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CLEVELAND-MARSHALL

Law Notes



Fall 1977

CLEVELAND-MARSHALL
LAW NOTES

Fall 1977

Vol. 4

No. 1

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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 Law Notes, or telephone 216/687-2540. Be sure to include name, address, telephone number and year of your C-M law degree. Photos can be returned.

The Law: An Ancient Profession And an Honorable One

By Samuel Sonenfield, Professor of Law

The profession of law is an ancient one, an honorable one and a worthy one.

That famous line from Shakespeare's Henry VI, "The first thing we do, let's kill all the lawyers!" is usually uttered, in disparagement, and sometimes, with more than a mild degree of purposefulness. Its users cite it as an example of the dispute into which the legal profession has fallen — today and as far back as Shakespeare's time.

That it is not at all what Shakespeare meant. Almost 30 years ago a distinguished New York lawyer, Edwin M. Otterbourg, put it into the proper context:

The reign of Henry VI was the central period of the Wars of the Roses, that bloody dynastic contest between the Houses of Lancaster and York. The Crown in Henry's time was weak. The nobles were strong and ruthless. In the discord and anarchy which resulted, an

"The first thing we do, let's kill all the lawyers!"

— **Shakespeare, Henry VI**

opportunistic rabble rouser, Jack Cade, gathered a following and announced that *he* was going to be king. To his followers he said, "When I am king, and king I will be, there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery that they may agree like brothers and worship me, their Lord."

To which Jack's boon companion, Dick the butcher then says, "The first thing we do, let's kill all the lawyers!" and Cade replies, "Yea, that I mean to do!"

Attacks upon the legal profession as such and, indeed, its complete elimination have been and always will be the first objective of any totalitarian government. Dictators and despots always want to do away with the lawyers entirely.

One might almost suppose that Hitler had adopted Jack Cade as his pattern. His manipulation of German currency was such that in effect there was really no

Attacks upon the legal profession . . . will be the first objective of any totalitarian government.

money in National Socialist Germany, and the population was dependent upon him even for such necessities as food and drink; he had most of his sub-



by Marty Nadorlik

jects in one uniform or another, and at his command they all fell down and worshipped him.

The German bar stood in the way of all these things and Hitler proceeded to do just what Dick suggested — he caused the deaths of countless individual lawyers and effectually did away with the German legal profession.

A profession by oath never to reject for any personal consideration the cause of the defenseless or oppressed, can be no less than an intolerable obstacle to dictators and tyrants. It is the glory — *not* the shame, of the bar that the Jack Cades, the Hitlers, the Stalins, and all the rest of the would-be tyrants and dictators find the elimination of a free and fearless legal profession a necessary first step in the carrying out of their plans.

Continued on page 5

from the dean

I had been familiar with Cleveland-Marshall College of Law long before it occurred to me I might end up being Dean of the College of Law. I distinctly remember attending a graduation ceremony presided over by then Dean Wilson Stapleton and thinking how difficult it was for many of those students who worked full time and yet spent their "free" hours undertaking—and succeeding at—the difficult task of studying law. Later, as I studied law, I wondered how a person with a full-time job could possibly get through law school. I



realized that it took real drive, extraordinary energy, and a special ability to organize and utilize limited periods of time. Reflecting more recently on the fine record of success that Cleveland-Marshall graduates have had, I am sure that the same energy, drive, and ability to organize time contributed greatly to this record.

Now, having had the opportunity to serve a short while as Dean of Cleveland-Marshall College of Law of Cleveland State University, I would like to report to you that the tradition of drive, energy, and ability to organize time still exists. There are of course some

differences—the College of Law is much larger than it was, we now have 1,168 students enrolled, and we are in a fine new facility—but the essence of this special energy still is present.

I hope and feel that we are entering a good period for the College of Law. The faculty is larger than it was, and the amount of publication and other meaningful work is increasing. There is a good deal of enthusiasm within the faculty, much of which spills over into the classroom. Many students have reported that they are enjoying their courses and are enthused about the progress the school has made.

We are, of course, all pleased with the new facility, but I feel that the recent enthusiasm stems more from a continued and growing respect for the profession and renewed energy and intention to pursue our craft. As I meet with faculty and students, I find myself thinking that we are fortunate in having many more reasons to be proud of the College of Law than its new building.

It is hoped that all of you will have the occasion to visit the new facility, and that the building will serve as a focal point for alumni to meet, renew old acquaintances, and view the school. At the same time I hope we can also provide service to our graduates by providing meaningful continuing education programs.

Most of all I hope that the College of Law can continue to train lawyers who contribute significantly to Cleveland, Ohio and this country, and that we enlarge on our participation and contribution to this community.

from the alumni president

Dear Alumni:

This indeed will be an exciting year for the alumni, faculty, and student body of Cleveland-Marshall College of Law. Not only do we have a new dean of the law school, who has a deep concern for the Greater Cleveland Community, but we have a new physical plant for the school at East 18th St. and Euclid Ave.

Many of us remember the law school buildings of past years, where the spirit ran high but the facilities were, at best, makeshift, and hardly accommodating for the pursuit of a learned profession.



Today we have a well-designed facility, available to the entire legal community of Northeast Ohio, capable of accommodating both a full-time student body, and programs of continuing legal education. The facility is

well appointed, attractively designed, and a credit to the Board of Trustees, school administration, alumni, and students of present and to be.

I urge you to view our new facility, to engage in this year's program of dedication, and to make full use of its purposes.

Our new dean, Robert Bogomolny, also provides great expectation for the future of our school. He is well trained, experienced in academic life, and Cleveland-bred, with an interest in the development of our school in the life of the community. On behalf of the Alumni Association, I wish him success.

Come see the new plant and the new people!
Best wishes to all for the holiday.

Alumni President

Motley, Ehrlich Visiting Scholars



MOTLEY



EHRlich

The next speaker in the Cleveland-Marshall Fund Visiting Scholars Program will be Thomas Ehrlich, former dean of the Stanford Law School and president of Legal Services Corp.

Dean Ehrlich, an authority on the provision of legal care to the poor, will discuss "Future Roles for the Lawyer" at 5:00 p.m. Wednesday, January 11, in the Moot Court Room at the new C-M Law Building. Alumni and friends as well as C-M students and faculty are invited to attend the lecture at no charge.

The first speaker in the Marshall Fund series this academic year was Constance Baker Motley, judge for the Southern District of New York since 1966. Judge Motley spoke at C-M December 1 and 2.

Before being named to the bench, Judge Motley had been a staff attorney for the NAACP Legal Defense and Educational Fund. As such she argued 10 cases before the U.S. Supreme Court between 1961 and 1964, winning nine.

Dean Ehrlich, a former law clerk to the late Judge Learned Hand, joined the Stanford faculty in 1965, becoming dean in 1971. He assumed the presidency of the newly created Legal Services Corp. in January, 1976. He has written, lectured, and testified extensively about the provision of legal care to the poor.

91% Pass Bar

Cleveland-Marshall's first-time candidates equalled the state average for passing the July, 1977, Ohio State Bar Examination. Of Marshall's 181 first-timers, 161 or 91% passed. Of the 1409 applicants statewide, 1297 passed—a 91.7 percentage rate. The top 60% of the class of 1977 had a 97% pass rate.

C-M's overall rate of 84% covered a total of 216 applicants, 181 of whom passed. The repeaters ranged from those taking the exam for the second through the ninth time.

1977 Entering Class Largest Ever

The 1977 entering class at Cleveland-Marshall College of Law is the largest ever with 418 students enrolled from among 1266 who applied for admission.

Total enrollement at C-M this year is 1168. The student body is comprised of 840 men and 328 women. Day students number 650 and evening students 518.

The entering class is comprised of 321 men and 97 women. Among them are 65 special admits through the Legal Career Opportunities Program (LCOP). Evening students number 171 — 131 men and 40 women — while first-year day enrollment totals 247 — 190 men and 57 women.

Sixteen percent of the freshmen law students are over 30.

Of last year's entering class of 379, 302 are still enrolled at Marshall. Of the 228 day students, 185 are still enrolled, and 117 of the 151 night students are still in school here.

Ohioans total 85% of the current crop of freshmen. Sixty-three% of the new students are from Cuyahoga County, 12% from the six surrounding counties, and 10% from other areas of the state.

SBA Negotiating For Tom Hayden

The C-M Student Bar Association Speaker's Committee is negotiating to bring former "Chicago Seven" co-defendant Tom Hayden to the law school.

Hayden, one-time head of the Students for a Democratic Society, was a recent candidate for the U.S. Senate from California.



Albers as 'Darrow'

Committee chairman Lee Andrews has promised at least one outstanding program per quarter. On November 13, Kenneth Albers, chairman of the Case Western Reserve University Theater Department, performed *Darrow*, a one-man play by D.W. Rintels, in the C-M Moot Court Room.

On January 16, the SBA Speaker's Committee will present John Quigley, Ohio State University professor of international law, who will talk on his recent trip to the Middle East.

Delta Theta Phi Elects

The C-M chapter of Delta Theta Phi installed 1977-1978 officers and elected 24 new members in ceremonies at the Cuyahoga County Courthouse, November 12. Student membership in the C-M fraternity stands at 65.

The new officers are: Nick Tomino, dean; Bill Caine and Hank Reder, vice deans; Andy Hoffman, clerk of the exchequer; Bill Balena, bailiff; Sheri Boring, clerk of rolls; Luke Brown, tribune, and Walt Camino, master of ritual.

Manos: the last word on obscenity?

A Cleveland-Marshall alumnus has written what may be the last word on obscenity for the foreseeable future.

The recent decision by Federal Judge John M. Manos, C-M '50, in *Sovereign News Co. v. Falke*, No. C77-230 (N.D. Ohio, Oct. 31 1977) "is likely to make the obscenity law in this country for the rest of this century and the first quarter of the next," said Prof. Kevin Sheard, Cleveland-Marshall constitutional law expert.

Ohio's obscenity statutes were declared unconstitutional as vague and overboard, and violative of First Amendment free speech protection.

A Cleveland-Marshall alumnus has written what may be the last word on obscenity.

Although the decision was limited to enjoining Cleveland and Cuyahoga County authorities from prosecuting the *Sovereign News Co.* under R.C. §§2907.01 and 2907.32, most court observers feel Judge Manos' decision will have impact throughout Ohio and will eventually come before the U.S. Supreme Court.

The Ohio attorney general has indicated he will appeal to the Sixth Circuit.

Judge Manos, unlike one Supreme Court justice who merely said he knew obscenity when he saw it, also tread where few judicial authorities have dared by offering a definition of "hardcore pornography".

The decision resulted from a \$200,000 suit filed by *Sovereign News*, a book and magazine distributor, against Cleveland and Cuyahoga County; Dayton and Montgomery County authorities following a raid last March by Cleveland and Dayton police of *Sovereign News'* Cleveland headquarters.

Judges Manos tread where few judicial authorities have dared by offering a definition of "hardcore" pornography.

The suit also challenged the constitutionality of Ohio's organized crime statutes, R.C. §2923.04, but Judge Manos abstained from reviewing that section of the law because it was used against *Sovereign News* in conjunction with the now-unconstitutional obscenity statutes.

The first 118 pages of Judge Manos' 147-page opinion (available from the Federal Clerk of Courts) are primarily concerned with procedural matters. In the remaining 28 pages he evaluates Ohio's obscenity laws, finding they fail to meet the "conjunctive" three-part test under *Miller v. California*, 413 U.S. 15 (1973), which

mandates that to be obscene a work taken as a whole appeal to prurient interest; that it contain patently of-



MANOS

fensive sexual conduct specifically defined by state law; that the work taken as a whole lack serious literary, artistic, political, or scientific value.

He further held that the test can only be applied to "hardcore" material which he defined by "[s]ynthesizing past judicial decisions" as follows:

[T]he line drawn between hardcore pornography which is subject to restriction, and the depictions and descriptions of sexual conduct which may not be restricted, depends on the amount of physical activity which is connected with the sexual depiction or description. If a human subject . . . is engaged in sexual *action*, whether by himself, or with another, then the material is "hardcore" sexual conduct, as the Supreme Court used the term, and it may be banned. When . . . the sexual conduct is of a passive nature, then [it] is not "hardcore" and it may not be banned or restricted. (Footnotes omitted.)

The "degree of the impact on First Amendment rights is substantial. . ."

Judge Manos admitted that to declare a state statute unconstitutional is "manifestly strong medicine" and should be used "sparingly and only as a last resort", but he held that the "degree of the impact of First Amendment rights is substantial because of the extent of the overbreadth".

Ohio Rev. Code §2907.01(F) decrees that material is "obscene" if *any* of several elements exists and is thus invalid because *all* parts of the *Miller* test must be satisfied before the material may be found obscene.

Each part of the disputed section "lacks one or two parts of the three-part *Miller* test. To restructure Ohio

"[T]hough the form of expression may not be appealing, it may not be censored under the Supreme Court's interpretation of the First Amendment."

An Honorable Profession. . .

from page 1

Some who have been called to our profession have not met these high standards. Not all who are admitted have the occasion to become a St. Thomas More, a Coke, a Blackstone, an Andrew Hamilton, a Daniel Webster, or an Abraham Lincoln. I forbear to call the roll of those who have disgraced themselves and us from time to time. Their names are well known. We have our sinners as well as our saints.

Lawyers are problem solvers. . . [M]ost spend their professional lives solving problems which they did not create.

Fortunately, the saints, and those more mortal of us who consistently do our jobs from day to day, far outnumber those comparative few who prove false to the trust society reposes in them. Violators of the strict codes of ethics which we impose upon ourselves are — when one considers that there are close to 400,000 lawyers in the United States — *rare*. That is precisely why they are news when they occur. What constantly impresses me, is the fact that despite the many opportunities which present themselves to lawyers to do the wrong thing, with little likelihood of ever being found out, the overwhelming majority of lawyers do what is right. And that not only by the world's standard of what is right, but more important, by the profession's much stricter standard of what is right.

the last word on obscenity. . .

from page 4

Rev. Code §2907.01(F) into a conjunctive statute in order to satisfy the *Miller* test, when it is a disjunctive statute on its face, would require strained reasoning by an Ohio court," Judge Manos wrote.

State courts, indeed, have found it difficult to construct the statute within the *Miller* formula, and Manos held that none had done so. "On the question of whether an Ohio court can put an authoritative gloss on §2907.01, thereby making it constitutional, the court finds that this cannot be done 'readily'", and the law is "so substantially overbroad that only radical surgery could save it".

The impact of the statute on First Amendment rights is substantial, Judge Manos ruled, and "the chilling effect of Ohio's obscenity statute is multiplied by the large number of persons caught in the statute's web as well as the severe penalties that may be meted out. . .".

The judge did not indicate his feelings about the type of material in question but held that Constitutional protection was restricted by the Ohio statute "and, though the form of expression may not be appealing, it may not be censored under the Supreme Court's interpretation of the First Amendment".

—By Gail Gianasi Natale

. . . [T]he saints and those more mortal of us who consistently do our jobs from day to day far outnumber those. . . few who prove false to the trust society reposes in them.

I came to the legal profession in 1935. Our profession, and I, have since then survived the Depression, three wars, inflation, social upheaval, and vast changes. Our profession is still thriving.

Why? Why do we thrive? Lawyers are problem solvers. A few create problems, but most spend their professional lives solving problems which they did not create. They may find it their choice, or lot, to solve them for the rich, the not-so-rich, or the poor, and I give you the joy of it, whatever it is.

The rewards of meeting this challenge successfully may be great — sometimes great in financial gain, always great in self-fulfillment and pride — and above all, with a clear conscience of a professional job performed in a professional manner.

This article is excerpted from Professor Sonenfield's talk to incoming first-year C-M law students at the September 20 orientation. His remarks take on additional poignancy because Professor Sonenfield has announced his retirement January 1 after 20 years of teaching.

HELP

Records and minutes of the Cleveland-Marshall Alumni Association are missing!

Ranelle Gamble, C-M '72, secretary of the Alumni Association, asks that anyone who has or knows where to locate records of past Association officers and board members telephone her at the CEI legal department, 623-1350.

Ms. Gamble is also trying to find minutes of Alumni Association meetings from the organization's inception through at least 1970.

Prince Dedicates

C-M's newest alumnus, the Prince Charles, Prince of Wales, is a young man of whom any mother should be proud, according to several C-M faculty wives.

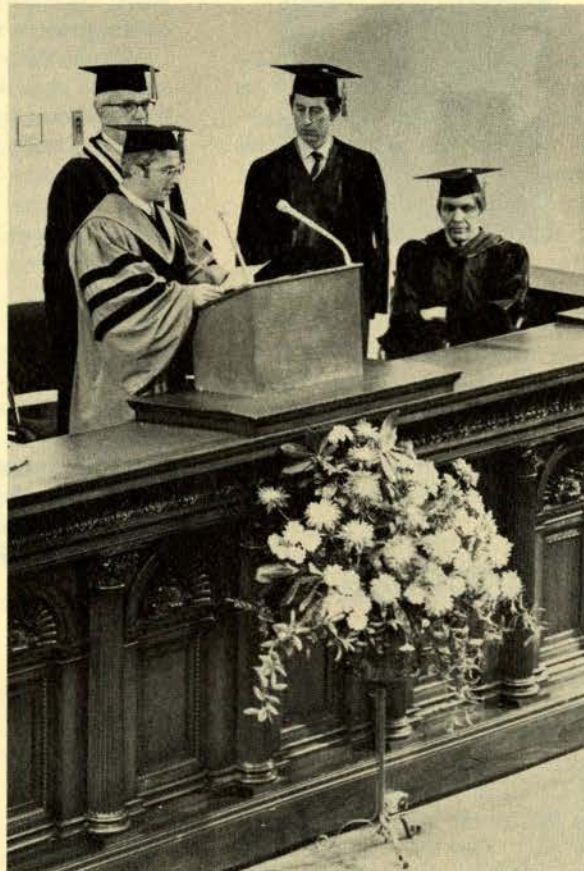
The 29-year-old heir apparent to the British throne participated in the dedication of the new C-M Law Building October 20 and was considered a success by most of the 400 persons who attended the festivities. A luncheon in the Law Building Atrium was followed by ceremonies in the Moot Court Room.

The Prince was given an honorary J.D. degree by CSU President Walter Waetjen after Charles unveiled a commemorative plaque dedicating the law school. Waetjen asked how one should address the new doctor of laws. "Dr. Wales will be fine," said the Prince.

"Prince Charles' brief stop at C-M and CSU was sandwiched in to a hectic one-day visit to Cleveland, part of an extensive tour of the United States and Australia this fall.

The Prince chose Cleveland, according to press attache John Dauth, because his mother, Queen Elizabeth II, had not visited the city during her American bi-centennial tour last year. He accepted the invitation to CSU "because he likes to be with young people," Dauth added.

The guest list of 400 — essentially selected by CSU rather than the law school — included about 20 C-M students, primarily heads of student organizations and those who rank at the top of their classes. Another 26 students assisted guests with seating and other arrangements.



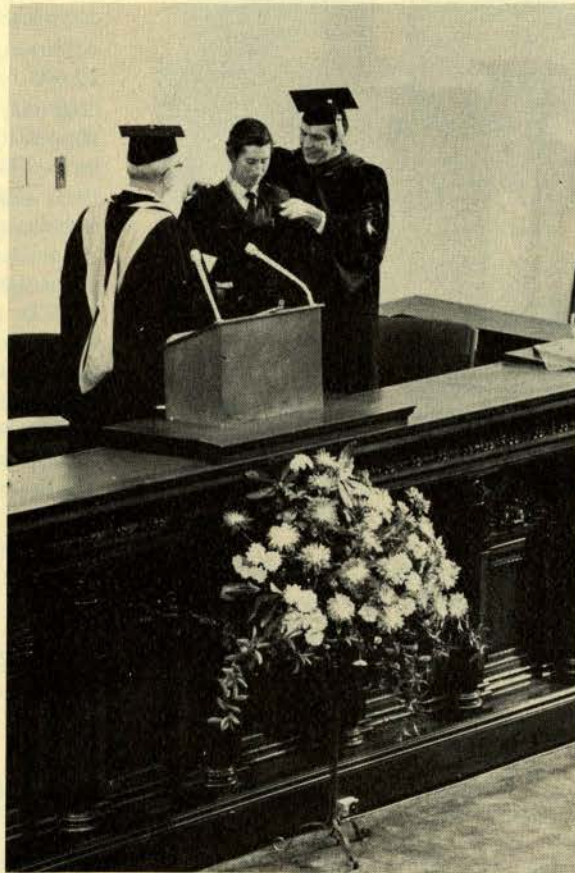
More than 30 full-time faculty, 25 faculty spouses and several adjunct faculty were among the guests as well as University personnel, community leaders determined by the University, area judges and prominent C-M alumni.

The head table at the luncheon consisted of David Checketts, a member of the Prince's party; Ohio Governor James A. Rhodes; Robert Hughes, chairman of the CSU Board of Trustees; the Prince; CSU President Walter B. Waetjen; C-M Dean Robert L. Bogomolny; British Consul Leslie Reid, and Ralph J. Perk, then-mayor of Cleveland.

Those behind the bench during the Moot Court Room ceremonies included Waetjen, Bogomolny, Hughes and Perk. It was Hughes who draped the Prince in the purple hood indicating his doctor of laws degree. Both Waetjen and Bogomolny spoke briefly before the Prince presented his remarks.

The charming Prince Charles delighted his audience at C-M's Moot Court Room October 20 with remarks ranging from the British and American common law heritage to modestly self-deprecating comments.

New Building



"I'm amazed by your generosity, perhaps rashness, in deciding to

"I'm amazed by your. . . rashness in deciding to confer an honorary degree upon such an eminently unqualified and unlawful candidate."

confer an honorary degree upon such an eminently unqualified and unlawful candidate." Charles wondered whether he was being given the degree "in my capacity as

Chancellor of the University of Wales. . . or perhaps in my capacity as a bencher of Gray's Inn. . . or possibly in my humble and once useful capacity as a graduate from the University of Cambridge."

He advised that although the audience "may not be aware of it, I am constantly required to speak in many parts of the world on subjects about which I know absolutely nothing," but went on to point out that being "in this famous law school today brings to mind those close ties which for over three centuries have linked Britain and the United States.

"Fundamental among our common values is the principles of the rule of law expressed in the words of your president, John Adams, and incorporated in the Declaration of Independence and the Bill of Rights, a government of laws and not of men," he said.

"Fundamental among our common values is the principle of . . . a government of laws and not of men."

"Our Magna Carta and Bill of Rights and your Declaration of Independence and Constitution have mingled to a certain extent to form a joint heritage which, I think, has served as an inspiration and as an ideal, not only to our two countries, but to many others as well.

"There are occasions, one cannot help feeling, when people are inclined to forget John Adams' wise dictum that a government should be of laws and not men. I believe we ignore that dictum at our peril, for without that belief we are in severe danger of sacrificing our freedom and the liberty of the individual."

Charles reminded the guests that to help mark the U.S. bi-centennial last year Congress unhesitatingly asked to borrow one of the original copies of the Magna Carta. But "they always keep one copy in the United Kingdom," the Prince said, "in case my family forgets the lessons learned at Runnymede."

The full text of the Prince of Wales' remarks will be printed in Volume 26, Issue 1 of the Cleveland-State Law Review.

8 alumni

"Sports and the Law" is a periodic column in The Cleveland Press written by **James Mitchell Brown, '73**, in which he discusses various legal issues relating to sports.

Prince Charles, C-M '77, recently became an uncle when his sister, Princess Anne, gave birth in London to a boy, the first royal grandchild.

Two veterans of the Lake County prosecutor's office have recently hung their own shingle together. **David H. Davies, C-M '73**, and **Robert S. Rosplock, C-M '73**, have opened offices at the Concord Medical and Professional Building in Concord Township.

Warren M. Enders, C-M '76, has been law clerk for Ohio Supreme Court Justice **Frank D. Celebrezze, C-M '56**, since Enders' graduation from C-M.

Arlene C. (Mitzi) Federman, C-M '77, and **Anne Marie (Nancee) Staib, C-M '77**, recently joined forces by opening a law office at 410 Hanna Building in downtown Cleveland.

Robert Goldberg, C-M '65, is the 1977 winner of the Jewish Community Federation's Marvin and Milton Kane Memorial Award given annually for outstanding young leadership. Goldberg, active in Federation and other Jewish groups, is president of the Ohio Saving Association.

John Lawson, C-M '76, administrative coordinator of the Free Clinic's Safe Space program, which provides temporary accommodation for runaways, reports that the Free Clinic recently raised more than \$16,000 in a radio marathon on WJW.

Leon G. Nagler, C-M '61, has recently formed Nagler and Co., Inc., management consultants in the human resources area. The new



CHARLES



CELEBREZZE



GOLDBERG



PUTNAM



REAL



SKILLEN

Newton Centre, Massachusetts firm, specializes in recruiting executive personnel. Before organizing his own firm, Nagler served as a personnel executive with major firms. He lives in Newton Centre.

from the colonel:

Dear Alumni:

Traditionally the alumni of Cleveland-Marshall have demonstrated outstanding loyalty to and a continuing interest in the school. This loyalty has been characterized by a most generous willingness to help when problems arose in which alumni participation could contribute to the solution.

During the past year nearly 32,000 new attorneys nationwide entered the job market. It appears that a like number will be coming out of law school annually for the next several years. Clearly all the assistance that can be generated to help our graduates find suitable employment is sorely needed.

It is urged that if you have a vacancy, a call to me, **Walter Greenwood**, the law school placement officer, at 216/687-2332, will produce, if not a rash of resumes, a number of eager, well-qualified candidates.

Your help on a continuing basis is needed!

Sincerely,

Walter Greenwood

DEATHS

Carl R. Adrion, C-M '22, who at 82 still practiced law from his office in Solon, died in November. Mr. Adrion was a 50-year member of the Masons and the Eastern Star.

Einer G. Carlson, C-M '27, honorary Swedish consul in Cleveland for 36 years, died in October at the age of 71. Mr. Carlson, an attorney for 50 years, had been decorated twice by the king of Sweden for his services as consul.

Joseph H. Friedman, C-M '50, a member of the firm Friedman & Bell, died in October at the age of

60. Mr. Friedman had been a Golden Gloves boxer in his teens. Among his survivors is a son, **Avery, C-M '72**.

F. Ernest Pulse Jr., C-M '39, a specialist in real estate title law, died in November at the age of 64. Mr. Pulse was a concert violinist with the Suburban Symphony Orchestra.

Myron E. Wohl, C-M '28, president of the Ace Home-Aid Waterproofing Co., died in November at the age of 74. He had practiced law in Cleveland for nearly 50 years.

Gallas, C-M '53, Named Federal District Court Clerk

James S. Gallas, C-M '53, is the new Clerk of the U.S. District Court, Northern District of Ohio. Gallas, who was sworn in November, supervises a staff of 65 located in Cleveland, Toledo, and Akron. He is currently attending a three-month training program in Washington, D.C. and Colorado.

Gallas' nomination for the \$40,000-per-year post was unanimously approved by the eight judges. He succeeds Mark Schlachet, who was appointed a U.S. Bankruptcy Court Judge.

Gallas earned his undergraduate degree at Bethany College, Bethany, West Virginia, and later served in the U.S. Army. Gallas was an Assistant Ohio Attorney General from 1964 to 1971, specializing in workmen's compensation. For the last six years, Gallas has been in private practice with the law firm of Miller, Heiser, Miller and Gallas.

Attending a luncheon in Gallas' honor following the swearing-in ceremony was former law school classmate and U.S. District Judge **Thomas D. Lambros, C-M '52**.

Roy Nichols, C-M '72, has been working for Ohio Secretary of State Ted W. Brown since passing the bar. From 1972-75 Nichols was assistant elections counsel, and since 1975 he has been chief corporate counsel, heading the 40-person corporations division which includes foru lawyers.

Charles D. Putman, C-M '55, has been named General Manager, Personnel, for the Whirlpool Corp., Benton Harbor, Michigan. Putman, who had been director, corporate labor relations, for 10 years, joined Whirlpool in 1963 as a patent attorney. Prior to joining Whirlpool, Putman was corporate and patent attorney for the Clark Controller Co.



GALLAS



JAMES



CHARACTER



WHITE

James Appointed To Patent Position

Former Cleveland Law Director **Clarence L. James, C-M '62**, has been named to a five-year, \$58,000 position on the new federal Copyright Royalty Tribunal. James was appointed by President Carter, whom he supported in last year's election.

The tribunal was created by Congress last year to revise U.S. copyright laws for the first time in nearly 70 years in light of the impact of radio, television, photocopying, computer storage, and other modern developments.

At 34, "Buddy" James was the city's youngest law director when former Mayor **Carl Stokes, C-M '56**, appointed him in 1968. While he was law director, James developed an affirmative action law that has been used as a model throughout the country.

Barbara Real, C-M '77, has been named the first Dean of Student Affairs at Western Reserve College of CWRU. In addition to her law degree, Real has an M.A. in urban

Next U.S. Attorney to be Marshall Graduate

The next U.S. Attorney for the Northern District of Ohio may be a Cleveland-Marshall alumnus — if a dispute between Ohio's two Democratic U.S. senators is resolved.

The \$43,000-a-year post is expected to go to either Cleveland attorney **Carl Character**, who earned an LL.M at C-M in 1961 after getting his LL.B. from the University of Michigan, or to Cuyahoga County Common Pleas Judge **George White, C-M '55**.

The contest between Character and White really shapes up as a contest between Sen. Howard Metzenbaum, who supports Character, and Sen. John Glenn, Judge White's chief backer. U.S. Cong. **Louis Stokes C-M '53, (D-21)**, sides with Metzenbaum and Character.

Even after meeting with U.S. attorney General Griffin Bell, apparently all the two senators can agree upon is that the new U.S. attorney be black.

studies from the University of Akron and an undergraduate degree in education from Bowling Green.

Lake County Prosecutor **John E. Shoop, C-M '71**, and his private law partner **Dale F. Brown, C-M '63**, have announced expansion of their firm with the addition of partner Salvatore P. Jeffries and the hiring of associate **Ralph C. Buss, C-M '63**. The new firm of Shoop, Brown & Jeffries is located in the Washington Square Building in Painesville.

Richard Skillen Jr., C-M '61, has been elected a trust officer in Central National Bank of Cleveland's trust department. Before joining Central National earlier this year, Skillen had been a trust officer with Union Commerce Bank.

10 faculty

The Middle East, its background, and detente were discussed by **Prof. Emeritus Charles Auerbach** in a series of lectures at Avon Lake Church of Christ in October. **Professor Auerbach** also participated in discussions concerning legal education at the meeting of the Ohio State Bar Association Legal Education Committee in Columbia and participated in two meetings of the Liaison Committee of the Greater Cleveland Bar Association (GCBA) concerned with constructing a program for greater participation and cooperation between the GCBA and Cleveland law schools.

Assoc. Prof. Joan Baker has published "A British Antidote to Sex Discrimination in Employment" in the Fall, 1977 issue of *Employee Relations Law Journal*.

Dean Robert L. Bogomolny delivered three speeches this fall: to the GCBA luncheon in his honor September 20, at Prince Charles's visit to C-M October 20, and on October 31 to the American Jewish Committee.

Prof. J. Patrick Browne has published three articles recently, he discussed no fault insurance on the WEWS-TV program "Morning Exchange" and spoke before the Common Pleas Judges Association Summer Seminar at Sawmill Creek, Ohio. His articles are "The Finality of an Order Granting a Rule 60 (B) Motion for Relief from Judgement: some Footnotes to *GTE Automatic Electric v. Arc Industries*" in Vol. 26, No. 1 *Clev. St. L. Rev.*; "the Metaphysics of Motion Practice: When is a Motion 'Made' for Purposes of the Rules of Civil Procedure?" in 50 *Ohio Bar* 925; and "Contribution Among Tortfeasors: A Comment on Amended Ohio House Bill 531" in 25 *Clev. St. L. Rev.* 151 (1976). **Prof. Browne** spoke on the last topic to the Ohio Judges.



AUERBACH



BAKER



BOGOMOLNY



BROWNE



COHEN



JACOBY

Prof. Hyman Cohen discussed Discipline and Discharge at the November 16 Arbitration Seminar Series for Labor and Management Representatives sponsored by the American Arbitration Association at the Bond Court Hotel.

Assoc. Prof. Earl Curry, Jr. has been placed on the roster of arbitrators by the Federal Mediation and Conciliation Service. His arbitration decisions in *Ore-Ida Foods Inc.* and *Amalgamated Meatcutters and Butcher Workmen Local 17* was published by CCH in *Labor Arbitration Awards* (77-2 ARB 8377, Sept. 12, 1977) and by BNA in *Labor Relations Reporter* (69 La 375, Oct. 26, 1977).

Prof. Sidney B. Jacoby has published several articles, was recently elected a member of the American Law Institute (ALI), and will be written up in the next

edition of *Who's Who in America*. In addition, the Summer, 1977 issue of the *CWRU L. Rev.* was dedicated to **Professor Jacoby** with dedicatory comments by Dean Lindsey Cowen, Trial Judge David Schwartz, Chief Judge David L. Bazelon, Prof. Milton D. Green, and Prof. Walter Gellhorn. He taught this summer at Western Ontario University in London, Ontario, under a grant of the Canada/United States Institute organized by the CWRU Law School. Prof. Jacoby's "Roads to the Demise of Sovereign Immunity" appeared in 29 *Ad. L. Rev.* 265 (1977); "The Use of Comparative Law in Teaching American Civil Procedure" appears in the current 25 *Clev. St. L. Rev.* 423, and a revised edition of his two chapters on the U.S. Court of Claims, about 250 pages, was just published by West's Federal Practice Manual.

Prof. Jane M. Picker, director of C-M's Sex Discrimination Clinic and the Women's Law Fund, was local coordinator for the Cleveland Title VII Litigation seminar held at C-M September 23-24.

The seminar was designed to provide instruction to the litigating bar on sex discrimination law and practice under Title VII of the 1964 Sex Discrimination Act.

More than 125 practitioners from Michigan, Ohio and Pennsylvania attended.

Seminar topics included: "Overview of Substantive Law of Employment Discrimination"; "Proving an Employment Discrimination Case"; "Defending the Employment Discrimination Case"; "Role of the EEOC Litigation Center"; and "Class Actions".

The seminar was sponsored by the National Bar Association and the Women's Law Fund with a grant from the U.S. Equal Employment Opportunity Commission.

Asst. Prof. Gale Messerman was the keynote speaker at the fall meeting of the Biomedical Engineering Society of Ohio, discussing "Legal Implication of Biomedical Engineering". She also discussed the *Bakke* case on "Morning Exchange" this fall.

Prof. William L. Tabac and **Asst. Prof. Stephan Landsman** appeared on WKYC-TV's "Cleveland Connection" in October. **Professor Tabac** has written "Alimony and Child Support in Ohio: New Directions After Dissolution" to be published shortly in *Clev. St. L. Rev.*

Banks-Baldwin's Ohio Legal Forms and Text is publishing **Prof. Stephen J. Werber's** Title 9, Domestic Relations, 76-page replacement pamphlet. Prof. Werber also authored the 1972 version.

Prof. Robert J. Willey has been interviewed and published several times concerning the *Bakke* case. He was interviewed in October by **Prof. Tabac** on WHK's "The Law and You" and by NOW representative Jean Tussey on WMMS-FM. He gave a speech on *Bakke* before the American Jewish Committee and had an article published in the Plain Dealer on September 24. **Prof. Willey** also attended a meeting of the advisory committee of the ACLU Foundation Project on the Rights of the Institutionalized in Columbus.

Adjunct Lecturer Howard R. Besser and **Asst. Dean Janice Toran** co-authored an article, "The Numbers Game: Use of Statistics in Equal Employment Opportunity Cases", published by the Federal Bar Association, Washington, as part of its EEO Practice Guide.

Adjunct Lecturer Richard W. Schwartz spoke at the Lake County Estate Planning Council and the Higbee Co. Retirement Planning Seminar in October.



PICKER



TABAC



TORAN



WERBER



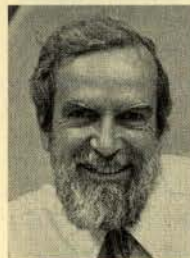
WILLEY



GARD



ROSENBERG



CURRAN

Three Men Join C-M Law Faculty

Two young men joined the full-time C-M law faculty this year as assistant professors of law.

Stephen W. Gard teaches administrative law, remedies, and torts. **Ronald H. Rosenberg** teaches environmental law, property and a real estate development institute, and is a moot court adviser.

In addition, **Prof. Donald J. Curran**, chairman of the CSU department of economics, is now affiliated with the law school as a special interdisciplinary course instructor. Professor Curran teaches a tax policy and reform institute.

Gard comes to C-M from two years at the Gonzaga University Law School, where he was an assistant professor. Prior to teaching at Gonzaga he was an associate attorney with a law firm in East Chicago, Indiana. He earned his J.D. from the Indianapolis Law School of Indiana University where he was associate editor of the law review.

Rosenberg comes to C-M after serving for two years as attorney/adviser to the office of legislation of the Environmental Protection Agency. He earned a master of regional planning degree in 1974 and his J.D. in 1975 from the University of North Carolina, where he was a law review staff member.

Curran has been on the CSU faculty since 1970. he holds a Ph.D. in economic-public finance from the University of Wisconsin and studied at the University of Innsbruck in Austria.

Before coming to CSU Professor Curran was a senior analyst with the Advisory Commission on Intergovernmental Relations. He has also served on the faculties of the University of Texas at El Paso and Canisius College in Buffalo. Professor Curran was a research associate at the Cambridge Center of Social Studies.

Schwartz is subscription chairman for the 1977-78 season of the Cleveland Ballet and has been appointed to the Board of Trustees of the Society for Crippled Children.

Adjunct Lecturer Marvin S. Zelman spoke at the 1977 Cleveland tax Institute on "Corporate Buy-Sell Agreements, Funding Via Corporate Earnings" and lectures on condominiums at the CWRU Law School in November.

Clinical Legal Education Conference Hosted by Barnhizer

Prof. David R. Barnhizer, director of the C-M Legal Clinic, chaired the National Clinical Teacher's Training Conference in Cleveland October 20-22.

The conference, first of its kind, was sponsored by the Association of American Law Schools (AALS) and the Counsel on Legal Education for Professional Responsibility.



LEGAL CLINIC STAFF members Bill Carrell, Attorney; Prof. David Barnhizer, director; and Elizabeth Dreyfuss

More than 50 clinical teachers from across the nation attended three days of lectures and small group sessions on clinical law teaching methods and theory. Conference topics included professional responsibility, trial advocacy, interviewing, counseling, negotiation, legal services, and clinical education.

Conference teaching faculty included a range of notable clinical law specialists: Gary Bellow, Harvard Law School; Dave Binder, UCLA; Robert Condlin, University of Virginia Law School; William Greenhalgh, Georgetown Law Center; Joseph Harbush, Temple Law School; Michell Hermann, University of New Mexico Law School; and C-M's Stephan Landman.

The conference ended with a banquet presided over by C-M Dean Robert L. Bogomolny. New York University Dean Norman Redlich spoke on "Clinical Education: Strangers in an Elite Club".

L. Rev. has outstanding lineup

The *Cleveland State Law Review*, now in its second quarter of a century, offers an outstanding lineup of articles aimed at the practitioner as well as the scholar, according to Thomas Downie, 1977-78 editor-in-chief.

The Review will soon publish an article on U.S. coinage legislation—an area rarely comprehensively explored in legal publications—by New York attorney and numismatist David Ganz. Ganz proposes a model coinage act, parts of which will be considered by the current Congress during its second session.

Also coming up is a Symposium on Art and the Law by leading commentators in this field. Included are articles on the 1976 Copyright Act, tax implications of artistic contributions, and reflections on the role of the artist's legal adviser in the light of the *Rothko* litigation.

The Review recently published a discussion of the Tax Reform Act of 1976 by Stanley S. Surrey, a nationally known tax adviser and Harvard professor, and a series on Ohio Civil Procedure by noted authority J. Patrick Browne of the C-M faculty.

The Review recently published a discussion of the 1976 Tax Reform Act.

The current Review staff is one of the most outstanding in 26 years, Downie said. "This year's staff of about 40 men and women from the day and night classes promises to be the finest in a long history of high-quality membership."

Under the leadership of a highly qualified board of editors consisting of 15 experienced people, the Review has been devoting a great deal of attention toward development of an efficient organization to cope with an increased volume of publishable material from both student and outside authors.

"In addition to its publication of articles by known" authors and commentators, the Review has found that practicing attorneys often convey information and provide intriguing insight into topics of important practical interest.

"The Review encourages alumni to consider such contributions, and it is able to provide assistance in developing interesting topics and original formats," Downie said.

Annual subscriptions to the Review, which publishes four issues per year, are \$10.00; but members of the C-M Alumni Association may subscribe at a reduced rate of \$5.00. Alumni Association dues, incidentally, are \$7.50 per year for the classes of '76 and '77 and \$15.00 for everyone else.

GCBA Welcomes Dean

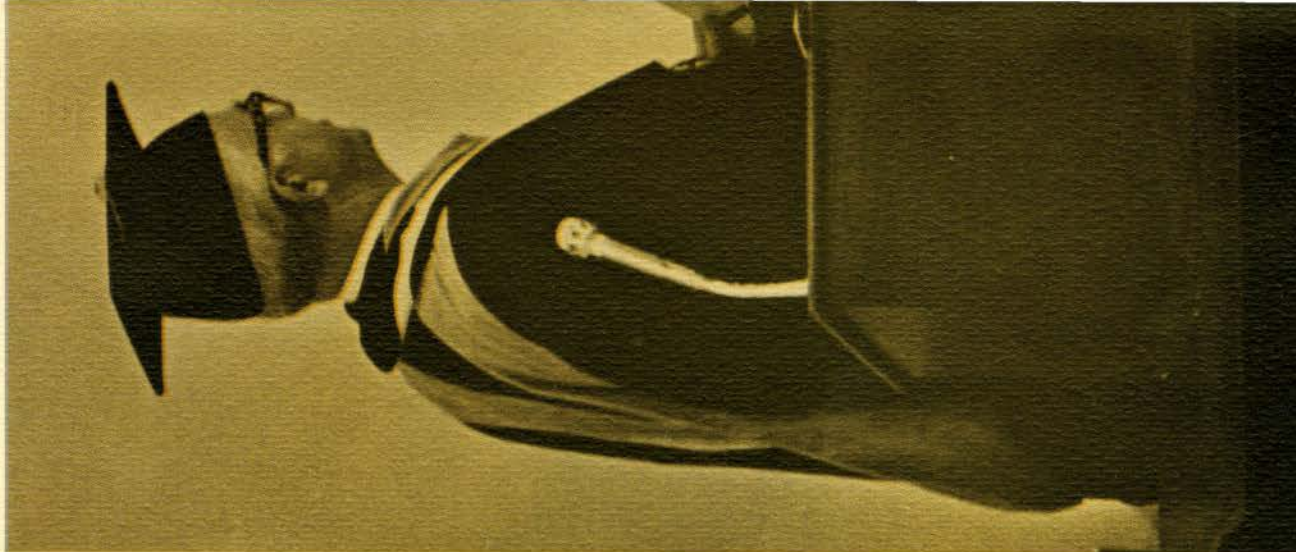


NEARLY 700 PEOPLE TURNED OUT to welcome C-M's new dean, Robert L. Bogomolny, at a September 20 luncheon at the Cleveland Plaza Hotel sponsored by the Greater Cleveland Bar Association (GCBA). Among the

numerous notables seated at the head tables were former C-M deans Wilson Stapleton and Hyman Cohen, CWRU Law Dean Lindsey Cowen and several judges, most of whom are C-M alumni. Included were Federal Court Judges John M. Manos, Thomas Lambros and Frank Battisti, and Appellate, Common Pleas, Juvenile and Municipal Court Judges Leo Spellacy, John V. Corrigan, Angelo Gagliardo, Patrick Gallagher, Leo Jackson, Edward Katalinas, John Maxwell, Ralph McAllister, George and James McMonagle, August Pryatel, Manuel Rocker, Robert Niccum, Francis Sweeney, John Toner, George White, Theodore Williams and John Patton.



CONTINUING LEGAL EDUCATION and "qualitative self-regulation" of criminal lawyers were suggested by new C-M Dean Robert L. Bogomolny at a luncheon in his honor September 20 attended by nearly 700 people. The Dean recommended that review criteria include a basic skill level and experience; time involved in preparation and investigation; and a judgmental review of fair trial or adequate performance. C-M, he promised, will address legal aspects of an urban government and urban problems. Bogomolny suggested that the new Law Building be used as a meeting place for centers and institutes to address such urban problems as criminal justice, health care and aging.



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