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**1977 Vol. 26 No. 1**

Cleveland-Marshall College of Law

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# THE GAVEL

Volume 26, Issue 1

Cleveland-Marshall College of Law

October 5, 1977

## Faculty trashes guidelines

by Jack Kilroy

The Cleveland-Marshall faculty voted, by an overwhelming majority, to abolish all grading guidelines at their September 30 meeting. According to informed sources, the decision was reached after little debate and practically no opposition, except from the non-voting student observers.

The grading guideline committee was charged with the responsibility of studying grading guidelines and making a recommendation to the faculty. The committee--chaired by Professor Sonenfield and including Professors Leiser, Browne, Landsman, and Howells as well as student representatives Keith Duboff and Sheri Schoenberg--presented three views to the faculty.

The prevailing view which was articulated by Professor Sonenfield, (Professor Leiser concurring) recommended abolishing all guidelines. Sonenfield's position stated in part, "My own observations of the workings of the guidelines... leads me to the conclusion that as to some students they have caused the assignment of a grade of C or D when any impartial appraisal of the merit of that student's performance indicates a D or F; less often I have had an experience of having to lower a grade in order to bring the entire class into compliance. The former result is dangerous, the latter unfair. In substantial part I attribute our repeated poor showings on the bar examinations to our failure to weed out the incompetents."

Professors Landsman and  
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Our bathroomless library on the week before classes began. See artist's proposal on page 3. photo by Sue Edwards

## Bogomolny assumes deanship

This year at Cleveland-Marshall the new law building is the most noticeable change from past years. Less noticeable but more significant is the presence of a new law school dean. After drifting like a ship without a captain for two years, Cleveland Marshall can now look to Dean Robert Bogomolny for leadership and direction.

A native of Cleveland, Bogomolny returns after having worked at the United States Department of Justice, the Vera Institute of Justice in New York and, most recently, Southern Methodist University where he was a member of the faculty. A Harvard graduate, Bogomolny taught courses in Criminal Law, Criminal Procedure, Constitutional Law, Psychiatry and the Law, Dangerous Drugs, Law and Medicine, Family Law and Legal Ethics while at SMU.

The new dean is married and has four children, including five year old twin boys. The Bogomolny family resides in the Green Road area of Shaker Heights. In his interview

with the Gavel, Dean Bogomolny explained that the recent changes in administrative personnel (Janice Toran has replaced Earl Curry and Gale Messerman as Assistant Dean) were initiated by Messerman and Curry, who had requested to return to full time teaching. Janice Toran will be a full time Assistant Dean, filling both of the formerly half time positions. When asked whether any other administrative changes were being planned, and specifically whether Financial Aid Administrator Marlene Shettel and Assistant to the Dean Barbara Sper (who switched positions last May by order of Interim Dean Hyman Cohen) would remain in their present positions, Bogomolny replied, "I am presently making no changes in organization...I feel that it is inappropriate for me to make personnel decisions or faculty decisions...until I know the people."

The absence of a law librarian was termed "critical" by Bogomolny. He has established a new committee to find a librarian as soon as possible.

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# THE GAVEL

Cleveland-Marshall College of Law

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## Gavel editorial

# Welcome

Now that you have been admitted to law school, you have the opportunity to enjoy the privileges of professional status. Congratulations. All you have to do is follow the rules of the legal game and you shall accumulate money, status and power as you ascend the spiralled hierarchy from student to clerk to associate to partner.

Three or four years of law school creates the potential for enormous earning ability. After investing time and money in an alienating institution, called law school, many feel that society owes them a comfortable living, a Mercedes, a lovely house and the respect of friends and relatives.

A quick glance at any law school curriculum will convince any doubters that law students are bred

to make money. Property, contracts, torts, commercial law, secured transactions, tax and other "prime time" course offerings are geared toward training hired guns for corporations.

Moreover, law school placement offices usually make students aware of little more than ready made jobs with established (usually corporate) law firms or governmental agencies. It comes as no surprise that very few, if any, law students retain a desire to use their skills in a socially beneficial manner.

It could be said, however, that after obtaining a highly useful education, largely at public expense, lawyers have a debt to society. Perhaps there are even a few students who actually desire to contribute to the well being of the community.

There are those who say that they would ultimately like to work for positive social change but decide to take a job in a large firm just for the summer or just for a year in order to gain "valuable experience". Gained from such employment (aside from a very expensive set of habits) is experience in how to work within a hierarchical system complete with secretaries, plenty of funds and heavy junior-senior distinctions.

Law students do not have to wait until they have graduated, passed the bar, gotten out of debt and/or gained valuable experience in order to make a contribution. Start now. The clinical program, street law, the student organizations, local volunteer programs and many work/study jobs offer opportunities to learn outside of the traditional classroom setting as well as to help some of the people who might need your help the most. It could make your years in law school more fulfilling. Try it--you'll like it.

## Gavel Commentary

# C-M's road to greatness is departure from tradition

by Lee Andrews

I am really disappointed by the faculty's decision to discard the grading guidelines. The guidelines were a progressive idea, consistent with the limits of the law school teaching process, and with the purpose of this law school. What really bothers me about the decision is the rationale behind it--"no law school worth its salt has grading guidelines." The road to greatness for Cleveland-Marshall law school lies not in emulating the traditional, but in questioning legal education and in expanding and improving upon its unique function.--In short, **in an escape from tradition.**

My comment in regard to this decision rests on four assumptions:

1. *That the decision to impose grading guidelines came because of grade deflation rather than inflation--because, legend has it, some professors decided to give D's and F's to half their classes.*

2. *That poor grades, especially in the first year, are not necessarily the fault of the students. A system which allows students only three or four hours, two to three times a year to demonstrate what they know, is not giving students the feedback they need to learn the law. Students are not learning from their mistakes; they are only given the chance to show that they can learn the law on their own, without making too many mistakes. Given the hit or miss situation of exams, a student's grades can not bear any relation to the student's performance as a lawyer.*

3. *The sole function of traditional law schools is to serve as the farm system for law firms. These law schools use grades to show these law firms which students are good employee risks. The sole function of grades is to give law firms something on which to base their employment decisions--not to give feedback to the student.*

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## Studying more enjoying less?

by Sheri Schoenberg  
and Mark Bryn

Most first year core courses use the casebook method of instruction. Although reading and briefing the cases in your text may be a valuable exercise in learning legal analytical skills, it often does *not* prepare the student for law school exams.

### Exams

Although it is dangerous to generalize concerning any specific prof's law exam, certain general precepts are usually applicable.

The majority of law school exams are based on a fact problem. What profs look for, in varying degrees, is the student's recall of legal principles, as well as the ability to apply these principles through a process or organized legal reasoning to the unique facts presented.

Basically, there are 3 types of law exams. In an "issue oriented" exam, time is at a premium because issues are numerous. The object of the game is to regurgitate all possible issues and arguments, often at the expense of in depth legal analysis.

When, however, the prof places a premium on analysis and writing style, a student may not be expected to raise all possible arguments—emphasis should instead be placed on a coherent legal analysis of the major issues presented.

Lastly, there is the multiple guess-opinion exams (you guess the prof's opinion).

Remember 2 things - read *each word* carefully (any one can get you into trouble), and prepare your test-taking battle-plan beforehand to conform to the type of exam given (exams are on file at the library circulation desk).

### Study Aids

*There are a wide range of study aids available, and one can go broke trying to purchase all of them. Some of these aids will be recommended by law profs and others will be frowned upon, if not outrightly condemned.*

*Study aids are placed in a caste system by legal educators. The hierarchy breaks down approximately as follows:*



**Hornbooks** - some are better than others: they generally give black letter textual treatment of past, present and future trends in the law.  
**Nutshells** - abbreviated hornbooks; respected by most and great for those who get into \$6.95 paperbacks.

**Outlines** - some swear by them, some swear at them; Gilberts—most popular but also Coif, Sum & Substance for black-letter overview; Legal Lines and Zientz for casebook outline.

**Cans** - Rejected by all legal scholars but accepted by many students as "better than nothing". Often inaccurate (especially American Digest series).

Most study aids are on reserve in the library—check them out and decide for yourself. Don't overlook your own outlines, classnotes and study groups.

Just a note on in-class technique.

Obviously it helps to prepare for each class, but realistically it's not always possible. Some professors will come down hard on students caught unprepared in class. If it happens to you, don't sweat it. You'll find such incidents are rarely reflected in the final grades. Another common in-class faux pas lies in the other extreme, that is, being solicitous to the point of being obnoxious. Too many questions and/or too many vocalized differences of opinion (with the professor) will antagonize many of the faculty members. If you must ask a question in class, "keep it real" and concise. Better yet, see the professor after class. That way time won't be a problem and the professors response will probably be more enlightening.

Just remember - you're as good as they are and when in trouble, shoot from the hip.

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## News &amp; Comment

# Bulldozers prevail at Kent

by Mike Ruppert

Speaking of the tragic murder of four Kent State University students during a confrontation between Vietnam war protesters and the Ohio National Guard on May 4, 1970, Lawrence Kaplon, KSU professor of history, in a recent commencement address stated: "Perhaps the historical analogy that might best fit May 4th was the Boston Massacre of March 5, 1770."

Lawrence went on to say, "The site of the Boston Massacre is well memorialized but not a graveyard that has prevented the growth of the dynamic city around it..." Before reciting a litany of KSU's achievements over the past 24 years, Lawrence suggested that the best memorial was not a chapel or plaque, but "a dynamic university that remembers its past as an inspiration for its future." Simply, Lawrence feels that the "continuing negative attention to the tragedy of May 4th...should not be allowed to destroy what has been built here."

So who wants to destroy what *has* been built at KSU?

The answer in "no one".

Who wants dynamic KSU to remember "its past as an inspiration for its future.?"

The answer to the latter question is that probably the most thoughtful people in the KSU community feel May 4th should be remembered somehow.

The real issue in the controversy over whether a gymnasium annex should be built on Blanket Hill near the site of the May 4th killings is how the tragedy should be remembered.

The May 4th Coalition would have the site remain as it was on that day; the trustees of KSU obviously feel otherwise.

That the Coalition will not prevail

is now all but a certainty. As defenders of an ideal they have lost the battle. Whether the ideal will survive depends on whether the significance of May 4, 1970, is remembered.

The ideal, not apparent from the mass of media reports regarding the controversy, is simple to state: **the government shall not deprive any person of his/her life or right to speak out and petition that government for redress of grievances without due process of law.**

That this ideal was violated, *in toto*, on May 4, 1970; that it can happen here is the reason the Coalition fought so tenaciously for Blanket Hill.

The purpose of this article is not so much to editorialize regarding the relative merits of the opposing sides of the controversy this past summer; rather, the purpose is to chart some of the legal battles fought by those who opposed the construction and to further prolong the memory of their struggle and its ideal after all, the legal victors will have their monument--one dedicated to strength, power, growth and nothing more; they will have a gymnasium.



The decision that a gymnasium annex would be built on Blanket Hill was made during 1975-76 and announced by the KSU Trustees in November of last year. There was little, if any, student or public input in reaching that decision. Last spring, students and others who opposed the decision began camping on the Hill. They vowed never to let the gym be built.

Actual construction started on July 29, 1977, after the Board of Trustees were successful in obtaining an order permanently enjoining the inhabitants of Tent City from coming on the construction site. On that same day, lawyers for the May 4th Coalition filed *Canfora, et al v. Olds, et al*, asking U.S. District Court Judge Thomas D. Lambros to temporarily restrain construction of the gym, pending a hearing of the Coalition's claims based on 42 USCA 1983 et seq. Lambros granted the TRO and suggested that the parties negotiate. According to Theodore Meckler (C-M '73), an attorney for the Coalition, "the University never took the negotiations seriously and were unwilling to change their position...they took a hard line."

In their 1983 action, the Coalition charged that the Trustees had deprived them of their civil rights by deciding to build on Blanket Hill without proper hearings; that the land possessed a special stature because people had been killed there for exercising their First Amendment rights; and that a petition was pending before the U.S. Department of the Interior asking that the site be declared a national historic landmark under 16 U.S.C. 461 et seq. The Coalition argued that to allow the University to build before Interior completed its investigation would destroy the subject matter of the investigation and thereby deny them the opportunity to seek redress of their grievances.

Judge Lambros dismissed, outright, all of the claims except the latter. After argument on that issue he likewise dismissed it.

Meanwhile, Sen. James G. Abourezk, D-S.D., informed Lambros that he would introduce a bill in the Senate that would require

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## CSU presents "The Crucible"

by Mary Jo Kilroy

*The Crucible*, Arthur Miller's historical and allegorical presentation of Salem witch trials and the McCarthy era abuses, will open the theatre season at Cleveland State November 11, 12, 13 and the following weekend. The play will be directed by Rueben Silver, the chairman of the Cleveland State Theatre Dept. This will be Mr. Silver's second major production on this campus. Before joining the faculty here, he served for many years as director at the Karamu House Theatre, producing many critically acclaimed productions at this well known stage on Cleveland's east side.

The auditions, as well as most of the major productions, are held in the Factory Theatre, across the street from the old law building on 24th and Chester. Once an old cotton factory, the Theatre Arts Building retains much of the factory look. Although it is not plush or elegant, the setting enables the CSU drama dept. to have a flexible seating and staging area, so that CSU productions are well known for their imaginative and innovative

sets.

Plays directed by Professor Joseph J. Garry are especially noted for creative sets and concepts. His productions at CSU include the award winning *The Birds*, an original production of *The Inferno*, a highly stylistic *The Balcony* by Genet, and a warm and rollicking *The Hostage* by Brendan Behan. Professor Garry will direct the second production of the CSU season, another original, this time--*Tom Jones*.

Theatre is also available off campus. The Cleveland Playhouse, the oldest residential repertory theatre in the country, presents each year a diverse schedule of the classic and the modern, comedy and tragedy. Tickets can be ordered by phone reservation and student prices are available.

The Center Repertory Theatre, a newcomer to the Cleveland scene, offers to provide us with exciting works by American authors. *Vanities*, recently seen on Broadway, is their first choice, and is a study of the lives of three women from their cheerleader days through their adulthood. Center Rep is

located in the little theatre of the Convention Center. *Vanities* opens Oct. 27 through Dec. 18. Student prices are available 15 minutes before curtain at a \$2 discount. Prices normally range from \$4 to \$7. Group rates are also available.

Currently playing at the Little Theatre of the Convention Center, and by all accounts not to be missed, is the one man show, *John L. Lewis: Disciple of Discontent*. Running until October 16, this production stars the capable Robert Lansing, and is the first to be produced by the United Labor Agency, the cultural branch of the AFL-CIO, UAW and the Teamsters. The show begins at 8 p.m. and student tickets are \$3.

Karamu Theatre, 2355 East 89, has recently revived its productions of *Living Fat*. The author, Judy Mason, now writes for Norman Lear, and promises to be a very exciting playwright. *Living Fat*, winner of the Ohio Community Theatre award for Best Play. It deals with the consequences for a poor family who finds \$50,000 from a bank robbery. Student price information is available at the box office. Also of interest, *The Imaginary Invalid*, by Moliere, opens October 21--and it's for free.

## WLC welcomes women

by Carol Vlack

The Women's Law Caucus held an orientation for the new women law students on Sunday, September 25 from 2 to 5 p.m. A series of women speakers from the Cleveland Community addressed the meeting on Women's Resources in Greater Cleveland.

The Orientation was organized by the Co-Coordinator Gale Toko, Marsha Gransee, Ellen Feinberg, and Sue Edwards. They invite women law students to drop by the new office in Room 26. The Women's Law Caucus Office is open to all women law students. There is a key to the Women's Caucus Office at the Reserve desk in the library.

The Women's Law Caucus will be distributing a questionnaire concerning what directions the Caucus will take in the coming year. It will be offered to all women students.

Professor Jane Picker welcomed the women stating that "Every woman you will find on the faculty will be glad to talk with you and welcomes you. After all, your being here is what makes us no longer teaching an all male club."

Dr. Ruth Miller, the Director of the Office of Community Development, spoke about the awareness one should have concerning housing discrimination.

Judge Sara Hunter of Cleveland Heights Municipal Court commented that, "It's beautiful to go to the libraries of CWRU and CSU Law Schools and see so many women law students." Judge Hunter spoke on the problems women candidates have in getting money for their campaigns. She said, "One of the major problems I had as a candidate was getting taken seriously." She then stated, "We proved it in Cleveland Heights that

women can run a court. Three women, the clerk, the bailiff, and myself as Judge, ran the court from November until January. Although we were short of funds, we did not allow the court to close."

Mary Boyle, President of Cleveland Women's Political Caucus spoke about the "aloneness" of being a woman in public office. Altogether, the women comprise 16% of all elected officials in Cuyahoga County. She stated, "The women tend to be 'one woman' on a school board, or one among five on a city council, or a Village Clerk." The Cuyahoga Women's Political Caucus provides support for these women, offering a process by which women who are elected have some opportunity to learn from each other. The CWPC has as its purpose to advance women into public policy making positions. It provides a network for appointing women to

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## Bogomolny assumes deanship

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According to Bogomolny, the library budget crisis has been alleviated. "The library has been treated quite well this year (by the University), in addition the trustees have asked for \$100,000 in capital expenditures from the state legislature for library facilities," stated Bogomolny (\$100,000 was approved by the house appropriations committee). These budget increases will not solve the problems of the library. As Bogomolny said it, "it's not a little too small, it's a lot too small, we need more volumes." He added, "we're starting a fund raising drive specifically to raise between \$800,000 and \$1 million for library acquisitions."

Although he has not yet had an opportunity to evaluate the faculty, based upon having read the faculty resumes and having met certain faculty members Bogomolny characterized our faculty as "a good faculty with a real intention, dedicated desire to be good academics." Bogomolny added however that in every law school there are "people who are better at their jobs and worse at their jobs." With respect to those in the latter category, Bogomolny said that if they are tenured, "one would hope that in a new situation, with a new dean, we could all work together to be as productive as possible." Regarding those who are not tenured and do not appear to be well qualified, Bogomolny stated, "the faculty ought to make the hard decision, which would be not to tenure them." Bogomolny hopes to upgrade the faculty through vigorous recruitment and a careful screening process.

With Professor Crockett's departure, Cleveland-Marshall has no black faculty members and Bogomolny admitted a particular need to recruit minority faculty, "the affirmative action commitment which we have here should lead us to desire to have a substantial and vital core of minority faculty."



the BUS STOPS here!



Bogomolny warned that it is a difficult task to recruit minority faculty due to the small minority participation in law, particularly academic law.

When asked to comment on the potential impact of *University of California Regents v. Bakke* (the legal attack on affirmative action admissions) on the *Legal Careers Opportunity Program (LCOP)*, Bogomolny stated, "Bakke will require us to re-evaluate the LCOP program... I would also expect for us to look at it (LCOP) very, very closely." Bogomolny said that he considers the LCOP program to be one of the most interesting features of Cleveland-Marshall and although it is a faculty program, he hopes that we will continue to be as flexible as possible regarding admissions.

Bogomolny cited three major weaknesses which need to be overcome: the faculty is overburdened and should have both teaching loads and committee responsibilities reduced; the library, which is "growing but not large enough;" and a feeling of inferiority.

Bogomolny stated, "there are reasons, which are unclear, not to have pride in the institution. My own perception is that it's a lot better than most people realize. I hope I'm right about that, I feel I'm right about that and I hope that it will become clearly recognized."

## WLC Welcomes

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public commissions."

Annette Power-Johnson, the CSU Affirmative Action Officer, discussed her duties in handling complaints concerning discrimination. She said, "We can serve as a source of information about Title VII and Title IX. The other role of the Affirmative Action Office is to monitor CSU programs and see how minorities and women are doing."

Eva Janecek, President of Ohio National Organization for Women discussed how NOW functions as a catalyst. Ms. Janecek views NOW functioning presently as a conscious-raiser. She explained, "We have three specific goals: Equal Rights, Gay Rights, and Reproductive Rights." She commented that recently in the August 26th ERA Walkathon, the Cleveland Chapter of NOW raised \$5,000 for funding the passage of the ERA.

Eileen Roberts, the Executive Director of the Cleveland Chapter of the ACLU, spoke about the Women's Rights Project being set up in Cleveland. She explained that the Ohio ACLU is responsible for much of the reproductive freedom case law. Ms. Roberts stated that "Legislation is the major objective presently of the ACLU. In Ohio, the

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# Guidelines gone

Browne favored restoring the guidelines which were in effect in the 1975-76 school year—that is to be applicable to all students. In a joint statement they said, "Our conclusion is bottomed on the belief that a structure applicable only to first year students is inequitable and that some communally articulated grading standard is appropriate. Although we recognize both the individualized nature of the grading process and the issues of academic freedom implicit in any set of

grading constraints we firmly believe that the flexible grading guidelines utilized in 1975-76 serve the best interests of both students and faculty."

The student statement, written by Ms. Schoenberg, advocated retention of the guidelines only for first year students. "In the initial law school experience," it stated, "students are exposed to new methods of learning, and thus, should have the reassurance of a structured grading practice.

Additionally, first year students have no choice of instructors or courses, and at the very least, should have some advance knowledge of the type of class grade span to be anticipated."

Professor Howells did not submit a recommendation.

A motion to table the matter for further discussion was defeated. The reaction from the student body is not yet apparent but is not expected to be favorable.

from page 1

# Bulldozers prevail at Kent

the Interior Department to seek a restraining order from U.S. District Court and complete its investigation within 90 days. Nevertheless, Lambros denied the Coalition's petition for a rehearing, but continued the construction ban pending appeal to the U.S. Court of Appeals (6th Circuit) at Cincinnati.

The Coalition's lawyers then argued the merits before the 6th Circuit. The Court felt the petitioners lacked jurisdiction and dismissed their appeal. The Court gave them 10 days to apply to the U.S. Supreme Court Justice for the 6th Circuit, Potter Stewart, for a stay of its decision to lift the construction ban.

Stewart denied their request for a stay. Then, in what is best described as a rare occurrence, the Coalition went to Justice William Brennan who reversed Stewart, granted stays and required the University to respond. The University responded, and Brennan lifted the stay two days after he ordered it.

(Before Brennan lifted the stay, the Coalition's lawyers learned from the Department of Health, Education and Welfare that at about the time the decision to build the gym was made, KSU received a \$5.5 million federal grant, approximately the price of the gym. If, in fact, the grant was being used for the gym, the Coalition lawyers felt that the 6th Circuit's dismissal for lack of federal jurisdiction would be inappropriate.

The Coalition then requested a rehearing in the Court of Appeals, based on the information from HEW and were rejected.

On the same day that the request for rehearing was denied, September 12, 1977, the 6th Circuit ordered a retrial of the civil damage suit against Gov. Rhodes and 27 Ohio National Guardsmen, arising out of the shootings. The 6th Circuit, however, refused to halt construction so as to preserve the site for evidence. Consequently, the plaintiffs in that action, represented by the American Civil Liberties Union, requested U.S. Supreme Court Justice Potter Stewart to stay construction, which request he rejected on September 16. After a similar request to, and rejection by, Justice Brennan, the ACLU asked U.S. District Judge John M. Manos to halt construction in order to preserve the site as evidence for trial. Manos refused to issue the temporary restraining order and gave the plaintiffs a day to take photographs of the site.

Construction of the annex resumed on September 19. On that day a KSU grad burned her diploma to protest the construction. A report of the incident in *The Plain Dealer* just about summed up the situation: "Her gesture and 52 days of court delays, civil disobedience and rallies of protesters apparently have failed."

But, says Coalition lawyer

Meckler, "because we felt our claims were legitimate, every day we delayed construction was a victory."

Although the battle appears lost, Bruce Wick (C-M '75), has informed *The Gavel* that he and attorney Bob Krebs have formed a non-profit corporation, the Blanket Hill Preservation Society, in order to acquire the land under section 1743.06, Ohio Revised Code, as an historic battle site. The corporation's powers are strictly limited to acquiring the site as an historic state landmark. Contributions can be sent c/o Blanket Hill Preservation Society, 2186 Marshfield Blvd., West Lake, Ohio, 44145.

Before Tent City sprang up on the Hill last spring, the memory of May 4, 1970, was mostly forgotten. But to those people, an ideal, not just a memory, was at stake. The members of the Coalition endured the weather, jailings, charges of negativism and one legal set back after another to fight for an ideal that was so brutally violated when many were too young to realize the impact of that day. To them KSU's past serves as an inspiration to them and KSU's future. In its own respect their battle was even more important than the legal one, for as one of the Coalition's lawyers stated, "If there hadn't been people down there putting their bodies on the line, I don't think the courts would have done *anything* for us."

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# C-M's road to greatness

from page 2

4. That this law school, a state supported institution in a setting where few traditional lawyers would want to live, has made an untraditional commitment to serve a community of people whose legal needs have largely been ignored by the legal profession. In keeping with this commitment, this law school has also made a decision to bring in law students who would not normally be admitted under traditional admissions practices. And it should be noted, the people whom this law school is attempting to reach need quality legal work--they don't care what the counselor's grades were.

It was in keeping with this law school's untraditional commitment, that this law school instituted grading guidelines. Guidelines are not found at Michigan or Harvard. Indeed it would be absurd for these schools to have grading guidelines. Their purpose is to serve the firms not the community. A system which weeds out so called incompetents inspires confidence law firms can know that the schools are doing their job.

On the other hand, grading guidelines make sense at C-M. A decision to limit poor grades is consistent with the limits of legal education. In a system that requires students to primarily learn the law on their own, it is natural that some students may not catch on as fast as others. In short, the decision to impose grading guidelines was a wise one, consistent with



the realities of the legal education process and with the university's unique commitment to the community.

Now, however, the guidelines are gone. The question that remains is whether that decision evidences a decision to abandon the university's untraditional commitment. I hope not; for there are signs that the traditional is not the path to take.

As Dean McKay pointed out in last year's Marshall Fund lecture, traditional law schools are not serving the community. Law schools are devoting their resources to serving 20% of the legal needs in this country--corporations and corporate law firms. Such statistics show that there is an untapped legal pool out there, and that Cleveland-Marshall's untraditional commitment is an enlightened one.

Another item of note is that Cleveland's most prestigious law firm is now finding that its new employees, graduates, you can be sure, of the finest traditional law schools in the country, and in the top 10 per cent of the class, cannot write. The firm is instituting its own teaching programs to help those employees develop the skills it expected when it saw their grades. The point: grades do not indicate learning, or legal skill. In spite of all this, C-M has spent an inordinate amount of time lately on grades--on reviewing grades, on students' challenges to grades, on appropriate grading standards, and on the kind of grade point one needs in order to attain high honors. Never has so much time been spent on something of such little import. The tragedy of it all is that our recent preoccupation with what traditional schools worry about prevents us from developing our unique commitment, and indeed our assets.

If we want to keep in step with the American fixation on grades, let us at least return to guidelines governing the awarding of D's and F's. Students should not be kicked out because legal education allows them such little opportunity for demonstrating what they know and for receiving constructive feedback.

Otherwise, let's get rid of grades all together.



## Psst...Hey Kid, wanna buy an elevator pass?

by Paul Bellamy

It's traditional (if Cleveland Marshall could be said to generate traditions) to devote the first issue of *The Gavel* to the edification of incoming students. Usually the issue includes a piece along the lines of "First year Fear and Loathing". Certainly there is much to loath, but as to the fear...

Remember the summer between elementary and middle school? One horror story after another about how hard your teachers were going to make you work? You would have to buy that other kind of loose leaf with the little bitty lines. And then they would make you fill up five of those pages all for one composition! Big kids, and how they would push you around and make you cough up milk money for elevator passes, while you were trying to find your various classrooms in the biggest

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# Psst...

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you around and make you cough up milk money for elevator passes while you were trying to find your various classrooms in the biggest goddamn building you ever saw?

Remember the summer between middle school and high school?

Remember the summer between high school and college? "How could anybody write 20 typed pages about anything?"

A pattern did seem to develop. Each transition, with its progressively more horrible horror stories, proved easier to master than the transition before, horror stories notwithstanding. The myths perpetrated by the "old hands" were supposed to intimidate you, not inform you.

Now you'll run into "old hands" who will look at you, solemnly shake their heads and mumble something about "inadequate to the

task". Or maybe (with a straight face) they'll recommend that you not work *too* hard and take time to go to one movie a month. They're quick to add that two movies a month might detract from your studies. Or how professor so and so dismembered student so and so with his sharp wit and sharper tongue. The student was last seen sitting at their desk after class apparently catatonic and bleeding from the ears. Or so it was reported by "reliable" sources, real "old hands".

Remember the summer between college and law school?

The fact is, if you are reasonably literate you can't miss. The reading assignments may seem overwhelming at first, but as you pick up on the nomenclature it will go faster. Soom you will learn the most efficient study and preparation techniques and before you know it it'll be just like college, maybe easier.

biggest move is for the Name-Change Bill. There is also a Pregnancy Disability Bill in Ohio. It is similar to the Federal Bill. A Domestic Relations Bill is also pending concerning child support payments, and there's an omnibus language bill to change words designating gender in the Code. However, these changes also affect benefits by stating spouse in lieu of either wife or husband."

Wendy Sheard, a worker at the Rape Crisis Clinic, and an evening law student spoke about the reasons the Rape Crisis Center was formed. She discussed the co-ordination provided by Rape Crisis volunteers for victims of rape between the hospital, the police, and the courts. Ms. Sheard stated that the City of Cleveland still refuses to pay for collection of medical evidence costs in the hospitals for victims of rape,

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## SBA Notes

### SBA expands social program

As you read this you are probably wandering around the halls of our new law school trying to find your class. So am I. But I think we're all agreed that this facility is far better than the one we've left. I also think that this year will be a much better year as SBA attempts to do more for the students at this school.

The following is a list of programs which the SBA will attempt to implement this year. We can't promise that they will all be successful, but we can promise that we'll try and make them work.

**Social Program.** The SBA will be doing a lot of experimentation to upgrade our social program. Projects in the planning stages are movies, tickets to concerts of the Cleveland Orchestra, chartered buses and tickets to a Cleveland Cavaliers game, more happy hours (funds permitting), bridge and other game tournaments, and a forum for the talented among us to perform before the students--strictly informal.

**Coffee & Donuts.** If we can get the volunteers, we'd like to expand the coffee and donut program to the morning hours as well as the

evening. This would especially be helpful, since UC and Stillwell are now further away.

**Lockers.** We are bringing in all the better lockers from the old law supplement the 856 new lockers we now have. Thanks should especially be given to Dean Bogomolny and Mr. Greenwood, who both worked hard to obtain permission from the University to move the older, much needed lockers. The University has also implemented a \$4.00 locker fee which will effect the University starting this Fall, but won't take effect at the law school until Winter Quarter, at the earliest. We're working now to either exempt the law school, or in the alternative, to ensure that the fee be uniform and added to tuition. In exchange, each student would be given a locker. Any other method of administration would result in vast inequities.

**Amendments to the Constitution.** Public hearings on the proposed amendments to the SBA constitution will be held within the next few weeks and will be widely publicized. They will be few in number, but important. Your input here is absolutely necessary.

**Placement.** The Placement Committee is working with Mr. Greenwood to expand the reach of our present Placement Program. The emphasis will be on business corporations based in Cleveland, and the smaller law firms. The Committee will also attempt to ensure that more students become apprised of the opportunities available, and utilize the services of the Placement Office.

**Grants.** The SBA is working on obtaining grants from the ABA-LSD. Our chances look good, but in order to retain our eligibility, more students will have to become members of the Law Student Division of the ABA. Applications, if you have not yet received one, can be picked up from the SBA office (as soon as we get organized).

It's a lot, but we've got to start somewhere. In order for it to work, though, we're going to need a lot of volunteers with your help. I think we can make this year a good beginning and a portent of even better things to come.

**Terry Brennan**  
SBA President

## Notes and Briefs

### Prince Charles called imposter

**Charles Challenged:** According to Professor Sam Sonenfield, C-M's in house expert on British history, "Prince Charles is an imposter. James II never abdicated his throne. The true heir to the British throne is a Stuart residing in Biddenbach, Germany."

**Lack of Privacy:** The CSU student newspaper, *The Cauldron*, has announced that it will not print letters to the editor unless they are submitted with name, address and social security number. Although editors have a right to set their own policies, one wonders if there really is a compelling interest in having the student's social security number.

**Bakke Coalition:** There will be an organizational meeting to form a coalition to oppose the California Bakke decision on Saturday, October 8 at 1 p.m. in Room 11. The meeting will include short presentations on the case as well as a strategy planning session. Those interested in participating can attend the meeting or contact BALSAs President, Eddie Smith.

#### *The eyes have it:*

We hear that two of our senior faculty members are unable to open their mailboxes. It seems that they cannot read the combination numbers. How do they read exams?

**Parking Tickets:** An anonymous source inside the Security Department recently pointed out that students have the right to appeal CSU parking tickets. Appeals can be filed, without charge, at the Security Department office in the Chester Building. If everybody appealed their tickets regardless of the merits, security officers would have to stop writing them to avoid a deluge of paper work.

#### *Help Needed*

Male or female paid attendants are needed to assist a handicapped Cleveland-Marshall Law student in the following areas: round trip transportation from Maple Heights five days per week, and to provide services in the library.

A paid female attendant is also required to aid with lunch and with the elevators between classes. For information on hours and rates please call Denise Weisenboin at 662-6991.

#### SBA FOOTBALL

The Student Bar Association has announced that the Cleveland-Marshall co-ed touch football team will open its season against cross town rival Case-Western Reserve law school. The game is tentatively scheduled for Saturday, October 15, time and place to be announced. All students who are interested in playing for Cleveland-Marshall should contact Coach Jackie Fitzpatrick in the SBA office.



## Women

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although the new Ohio Law on Rape requires cities to pay these costs. There is a hotline phone operated by the Rape Crisis Center Volunteers. She added, "Call 391-3912, if you need help."

Dr. Jan Hanson of the CSU Counseling Center spoke about the availability of counseling services for students. Dr. Hanson stressed her concern with the psychological and social aspect of "what's going on inside you during law school." She discussed the stress and tension one experiences in attending a professional graduate program. She said, "I'm concerned about the conflicts you encounter that go along with law school, your family your lovers, your friends, your job. What you need to do is build a support group that helps you find ways to touch base with people that will be replenishing for you."

Edith Paller, Administrator of Menorah Park and of Jewish Community Resources, commented on the growing relationship between social service and the law. She then closed the meeting with "Shalom".

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