve on the student council. However, this should not be the end of the student's connection with the Council.

We who were elected desire to do our best to serve both the students and the school, but we necessarily fail if the general student body participates no further than in the election of representatives.

It is important that you ask your representative to bring before the Council any problem you may feel exists or any constructive suggestion you might have that you feel would improve conditions.

All students are invited to serve on Council Committees. At the present time there are three functioning committees, Open House, Moot Court, and the Student Directory committee. The chairmen would be particularly appreciative of any help you might offer them.

All Students, not merely the elected representatives, are members of the Student Bar Association. With your assistance we will be much more successful in representing you, and together we can be successful in promoting your interests and the interests of the school.

All Council meetings are open and every student is welcome to attend and express his views and opinions to the Council.

The vast gulf existing between the law student and the practicing attorney has been brought vividly to our attention by Bill Pittenger's letter (page 2).

We agree that the mechanics of Cuyahoga County's complicated court system and its calendar are a mystery to most undergraduate students. We think the problem deserves more than the academic discussion usually given such topics.

We propose that this "inadequacy" be discussed in the Student Council with an attempt to arrive at some type of workable method of making available to students information of particular trials that would correspond with their academic program.

Begging their indulgence for being presumptuous, we submit to the Council our idea. We think that a small chalk board could be purchased and displayed in either the hall or in the student lounge. A group or an individual of either faculty members or students could be selected to maintain a calendar of current trials that would interest and be a benefit to the students.

LEXICON

by Pete Roper

MOOT — is an old Anglo-Saxon word for assembly of people, especially when serving as a court. It faded during the 13th Century, to be revived in the 16th Century when the Inns of Court, The great law colleges of London, began using the term for the discussion of a hypothetical case by students. As a word alone, it means a "subject for argument; unsettled; undecided." But the expression "moot point," is hackneyed, according to some scholars.

Patent — from the Latin *patentem* (lying open). The idea here is that once the patent for an invention is granted, the "secret" can be "laid open" for anyone to see, since it is protected by law against infringement. In this sense, the correct pronunciation rhymes with "pat - tent." But when used in the sense of something being evident or obvious, the word is correctly pronounced "pay-tent" according to Webster.

EDITOR:

When I was a small boy I was the envy of all the kids in our neighborhood, because I lived a stones throw from the pool room. I took advantage of the proximity of that "dimly lit den" because I new that a knowledge of pool and a college education would carry me a long way.

Now that I have accomplished the two goals of my youth, I find myself in law school, and again the envy of the "guys" because I am only a stones throw from the Court of Appeals. I want to learn what goes on down there because I believe that a knowledge of pool, a college education and a familiarity with the arena of my coming days will carry me a long way.

Since time is limited I believe it would be a help to us all if the "powers to be" could give us a cooks-tour of the judicial set up that seems to surround us.

If I were a medical student I would want to know the location and the time that various operations were to be performed so that I could seek admission and thus supplement my books with "second-hand" experience via observation.

As a legal student I seek the same "second-hand" experience via observation that my medical counter part demands and enjoys.

Sincerely,
Bill Pittenger

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Editor in-Chief Thomas M. Shaughnessy

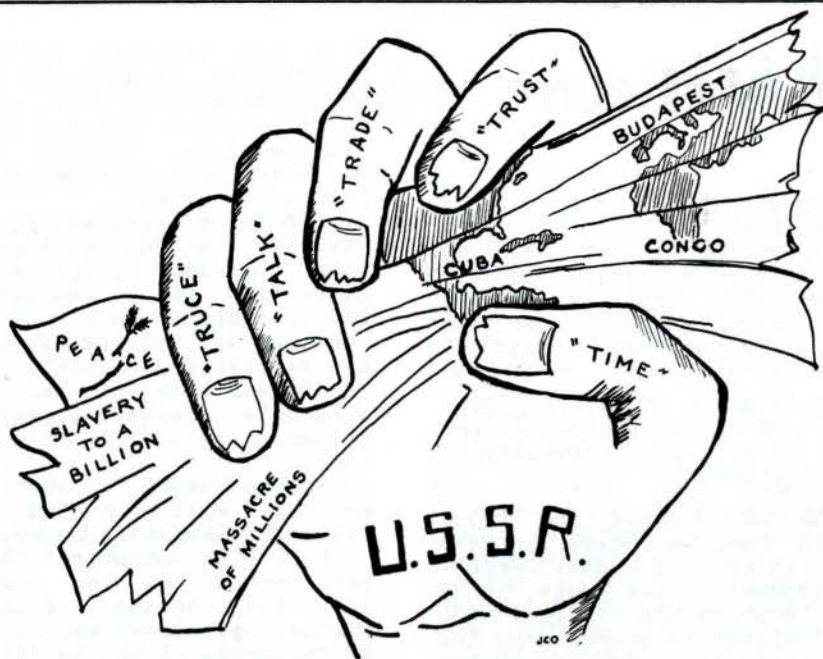
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Law to the Lawless

by Albert Oberst

Freedom is certain to be lost, unless mighty laws are promulgated to subdue the diabolical techniques of "Communism."

Awareness of these techniques was the principle purpose of a speech, "Fourth Dimension Warfare", as delivered to a group of Cleveland lawyers. The speaker summarized the cunning Soviet techniques as the "Five Ts." These are; "truce, talk, trade, trust, and time." Clearly each one of these devices has been used by the "Communists" to advance them closer to their nefarious goal of world conquest.

The illusory "truce," as shown in Korea and Berlin, is but a purposeful deceptive delay.

"Talk," which is a constant denial of truth has cleverly stalemated the United Nations.

"Trade," as experienced in Finland and Cuba, is their means of undermining the economic foundations of countries.

"Time" is the expedient currently employed under the disguise of peaceful co-existence which will last as long as the United States is stronger than the USSR.

"Trust" has been used proficently in countries where ignorance and confusion exist.

The unfortunate feature of the growth of "Communism" by the "Five Ts" is that we all realize it but do so little about it. Apathy and lethargy have allowed our society to be challenged without any strong rebuttals.

Yet, the very essence of our society is based on the mighty principles which were developed because of violations of freedom and justice. Our Nation has grown to it's magnanimous position under God's laws because justice and freedom have been embodied in a legal system. This is a system

that should not be challenged by a materialistic and God-less society.

In order to sustain our great Nation, we must make laws which will prohibit the spread of the treacherous "Communism." We must bring law to the lawless.

FROM HERE TO THE FIRST FLOOR

by Ella Veyter

CLEVELAND, June 22 — It was a Wednesday night in late June, a warm, humid evening with all of the magic and enchantment of early summer in the big city. The delicious summer-time smells — of waffles baking in the little shop just off the Square, of tulips decaying around the Soldiers' and Sailors' Monument — bathed the Square with their fragrances.

Faceless crowds of shoppers and sightseers milled leisurely and sometimes aimlessly around the Square. Some moved in and out of stores; some contented themselves with idleness and enjoyment of the evening.

This was December 6 on Pearl Harbor — Christmas Eve in Trenton. No one had the slightest premonition of the disaster that would ultimately reshape their lives. Suddenly a blast, followed by an explosion, ripped

into the night. A flash of fire and man hole covers in rapid succession around the Square were blown far into the air.

The crowd panicked. People sought protection behind statues, behind bus stops, behind other people. Men and women cowered under overturned benches. This was Anzio and Dunkirk — you could no longer smell the waffles and the fragrance of decaying tulips was replaced with the acrid smell of burning wires and sewer gas, which really didn't smell any differently than the waffles.

Two blocks away at Cleveland-Marshall, the Freshman Section A was taking the Agency final when the lights went out. But there was no panic until the stark announcement: "Now hear this . . . All personnel will use the elevator. Do not use the stairway. We repeat, do not use the stairway . . ."

Someone dropped a book. Someone else laughed nervously. The sound was high-pitched and scraping. It broke off abruptly leaving the room in tense silence. In two's and three's, small groups left the room. The elevator went down once, twice, three times. The relief was almost audible — we were all going to get out! Then, on the fourth trip, just below the second floor, the cage stuck.

Six, no eight, — no one was sure how many were trapped. There was Paul Raab and Art Heard and Bob Morris and Frank Sweeney — How many others nobody knew. The pleas for help were now almost inaudible. Other students milled helplessly on the second floor shouting encouragement through the jammed and almost sound-proof doors — encouragement like, "sue the school . . . false imprisonment . . ."

And then the Fire Department came. Wave after wave of blue-uniformed firefighters, armed with wrecking bars, pick-axes, and big hammers, stormed the second floor. After an almost two hour fight they finally licked the steel monster and the men were pulled from their sweaty prison.

It was all over. But the men who made that fatal trip on that June night will never forget — they'll never forget that warm, humid evening with all of the magic and enchantment of early summer in the big city. They'll never forget the smell of tulips decaying or the smell of burning wires and sewer gas, which really doesn't smell any differently than waffles.

In an exclusive interview with your Gavel reporter, Paul Raab commented, "it should of happened before the exam."

The Antithesis

by Leonard F. Lybarger

Once again Democrats and Republicans are vying for acceptance of their respective and opposing philosophies.

On the one hand, the Democrats are saying that the federal government is the most effective tool for achieving certain desired ends. Moreover, the fact that the world is growing smaller each day and that the U.S. has become a glass house, has given national importance to problems heretofore considered "local." Thus the Democrats argue that "Little Rock" incidents, problems of old age, education and the like are of national concern and require the concerted action of all Americans. If one subscribes to this reasoning he must accept the necessity of governmental initiative in providing solutions.

Antithetical to this belief is the position held by most Republicans. Underlying Vice President Nixon's platform is the principle that the least government is the best government. By implication, therefore, all management of the body politic in excess of the essential minimum is evil. Consequently, society best progresses by the uncoordinated efforts of the individual. While admitting that internal blights are of national concern, Republicans refuse to admit that the individual or, at best, local government cannot remedy the sores.

So, too, in the realm of foreign policy, the difference is present, although less obvious to the undiscerning eye. Essential to Senator Kennedy's domestic program is the implied necessity of placing an economically strong and morally unified nation behind the implementation of our foreign policy.

In this area Republican Presidents since Lincoln conspicuously have disagreed. The Eisenhower Administration refused to combine policy offensives with positive propaganda. Hoover did not feel that decisive action by the federal government at the onset of the Depression would affect our ability to neutralize Germany's growing strength. Coolidge was generally "silent" on these matters.

Total and unsegmented power, consequently, must be achieved if we are to regain a position of unquestioned leadership in the forging of the future. One result of this belief was the Marshall Plan. Numerous others could be cited.

The crucial issue, as Vice President Nixon has stated, is which of these "means" should be used to attain the mutual goals of world peace and prosperity.

If one does not think the

people of Vermont and California have a stake in the recognition - of - civil-rights development in the South, then the Republican's "rugged individualism" is the answer. The same holds true for the plight of the farmer in southern Illinois, as well as for products of sub-standard education that effect the entire nation.

Those who believe that we cannot afford the much-desired luxury of lessening the burdens of national responsibility will align themselves with the "New Frontier" of concerted action.

frat news

by John Vamis

Delta Theta Phi Law Fraternity has scheduled a program of events for the coming school year which will be of interest to the student body as well as to the brothers of the fraternity.

Dean Fred Lick announced the approved schedule of business and social meetings which will be as follows:

October 7, Social Meeting,
Guest Speaker - Bernie Conley.

October 21, Social and
Smoker.

November 4, Voting on new members.

November 18, Social meeting,
Guest Speaker - John Weeks,
(Practical labor relations).

November 19, Formal initiation,
Cleveland Athletic club.

December 2, Business meeting.

December 16, Business Meeting.

In the past, Ranney Senate scheduled one smoker meeting where the freshmen were invited to join the fraternity. It was felt that one meeting did not

give the brothers sufficient opportunity to meet the freshmen. Therefore, this year the Fraternity has planned two social meetings, October 7, and 21, where all freshmen will be invited to attend.

The guest speaker for the October 7 meeting will be brother Bernie Conley of the Scientific Lab Department of the Cleveland Police Department. He will discuss generally the facilities available in his department for attorneys and also will discuss several prominent cases in the Cleveland area.

Announcements of both the meetings will be posted on the Fraternity bulletin board.

Dean Lick announced the appointment of two new chairmen for the coming semester. Brother Dale Brown was appointed chairman of the Social Committee and Brother John Hickey was appointed chairman of the Welfare Committee.

Vice Dean Jim Kilcoyne who is also chairman of the membership Committee, has arranged to have three interesting speakers at the October 21, meeting, which will be the final smoker before new men are voted into the Fraternity.

If any student has any questions regarding application into Delta Theta Phi Law Fraternity, please contact James Kilcoyne.

Brother John Martendale, as Chairman of the Moot Court, was given full support by the fraternity in his efforts to establish a Moot Court at the Cleveland-Marshall Law School.

Ranney Senate has gone on record as having a team ready to take on any challengers who wish to debate legal issues.

Planning has already begun for the second annual dinner-dance. Brother Pete Roper will announce the guest speaker for this occasion in the near future.

WIVES TEA OCTOBER 15

The Cleveland-Marshall Law Wives Club is holding a tea on Sunday afternoon, October 9, between the hours of 2:00 and 5:00 PM in the student lounge at the school.

The purpose of the party is to welcome new members, particularly the wives of the Freshmen. Dean Stapleton and another as yet unnamed speaker

(continued on page 5)

... what is the answer?

Wives Club . . .

(continued from page 4)

by Thomas M. Shaughnessy

On Wednesday, September 7, Dr. Norman Vincent Peale, as spokesman for a group of ministers and laymen of thirty-seven Protestant denominations, sent a message to all Christians in the United States.

The message read: "After serious and may I say prayerful thought and with no repudiation of my personal convictions I have come to the conclusion that religion as an issue can only be divisive and therefore in the long run harmful to our country . . .

"It is inconceivable that a Roman Catholic president would not be under extreme pressure by the hierarchy of his church to accede to its policies with respect to foreign relations."

And then, seven days later, on September 14, the repudiation: "I was merely present as an invited guest. I did not take part in the preparation of its statement of conclusions. . . . I was not duped — I was just stupid. I went . . . innocently, — like a babe in the woods."

What is the answer that we shall give this learned doctor of Christianity? How shall we reply to this noted theologian, a man with whom we sometimes disagreed, but a man that we always admired as a Christian gentleman?

Here is the answer we will give: You have sold your position of eminence as a Christian leader for far less than thirty pieces of silver. You have raised religion as an issue from the dead. You have fanned the fires of religious prejudice and have escaped unburned. You renounce the National Conference of Citizens for Religious Freedom; but you do not renounce your statement.

We will remind this man that morality is a non-partisan is-

sue; that belief and faith in God are universal components in a Democracy whose very foundation is built on Christian principles; that his statement has seriously questioned the patriotism of forty million Americans.

We will reply: In your original statement, you did not prove your contention. Only your record and years of genuine service as a religious leader made it palatable to the unsuspecting public. But neither will we prove our denial. But the facts are readily available and the truth can be easily known.

We will ask this man: Which of the thirty-seven denominations will dictate to Richard Nixon if he is elected President? For though they are sometimes contradictory, and many times different, all creeds impose upon their members compliance with an ethical, moral code.

And last, we will tell Dr. Peale: Rome wants no vote. Rome wants no veto. Rome wants no lobby seat. Rome, as your church, as all of the thirty-seven denominations, wants only to instill in the hearts of all men those principles that will reflect in both private and public life a real existence — nay! a real living, of all of God's laws.

MOOT COURT CONVENES . . .

(continued from page 1)

places on the bench with the judges and Sophomores positions as bailiffs. The trial work will be scheduled during evening hours so that other students may attend as spectators.

will address the ladies. Mesdames Oleck, Samore, Silbert and Skeel will pour.

The wives met for the first time this year on Sunday afternoon, September 25. Although the attendance at the meeting was not high there was a great deal of work accomplished in the planning of activities for the coming years. Several events including a style show were discussed and planned.

The election of officers for the 60-61 school year will be in November. Last year's officers will retain their offices until that time.

The meetings are scheduled for the second Sunday in the month. The November tea will take the place of the regular November meeting.

The Wives Club would like to take this space to thank all of the faculty members, wives, husbands and friends who helped to make the Spring Dance the success that it was. A special thanks to those who worked on the various committees.

The Spring Dance, held on May 21 in the Grand Ballroom of the Hotel Hollenden was a complete success. The dance was the Wives Club first big event.

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LAW REVIEW UP TO PAR

The September 1960 edition of the Cleveland - Marshall Law Review that greeted students on their return to classes last month was another fine product in a rapidly growing tradition of excellence.

The medical-legal was again emphasized with an eight-article symposium on psychiatry and law. Eight other articles of a more general nature, and five book reviews rounded out the Review.

Dr. Irwin N. Perr was Issue Editor-in-Chief for this past issue. B. Joan Holdridge, Issue Editor in May 1960, will again take the job for the January 1961 issue. Margaret Mazza and John E. Martindale have been selected for the position for the May and September 1961 editions.

Lexicon . . .

(continued from page 2)

Bail — from the Latin *bajulare* (to bear a burden). To set free, or deliver from arrest, or out of custody on an undertaking of some other person or persons that he or they will be responsible for the appearance, at a certain day and place, of the person bailed.

Blackmail — based on the old English and Scottish "mail," meaning rent or tribute. Originally, blackmail was tribute ex-

PROFESSORS, AUTHORS

The very prolific professors here at Cleveland-Marshall have during 1960 produced law books and related works at a record breaking pace. The books which have been well accepted locally are steadily gaining national recognition.

Professor Howard L. Oleck's last volume of the five volume set, *Modern Corporations*, a Bobbs Merrill publication, will be available to the public next month. This volume, the final volume of the set, is a form book. The text book, *Modern Corporations, 1960*, is a condensation of these five volumes for class room study and in addition to being used at Cleveland-Marshall has been adopted by the Universities of Oklahoma and Virginia.

A supplement to Mr. Oleck's *Damages to Persons and Property*, will be released by Central Book Publishers in 1961.

In addition to these rather voluminous works, Mr. Oleck authors a bi-weekly news letter service, *Negligence and Compensation Service*, for practicing attorneys.

acted in the Scottish English border area from farmers to free-booting chieftains for protection from pillage not unlike more recent "protection" rackets. Now of course, it is extortion of money by threats of exposure to public accusation, censure, or disgrace.

Probate Practice, a lengthy work by Judge Frank J. Merrick and Professor Ellis V. Rippner, was published during the past summer.

Judge Lee E. Skeel's, *Criminal Law*, Banks & Baldwin, 1960, gained considerable attention both in the newspapers, and with local attorneys.

Professor William Samore is revising, Reid's *Branson, Instruction to Juries*. He has been working on this five volume set for some time and has completed volumes one and two. Volume three is to be published in the near future. Volume one is text material. Volume two contains reproductions of actual instructions to juries.

Professor William K. Gardner does an annual supplement to Bates', *Ohio Civil Practice*.

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