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THE GAVEL

Cleveland-Marshall's Newsmagazine

Vol. 33

No. 2



Editor's Note

There's a topic being discussed in the student lounge these days, and as the semester wears on, will become more prevalent. It's the course schedule for next semester, and the lack of availability of basic courses.

Students are concerned, and rightly so, that they cannot get the courses which focus on bar covered material. For example, Wills & Trusts is only being offered from 8—9:40 p.m. next semester. This almost automatically locks out full-time day students — Who wants to be here from 10 a.m. to 10 p.m.? And female students, especially in light of the incident earlier this semester, do not want to be down at the University at night if they can help it. This is a key course because it's a prerequisite to other classes, and should be made more available to students.

If a course such as Wills & Trusts (or Commercial Law, Administrative Law, etc.) is to be offered only once in a semester, why not put it in the afternoon block so it's available to both day and night students. Another problem is that courses that are only offered once a semester are scheduled at the same time. Or else course times overlap. I was shut out of Prof. Forte's Constitutional Law class because it ran 15 min. into the time slot in which Corporations began. Turns out to have been lucky for me, but that's another story.

Students were asked to fill out a scheduling survey, but it seems that the survey was too late to have had much of an effect on the Spring schedule. Hopefully the administration will take the student suggestions to heart when setting up the schedule for summer and the future.

Mary DeGenaro

Mary DeGenaro



THE GAVEL

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Cover illustration by C. Halas

Asbestos Litigation: A New Solution To An Old Problem

by Debra Bernard

Asbestos is a silent killer. Made from a mineral compound, it can cause an accumulation of tiny asbestos fibers in the lungs, resulting in serious lung disease as well as two types of cancer in those continually exposed to it. There is a lengthy latency period, however, sometimes as long as 15–20 years after exposure to the substance before manifestations of asbestos-related disease appear. This latency period poses a special problem in the chain of causation for those unfortunates seeking compensation for their illnesses: Knowing with particularity who to sue. In the past, plaintiffs have sued as many as twenty manufacturers of asbestos, alleging joint and several liability. Products liability was based on theories of strict liability: Manufacturers of asbestos knew or should have known of dangerous health risks, therefore had a duty to warn others working with their products.

Because of the number of parties involved and the multiplicity of claims, asbestos litigation became tremendously expensive. One study, the Rand study, indicated that the cost of settlements and trial awards from the early 1970s through 1982, excluding attorneys fees, was \$400 million dollars, 84% of which occurred after January, 1980. The study further estimated that at this rate, in thirty years that figure will skyrocket to \$4 to \$30 billion dollars for defendants and their insurers alone.

A devastating result of this litigation has been the bankruptcy of several asbestos manufacturers. Large manufacturers have not been left untouched: The Manville Company, the largest manufacturer of asbestos, is seeking reorganization under chapter eleven of the Bankruptcy Act. The whole industry has been affected. Insurers became increasingly reluctant to insure manufacturers. A plaintiff's lawyer traditionally handled his client's case on a contingency fee basis, but litigation became so lengthy and complex that 41% of recovery was used by the plaintiff for litigation expenses. The unhappy ending to all this has been that there has simply not been enough money to compensate asbestos victims or keep asbestos companies in operation. Insurers mistrusted

asbestos manufacturers, manufacturers mistrusted the correctness of plaintiffs' claims, and plaintiffs mistrusted manufacturers and insurance companies alike, doubting there would be money enough to compensate them for their illnesses perceived to be asbestos-related.

"Products liability was based on theories of strict liability: Manufacturers of asbestos knew or should have known of dangerous health risks, therefore had a duty to warn others working with their products."

These problems have had Harry Wellington, dean of Yale Law School and author of many books on the legal process, extremely concerned. For the past two years, Mr. Wellington has served as the neutral moderator of a group of asbestos producers, large insurance companies, and personal injury lawyers (collectively known as "The Wellington Group") working to reduce the cost and devastation of asbestos personal injury litigation. Wellington, who delivered the 30th Cleveland-Marshall Fund Lecture on September 19, 1984 in the Moot Court Room, described the Group's search for a solution. In his talk, "Asbestos: The Private Management of a Public Problem", Wellington ex-

plained that after months of "brutal bargaining", negotiating, "letting off steam", and resolving several impasses in the talks, a final resolution was reached in May of 1984 upon which all parties at last agreed. "We reached an agreement because the alternative (not reaching one) was too costly for all concerned", he said. The solution? One team of lawyers to specialize in asbestos claims — "One team instead of twenty".

Wellington predicts the establishment of an asbestos claims facility, an agency designed to manage asbestos-related claims. Lawyers will bring plaintiffs' cases there for examination and hopefully, settlement. If no settlement ensues, the agency will manage the process of litigation, taking cases to the courts on behalf of plaintiffs, or when necessary, in defense of insurers and manufacturers. Wellington is confident litigation expenses will decrease as a result.

The Wellington Group is currently engaged in providing opportunities to educate other asbestos producers and insurers, encouraging them to accept and subscribe to the agreement. While the Group's activities are nearly at an end, the work of the new agency is just beginning. From the looks of things, it seems that the agency has its work cut out for it. Largely due to the efforts of Harry Wellington, however, the agency will have a firm foundation upon which to shoulder the growing pains and build a strong organization able to successfully manage this complex area of law.

LETTERS TO THE EDITOR

Professor Forte To U. N.

Professor David Forte of the Cleveland-Marshall faculty has been named to the U.S. Delegation to the United Nations. Professor Forte, who teaches Constitutional, International, and Islamic Law, commutes from New York to Cleveland weekly in order to convene his classes in Constitutional Law, and video-tapes those sessions, broadcast on Tuesdays and Thursdays, for students who are otherwise unable to attend the "live" sessions on Saturdays.

While his students congratulate Professor Forte upon his appointment (and those who had the prescience to appoint him), his absence during the scheduled classes is

sorely felt. Video-tapes are not an adequate surrogate dispenser for the wisdom and acuity which the subject of Constitutional Law demands, and Professor Forte so readily supplies. (A suggestion that the State Department be compelled to fly the students to New York and provide facilities for lunch as well as summarily dismissed as either absurd or beyond the authority of the professor to provide.) Considering the difficulties inherent in the Middle-East situation, Professor Forte's expertise in International and Islamic Law is undoubtedly needed at the U. N. We students wonder if we need it any the less.

—F. H. C.—

THE GAVEL

Lars Eric Mosesson:

Focus on Human Rights, Folk Music and Law

by Jimmy Thurston

Civil rights, folk music and the law, not in any particular order, are all significant elements in the makeup of Cleveland Marshall's visiting exchange professor from Polytechnic of Central London. Professor Lars E. Mosesson, LL. B., LL. M., PH. D., will be at Cleveland Marshall for the 1984-85 school year, while Professor Earl M. Curry of Cleveland Marshall replaces him at Polytechnic. The exchange program has been operating for several years through a reciprocal program which enhances the faculties of both schools and the students, mutually, by exposing them to a colleague from another country and system of legal training.

Mosesson was born in England of Swedish parents in a town named Beaconsfield. Beaconsfield is best known by the British statesman Benjamin Disraeli, the First Earl of Beaconsfield. Mosesson graduated with honors from law school. He pointed out that one of the differences between England and the United States is that a degree in law can be a primary degree. The LL. B. degree is the Bachelor of Laws degree and the LL. M. is the Master of Laws degree. Mosesson also has a doctorate degree from the London School of Economics. His dissertation was entitled "The Natural Law of Human Rights." Two distinctive personal traits of his are the facts that he is a vegetarian, and a "rabid non-smoker". In addition, he is a Barrister and Senior Lecturer, plus he has a Diploma in the International and Comparative Law of Human Rights from the International Institute of Human Rights, Strasbourg, France. The Institute runs Summer courses every year and graduate students from all over the world attend. A high proportion of the students who attend are from America. If anyone would like more details, Professor Mosesson would be very glad to furnish them and he recommends the course very highly because his attendance prompted him to work toward his doctorate degree.

Mosesson has been a member of the faculty of Polytechnic of Central London since he began teaching in 1968. Because he did not enjoy his undergraduate days very much, he decided to make life a little less uninteresting for future generations of students, while he still had his youthful enthusiasm, before doing something else. However, he never got around to leaving

teaching and 17 years later he's still teaching. He feels as if he hasn't gotten any older but that the students have gotten younger. This feeling is particularly keen on the soccer pitch and when he plays field hockey. One of his responsibilities at Polytechnic is organizing the staff-student field hockey and soccer matches. The advantage of field hockey over soccer is that all sexes can play. It is played very informally, and the entire school can participate two or three times a semester. The game is played without an umpire or referee, using a strange mixture of rules so that the better players are more tightly scrutinized for things like turning, sticks and feet, while the newer players' ignorance of the rules are tolerated, which is very nice. The games help to break down the barriers between the students in the different years, between the students and the staff, and occasionally, between the staff and staff.

Another activity that he started at Polytechnic and organized for a few years was a folk singing club. Again, it was to try to break down the barriers between colleagues and students. It was moderately successful and prompted Mosesson to take the folk singing activity to the public. He organized charity concerts for Amnesty

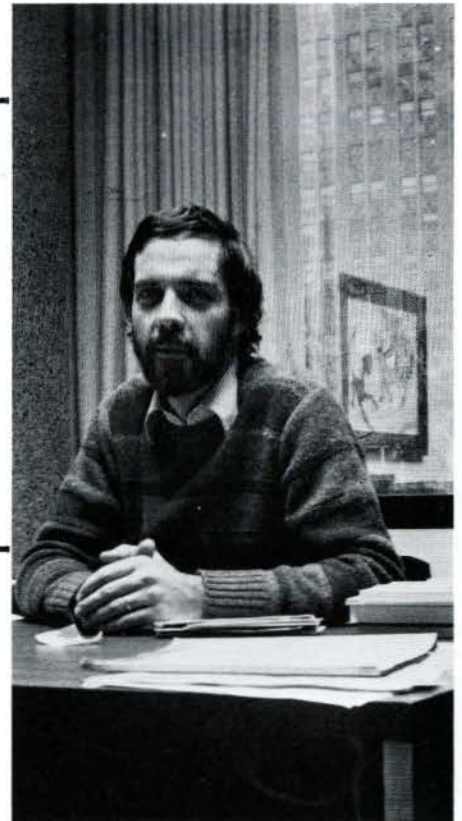
International and for a mental health organization in London. Many of his former students joined in this activity as performers and supportive personnel. It was a sing-a-long, which permitted everyone an opportunity to join in as performers and to contribute folk-song material. One of the things he hopes to do in Cleveland is to find other people who are interested in traditional and what is known as " '60's type" folk music. Thus far since arriving here, however, he has found no venue where such concerting occurs. If there are people who would like to get together, he would be very happy to join them and make music. He took the liberty of bringing a guitar with him from England.

In the Spring semester, Mosesson will be teaching a course entitled Civil Disobedience and Human Rights. It is much closer to his heart and his research interest. It reflects an aspect of his doctorate degree and it also reflects aspects of his teachings on the Philosophy of Law over the years. It focuses upon the need for theorizing and philosophizing as a practical orientation and "bottom line." The issue is not whether justice exists in some abstract term, but rather how ought an

continued on page 10

"The games help to break down the barriers between the students in the different years, between the students and the staff, and occasionally, between the staff and staff."

Lars Eric Mosesson



Library Resources to Expand With Computers

by Prof. Nick Pope

Computer Assisted Legal Instruction has grown within the law library. In addition to the existing Lexis and Westlaw computer terminals, the library will soon have available five ITTextra micro-computers, two for student use.

The Law School has joined with several other educationally progressive law schools around the country and become a member of the Harvard-Minnesota Consortium for Computer Assisted Legal Instruction. This consortium is providing computer floppy disks of teaching materials that are coordinated with texts and other teaching tools to assist the law student in his or her education.

Cleveland—Marshall law students will be able to use the two available micro-computers to work with the floppy disks from the consortium, to work with materials developed on the premises, and to use various word processing packages to do classwork and write briefs. Instruction within the library will be provided in the use of the computer, the use of the teaching disks, and the use of the computer for word processing.

The computers in the library will also provide for new computer databased systems that can be used to search for information not contained on Lexis or Westlaw. These databases will provide non-standard legal research, statistical research and the capability to add dramatically to the library's potential intellectual offering.

The most visible use of the microcomputer will be in the library reference area, where the microcomputer will be used for reference search and for providing on-the-spot delivery of needed information to the many library patrons. The reference area will be rearranged to accommodate the arrival of the microcomputer and overall reference services will increase.

At this time, plans are being devised for the location and use of the microcomputers for the students, whether or not there will be a usage fee, the nature of that fee, if charges and the mechanism to facilitate the use of proprietary word processing packages by the students. The library will be giving notice as to the availability of the microcomputers.



"Hear Ye, Hear Ye, Court is Now In Session!"

by Mary DeGenaro

Once again that familiar call to order was heard in Cleveland—Marshall's Moot Court Room, but it wasn't for the usual student competition on October 9. The Eighth Appellate District of the Ohio Court of Appeals was in session.

The bench members for the 9 a.m. session were Judges Patton, Nahra, and Russo. The second case on the docket had been settled over the weekend, and as Judge Nahra related to the audience, is not uncommon. The other two cases involved an employee seeking damages for personal injuries from his employer after receiving Workman's Compensation, and an appeal by a defendant, found not guilty by reason of insanity for aggravated murder, seeking release from a mental institution because he no longer showed signs of insanity.

Judges Jackson, Markus, and McManamon heard the three cases at the 10:30 a.m. session. The first case involved the Cuyahoga Metropolitan Housing Authority, the dispute being whether the parties entered into a land contract or lease with an option to buy. Also at issue were forcible entry and retaliatory actions by the landlord (CMHA). The second case involved a disputed will involving CWRU Medical School and a private individual.

Both the audience and the attorney representing Case chuckled over Judge Markus' comment that the attorney was in "unfriendly territory". The final case was brought by a defendant claiming that the identification of him at a marijuana arrest was inadequate to sustain the jury's verdict of guilty.

Presiding over the 1:30 p.m. session were Judges Parrio, Corrigan and Markus. The first case involved a dispute over a Solon zoning law, the plaintiff contending it was unconstitutional. The second case involved an irrevocable inter vivos trust and a contention that appellee Ameritrust's motion to dismiss prejudiced plaintiff-appellant. The final case contended that defendant's conviction for bribery was not supported by the evidence, and not proven beyond a reasonable doubt.

The 9 a.m. and 1:30 p.m. sessions had the highest attendance, and many students had an opportunity to observe the law in action. There was extensive discussion between the attorneys and the bench, and the parties often ran well over the 15 minutes allotted for each side. Judges Patton and Jackson in particular took on the role of devil's advocate, making it more of a challenge for the advocates to present their cases. Also, a wide variety of styles and degrees of skill and preparedness were observed, serving as valuable lessons for the students to keep in mind as future advocates.



FRANCHISING: REGULATION OUT OF CONTROL

(Part 1)

This article is the first part of a three part series on franchising. The first installment serves as an introduction for the two subsequent articles.

by Steven Mills

Franchising in the United States, as well as franchising in many parts of the world, has become a very noticeable and important part of our lives. One need only look to the phenomenal growth in the fast food restaurant industry in the last thirty years to understand this. However, franchising is not only a phenomenon in the fast food industry, but it also has surfaced in such diverse areas as car wash outlets, real estate agencies, hotels, hair styling salons, travel agencies and cookie shops; the list is endless and, as you can tell, the possibilities for structuring an existing or newly created business under a franchise format are also equally endless.

This installment will explain the federal franchise and business opportunity venture definitions, and then it will provide an

overview of the federal and state registration and disclosure regulations. In subsequent articles, close attention will be given to the following questions:

Is there too much overreaching regulation?

Is there a way to both protect prospective franchisees while, yet, not overburdening franchisors with unnecessary regulations?

Both questions should be answered in the affirmative. These issues will be examined at greater length throughout this series on franchising.

The best place to begin looking for a federal statement on franchising is the Federal Trade Commission's Rule on franchise disclosure (hereafter referred to as the Rule).¹

A. Two Franchise Definitions Under The Rule

1. Package and Product Franchises²

There are three elements under this definition that will, if they are all met, bring a business under the provisions of the Rule. Likewise, there are three questions that can help one determine if a

business falls under the Rule's coverage. They are:

(a) **The Trademark Element:** Does the business authorize associates to distribute goods and/or services with the trademark of the business?

(b) **The Significant Control Element:** Does the business exercise significant control over the operations of its associates?

(c) **The Required Payment Element:** Does the business require its associates to make a payment(s) for the right to associate and market the goods and/or services of the parent business?

Each of these questions must be answered in the affirmative for any business to be considered a product or package franchise under the Rule.³

Basically, a package franchise³ is a business relationship where the franchisee adopts the business format and trademark of the franchisor. Product franchises⁴ distribute the trademarked goods of the franchisor.

2. Business Opportunity Ventures⁵

This definition also has three elements which must all be met for the Rule to

cover the operations of the business. The elements are:

(a) **The Supply Source Element:** Are goods and/or services supplied to associates by the business, its affiliate, or a supplier with whom the associates are required to deal?

(b) **The Secured Account or Location Element:** Does the business secure locations for vending devices or racks, or secure retail outlets or accounts for the associate?

(c) **The Required Payment Element:** Does the business require an associate to make a payment or payments of \$500.00 or more to it any time before the associate completes its sixth month of actual operation?

The Rule provides a number of exemptions and exclusions for businesses that meet one of the two aforementioned definitions; these exemptions and exclusions⁶ should be reviewed in determining whether the Rule's provisions cover the business in question.

B. Franchising Concerns

The sheer popularity of franchising suggests that it has a great many benefits for both franchisor and franchisee. Franchisors benefit by being able to expand with a minimum of capital (as opposed to establishing all company-owned outlets), and they also retain a significant degree of control and financial interest in the franchised outlets (through the use of royalties). Franchisees find this system attractive because they are purchasing a supposedly proven business format and the right to use a recognizable trademark; this, then, provides immediate name recognition and eliminates many of the problems that account for the high failure rate among new businesses.

There are also disadvantages for both the franchisor and franchisee associated with this distribution system. A business can expect to experience a great deal of additional state and federal regulation if it is classified as a franchise or business opportunity venture. In addition to the Rule's national coverage, there are 32 states that have some form of franchise or business opportunity regulation.⁷

The Rule does not entirely preempt state law in the area, it only preempts conflicting language in state statutes and regulations. State law can only provide equal or greater protection to that of the Rule. Therefore, before a business can enter any state it must comply with the additional nonconflicting state statute(s) and regulations.⁸

A complete disclosure document⁹ must be timely presented to any prospective franchisee; however, the Rule does not require that the document be reviewed and registered with the Federal Trade

Commission. There are substantial penalties for failing to meet any of the Rule's disclosure provisions.¹⁰ Even though the Rule does not require review and registration, there are 14 states that require differing forms of "franchise disclosure statement" review and registration. (This figure does not include business opportunity review and registration states). Registration provisions can range from a mere recital of the franchisor's intent to do business in the state to a filing of the disclosure document and related registration items. Registration states¹¹ also require that registration fees be paid. Most of these states also annually require the payment of renewal fees and the submission of amended disclosure documents.¹²

These regulations can prove to be very detrimental to new business growth. Gary Goranson (President, Tidy Car, Inc.), in a statement prepared for a United States Senate Committee¹³ remarked:

While meeting state and federal requirements may not result in any more than a meeting with in-house counsel for large established franchisors, the various laws can not only mean substantial depletion of cash for legal and audit expenses for small and/or new franchisors, the frustration and worry in attempting to meet many disclosure laws can take an equal toll on the budding 'would-be' franchisor/entrepreneur.

When I commenced 'Franchising' in early 1977 I was able to do so without the constraints imposed by many existing disclosure laws. Needless to say, I avoided doing business in any states requiring full disclosure and/or registration. I simply could not afford the 26,000 dollars in legal fees or the 6,000 dollars in audit fees or the 4,000 dollars in registration fees or the additional 4,000 dollars in expenses we eventually incurred when we were ready to commence registering in June of 1978. Our business was allowed to grow and prosper without the added worry or expense of meeting any type of disclosure requirements, either state or federal.

Under the new proposed FTC disclosure laws, it would likely mean that if I had to start 'Tidy Car' when those laws were effective, I likely would not have been able to pay the kind of legal fees required to draft an approved type of prospectus. Worse yet, I may not have even known of the existence of the law until perhaps it was too late and I had perhaps found that I had been illegally offering franchise opportunities and unknowingly been in breach of a federal law which is enforced with potentially harsh penalties.

Goranson's statement demonstrates, from a small business perspective, the

heavy compliance burden both state and federal regulations place on franchisors.

Again, this brings us back to the following question: Is there too much overreaching regulation? I suggest there is; this issue will be reviewed in the second article in this series. The third article will propose alternatives to the present regulatory scheme, keeping in mind the need to protect both the prospective franchisee, while not overburdening franchisors with unnecessary regulations.

NOTES

- 16 CFR Part 436.
Final interpretive guides, 44 Fed. Reg. at 49966-49992 (August 24, 1979)
- 16 CFR 436. 2(a) (1) (i) and (a)(2).
- 44 Fed. Reg. at 499 (note I. A. 1).
- Id.
- 16 CFR 436. 2 (a) (1) (ii) and (a) (2).
- 16 CFR 436. 2. (a) (3) and (4).
- Bus. Fran. Guide** (CCH), pp. 1602-3.
- 44 Fed. Reg. at 49969 (note I. D. 2.).
- 16 CFR 436. 1 (a) (1)-(20). The document must include the following 20 items:
 - Identifying information as to franchisor.
 - Business experience of franchisor's directors and executive officers.
 - Business experience of the franchisor.
 - Litigation history.
 - Bankruptcy history.
 - Description of franchise.
 - Initial funds required to be paid by a franchisee.
 - Recurring funds required to be paid by a franchisee.
 - Affiliated persons the franchisee is required or advised to do business with by the franchisor.
 - Obligations to purchase.
 - Revenues received by the franchisor in consideration of purchases by a franchisee.
 - Financing arrangements.
 - Restriction of sales.
 - Personal participation required of the franchisee in the operation of the franchise.
 - Termination, cancellation, and renewal of the franchise.
 - Statistical information concerning the number of franchises (and company-owned outlets).
 - Site selection.
 - Training programs.
 - Public figure involvement in the franchise.
 - Financial information concerning the franchisor.
- The Uniform Franchise Offering Circular (U.F.O.C.), adopted by the Midwest Securities Commissioners Association on September 2, 1975, can be used in place of the FTC document.
- 44 Fed. Reg. at 49971 (note I. E.).
- Bus. Fran. Guide** (CCH), pp. 1602-3.
- Zeidman, Ausbrook, and Lowell, 34 C.P.S. (BNA), **Franchising: Regulation of Buying and Selling a Franchise**, p. A-72.
- The United States Senate Select Committee on Small Business, 96th Cong., 1st Sess., July 17, 1979 (statement of Mr. Gary Goranson).

Cleveland Population Loss Slowing

Population losses in the City of Cleveland have slowed over the last few years, a report from Cleveland State University says.

Between 1980-82 county population dropped by more than 25,000 persons to an estimated total of 1,473,029, an average annual percentage decrease of less than one per cent.

The rate of loss within the City of Cleveland was an average of 1.3%, for the western suburbs 0.4%, and for the eastern municipalities 0.8%.

But that figure for Cleveland is a great improvement over what it had been in the 1970's, when the rate of population decreases averaged 2.4% yearly, CSU researchers point out.

"The surprising thing about the new Census estimate is not that it indicates that Cleveland's population has fallen, but that the drop has been so small," said Edric A. Weld, assistant professor of urban studies at CSU.

New census estimates suggest that the city lost about 7,500 residents each year from 1980-82, compared to the 17,700 average outflow during the previous decade.

Several communities in Cuyahoga County are still growing. The five with the biggest increases (all near the county's southern or western borders) were:

- Strongsville, up 1,270, or 2.2% annually
- North Royalton, up 736, or 2.1% annually
- Westlake, up 710, or 1.8% annually
- Solon, up 606, or 2.1% annually
- Pepper Pike, up 346, or 2.8% annually.

The picture was mixed for nearby counties: Lake County grew 1% from 1980-82, from 212,801 to 215,019, but Lorain County dropped 0.2% from 274,909 to 274,277.

In Ohio, population declined slightly in the period studied, from 10,797,604 to 10,789,422, or 0.1%.

Franklin County, which includes Columbus, continued to grow, with a 1.7% gain (869,126 to 883,879). But Cincinnati's Hamilton County fell 0.2% (873,204 to 871,637), and Dayton's Montgomery County dropped 0.7% (571,697 to 567,727).

The CSU researchers warn that the above figures are estimates, and that estimated changes of less than 1,000 may be subject to a high degree of error.

To estimate the population of each area, a component procedure was used in which births, deaths, net migration and special populations were estimated separately. These components cover the period April 1, 1980 to July 1, 1982. They were added to the April 1, 1980 base population to determine estimates for July 1, 1982.

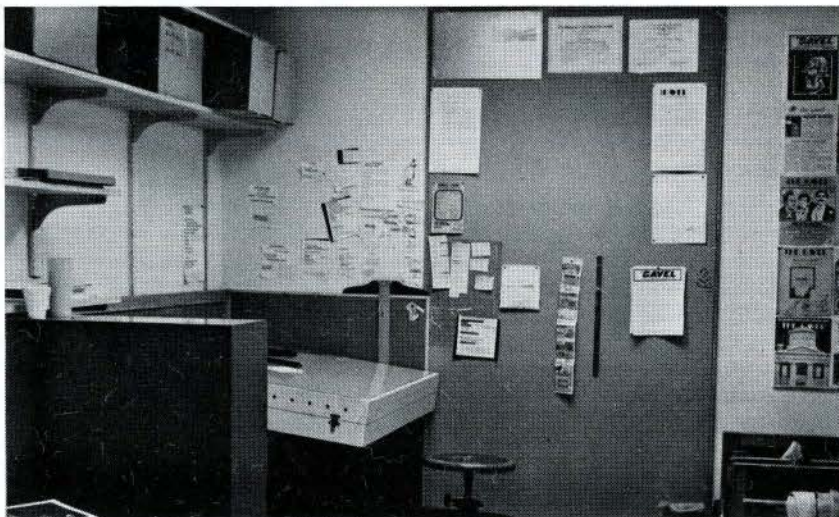
Although the population of Cuyahoga County continued to decline from 1980-82, the report notes, the average annual rate of loss in the central city was about half what it had been in the 1970's, according to an analysis of recent Census Bureau estimates by CSU experts.

CSU's Northern Ohio Data and Information Service makes the figures available locally. NODIS, which serves as a Regional Summary Tape Processing Center for the U.S. Census Bureau, is a program of the Urban Center in CSU's College of Urban Affairs. NODIS also supports data activities of the college, and produces special analyses of census and other data.

For further information about the new population data, or about NODIS, call Dr. Mark J. Salling, its director, Robert J. Van Der Velde, community outreach manager, or Chris R. Malumphy, project coordinator, at (216) 687-2209.

THE GAVEL

PUT YOURSELF INTO THE PICTURE*



* **The Gavel** is looking to increase its staff of reporters.

All interested students are encouraged to become involved, **including** first year students. **The Gavel** office is located in room 23, near classroom 12. Stop by, someone is usually in the office. Or put a note in the envelope on the door. We'll get in touch with you.

"Stress"-ing The Point

by Kassia Maslowski

As law students we are all very familiar with stress, but what is stress and how can we learn to better deal with it? This was the subject of a seminar given by Dr. Joyce Alexander on October 11, sponsored by the Women's Law Caucus and the law school administration.

Although we are all aware of stress, it usually is misunderstood. Stress is actually a "response the body makes in response to a demand for change." This does not only pertain to negative changes but to anything that demands a change in your life.

Contradictory to most people's belief, stress is strictly physiological, not emotional. There are various "signals" that you should look for which indicate stress. Some of these are: sleep disturbances, trouble falling asleep or waking up in the middle of the night; appetite disturbance, eating too much or too little; loss of libido; and chronic headaches or stomach aches. By paying attention to these signals, you can avoid stress. However, by ignoring these signals, you continue to be stressed and eventually become prone to physical illness.

Take the following test to determine how well you handle stress and then read on to find out how to better deal with it.

Dr. Alexander emphasized nutrition as one of the ways to decrease your stress level. There are three destructive things which tend to increase stress: 1) too much caffeine; 2) too much refined sugar; 3) too much nicotine. Although these things are destructive, it is easy to find healthy alternatives. For instance, she suggests having cereal or fruit for breakfast with a cup of coffee rather than something sweet because it allows your blood level to rise gradually rather than shooting way up and then quickly decreasing, leaving you feeling low and tired.

She also recommends some form of relaxation every day, even if only for five minutes. She suggests that relaxing before class will help lessen the chance of your having a "block" when called on.

By following these suggestions you should greatly reduce your level of stress and feel better about yourself. By feeling better and being less tense, you can accomplish more by spending less time worrying and more time studying.

STRESS TEST

Stress can lay you low: How much is too much???

Everybody faces a certain amount of stress each day. Some people are able to with-stand more stress than others, often because of the way they manage it. This test is one measure of telling you how well you cope with the stress in your life. Simply add or subtract the number of points called for in each of the 13 items presented.

1. Add 10 point if you feel that you have a supportive family around you.

2. Add 10 points if you actively pursue a hobby.

3. Add 10 points if you belong to some social or activity group that meets at least once a month.

4. Add 15 points if you are within 15 pounds of your ideal weight.

5. Add 15 points if you practice some form of deep relaxation at least three times a week. Deep relaxation includes meditation, imagery, hypnosis, or yoga.

6. Add 15 points for each time you exercise 30 minutes or longer during the course of an average week.

7. Add 5 points for EACH nutritionally balanced and wholesome meal you eat during the course of an average week.

8. Add 5 points if you do something you really enjoy and is just for you during the course of an average week.

9. Add 10 points if you practice time management techniques in your daily life.

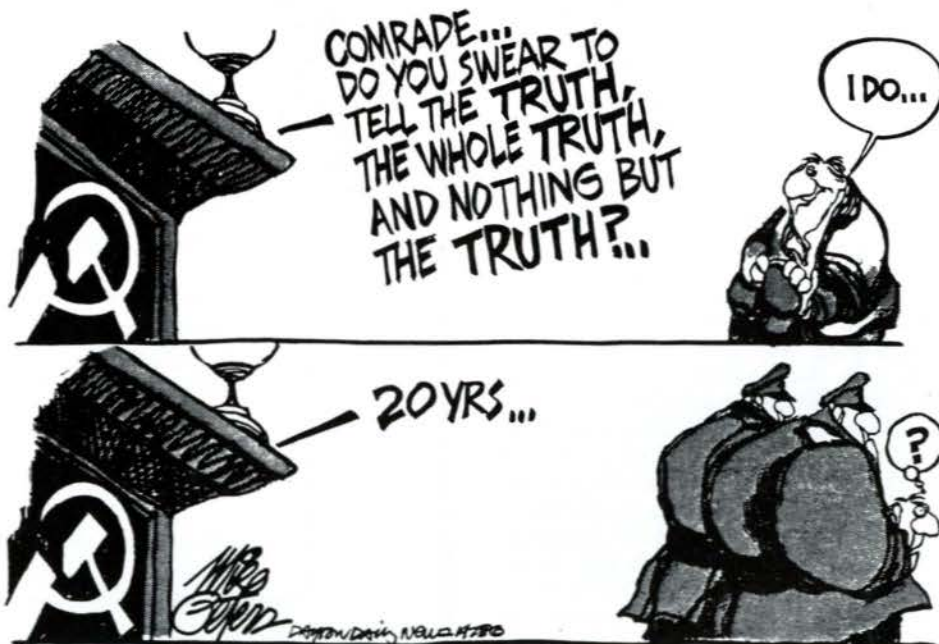
10. Add 10 points if you have some place in your home that you can go to in order to relax and/or be by yourself.

11. Subtract 5 points for each evening during the course of an average week that you take any form of medication or chemical substance to help you sleep.

12. Subtract ten points for each day during an average week that you consume any form of medication of chemical substance to reduce your anxiety or calm you.

13. Subtract 5 points for each evening during the average week that you bring work home.

Scoring: If you scored above 80 points, you should be able to handle stress in an effective & healthy manner. If you still feel stressed, you may be setting your goals too high. A score in the 60-75 range is adequate to handle most sources of stress, though you may encounter difficulty in a particularly stressful situation. A score below 60 is not sufficient to handle stress. You should consider changing your lifestyle.



Focus on

Lars Eric Mosesson

continued from page 4

individual in a particular situation behave. What would he/she be justified in doing? For example, would he/she be justified in organizing or taking part in a sit-in? a boycott? a public demonstration? a strike? or in other circumstances, an armed revolt against the government or against the government of another state? Especially relevant are concerns where an individual believes that the state is operating a system which is incompatible with what we call "human rights," or what Mosesson would rather call "justice." Another issue that will be explored in his course during the Spring semester is "What obligation is there on those who are not allowed to vote in South Africa to obey the law?". Also, what are the obligations each person owes his or her fellows in a society, independent of the obligation owed to the government of the day, to obey the laws? These issues along with various other factors make the positions assumed by us more complicated, yet, Mosesson hopes to make it more real and practical to the participants of his class.

Mosesson's wife is named Jo, short for Josephine. They were married just over three years ago. Mosesson and Jo arrived here from England knowing that Jo was pregnant and expecting the happy event around Christmas, however, two things have happened since they arrived. One was that on their third wedding anniversary they discovered they were going to have twins. That was very exciting and stunning news because only one in every eighty pregnancies is a set of twins according to statistics. Two, that Jo recently had to be hospitalized to prevent the births from arriving too early. Unfortunately, this has caused Mosesson and Jo undue anxiety and strain. We at Cleveland Marshall are all pulling for a successful recovery and the addition of new twins to the Cleveland Marshall family.

Mosesson's first major impression of Cleveland Marshall has been that the people were very nice. He and his wife have been overwhelmed by the kindnesses that have been shown them by faculty members (some of whom they knew from England due to prior law school faculty "exchanges"), as well as students and non-academic staff members. He enjoys teaching the first year course in property, although it is a subject he has never taught before, and stated that the more he "gets into it," the more he enjoys it. He hopes the students feel the same way.

Let us never negotiate out of fear, but let us never fear to negotiate.

— John F. Kennedy

One learns in life to keep silent and draw one's own confusions.

— Cornelia Otis Skinner

Whenever you are asked if you can do a job, tell 'em, "certainly I can!" — and get busy and find out how to do it.

— Theodore Roosevelt

Our strength lies, not alone in our proving grounds and our stockpiles, but in our ideals, our goals, and their universal appeal to all men who are struggling to breathe free.

— Adlai Stevenson

I don't know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who will have sought and found how to serve.

— Albert Schweitzer

The history of liberty has largely been the history of the observance of procedural safeguards.

— Felix Frankfurter

The world that we have made as a result of the level of thinking we have done so far creates problems we cannot solve at the same level at which we create them.

— Albert Einstein

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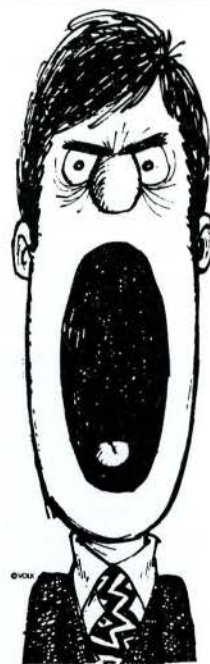
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First Nationally Sponsored Law School Forums To Be Held This Fall

In a major move to reach a broad spectrum of prospective law students, Law School Admission Council/Law School Admission Services (LSAC/LSAS) will launch recruitment forums in three U.S. cities this fall.

Aimed at attracting prospective law school applicants of all ages, the free 1½ day Law School Forums were scheduled for September 21-22 at the World Trade Center in New York City, and October 12-13 at the Expo Center in Chicago, and will be held on November 16-17 at the Los Angeles Hilton in Los Angeles.

"These Law School Forums are a singular opportunity for prospective law students to learn firsthand about the admission process, about what specific law schools have to offer, and about law careers," according to Martha Benson McGrane, LSAC/LSAS's director of public affairs.

More than 100 law schools from across the nation have agreed to send representatives to this first series of national law school forums.

"The Forums' one-on-one approach is an important opportunity for prospective applicants to talk with law school representatives and to receive up-to-date information about admission policies, financial aid, and career opportunities," she says.

In addition to talking directly with law school representatives and securing a wide range of admission materials and catalogs, prospective students will have a chance to view specially produced videotaped programs that will run concurrently throughout the day and a half forums.

The videotapes outline getting into law school, including information on the Law School Admission Test (LSAT), the national law school admission exam that is administered by LSAC/LSAS, the forum sponsor, and are designed to help applicants evaluate law school and identify key discussion topics to pursue with law school representatives, such as curriculum, joint degree programs, preparation for law careers, and placement after graduation. Particular attention has been given to the opportunities available in legal education and in the profession for members of minority groups.

The forums have been purposely scheduled at times and at places that will meet the needs of the broadest possible spectrum of law school applicants. "We know of no better way to reach so many prospective students, with such quality information, in so short a time," McGrane says. Each forum will follow the same 1½ day schedule, with hours on Friday from 10:00 a.m. to 8:00 p.m. and on Saturday from 10:00 a.m. to 3:00 p.m. Admission is free.

Individuals wanting more information about the forums or other LSAC/LSAS services can write to: Law School Forums, LSAC/LSAS, P.O. Box 63, Newtown, PA 18940.

Law School Admission Council (LSAC) is an association of law schools in the United States and Canada. Both LSAC and its operating organization, Law School Admission Services (LSAS), are nonprofit organizations.

Women's Law Caucus Sponsors Program

October 30, 5:15 pm. room 11.

Tips on how to outline and take a law exam.

Presented by Professor Cohen.

November 8, 12 noon, room 11.

Tips on how to outline and take a law exam.

Presented by Professor Toran.

November 15, 12 noon, room 11.

Mixer for all students.

Meet fellow law students in an informal manner.

All of our programs are open to all students. If you have any suggestions on programs you would like, please let us know.

Please Note ...

The American Association of Nurse Attorneys held a local chapter meeting at Southwest General Hospital in Middleburg Heights on September 22, 1984. A national meeting will be held in Philadelphia, Pennsylvania from November 1-4, 1984. For more information about this meeting, contact Debra Bernard (243-7257) or Carol Hilliard (243-6153).

PHI ALPHA DELTA

Phi Alpha Delta is back! The nation's largest legal fraternity is proud to announce the induction of twenty new members to the Meck Chapter of P. A. D. here at C-M. New officers were selected at the last meeting and include: Justice — Ron Graham, Vice-Justice — Dennis DiMartino, Treasurer — Neil Faigel, Clerk — Eli Coury, Marshall — Hala Khalil, Social Chairman — Tina Papouras, Publicity Chairman — Kimberly Brown. P. A. D. is currently seeking new membership. If you are interested in joining the nation's largest legal fraternity please leave your name and number at our office, room 27, and our membership chairman will contact you.

The fraternity will be sponsoring Howard Rossen on "How to study for and take law school exams," November 1. Time and location will be announced. Mr. Rossen is the current director of the Ohio Bar Review and Writing Seminar and is co-author of Smith's Review Series.



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