

Cleveland State University

EngagedScholarship@CSU

Trade School News

School Publications

4-1-1972

1972/04/01 Trade School News

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_tradeschoolnews

How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1972/04/01 Trade School News" (1972). *Trade School News*. 10. https://engagedscholarship.csuohio.edu/lawpublications_tradeschoolnews/10

This Book is brought to you for free and open access by the School Publications at EngagedScholarship@CSU. It has been accepted for inclusion in Trade School News by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.



TRADE SCHOOL NEWS

"Alle Menschen werden Bruder, /Wo dein sanfter Flugel weilt."
(In the shade of your soft wings, all men will be brothers).
--Schiller, words of Beethoven's Ninth

STRANGER IN A STRANGE LAND, DEPT.
THERE'S MORE TO LEARNING THAN
BOOKS...

By B. Richard Sutter
Issue Editor-in-Chief

We are astounded by Prof. Sonenfield's nomothetical pronouncement to the effect that quotas by racial classification (or trait, sex, station in life, etc.) "are flatly unconstitutional, and if they are not they ought to be made so." How is it possible that someone could become so engrossed in the Rule In Shelley's Case as to completely lose touch with institutional policies over the last decade? At any rate, and for the sake of general information, the above-mentioned practice is clearly a constitutionally permissible one. In Norwalk CORE v. Norwalk Redevelopment Agency, 395 F.2d 920 (2d Cir., 1968), the court said that while the Constitution ordinarily forbids classification by race, where quotas are established "for the purpose of achieving equality, it will be allowed and to the extent that it is necessary to avoid unequal treatment by race, it will be required." Id. at 931-32.

It has been said before that law schools are access-gates to the legal profession, that through their dispensation representation in the legal system is determined. Accepting only students who are "highly qualified" in a statistical academic sense, is a type of de facto segregation, where minority and disadvantaged students would be excluded thereby. Dean Walter J. Leonard, Chmn. Committee on Minority Groups, AALS, in an address on Feb. 4, 1972, stated:

When, in 1971, we consider the continuing paucity of representatives from ethnic-minority groups, in all areas of the legal profession... and the strong urge by some Neandrathals to curtail the recent efforts directed toward deracinating years of racial malignancy, we must remain determined that the AALS will not fall prey to preachments of 'go slow,' 'let's look at other groups,' and benign neglect.

MEMORANDUM DATED
FEBRUARY 24, 1972

(reprinted here in part--without permission of author)

"...I was not aware that this Law School 'purported' to serve an urban community which is nearly 50% minority. It was and still is my impression that we are a college of a state university which serves the northeastern portion of the State of Ohio. I have no idea of what population groups make up that geographic sector of this state.

"I am not interested in teaching 'majority' or 'minority' students. I am interested only in teaching highly qualified students. I do not care what may be their religion (sic) sex, origin or politics. I believe that quotas are flatly unconstitutional and if they are not they ought to be made so.

Professor Samuel Sonenfield
(initialed S.S.)

CSU Law School not only purports to serve the community--it is committed to do so under its present leadership. Dean Craig Christensen, in an interview, stated bluntly that "merely to be non-discriminatory is not enough. There must be affirmative action taken--that is, an aggressive recruiting program for women, minority and disadvantaged groups must be instituted in the area of student enrollment and faculty hiring, with an eye toward balancing the inequities prevalent in society and the legal profession." (4 T.S. News, July 16, 1971; emphasis added.) AALS will hold us to that commitment.

Professor Sonenfield, you have some homework to catch up on. Read and brief the following cases: Hobson v. Hanson, 269 F.Supp.410 (D.D.C.1967); Baker v. Carr, 369 U.S.186 (1962); United States v. Montgomery, 395 U.S.225, (1969); Contractors Association v. Secretary of Labor, 311 F. Supp. 1002 (E.D.Pa. 1970); Mack v. Walker, 372 F.2d 170 (5th Cir. 1970); Louisiana v. United States, 380 U.S. 145 (1965)... All are contra your stated position.

LAST GASPS OF A REACTIONARY STUDENT:
THE MULTI-STATE BAR BROUHAHA

By Susan Silverman

My mind has made it back from its perilous trip to the Norman manors where seisin and the lord reigned supreme--just in time to find that the legal profession, though still mired in feudal doctrines, has leapt suddenly into the computer age. Lawyers are discovering that human interests transcend state boundaries and therefore make reciprocity in licensing of attorneys desirable. Voila, the multi-state bar examination.

Some might think it reactionary to query what, in fact, the bar tests--ultimately, does it matter? Two important objectives of a licensing procedure are: first, to regulate the profession so that those persons who become lawyers will have the confidence of the client-public; and second, to restrict the entrance to the profession so that those already in the club will be able to maintain a decent standard of living. I would like to suggest, in this moment of flux, a few alternative tests which will perhaps be more effective in accomplishing these dual ends.

THE MUMBO-JUMBO TEST: this test requires the applicant to talk on a legal topic for at least three days without saying anything sensible. Confidence is instilled in the would-be client who feels thankful to have the inscrutable on his side. If the requisite number of legal aspirants are not eliminated, it is possible to throw in a requirement that every third word be in Latin.

THE WALK-ON-WATER TEST: while clients are likely to have faith in a person who can accomplish this feat, such a procedure would result in a scarcity of lawyers--causing those presently annointed to work overtime. Therefore, for the sake of convenience, it may be necessary to lower the standards a bit, allowing swimmers to become attorneys (after all, it's a sink-or-swim world).

The multi-state bar does have certain advantages: it eliminates the necessity of thinking too deeply. In the legal profession, this is especially important. Look at Ralph Nader and all the trouble he and his deep-thinking friends have stirred up...thinking up remedies for consumers dissatisfied with dying in unsafe automobiles. Who knows; thinking lawyers could conceivably lead to thinking politicians--a plethora of new problems.

The multi-state bar also diminishes the importance of being literate. Since literacy is one of the tools of successful advocacy, the chances of a lawyer influencing anyone is thereby greatly reduced--a valuable stabilizing influence on society as a whole.

Albeit all of the foregoing advantages flow from the adoption of a multiple-guess testing methodology, I am still convinced that the "walk-on-water" test is the most efficient--those who fail won't be around to overcrowd any other professions.

FROM THOSE WONDERFUL FOLKS WHO
BROUGHT YOU 'ABORTION IS MURDER'...

The recent Gavel editorial which intimated that work-study was on its last legs--to be axed in order to clear the way for the CLEPR clinical project--is 100% spinach, and stretches the "fair comment" policy (or non-policy) of that paper to paranoiac-delusional lengths.

We repeat: for those students who could not otherwise afford full-time enrollee status, the rug is not going to be yanked just yet. This "I have, but cannot presently reveal, my sources..." shit has gone far enough!

SEALED TUNA BCLERO, DEPT.

(From the February issue of Justice Magazine):

"RENT-A-NARC"...EXTRA AGENTS WHEN YOU NEED THEM! If your community, school, campus, etc. is short-staffed, or lacks trained agents, our special service is designed for you! Our agents are trained in a narcotics agent training school and receive polygraph and urine examinations. We provide weekly reporting systems that have not failed in obtaining convictions in every case! While your agents are training, growing their hair long, or sprouting beards, our specially trained narcotic undercover agents can be on the job. Licensed, bonded. Guaranteed court appearances for 3 years following completion of investigation. References, literature, sample proposals furnished upon request. Write or phone: Walter J. Billings, Pres., Universal Detective, Inc., 335 Boylston St., Newton Centre, Mass., 02159. Area code 617, # 969-1940.

* * *

A LETTER TO THE EDITORS

January 20, 1972

Mr. Bruce Elfvin
Trade School News
Cleveland Marshall College of Law
1240 Ontario Street
Cleveland, Ohio 44113

Dear Mr. Elfvin:

I would like to congratulate you on the successful introduction of a new voice within the law school. Although many of your opinions run counter to my ideas of what is good for the law school, it still provides a fresh look at current problems.

But I do take exception to two practices followed in the presentation of your format. The first has to do with the masthead. I believe it is an honor and a privilege to be trained in the law and then permitted, through the sanction of the Ohio Supreme Court, to practice. I believe that this training is the basic purpose for the existence of the law school. Why does an editorial staff, who are students at such a school, feel a compulsion to hold this purpose up to ridicule by using such a demeaning masthead? I feel that any school editorial body should take pride in this basic goal and the format of any publication should reflect this pride. We all have a stake in the law school's reputation and ridicule from within does nothing to enhance the reputation of the law school or the Cleveland State University.

My second point of complaint is that I have failed to find any representation of the night law school student viewpoint. I cannot back this up except by the fact that I have read every edition of your paper. I would appreciate it if your paper would permit one of the third or fourth year night law students to write an editorial column. If no student is available or willing, why not make a request in one of your editions for volunteers. As an optional method, your paper could state an editorial policy that it will accept and publish signed viewpoints from any student as space permits. I am sure a cursory review of the letters would permit a selection of divergent viewpoints and, by publishing them, all sides would be permitted a forum.

I would once again like to express my appreciation to you and your staff for putting forth a fine effort in presenting a fresh viewpoint concerning the law school policies. Please give the above two points consideration when setting up future editions.

Sincerely,
Daniel J. Ryan

(THE EDITORS REPLY: Your criticisms are well taken, sir. Our banner-masthead is a source of embarrassment; but only to those, like yourself, who don't think of a diploma as a one-way ticket to palooka-ville, and only consider the practice of law "an honor and a privilege" on the way to deposit their retainer. As long as this view of our profession prevails, our monicker sticks. But since receiving your fine letter, we have made an affirmative effort to solicit night school contributions--you can see for yourself by checking the by-lines which appear in this issue.)

T.S. News welcomes articles or letters on any subject from all members of the law school community. Contributions become the property of T.S. News, are subject to standard editing, and will be printed on the basis of literacy and interest.

NOTICES AND ANNOUNCEMENTS

Susan Sachs has been elected to the National Board of Directors of Law Students' Civil Rights Research Council.

* * *

Rich Galler, likewise, has been selected to chair the CSU chapter of LSCRR.

* * *

The Moot Court team has selected four advocates who will represent CSU in the ABA-LSJ Competition this March 31 (which, if you just picked up this issue, was yesterday). They are (were): Tom Begley, Terry Saron, Bruce Elfvin, and Dick Sutter.

* * *

Le mariage, Agnes, n'est pas un badinage--our very best wishes and continued happiness to the following dear friends (in alphabetical order): Tom Begley (Shirley Spear); Lila Daum (Sir Burr Anderson); Alan Hirth (Karen Nelson); Barbara Kaye (Howard Besser)...As for everyone else getting hitched, of whom we hadn't prior notice, remember: there is no love sincerer than the love of food.

* * *

We have it on good authority, for once, that Lila Daum is to be the next editor-in-chief of the Gavel--which is without a doubt the best thing that's happened to that paper since...T.S. News! Good luck, Reggie!

* * *

Sorry kids, but we've run out of scratch...

...and by the way, this is our first, and last, crack at making like Mary Hershfield... We'll be back as soon as money and time permit--and as soon as we line up a new staff...All interested students are advised to arrange for interviews with the Editorial Board: Terry Saron, Bruce Elfvin, and Dick Sutter. Call c/o Moot Court office, ext. 2338; mail c/o Trade School News, CSU Law School, 1240 Ontario St. Cleveland, Ohio 44113. Or bump into any one of us on the street...

LISTEN TO A DIFFERENT DRUMMER?
(TONY WILLIAMS OR JACK DEJOHNETTE,
FOR INSTANCE)

LIKE TO WRITE? (IT'S ONLY LINES
ON PAPER, KIDS!)

THEN YOU'RE OUR TYPE OF CHUMPER,
KIDARCONIE!

HANG A HAPPY HI DOWN AT THE

TRADE SCHOOL NEWS OFFICE...ROOM 418

AT THE OLD TRADE SCHOOL...