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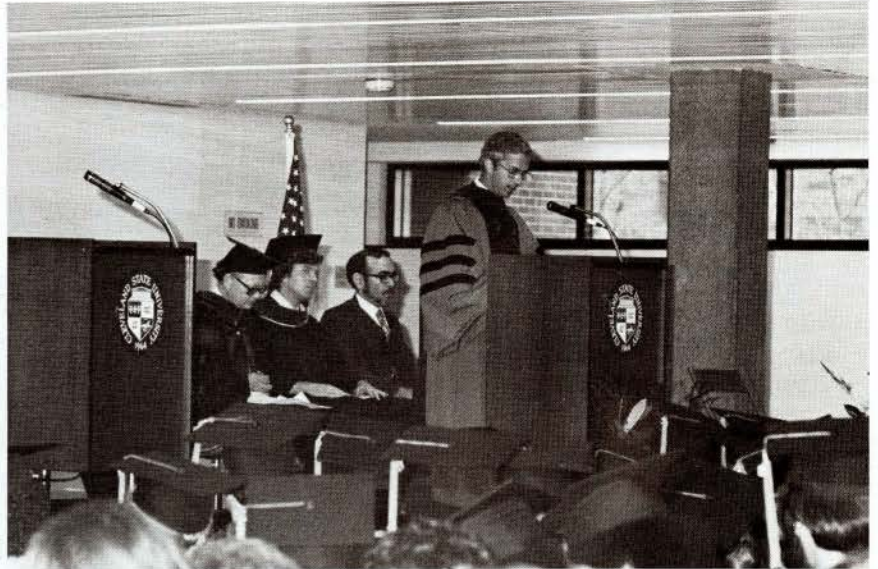


CLEVELAND - MARSHALL LAW NOTES

SUMMER 1977

VOLUME 4

NUMBER 2



Dean Designate Robert L. Bogomolny was the keynote speaker at Cleveland-Marshall's graduation ceremony, held in the new law building on June 12. Seated behind Bogomolny are (left to right) Assistant Dean Carroll Sierk, former Student Bar Association president Terry Gravens, and valedictorian Shimon Kaplan.

BOGOMOLNY PREPARES FOR DEANSHIP

Robert L. Bogomolny, 38, a legal scholar and native Clevelander, will assume the deanship of Cleveland-Marshall Law School on September 1. Bogomolny has been preparing to take office since his appointment was first announced on February 18.

Among his first decisions has been a reorganization of the Dean's office by consolidating the posts of Assistant Dean for Administration and Assistant Dean for Student Affairs into one position. Janice Toran, who has been serving the law school as Clinical Lecturer in Law and Legal Clinic Staff Attorney has agreed to become Assistant Dean for Administration/Student Affairs commencing September 26, 1977.

ALUMNI HONOR THREE

Max Ratner, Judge Ann McManamon, and Albert J. Knopp were honored as Outstanding Alumni of 1977 by the Cleveland State University Cleveland-Marshall Law Alumni Association at its annual award Luncheon May 20. Thomas W. Gray, president of the Association presented the awards and Donald W. Traci (class of '55), a partner in the Cleveland firm Spangenberg, Shibley, Traci and Lancione, delivered the keynote address.

Max Ratner, chairman of the board of Forest City Enterprises has been active in Jewish and Cleveland civic activities. Mr. Ratner is a past-president of the American-Israel Chamber of Commerce and was trus-

(continued on page 2)

In addition to seeking a smooth transition through regular meetings with Interim Dean Cohen, CSU President Walter Waetjen, and other law school and University personnel, Bogomolny has sought to establish ties with the larger Cleveland community. He was a guest speaker at the annual award luncheon sponsored by the Cleveland State University Cleveland-Marshall Law Alumni Association held May 20. He was also the keynote speaker at Commencement exercises for the College of Law, held June 12 in the new Law Building.

"The law school at Cleveland State University has great potential. My big hope the next several years is to improve and continue that growth and to make the community and state even more aware and proud of the facility," Bogomolny commented after his appointment. "The faculty," he continued, "is an excellent one which I'm sure will continue to prosper and develop."

Before coming to Cleveland-Marshall Law School, Bogomolny was a professor of law at Southern Methodist University in Dallas, Texas. He was director of SMU's Criminal Justice Program for four years, and its Center for Police Development for two.

He will now become dean of the largest law school in the State of Ohio, with nearly 1100 students, at a time when it will move into a new \$7.5 million College of Law Building on the CSU campus in downtown Cleveland.

Bogomolny was the unanimous choice of a search committee headed by Law Professor William L. Tabac.

(continued on page 2)

Alumni Honor

(continued from page 1)

tee and president of the Jewish Community Federation. Mr. Ratner has also been vice president of the Euclid National Bank, a board member of Suburban Hospital, and a trustee of Mt. Sinai Hospital.

A native of Bialystok, Poland, Mr. Ratner emigrated to Cleveland as a child, then attended Glenville High School and later Cleveland-Marshall.

Judge Ann McManamon was elected to her current position on the Cuyahoga County Court of Common Pleas last year, having served three years on the Cleveland Municipal Court bench. She was raised in San Francisco and is a graduate of the University of California. Following her graduation from Cleveland-Marshall Law School she entered the practice of law and for several years was clerk of Olmstead Township. Later she spent 15 years as a partner in the firm of McManamon and McManamon.



Judge Ann McManamon

Dean Bogomolny

(continued from page 1)

The new dean succeeds Craig W. Christensen, who accepted a post as Syracuse University law dean in 1975. Hyman Cohen has been interim dean since that time.

A graduate of Cleveland Heights High School, Bogomolny holds undergraduate and law degrees from Harvard University. After receiving his law degree he spent three years as an associate of the Cleveland firm of Burke, Haber and Berick. He entered government service in 1966 as an attorney in the Justice Department's Criminal Division.

Bogomolny then became, consecutively, assistant chief counsel of HEW's Bureau of Drug Abuse Control, special assistant to the U.S. Attorney for the District of Columbia, and assistant chief counsel of the Justice Department's Bureau of Narcotics and Dangerous Drugs.

Before taking the Southern Methodist post, Bogomolny was assistant director of the Vera Institute of Justice, an innovative legal reform organization in New York, in 1969-70. He is co-author of a handbook on federal drug laws, and editor of a book on human experimentation, published last year. He has written many articles for law reviews and journals.

Bogomolny has been active on law enforcement advisory committees in Texas, and is a member of the National Advisory Committee to the Drug Abuse Training Center and the Committee on Alcoholism and Drug Abuse of the American Bar Association.

"We are most pleased that Professor Bogomolny will become dean of our College of Law at a time when the college is moving into a significant period in its history," said CSU President Waetjen. "With his strong ties to Cleveland, he will provide an additional dimension to the University's service to the community, and his broad expertise will enrich the community's professional leadership."



Max Ratner



Albert J. Knopp

Judge McManamon is currently a board member of the Federation for Community Planning, the National Council on Alcoholism, Harborlight of the Salvation Army, the Legal Aid Society, and the Ballet Guild of Cleveland.

Albert J. Knopp has been active in alumni activities at Cleveland-Marshall Law School since he received his degree in 1961. He has served as C-M Alumni Association president and is now president designate of the Cleveland State University Alumni Association. Shortly after graduating from law school he joined the firm of Baker, Hostetler, and Patterson, where he is now a partner engaged in civil litigation.

Mr. Knopp served on Berea City Council for 10 years, and is now a member of the Charter Review Commission in that town. A native Clevelander, he also is secretary and a board member of the Columbia Hills Country Club.

COX PRESIDES AT EIGHTH MOOT COURT NIGHT

The Eighth Annual College of Law Moot Court Night was held Saturday, May 14, before an audience of more than 300 in the University's Main Classroom Auditorium. Highlighting the evening was a mock appellate court argument by the school's top moot court competitors. The case was argued before a distinguished panel of jurists presided over by Professor Archibald Cox, former Watergate prosecutor, now on the faculty at Harvard Law School. Judge John M. Manos of the United States District Court for the Northern District of Ohio, and Judge Ann McManamon of the Court of Common Pleas, Cuyahoga County, completed the panel. Both Judges Manos and McManamon are alumni of Cleveland-Marshall Law School and have received honors from the Law Alumni Association.

The hypothetical problem argued by the advocates was complicated. It concerned the authority of a trial judge to refuse to impose the prescribed penalty on a defendant convicted of aggravated burglary, but instead to impose sentence for the lesser-included offense of burglary. The judge noted that the lesser-included offense, burglary, seemed to require the proof of all the same elements as aggravated burglary. This situation would allow the imposition of disparate sentences for the same acts -- a violation of the equal protection clause. The judge's authority to correct this error on his own initiative, pursuant to the supremacy clause, Article VI of the Constitution, was also at issue.

The team of Terry Brennan and Grant D. Relic argued on the side of the trial judge and were selected the winners of the argument and recipients of the Hugo Black Award as the best moot court team of 1977. Opposing team members were Mark Baserman and Gary Javore who argued for the State. Brennan and Baserman were named first and second best advocates, respectively, and received the annual Dean's Moot Court Competition Awards. Javore and Baserman received first and second place awards, respectively, from the Law Alumni Association for outstanding brief writing.

The participating Advocates were those with the highest brief writing and oral advocacy rankings, based on their performances in the double elimination spring competition. Many members of the practicing bar generously donated time and expertise to judge practice rounds for competitions during the year. The executive committee of the Law Alumni Association donated money for Moot Court Night.

CSU Moot Court Places at Two International Meets


Cleveland State's Moot Court team placed second at two prestigious international competitions. At the annual Jessup International Law, Moot Court Competition held in Columbus, Ohio, last March, Cleveland-Marshall students placed second overall. In addition, team member Mark Baserman won the award for best advocate.

Second year students Gary Javore, Susan Dolin, and Mark Baserman represented Cleveland State in the competition. Other participating law schools included Ohio State, the host school, the University of Michigan, Emory University, the University of Tennessee, and the University of Toledo. Wayne State University, School of Law, located in Detroit, placed first in the field of 15 teams.

In the Tenth Annual Niagara International Moot Court Competition held in New York City last February, a team composed of second year students Bob Hicks and Terry Brennan placed second in a field of nine schools. St. John's University, the host school, won the competition for the second consecutive year. Brennan was named second best advocate and the team brief was named second best.

Other participating law schools included the University of Toledo, last year's host, New York State University at Buffalo, the University of Toronto, and Case Western Reserve University.

Moot Court team advisors were Professor Ann Aldrich and Jeff Olsen.

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CLEVELAND-MARSHALL FUND

The Visiting Scholars Program of the Cleveland-Marshall Fund has sponsored the appearances of three law specialists at the College: Harvard Law professor Stanley S. Surrey, Dean Robert B. McKay, and Judge Walter V. Schaefer. During their two-day visits to Cleveland State, each of the scholars spoke to selected law classes, participated in informal discussions with students and faculty members and delivered an address to the general public.



Robert B. McKay is presently the director of the Program on Justice, Society, and the Individual for the Aspen Institute for Humanistic Studies.

Robert B. McKay

"Would American society be better served if there were fewer lawyers," asked Robert B. McKay, the former dean of New York University School of Law. Dean McKay visited CSU on February 16-17 and delivered the Eighth Cleveland-Marshall Fund lecture entitled "Dispute Resolution and the Quest for Justice."

"Americans are united in one thing: in their mistrust of law and lawyers," said McKay as he described the low regard in which lawyers are held by the public. He attributed this, in part, to the law's complexity, delay, and cost but primarily to the fact that 140 million Americans above poverty, but not affluent, can't afford lawyers except in emergencies.

There is a great imbalance in the distribution of legal services in this country, according to McKay. Most lawyers serve the government, corporations, banks, or wealthy individuals. "The richest opportunities for law graduates are with big corporations and big firms, not with legal aid type advocates for the poor." McKay believes that if law remains as complex as it now is, many more lawyers will be needed to right the imbalance -- perhaps tens or hundreds of thousands.

"We need not look exclusively to the courts for the settling of disputes," said McKay. "In fact the

courts are not even the best places for settling many kinds of disputes." McKay went on to discuss alternatives to the use of the courts.

In no other country are courts called upon to play so decisive a role. Our courts are called upon to settle the great social issues of our time: segregation, reapportionment, environment, prison reform . . . He attributed this great reliance on the courts to three factors: the legislature's failure to articulate policy with reasonable particularity, the executive's failure to enforce statutes, and the public's quick reliance on the courts rather than elected officials. "The courts should be places of last resort, not first resort," McKay told his audience.

He outlined several alternative methods of dispute resolution, other than resort to courts. In addition to arbitration, and intervention by "public advocate" regulatory agencies, Dean McKay suggested simplifying the law, providing broader use of paralegals, and decriminalization of some "crimes" that now clog court resources (i.e., gambling, drugs, sex, alcoholism).

Among the more novel plans he suggested was the neighborhood justice center where potential grievances would be prevented from ripening into claims. Disputes that might have found their way to the courts could be resolved early through fact-finding, mediation, and other dispute resolution techniques.

Stanley S. Surrey

"Reflections on the Tax Reform Act of 1976" was the subject of a Stanley S. Surrey lecture delivered on February 3 in the law student lounge. He discussed the roles of various pressure groups in the passage of the tax bill as well as political forces brewing within Congress that shaped the legislation.



Professor Stanley S. Surrey explained aspects of the Tax Reform Act of 1976.

BRINGS VISITING SCHOLARS

Surrey described the tax bill as "unique" in the annals of tax legislation because it was originated, drafted, and passed in the Congress with almost no executive branch participation. The major forces spurring the reform legislation, according to Surrey, were young congressmen, the Nader Tax Reform Group, Senators Kennedy and Muskie, and older farmers seeking relief from estate tax burdens that might cost them their farms.

What the congressmen sought to accomplish was the elimination of certain tax benefits available to upper bracket taxpayers whom the public perceived as not carrying their share of the load. Reformers, therefore, sought to close some loopholes in the areas of tax shelters, capital gains, and estate and gift taxes.

"Overall the verdict must be on the plus side," said Surrey in summing up the bills strengths and weaknesses. "The Act does achieve reforms in a number of areas and the serious setbacks are relatively few."

"But the Act is also a story of opportunities lost," he continued. Surrey described how the lack of any executive branch input stunted the bill's growth, limited its strength in reform areas, and subjected it to a vigorous floor battle and the influence of lobbyists. "We can see in almost every failure to accomplish more than was done in the Act the absence of the power that lies in executive leadership." For the most part, Senators and Congressmen do not understand tax matters. The power of the executive branch (the President and the Treasury) to dramatize the need for reform, to supply sorely needed data and technical skills in shaping provisions, and the ability to persuade members to stand with the President were absent, he noted.

Surrey postulated that there are three ingredients necessary to genuine tax reform: a public interested in tax reform, a moderate-liberal Congress willing to respond, and an executive branch really concerned to achieve tax reform and provide leadership. All but the latter ingredient were present in 1976, according to Surrey.

During the eight years of the Kennedy and Johnson administrations, Professor Surrey was Assistant Secretary for Tax Policy in the United States Treasury Department. He is the Author of two casebooks in the field of federal taxation and of *Pathways to Tax Reform*, published in 1973.

Professor Surrey expected that the present administration may now be desirous of tax reform and that the three ingredients may soon coincide.



Walter V. Schaefer, retired justice of the Supreme Court of Illinois, delivered the ninth Cleveland-Marshall Fund Lecture on "The Legal Pendulum."

Walter V. Schaefer

Retired Judge Walter V. Schaefer delivered the ninth Cleveland-Marshall Fund lecture on April 6. "The Legal Pendulum" was the subject of his address.

"No Legal doctrine in our common law system can be regarded as completely settled for all time," said Judge Schaefer as he discussed the way law is continually responding to changes in society. He used as an example the diversity jurisdiction of federal courts. He described, from an historical perspective, the process that leads to the adoption of the Erie doctrine and the overruling of *Swift v. Tyson*.

In February, the Judicial Conference of the United States voted to recommend to Congress that civil suits between citizens of different states be taken out of the federal courts where no federal question is involved. "That suggests the death knell for federal diversity jurisdiction," said the judge who believes that diversity jurisdiction will one day be abolished. "I think the step will be a sound one," he added.

At present, diversity cases account for 21 percent of the federal docket. Distributed among the states these cases would cause an increase of only 1 percent in state court dockets. "Diversity jurisdiction is based upon the theory of prejudice against the outlander," said the jurist. "But the prejudice has diminished as means of communication and travel have improved," he added. If there is prejudice against the non-resident of a state it is much less serious than a number of other kinds of prejudices, Judge Schaefer told his audience. He cited rural-urban and suburb-city rivalry as examples.

Preview:

The New College of Law Building

Cleveland-Marshall's new home, a \$7.5 million dollar building on the corner of East 18th Street and Euclid Avenue, will open for classes this fall. The building, under construction for 2 years, was turned over to the University by all contractors on June 6. Construction and landscaping are now complete as work progresses on furnishing the new law school with chairs, desks, telephones, and other necessities.

Since the Cleveland-Marshall Law School's Ontario

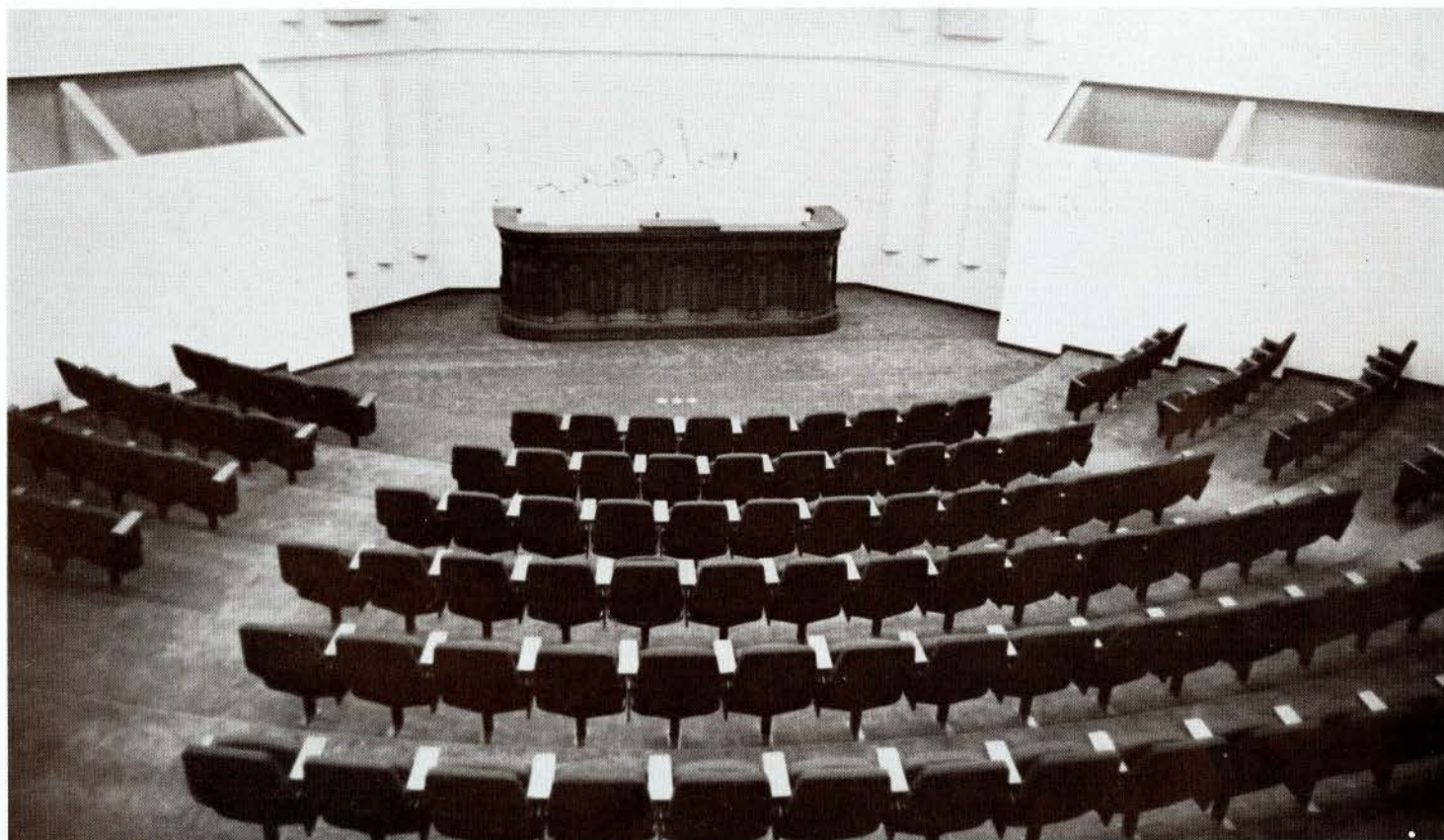
Street building was taken to make way for the Justice Center five years ago, the law college has been housed in the Chester Building on the CSU campus. The final move will occur in September as workmen move the library and administrative and faculty offices six blocks to the new facility.

The new building is a tri-level, L-shaped structure of brick and glass which will house the law library, a moot court auditorium, lecture and seminar rooms, a student lounge, and offices for faculty, staff, and student organizations. The building is designed to accommodate 1,200 students. The College of Law, with nearly 1,100 students is the largest in Ohio. The building was designed through a joint venture between the Cleveland architectural firm of Van Auken, Bridges, Primm and Poggianti and Columbus design consultants, Ireland and Associates.

The center of the new building is a large forum lobby with two levels of classrooms constructed around a broad open space where students and faculty may congregate between classes. The main-level and second-level balcony will be connected by an imposing open stairway. The skylight ceiling of the forum will be of reflective glass which will naturally light the area during the day. The glass is specially angled to reflect harsh sun rays, yet catch the soft rays on the north side of the building, thus conserving energy by lifting the burden on air condition-



Trees, berms, and lawns landscape the walkway leading to the building's main entrance.



The moot court auditorium, which has a seating capacity of 400, can be converted into three medium sized rooms by use of motor operated folding doors located in the balconies.

ing and air circulation. Building architect Richard A. Van Auken believes the building will be one of the most efficient in the state university system in terms of space utilization and energy conservation.

Occupying approximately two-fifths of the new building's 106,000 square feet will be the new library, which will accommodate nearly 200,000 hard-bound volumes. Modern library technology, such as microfilm equipment and computerized legal research systems, will be employed to conserve space while providing the materials necessary for an outstanding legal research collection. Study carrels and microform readers will be placed in and around the shelves, rather than segregating them as is often done in law libraries.

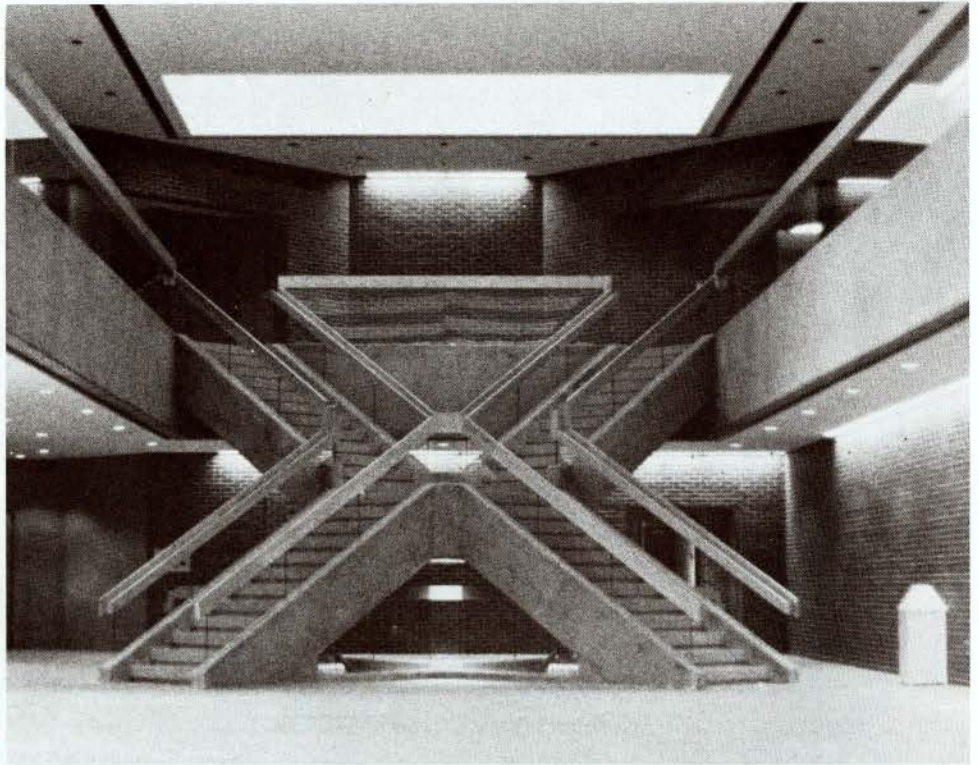
The moot court auditorium will have a seating capacity of 400. Its focal point is the ornate handcarved bench which for many years graced the courtroom of the Supreme Court of Ohio. The bench, first used in 1910, was secured for the new building through the efforts of Supreme Court Justice Frank D. Celebrezze, C-M Class of 1956, when the Court moved to new quarters last summer. The moot courtroom can be converted into three medium sized rooms by use of motor operated folding doors.

The student lounge is centrally located in the base-

ment, convenient to the main stairwell, student offices, and locker room. The lounge has been designed with a "greenhouse" type structure projecting from the brick wall on East 18th Street. A small outdoor patio for warm-weather use is included. It will be furnished with dining tables, chairs, and couches. A small section is set aside for vending machines and a refrigerator purchased by S. B. A.

Another special feature of the building will be a suite for the school's clinical legal education program with separate outside entrance. Designed to emulate the professional atmosphere of a law firm office, the suite will include student and faculty offices, interview rooms and videotape equipment to be employed in the instructional program of the Legal Clinic.

The building differs from others at CSU which are characterized by their concrete construction. The Law Building is made of red brick with reflective glass windows. "This building will have a predominantly soft entrance," said university architect Eugene Maxwell. "There is substantial landscaping, with lots of trees berms, ground-cover and outdoor seating and lighting," he said. Maxwell also noted that the major entry walks will be heated and plans are being made for a bus shelter in front of the building on Euclid Avenue.



This imposing open stairway dominates the large forum lobby and provides access to student areas in the basement as well as classrooms on the second floor terrace.



While in short supply in the Chester Building, lockers and mailboxes will be provided for all students in the new building.



A comfortable learning atmosphere is provided in some classrooms where teachers will lecture from a platform located near the room's center. The building has several large lecture halls as well.



The focal point of the moot court auditorium is this ornate hand-carved bench which for many years graced the courtroom of the Supreme Court of Ohio. The bench was first used in 1910.



FACULTY HAPPENINGS

Professor Harold Babbit was guest speaker at the Ohio Mayors Conference, May 6, 1976. He spoke on "Personal Liability of Public Officials".

Professor Edward Chitlik addressed the Major Appliance Manufacturers Credit Association in Atlanta, Georgia, this past January. He spoke about "Credit Associations, Reporting and the Antitrust Laws".

Interim Dean Hyman Cohen delivered a speech on the "Impact of the Gardner-Denver Decision" as part of a program sponsored by the American Arbitration Association in cooperation with CSU's Division of Continuing Education and the Department of Labor and Management on January 13. On May 10 Dean Cohen addressed an AAA sponsored seminar for Labor and Management on "Discipline and Discharge in Labor Arbitration".

CSU HOSTS LAW REVIEW CONVENTION

The 23rd annual meeting of the National Conference of Law Reviews was held March 23-25 in the Bond Court Hotel, with the Cleveland State Law Review acting as host. The convention was attended by 150 delegates representing 80 Law Reviews in the United States and Canada.

Small group seminars met to discuss general areas of concern to Law Reviews, including: The Purpose and Value of the Review; Content of the Review; The Editorial Process and The Structure and Functions of The Review. The seminars were led by Cleveland State Law Review Editors.

Speakers at the convention included Patrick F. McCarten, President-Elect of the Bar Association of Greater Cleveland, and retired Supreme Court Justice Tom C. Clark.

Justice Clark, who served on the Court for 18 years, retired in 1967. Clark is best remembered in legal circles for his noteworthy opinions in *Mapp v. Ohio* (1961) and *Heart of Atlanta Motel, Inc. v. United States* (1966), as well as for an Amicus Curiae Brief in the landmark case of *Shelley v. Kramer* (1948), filed by Clark's department during his tenure as Attorney General for the Truman Administration.

Clark addressed his talk at the closing banquet to excellence in all levels of legal endeavor and praised law reviews generally for their practitioner-oriented contributions to legal scholarship; he further encouraged law reviews to continue this effort. Clark em-

Professor Ulysses S. Crockett Jr. authored "Federal Taxation of Corporate Unification: A Review of Legislative Policy" which appeared in volume 16 of the *Duquesne Law Review*, 1976. He also spoke about "The Law and Sociology of Reverse Discrimination" at *Cuyahoga Community College* in May.

Professor David Forte will attend an institute on law and ethics at *Williams College* this summer. This institute is conducted under the auspices of the Council for *Philosophical Studies*.

Professor Leonard R. Jaffee authored a paper on statistical survey evidence. It was published in the proceedings of the 1977 Midwest Conference of the American Institute of Decision Sciences. Mr. Jaffee also participated in a lecture and panel discussion at the conference, held May 7.

Professor Elizabeth Moody was elected to the executive committee of the Association of American Law Schools at its annual meeting in December, 1976.

Professor LeRoy Murad was foreman of the Cuyahoga County Grand Jury from January through April, 1977.

Professor Robert Willey was invited to testify before Ohio's House Judiciary Committee on May 25, concerning the Omnibus Juvenile Reform Act (H.B. 460).

phasized the need for law schools to develop their Moot Court, Law Review, and Clinical Programs and to encourage participation in these programs as a means of developing well rounded young attorneys who are prepared to enter the world of the practitioner.

HONORS CONVOCATION RECOGNIZES ACHIEVEMENTS

The annual Academic Honors Convocation was held in March to honor outstanding academic achievements in the College of Law during the 1975-76 academic year. Approximately 100 alumni, faculty and students were on hand at the ceremony to honor 36 students and one faculty member who received cash prizes and other awards.

The Faculty Award for the highest academic grade average in the Class of 1976 was presented to Patricia S. Kleri, and the Banks-Baldwin Company Award for the second highest grade average went to J. Michael Murry. Willie Kaye Jones received the W. E. Baldwin Award for the Most Deserving Graduate. Professor Donald Weidner was given the Howard L. Oleck Award for Distinguished Legal Writing by a Faculty Member.

Also honored was the winning team in the annual College of Law Moot Court Competition. The team, consisting of Jeffrey Stein, Kent Nalazek, William Hassan, and Kathryn King, was presented with the Hugo Black Award. The Carl B. Stokes Achievement Award for the outstanding first year minority student went to Sherri McCreary.

Palsgraf "Immortalized"

If any law case could be called the "scourge of law students" and possibly lawyers as well it is *Palsgraf v. Long Island Railroad*. The facts alone read like a Marx Brothers comedy and in its wake the famous Benjamin Cardozo opinion has left a flood of discussion, law review articles, even a comic strip in the *Hastings Law Journal*. And now *Palsgraf* has been immortalized on film.

Martin B. Schneider, C-M class of '77, organized the project which took several hundred dollars and 18 months to complete. In fact, all of those involved as performers and as technical talent were Cleveland-Marshall law students. Even the funds for production were raised among more than 200 law students and faculty members who donated as much as five dollars each to cover production costs.

The facts, for those who need reminding, concerned a crowded New York City train station on a hot summer day. A mysterious stranger running for a train dropped a box of explosives on the tracks as conductors pushed him aboard the moving vehicle. The train was derailed and many in the beach-bound throng were injured when the package exploded on impact. The concussion caused a nearby penny weighing scale to fall on the plaintiff, Mrs. Palsgraf, injuring her.

The film, a re-enactment of that day's events -- sometimes humorous, sometimes suspenseful -- was shown before a very enthusiastic audience at the National Conference of Law Reviews hosted by the CSU Law Review at the Bond Court Hotel on March 23. This showing followed the premiere, several well received performances at the law school, and a later



Bernadette Manley is costumed as blind justice in her role as the famous scale.

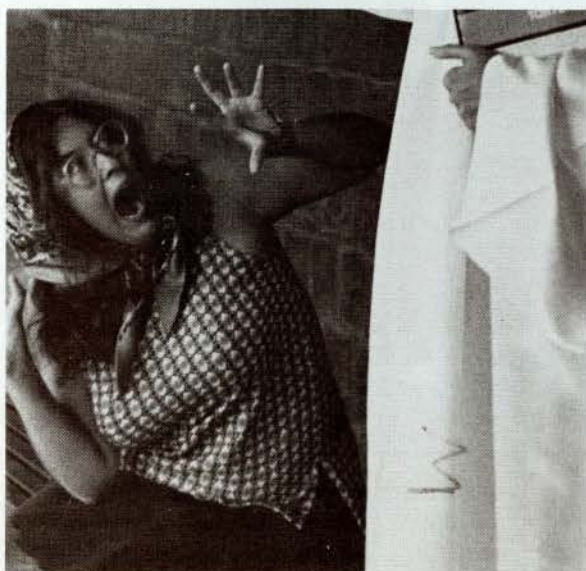
screening at a party held in honor of outgoing interim dean Hyman Cohen, who is reputed to be an admirer of Judge Cardozo and a disciple of the *Palsgraf* opinion.

Palsgraf was filmed in New York City at the actual Brooklyn train station where the incident occurred 53 years ago. Marilyn Klar plays Mrs. Palsgraf and Robert Leaf is the mysterious tortfeasor.

The movie, twenty minutes in duration, centers on the giant "battleground of the field of negligence law": to whom is the duty of care owned. Although foreseeability is the basic theme, the movie is characterized by manner, technique, and mode. The plot centers around three entities -- Mrs. Palsgraf, the tortfeasor, and the train -- as they converge at the railroad station. The scales, represented symbolically by Bernadette Manley, costumed as blind justice, wavered indecisively before spelling Mrs. Palsgraf's doom: it was not foreseeable; she was not within the scope of the risk. The railroad was not liable.

Supporting roles were played by Paul Weber and Larry Schlesinger as the train conductors who assisted the tortfeasor, whose identity is not known to this day, onto the train as it rushed away. Music befitting the pace of the characters and the mood of the film was selected by Keith Duboff who also authored "The Ballad of Mrs. Palsgraf", sung by Kathy-Jo Montgomery at the beginning of the film. Both singer and songwriter did their jobs splendidly as did those appearing in the film.

"There are so many students who come to law school with a diversity of talents that time unfortunately does not allow them to pursue," said Martin Schneider, who directed the film in addition to organizing the effort. "Law students work very hard, and it is important that they have this kind of diversion -- especially when they can demonstrate their non-law-related skills within a legal setting," Schneider said.



Marilyn Klar appears as Mrs. Palsgraf in a film made by law students.



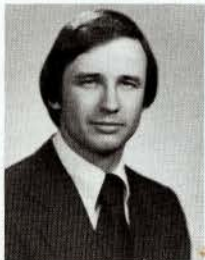
What's Happening?

C-M Law Notes wants to keep current on what's happening to Cleveland-Marshall alumni and friends. We'd like to know so we can tell others about your special accomplishments, promotions, new positions or associations, community activities, public offices, retirements, honors, etc. Please send news about yourself or others to the above address, or telephone 687-2540. Be sure to include name, address, telephone number and year of your C-M law degree. Photos can be returned.



ALUMNI HAPPENINGS

John L. Dowling, '51, died this year at the age of 55. He was chief of the civil division of the Cuyahoga County Prosecutor's Office where he began as assistant county prosecutor in 1957.



Egleston

Drew D. Egleston, '74 has been appointed an assistant superintendent of industrial relations at Republic Steel's plant in Buffalo, N.Y.

Edward M. Faber, '74, has been named research and development scientist at B. F. Goodrich chemical division in Avon Lake, Ohio.

Joel M. Garver, '41, was honored at a testimonial banquet held May 21 at the Commerce Club. A medical research fellowship was established in his name at the City of Hope National Medical Center near Los Angeles. The tribute to Garver is for his work on behalf of the hospital for the past 10 years.

Ronald J. Gogul, '70, was elected trust officer of Central National Bank of Cleveland.

Deborah L. Hiller, '75, is working for the Justice Department's antitrust division. Following her graduation she was a law clerk to Federal Judge Robert Krupansky.

Andrew R. Hudacko, '71, is sharing an office for the general practice of law with **Thomas M. Shaughnessy, '63**, in Cleveland.

Martin J. Huebschman, '76, has been promoted to the newly created position of assistant treasurer of Nordson Corporation, Amherst, Ohio.



Huebschman

Frank Kundrat Jr., '76, is the new assistant law director in Shaker Heights.

John Lawson, '76, is currently serving as director of Safe Space Station, a Cleveland center for runaways, operated by the Free Clinic.

Judge Frank J. Merrick, '16, died July 8, 1977 at the age of 82. For nearly 50 years, Judge Merrick served the public as an assistant county prosecutor, municipal judge, Common Pleas judge, and since 1953, as Probate Court judge where he became presiding judge in 1957. Judge Merrick left the bench four years ago and practiced law privately until his death.



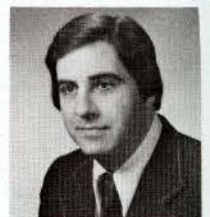
Shelley

Bruce Rose, '75, was recently awarded the Legal Aid Trustee Award given by the Legal Aid Society to honor volunteer lawyers who have distinguished themselves by their outstanding dedication.

Howard A. Shelley, '66, has been named director of marketing development for SCM Glidden International, headquartered in Cleveland.

John E. Shoop, '71, is the new prosecutor for Lake County, Ohio.

John E. Washington, '52, was appointed a judge on the Cleveland Municipal Court. He succeeds **Judge Richard F. Matia, '52**, who died earlier this year.



Shoop