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THE GAVEL

VOLUME VII - No. 4

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1959

• HIGH SCHOLARSHIP REWARDED •

The presentation of awards for scholastic achievement by Cleveland-Marshall Law School students for the 1957-58 year highlighted the annual Open House held Saturday night, December 9th, in the Student Lounge. The inclemency of the weather without doubt aided in keeping the attendance down, but all on hand for the occasion thoroughly enjoyed themselves with an evening of dancing. Refreshments and a buffet were well received. A vote of thanks for a job well done belongs to the chairman, John Hudson, and all others who gave their time to put on the Open House.

The award presentations were made during the intermission by Dean Wilson Stapleton. The recipient of the \$150.00 Cleveland-Marshall Alumni Association prize for the highest average at the completion of his first year went to Dr. Irwin N. Perr with a point average of 3.7. A similar award for the highest cumulative average at the completion of his third year went to Paul A. Granzier with a 3.3. Russ Sherman received \$100.00 for attaining a 95.5%, the highest grade in the course in Contracts. B. Joan Holdridge and Homer C. McRae received \$25.00 each for the second highest grade in Contracts, each attaining a 94.5%.

The winners of the Judge David C. Meck Sr. Memorial Scholarship were as follows: \$100.00 to Hans R. Veit for the highest cumulative average at the completion of his second year, a 3.4. A prize of \$50.00 was given to Ralph I. Nielander for the second highest cumulative average at the completion of his second year, a 3.2.

The annual awards for the students achieving the highest grades in Real Property, \$50.00 each, were received by J. F. Collins with a grade of 94.5% and

(continued page 2)

"NEWSPAPERMAN'S CREED OF PROTECTING SOURCES SPANKED BY READER"

(Editor's Note: The following article appeared in the December 14, 1958 issue of the Cleveland Plain Dealer and is reprinted with permission of its author, Howard L. Oleck, citizen, lawyer and our Assistant Dean.)

Attacks on the U. S. Supreme Court and threats to "nullify" its decisions are commonplace today. But we are not yet fully accustomed to such attacks. We still feel a sense of shock when the attacker is so respected a speaker as the Plain Dealer. Such threats and advocacy of lawlessness are expected from "yellow journals" or news-space-for-sale papers, but not from respected publications.

The Plain Dealer's lead editorial on Dec. 9 was a hardly-disguised advocacy of disregard of the supreme law of the land. The Supreme Court had ruled that the public importance of sound judicial process may require journalists and columnists to testify in court proceedings. It ruled that the newspaperman's constitutional "freedom of the press" does not automatically bar any and all court inquiries into the source of a journalist's "sources of information" - especially when that "source" was the basis of a libelous story.

The Supreme Court, in refusing to overturn a decision of the Court of Appeals of the Second Circuit, was dealing with a newspaper columnist's "quotation" of an unidentified CBS "network executive" criticizing a certain movie star as "terribly fat," having "an inferiority complex," and unable to "make up her mind about anything."

A perfect example of backyard gossip

(continued page 3)

(continued from page 1)

Thomas A. Cochrane for a grade of 93%.

Dr. Carl Wasmuth and Jewel Mack received \$50.00 and \$25.00 respectively for the best papers on a subject related to Torts or Evidence.

A three-volume set of Belli, Modern Trials, given for the Spangenberg Trial Practice Prize, was awarded to Walter W. Watkins for achieving a 97%, the highest average in the course in Trial Practice.

Walt Wagner



WALLY
THE
WALRUS

"The time has come the Walrus said
To talk of many things:
Of shoes and ships and sealing wax,
Of cabbages and kings."

NEW TREND: MORE PART
TIME STUDENTS IN LAW

(Reprint from American Bar News Vol.3 No.12)

In ten years law school enrollment in the U. S. dropped 20.7 percent from 51,015 students in 1947 to 42,271 in 1957, according to newly published statistics compiled by the American Bar Foundation.

During the same period, however, the percentage of students enrolled for afternoon and evening classes--in all 159 approved and unapproved schools--increased 9.1 percent, from 13,023 in 1947-48 to 14,627 in 1957-58. The increase was 14 percent among the 129 approved law schools, and 4.4 percent in the 30 unapproved schools.

The abnormally high enrollments of the late '40s reflected the post World War II bulge. The trend toward afternoon and night classes is a newer development in legal education. John G. Hervey, adviser of the ABA Section of Legal Education and Admissions to the Bar, attributes it to several factors.

"With military service confronting him, with higher taxes and inflation and less financial aid from parents, and with marriage and family commitments at the time he enters law school, I suspect that the law student will, in greater numbers, attend part time rather than full time law classes," Mr. Hervey observed.

The ABA sponsored American Law Student Association has prepared an interesting new publication, "Survey of Opportunities in Corporate Law Practice," designed as a guide for law students and new admittees to practice. It's available at 10¢ per copy from ALSA, at the American Bar Center, ADDRESS--American Law Student Association, American Bar Association, 1155 East Sixtieth Street, Chicago 37, Illinois.

The passage of time--the birth of a new year. A time to evaluate, to meditate and to ponder. A time to take stock of ourselves, to dust off our ambitions and goals and look at them in the light of a new year. This covers a lot of territory and includes, for all of us, The School - are we doing our best for its welfare, and conversely, is it doing the best for our welfare? One aspect under this heading is teaching techniques.

At the present time it would be safe to say that the Case Book Method is espoused by the majority of law schools and professors throughout the country. In number there may be strength but not necessarily right. Is the Case Book Method the best, and more important, is it the best for evening law schools? Two other basic methods are available: (1) a Straight Lecture Method or (2) an Eclectic Method which would combine the best features of the Case Book and Lecture Methods.

To our way of thinking, using a Straight Lecture Method is similar to taking someone aside, explaining the intricacies of the Australian Crawl, letting him practice it on the beach for a while and then throwing him in the ocean and expecting him to swim. The graduating lawyer is handicapped enough in the practical aspects of the law without having his knowledge further limited by having everything spoon-fed to him in law school. In order to try a case it would be helpful if at some time or other he had read one or two cases and perhaps been able to extract some rule of law from them.

What's that? You say they did not have to read the cases, for they received all the rules of law in their lectures. Very well, let us assume they have had "all"

(continued page 3)

"Newspaperman's Creed"

(continued from page 1)

set in type! Justice Potter Stewart had written the Circuit Court opinion, affirming a ruling of contempt against the "journalist" for refusing to reveal her "source" of this "information," in a suit for libel brought by the defamed person.

So, the Supreme Court merely refused to interfere; meaning that Justice Stewart was quite right.

Not so the Plain Dealer. Apparently the Plain Dealer editorial claims that journalists have full and absolute privilege to defame anybody, any time, merely by attributing the libel to "a confidential source," real or fictitious.

Ominously, the Plain Dealer threatens that it "expects newspaper reporters to 'continue to protect the identity of their sources, come what may.'" Then, to show its superior understanding and knowledge, it says derogatorily: "The Supreme Court has not enhanced its reputation by dodging this issue."

For sheer unadulterated twisting of facts, and double talk, this is on a par with the finest flights of the reasoning of dialectic materialism. The freedom to print counterfeit money!

I am well aware of the Ohio statute that protects freedom of the press, and of the statutes of the same type in some other states too. Was it the intention of the legislature to make libel and cheap gossip the special privilege of "journalists"? To ask the question is to answer it: Of course not...

I cannot help wondering: On what merit have these Caesars (newspapermen) fed, that they have grown so great? What is there about a press card or guild card that makes a man think himself to be god-like...possessed of power and privilege? What makes an editor or a publisher sure that he alone knows what is best for everybody, who should be elected to office and who rejected, what the common people should think, and what is the law and what is not?

I am in favor of freedom of the press, and of publication of the truth. I have scars to prove it. But God help us all if our seekers of the facts, our seekers of the truth (newspapermen above all) forget what their real function is in a democracy -- to tell the truth, the

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whole truth, and nothing but the truth.

God help us all if newspapermen, editors and publishers arrogate to themselves absolute privileges to twist facts and to mislead the people.

WALLY

(continued from page 2)

the rules of law given to them in lecture. The only question left is whether they will be able to recognize and apply them in their proper places. The law has too many shadings to allow any one rule, or even any group of rules, always to be controlling. If this were not enough there are still the equitable considerations which must be given each case. There simply is no one rule (s) which will govern all the ramifications of any given legal situation. To realize this and fully recognize its import can come only after a prolonged period of case study.

Does this then mean that the Case Book Method is the best? No! Although it has many advantages over the Lecture Method it, too is lacking. More is needed than the reading of cases and the formulating of legal principles. The principles must be tied together into a cohesive mass. This requires organized lecture, for otherwise the student finishes the course with an assortment of rules and principles loosely hung together for each subject and in order to apply the proper rule in a given case he is forced to play a game of mental hide and seek before he comes to the correct principle. Also, by tying the rules and principles together in lecture, the student is better able to see the manner in which the different principles of law interact and complement each other.

A further disadvantage of the Case Book Method is that it is too time consuming. This argument is valid not only in the night law school where the most

(continued page 4)

WALLY

(continued from page 3)

precious possession of the student is time, but also in the day schools where so much time may be spent on a few important cases that the book is not finished and the student is left to his own devices to finish the course. If this is correct then we might as well do away with professors and law schools. Merely allow the student to read the various texts and when he feels he is prepared let him take a series of examinations -- if he passes he is a lawyer -- if not he goes back and reads some more.

This brings us at last to the Eclectic Method, the combination of the Lecture and the Case Book Methods. Here the student becomes familiar with the rules and principles as they appear in the cases, they are tied into a usable mass, and the course is finished in the allotted time. Sounds simple, but one more ingredient is needed -- the right professor.

A law school is built of many things but its foundation is its faculty. There is a saying that them that can does - them that can't teach. Even them that can aren't always capable of teaching. The best football player does not necessarily make the best football coach and following, the best judge or legal specialist is not always the best person to teach his specialty. Therefore, Wally feels that the best law school would be one in which a combination of organized lecture and case study technique was used by qualified instructors.

Any comments? The suggestion box is still on the third floor.

One final thought. With the New Year comes the half way marker in the school year and if anyone has been going along on an "Ill study tomorrow" plan just one word of caution -- Beware the Ides of March. Just think how lucky Caesar would have been if he had listened.

WALLY'S QUESTIONS OF THE MONTH -- What happened to the Student Directory? What happened to the posting of Student Bar minutes on the bulletin boards? What happened to the \$2.00 Student Activity Fee? Also, how did a legal publishing house get a list of students before the students themselves?

CHART PROGRAMS TO STRENGTHEN LEGAL EDUCATION

(Reprinted from American Bar News - Vol. 3 No. 11)

A two-pronged program to strengthen legal education in the United States has now taken definite form under the leadership of the American Bar Association, and in cooperation with the American Law Institute and the nation's law school.

One facet of the program is aimed at attracting more qualified young people to law as a career. The other is designed to broaden and accelerate the pace of continuing legal education for practicing lawyers. Both were stressed by President Ross L. Malone in his inaugural address as key ABA activities for the current year.

The concurrent effort to attract more top students to law as a career is a project soon to be set in motion by the ABA under President Malone's personal direction. Two steps are planned:

1) Approximately 3,000 undergraduate colleges and junior colleges in the nation will be requested to designate pre-law advisers, or counselors. About two-thirds of the colleges now have them. Improved and up-to-date literature on law as a career is to be prepared and placed in the hands of the counselors, usually faculty members, so they can competently advise students.

2) To bulwark the counselors, it is planned to designate practicing attorneys in the communities where the colleges are located, to be available for personal consultation with prospective law students.

In recent addresses before several state bar associations, President Malone has stressed the need for prompt action in this field. He said in Part:

"We are closing our eyes to reality if we do not realize that the tremendous effort now being made to attract young people of ability into careers in the sciences and engineering inevitably will reduce the number of outstanding students who apply for admission to law schools. It likewise will affect the average of the scholastic ability of those who apply for admission. This will be accentuated by the operation of the National

(continued page 5)

CHART PROGRAMS

(continued from page 4)

Defense Education Act passed in August by the Congress, to provide assistance for institutions of learning, and student loans to deserving applicants, which is designed to increase the number of scientists."

Mr. Malone cited a 1956 survey of high school students in the top five percent of their class, which showed 27.4 percent planning to pursue engineering or sciences, 9.4 percent planning to enter medicine, and only 2.2 percent looking to law. These figures were confirmed by a later poll of students who won National Merit Scholarships to college. A full 50 percent of these preferred sciences or engineering, nine percent chose medicine and three percent, law.

ATTORNEY GENERAL'S 1959 RECRUITMENT PROGRAM FOR HONOR LAW GRADUATES

In 1953 Attorney General Herbert Brownell, Jr., inaugurated a new program for recruiting outstanding law graduates for employment in the various divisions of the Department of Justice. Since 1954 this program has resulted in the placement of 179 Honor Graduates from 62 different law schools. Of these 179, almost 90 percent were among the top 15 percent of their class; 10 percent were number one. The recruitment of this type of graduate has been so rewarding, both to the Department and to the young attorneys participating in the program, that it is to be continued.

One feature of the program is designed to permit those selected to gain a variety of experience by allowing them to transfer between the various divisions of the Department. The Department has established a systematic arrangement, which is necessarily flexible, for transfers from division to division during the first two or three years employment. This will not only allow for the broadest experience, but will make it possible for each member of the program to gain some experience in the field of his major interest. Attorneys recruited under the program will receive the benefit of a special orientation course which includes a meeting with the Attorney General and discussions about their work by all of the divisions.

The purposes of this program which makes these outstanding opportunities available to young lawyers in Government were aptly described by the Attorney General in his original announcement of its initiation on an experimental basis:

The purpose of the program is two-fold. The Department of Justice needs the services of young top-flight lawyers. We are confident that many who come with the idea of staying only a short time will recognize the importance of Government service, its many opportunities, and will elect to make of it a career. On the other hand, the legal profession as a whole will benefit by the training and knowledge that these young people will carry with them into the private practice of law. Where so much litigation today is between the Government and private interests, both sides of these controversies will benefit if lawyers have knowledge and appreciation of Government practices and procedures.

Startling salaries for those without exceptional experience will be \$5,985 after admission to a State or the District of Columbia Bar. However, another unique feature of the program permits recruits who are awaiting admission to the Bar to be employed as "law clerks," at the same salary for a period of not over nine months. It is the policy of the Department also to promote honor recruits to \$7,030, under the present pay scale, after one year of satisfactory service.

Selections for the Attorney General's Recruitment Program for Honor Law Graduates are made strictly on the basis of merit. Personal interviews, where practicable, will be held regionally, thus obviating the expense and time in applicant's traveling to Washington.

Each honor law student interested in the program should complete the preliminary application with this announcement and send it to the Department of Justice, together with his law school transcript. Additional application forms and information with respect to the program may be obtained through the local American Law Student Association representative or by writing directly to the Deputy Attorney General, Lawrence E. Walsh, Department of Justice, Washington, 25, D. C.