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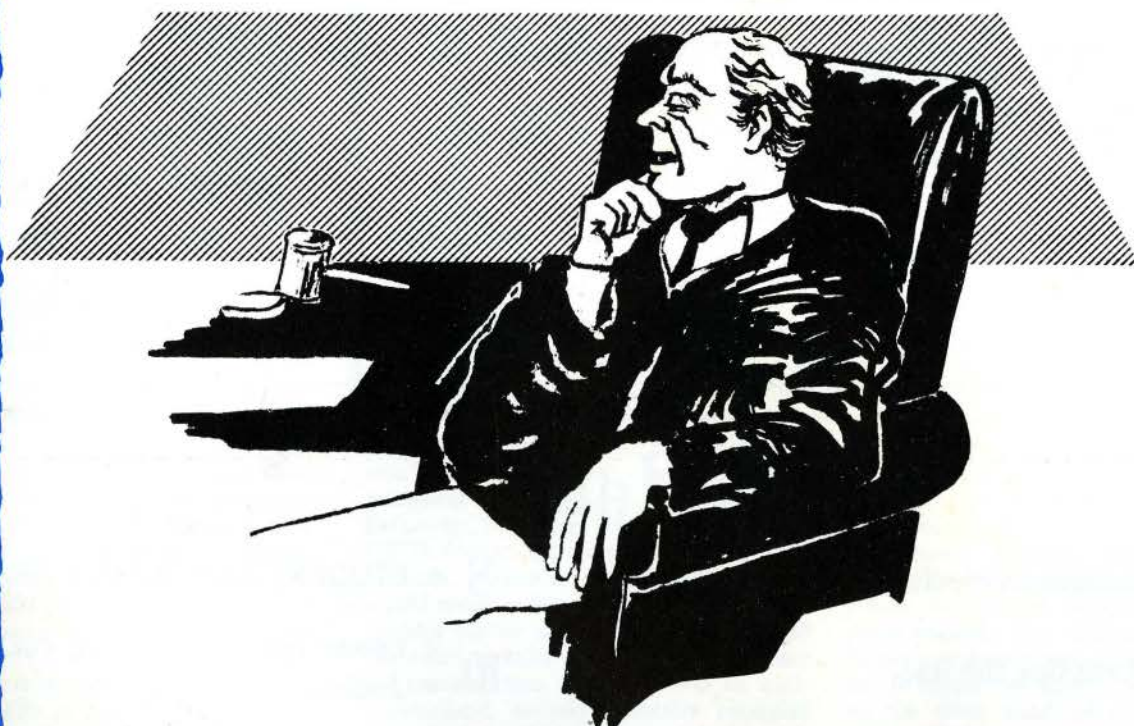


THE GAVEL

Cleveland-Marshall's Newsmagazine

Vol. 33

No. 5



Judges as Medical Decision Makers

Editor's Note

This Editor's Note is being written in the very early morning hours of our deadline day — why do I leave everything go until the last minute? Is it because I'm a third year student and I can see my forthcoming parole date? Not really, because if that were the case, I technically would have been a third year student from the time I entered this institution.

I reserved this space from the beginning of the year believing that I would write some mushy, reflective column on my three years with **The Gavel**. Nothing doing. (Sorry, Mary DeGenaro. I know your were looking forward to a real tear-jerker.)

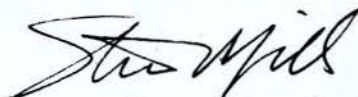
Instead, I want to charge all of you first and second year students to get involved and make your "sentence" here more bearable. **The Gavel**, like many other student organizations, has a difficult time getting people involved; our staff is not as large as the staff of six to seven years ago, and it is not because we have let the magazine fall into a state of ruin. Rather, this lack of involvement rears its ugly head across most law school organizations. I realize we, as students, have one primary purpose for being here, and that is to serve our sentence, be on our good behavior, and seek as early of a release as possible. But, student activities can provide just enough of a diversion to make one's stay within this institution more tolerable. As Martin Nadorlik, a former editor of **The Gavel**, said in his final note:

Everyone needs a diversion to overcome the monotony and frustration of law school. **The Gavel** was mine, and I look back with satisfaction at what was accomplished.

The Gavel, Vol. 27, No. 7, Page 2.

Please . . . next year join a student organization and encourage next year's first year students to do the same; everybody has **some** time to give to an organization, and most organizations only require that a small amount of time be allotted them.

Most everybody will be paroled from this law school someday, so make the time you spend within these institutional walls just that much more satisfying by joining some student organization. Some **real** penitentiaries have greater involvement than does this law school; do not be complacent with how this place is run — make a difference and enjoy yourself while doing it.



Steven Mills



THE GAVEL

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TYPESET and PRINTED BY

Classic Printing Corp.
Cleveland, Ohio

Permission to reprint any part must be obtained in writing from **The Gavel**.

Infra.

3 • Judges as Medical Decision Makers

4 • Crossing the Bar

5 • Professor Curry: An American in London
• Law Student Essay Competition

6 • View From The Top
• NON-SMOKING LEGISLATION

7 • FRANCHISING: Regulation Out of Control

8 • STUDENT BAR ELECTIONS

10 • Fewer Teens Sentenced to Death
• Judicial Externship

12 • Dress for Success
• A Plea

13 • Federal Hazardous Substance Act
• Free Student Travel Catalog

15 • Res Pendens • C-MQC

Cover illustration by Steven Mills

Judges as Medical Decision Makers

by Debra Bernard

"Judges as medical decision makers" was the topic at the thirty-second Cleveland-Marshall Fund Lecture given February 22, 1985, by Alan A. Stone, M.D., in Cleveland-Marshall's Moot Court Room. Dr. Stone, a 1955 graduate of Yale Medical School, holds a dual professorship of law and psychiatry in the Faculty of Law and the Faculty of Medicine at Harvard University. Although he never received a law degree, as a concerned member of the medical community he has been a member of the American Bar Association's Task Force on Criminal Justice Standards, its Commission on the Mentally Disabled, and its Advisory Board to Projects on the Mentally Ill of the American Bar Foundation. In addition to numerous articles, papers and chapters, he is the author of *Psychiatry, Law and Morality: Essays and Analysis* (1984), and *Mental Health and the Law: A System in Transition* (1976).

"Judges as medical decision makers . . . Is the cure worse than the disease?" Dr. Stone asked. In the modern and technical world of medicine today, with superior diagnostic methodologies, complex monitoring devices, multifarious treatment modalities, and medicine's ability to prolong life, Stone believes that judges just don't know and understand medicine to the degree necessary to appropriately render difficult, often ethical decisions involving medical issues. He illustrated his views with a few examples.

In the well known case of *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705 (1973), Justice Blackmun held that in the first trimester of pregnancy, the State has no say in a woman's decision to have an abortion. Prior to the end of the first trimester, this decision must be left to the women's **medical physician**. Thus, according to the language in the case, the issue is not a woman's freedom of choice versus the right to life, but becomes the **woman's physician's** freedom of choice versus the right to life. This position assumes that a woman contemplating an abortion will have the benefit of a knowing and informed physician's advice based on the circumstances of the pregnancy, the woman's general health, age, etc. Stone observed that the phraseology in the opinion sadly overlooks the fact that too large a number of women deciding to have an abortion do not have attending physicians who know and are familiar with

them and who would make the abortion decision. Many women simply have clinic doctors whose names they seldom know and whom they frequently never see again. Consequently, we have become a society condoning "abortion on demand". Stone denounced this doctrine, and *Roe v. Wade* in addition, wholly agreeing with dissenting Justice White in *Roe* who commented that Blackmun harbored a critical and false notion that true medical standards and informed decision making by physicians would govern abortions in the United States. "It was Blackmun . . . who was out of touch with reality if (he) believed what (he) wrote is true", remarked Stone. "Blackmun seemed to see physicians as heroic figures", intervening and treating patients based on "sound medical judgement — whatever that means", Stone asserted. Stone stressed that Blackmun was an example of a justice misled about the reality of medical standards and judgements physicians make. "There were too many factual inferences and misleading judicial statements about medical standards in the opinion", he criticized.

"When doctors see the threatening shadow of the law, they often forget their ethical and moral responsibilities to their patients and instead, act like bureaucrats."

In another case, the Supreme Court of Massachusetts rejected the "hands off" approach of *Roe v. Wade* and held that the judge should become the "hands on" decision maker in medical cases. In *Superintendent of Belchertown State School v. Saikewicz*, 272 Mass. 728, 370 N.E. 2d 417 (1977), doctors unwilling to treat Saikewicz because treatment would be painful, would result in his suffering, and at most, prolong life for only a few months, asked the court to take responsibility for their not treating him. Saikewicz was an institutionalized, severely mentally retarded individual (unable to communicate with others) who developed leukemia. The Massachusetts Supreme Court fashioned a test designed to elucidate the right of persons in general to refuse treatment, and to offer guidelines for the benefit of judges in the precarious positions of having to decide what an incompetent person would decide if competent. Stone attacked this subjective test as absurd.

Saikewicz never in his life had the capacity to develop preferences. How could a judge possibly know what he would want? (i.e. under the circumstances, whether he would want treatment knowing it would be painful, result in suffering, etc. Would a reasonable person of sound mind desire treatment in similar circumstances?) he only way, thought members of the court, to arrive at such a decision was to hold an adversarial hearing with the incompetent's guardians, family members, doctors and staff members all presenting their points of view. "Adversarial due process became the American way of death, at least in Massachusetts", Stone lamented. No longer was there a right to death with dignity; to die in peace and privacy. In this bold and arrogant step, probate judges in Massachusetts acquired the ability to preside over death and render medical decisions: i.e. **when** to pull the plug; whether to treat the mentally incompetent, and, when lawyers expanded the *Saikewicz* holding to deformed babies, whether to let them live or die by deciding whether to mandate life sustaining treatments . . . Stone argued that this imposition of legal formulae on medical decisions is absurd. Suddenly the courts were "policing" physicians, requiring them to appear before medical boards and participate in the "disease of bureaucracy".

As a consequence of judges making medical decisions, medicine is undermined according to Dr. Stone. "When doctors see the threatening shadow of the law, they often forget their ethical and moral responsibilities to their patients and instead, act like bureaucrats", Stone explained. Thus, courts, by casting shadows, have affected persons far beyond those immediate cases. A widespread public loss of faith in both the legal and medical professions is the consequence of flawed judicial decision.

At the root of such dilemmas as the above cases illustrate are extremely difficult moral, medical, legal, and ethical problems that are mostly unresolved. Issues such as the staggering emotional, psychological, and financial strains on family members maintaining their relative on life support measures versus questions, on the other hand, of patient abandonment, physician "experimentation" on the terminally ill, and varying psycho-social pressures on physicians and family members plague the fields of medicine and law. Dr. Stone believes we have no solid majority consensus on the deep moral issues developing rapidly with modern biomedical technology. This fact explains why these issues are extremely difficult to

continued on page 14

Crossing the Bar



The humorist, Robert Benchley, was once asked the following question on an exam: "Describe the reproductive life of the salmon". Benchley answered as follows: "Not knowing much about the reproductive life of the salmon, I'd like to answer this question from the salmon's viewpoint."

This little story really sums up the Ohio Bar experience. If you don't know the answer, tell them about the salmon's sex life. You'll get points for being able to write a coherent answer, and points is the name of the game.

I've been asked to jot down a few tips for those of you who are about to begin studying for the last law school hurdle. Hopefully, these will get you through the rough times ahead.

E. P. Wakefield

July is approaching quickly and with it comes THE BAR! For those of you who are about to springboard into preparation for this Stripe on the Highway of Life, let me give you the inside scoop on what to expect.

First of all, you **MUSTMUSTMUST** take a bar review course before even thinking about trekking to Columbus. Even if you're the smartest kid in the class and just **KNOW** you're going to pass without one, sign up for the course anyway. The smartest kid in my class took the course . . . maybe taking all these courses was what made him so smart . . . and he passed. So what other proof do you need? I signed up for H. R.'s Bar Review (since I'm not getting paid to advertise a particular course, I'm sticking to initials . . . you figure out which course it was). The

course was everything you needed to know in order to write an organized essay and pass the exam.

"If you don't know the answer, tell them about the salmon's sex life."

Memorizing all that stuff was another story, however. During the Bar Review, A bunch of us put our heads together and came up with a neat way to memorize all the material you need to know for the exam. We **PUT IT TO MUSIC!** Yes . . . all it takes is a memory for tunes, plug in the elements that you need to remember, create a little Gilbert and Sullivan scenario to pull it all together, and voila! instant memory. One of my favorites was putting all the elements of false imprisonment to "Some Enchanted Evening" from **SOUTH PACIFIC**. It's sort of a catchy little ditty that goes like this:

"Some enchanted evening
You will be imprisoned
It will be intended
Against your conscious will . . ."
etc., etc.

If you're into more modern tunes, "Memory" from **CATS** is great for "break-
ing and entering":

"Midnight
Not a sound from the pavement
And unlatching the door . . ."

The darn thing works out quite well, and those elements pop right into your mind as soon as you start humming. However keep this tip under your hat. It was bad enough that three of us were humming our way through the Bar . . . it would have been havoc if everybody started singing during the exam. The place would have sounded like the Mormon Tabernacle Choir warming up.

It isn't just what you know that makes you pass the Bar. Knowing what to expect in Columbus and at the Bar Examination site so that you can feel comfortable, without any surprises in your environment, is equally as important.

For example, how close is your hotel going to be to the Bar Exam? I stayed at the Christopher Inn, which I was told was "right across the street" from the Exam. In fact, the only reason I stayed there was because new cities make me very nervous, and even I could find a building if it was right across the street from my hotel. Actually, the Christopher Inn was 7/8 of a mile from the Exam, which is quite a hike, particularly during the blizzard that was raging when I took the exam. I was lucky and got a ride to and from the Bar every day. The people who had to walk, however, looked like they had forgotten everything by the time they made it to the Exam, and it took them hours just to warm up. The moral of this story is to find out exactly how far you are going to be

continued on page 11

Professor Curry: An American in London

Teaching law in a different system with different teaching methods has been a stimulating intellectual experience and a challenge to me this year. While the law that is taught is very similar to that taught at Cleveland-Marshall, there are many differences between the two systems. English law schools are generally much smaller than U.S. schools and this is also true at PCL. Law here is an undergraduate subject. Thus, the majority of students who come to law school are of the age of undergraduate students at home. I have found them to be interested and generally hard working but not as outgoing as Cleveland-Marshall students.

Perhaps the greatest difference between the two schools is the teaching method used. Here the lecture-tutorial method is the mainstay of teaching. Under this system, the students attend lectures once or twice a week in each subject and also a tutorial in that subject once a week. The topic covered in the tutorial is related to what was covered in lecture the previous week. The lectures are straight lectures — no Socratic method here, and the students do not participate. The lecturer follows a syllabus which outlines the topics to be covered, as well as citations to relevant cases. English law students generally do not use casebooks of the type used in American law schools. In place of casebooks they use text books which discuss the subject and the related cases. Cases that are listed in the course syllabus are expected to be read in the law reports.

The weekly tutorial is generally set around a hypothetical problem much like an exam question. The idea, of course, is to see if the student can analyze the problem and apply the theory that has been discussed in lectures. The content of many of the courses, especially the common law courses, is very similar to the content of courses taken by Cleveland-Marshall students. English students, however, don't have to concern themselves with majority or minority views as Cleveland-Marshall students must. The United Kingdom of Great Britain and Northern Ireland is a single jurisdiction country, with one court of last appeal, i.e., the House of Lords. Because there is only one jurisdiction, the latest case takes on more significance than it does in the United States and casebooks can become outdated more rapidly. Thus, they are rarely used.

The course of study is three years and leads to a bachelor's degree. The law school education is the same for all students, whether they plan to be a barrister or a solicitor. In the first year the students take four subjects, all required —

Constitutional Law, Contracts, Criminal Law and Legal Method, and Legal Services. In the second year students take three required courses and may choose one additional optional subject. The required courses are Equity and the Law of Trusts, Land Law, and Torts. In the third year students are free to elect four subjects from the optional subjects. The optional subjects are: Administrative Law, Commercial Law, Company Law, Computers and the Law, Conflicts of Law, Criminology and Penology, European Community Law, Family Law, International Economic Law, Issues of Anglo-American Law, Labor Law, Civil Rights, Evidence, Personal Taxation, Legal Process, Philosophy of Law, Public International Law and Welfare Law.

Once the student graduates from law school he or she goes an additional year for professional training either as a barrister or a solicitor. Solicitors outnumber barristers by an approximate ten to one ratio in England.

As I've already stated, the average age of the students here is younger than at

Cleveland-Marshall. Approximately 40% of the students are female. Culturally and racially the student body is very diverse. Students come from Asia, Africa, the Middle East, Australia and the Caribbean as well as England, Scotland, Wales and Ireland. One hears more different accents here than one does in Cleveland.

There is much I could write about the differences between the U.S. and Great Britain but time and space restraints prohibit it at this time. I will just say that although we speak the same language (almost), attitudes do differ on many social issues and it is particularly interesting to view the U.S. from the outside and to see ourselves as others see us.

Submitted by
Professor Earl M. Curry, Jr.,
a Cleveland-Marshall Professor participating in the Professor Exchange Program with the Polytechnic of Central London. England's "exchange" professor to Cleveland-Marshall this 1984-85 school year is Professor Lars Eric Mosesson.

Law Student Essay Competition

Any law student attending law school in 1984-1985 is eligible to participate in the second annual Corliss Lamont Law Student Essay Contest on THE NEW TECHNOLOGY, NATIONAL SECURITY, AND THE FIRST AMENDMENT, sponsored by Meiklejohn Civil Liberties Institute. First prize is \$1,000, second prize is \$750, and third prize is \$500.

Judges of the essay contest will be Thomas I. Emerson, Lines Professor of Law Emeritus, Yale Law School and author of numerous books and articles on the First Amendment; Professor John Brittain, University of Connecticut Law School, member of ACLU Academic Freedom Committee and Board member of National Conference of Black Lawyers; and Ann Fagan Ginger, President of Meiklejohn Institute.

Contestants should submit no more than 5,000 words, postmarked no later than August 1, 1985. Entries should be typed, with footnotes, double-spaced on white paper, suitable for photocopying. Contestants are encouraged to include discussion of specific current cases, statutes, and administrative proceedings. Essays should cover the problem, the existing law, and proposals for solutions.

Meiklejohn Civil Liberties Institute initiated this contest to heighten interest in

First Amendment thinking and research. The Institute is an active center for human rights located in Berkeley, California. It welcomes interns, externs, work/study students and volunteers for training in legal and library skills.

Since 1964 the Institute has worked to defend, strengthen, and extend civil and political rights and liberties, economic rights, and the right to peace. The Institute operates a unique research library for lawyers and activists, and an archival center for scholars, students, and historians.

This contest is made possible by a grant from Dr. Corliss Lamont, philosopher, teacher, humanist and defender of human rights. Dr. Lamont was an early Director of the American Civil Liberties Union and is now Chair of the National Emergency Civil Liberties Committee. He is the author of numerous books on civil liberties, most notably FREEDOM IS AS FREEDOM DOES, which describes significant developments in civil liberties and gives a history of his own experiences and cases in which he defended free speech as a plaintiff and as a defendant.

All entries should be submitted to Meiklejohn Institute, Box 673, Berkeley, CA 94701.

View From The Top: Mandatory Grading Curve

by Sandra Payson

Many students have been voicing complaints recently about the impending mandatory grading curve. Perhaps it would benefit the students' understanding if they considered this issue from the perspective of those persons supporting this new requirement. The following is composed therefore in the hopes that it will assist you, the student body, in comprehending the reasons behind enacting the mandatory grading curve.

The main purpose of enacting the mandatory grading curve is regrettably obvious. A number of professors, as we all know, have reputations as being "easy". "Easy" professors communicate practically no knowledge over the course of a term. They demand practically nothing in return for the nothing they convey. Therefore students are easily able to obtain good grades in classes taught by "easy" professors since, as is too obvious to need stating, everyone is capable of getting a good grasp on practically nothing.

This is an embarrassing situation and one which we all admit needs to be addressed. But before I go into the reasons supporting the imposition of the mandatory curve, I feel it is first necessary to recognize the arguments against the grading curve.

One argument, simply stated, is that the mandatory grading curve will actually reward those "easy" professors by providing them with a mask of competency.

A second argument is that the mandatory grading curve will frustrate the efforts of those professors who give a great amount of time and attention to their class as a whole and to the students individually. These professors work hard to ensure that the highest number of students possible will comprehend the subject material and complete the course with proficiency in the subject. These professors will be forced to fail a set percentage of students despite their hard-earned success as teachers.

A third argument, similar to the one above, is that a number of students will be failed despite their hard-earned success at grasping the material since, under the mandatory curve students will not be judged on their own merits. Under the mandatory curve the quality of an individual student's work is determined by what others have done and not by the effort of the individual student himself.

The final argument against the mandatory curve is that it is unnecessary to

punish the student body as a whole for the faults of a few students, particularly since those students deliberately taking "easy" professors already get the punishment they deserve — they end up with a poor quality education when, for the same amount of money they could receive a high quality education. Additionally it is true that students at the graduate school level should be capable of exercising free will towards their education. The mandatory curve is arguably a slap in the face to the majority of students who understand the value of learning and should be permitted to select the type of education they desire.

Of course those in support of the mandatory curve realize that the root of the "easy" professor problem is not the students but the "easy" professor himself. It is he that deserves some "punishment". However, those against the mandatory curve fail to understand the dif-

ficulty in dealing with the problem in a just and appropriate manner. Professors have a lot more clout than mere law students. They can't be easily pushed around. Finally, a new policy attempting to deal with the actual problem might make life a lot more strenuous for many professors. They would be forced to put additional effort into their teaching in fear that they will be held accountable for the substandard education they provide.

In summary, it is much easier to let innocent students and professors suffer undeserved punishment than it is to place the blame where the blame is most deserved. I therefore support the mandatory curve as a simple and effective way to sweep an embarrassing problem under the rug.

Yet another reason supporting the mandatory grading curve is its effectiveness in
continued on page 14

NON-SMOKING LEGISLATION: Is Cleveland Next?

by Sandi Kowiako

In the past years, laws prohibiting television advertising of tobacco products have been passed with the purpose of curtailing individual smoking habits and decreasing the rate of death by smoking. Recently, some American cities have passed smoking ordinances which order employers to protect non-smokers from second-hand smoke.

Cigarette smoking is a leading cause of death in this country. Each year nearly 500,000 American smokers die of smoke-related diseases including cancer, heart disease, and injury from fire. Nearly 4,000 infants die because their mothers smoked during pregnancy.

Not only are those directly attacked by smoke running a high risk of death, but studies show that non-smokers are dying because they breathe second-hand smoke. Second-hand tobacco smoke is one of the deadliest indoor pollutants. Of the number of yearly lung cancer deaths caused by carcinogens in the air, between 500 and 5000 are caused by breathing passive smoke, while only 150 people die of lung cancer caused by coke oven emissions.

Most smokers are aware of the risks of smoking, yet they pay no heed to the

surgeon general's warning on the side of every cigarette pack they crack open.

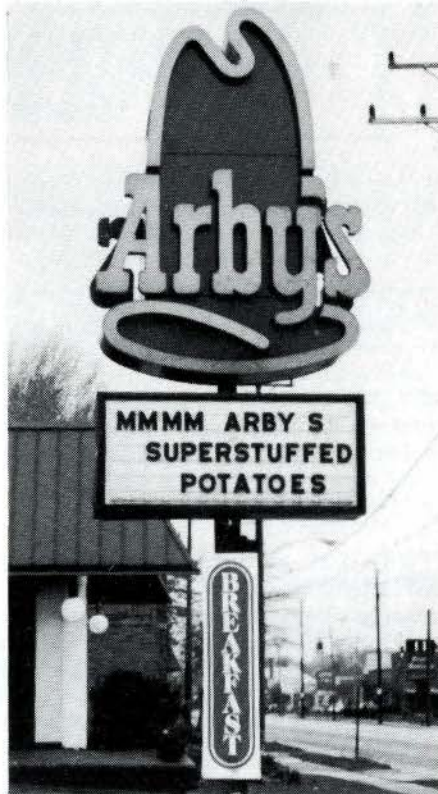
An anti-smoking law in Iceland has gone further than merely providing a simple hazardous-to-your-health warning. There, manufacturers must display on every tobacco product sold a picture of black lungs, diseased hearts, inflamed throats and noses, patients in bed, young children, or pregnant women. It is illegal to smoke in Iceland's governmental buildings or buses, and restaurants must have a non-smoking area. The purpose behind the law is to inform, educate, and relieve non-smokers of fumes and pollution.

Similar laws have been passed on local levels in this country. As of January, 1985, at least six states and dozens of cities, including thirty-two in California, had passed non-smoking ordinances. Minnesota first required separation of smokers and non-smokers in public places in 1978.

A San Francisco ordinance requires employers to accommodate the preferences of smokers and non-smokers to a reasonably feasible extent without making structural changes. Where office space permits, entire non-smoking areas must be set aside. In smaller offices and work places it is necessary to prohibit smoking totally. In all respects, the non-smoker is the favored party.

continued on page 13

FRANCHISING: Regulation Out of Control



SUGGESTIONS

(Part 3)

by Steven Mills

In the previous articles in this series, a cursory review of franchise regulation has been set forth; as can be inferred from the running title of this series (Franchising: Regulation Out Of Control), the focus of these articles has been on the burdensome nature of franchise regulation. However, all franchise and business opportunity regulation should not be looked upon with disfavor. Rather, a recent impact study of the FTC Franchise Rule on Franchisees²⁷ suggests that the FTC mandated disclosure document is widely used by prospective franchisees.

The impact study (prepared for the FTC), however self-serving it might be, provides support for the belief that disclosure documents are widely used by prospective franchisees. The survey respondents were divided into the following two categories: 1) franchisees and 2) prospective investors. Among the study's results were:

- 1) That 69 percent of the franchisees used the documents in their purchasing decision;
- 2) that 88 percent of the franchisees who used the disclosure documents found them useful in making an investment decision;
- 3) that 85 percent of the potential investors who used the disclosure documents found them useful in making an investment decision;
- 4) that 19 percent of the franchisees felt additional financial information on potential earnings would be helpful;
- 5) that 29 percent of the potential investors felt additional financial information on potential earnings would be helpful; and
- 6) that prospective franchise purchasers did appear to use, rely upon and benefit from FTC-required disclosures.

Therefore, there certainly does seem to be some benefit to franchisees and prospective investors from FTC-required disclosure,²⁸ and few individuals would suggest that disclosure be entirely eliminated. Rather, the focus of these articles has been on the **burdensome** costs of regulation and, thus, how much regulation is too much regulation?

With a plethora of state regulation, in addition to federal regulation, this series has suggested that the pendulum of regulation must swing back to a point where both the franchisor and franchisee can live and prosper in the necessary world of franchise regulation. What follows are a few general ideas set forth in the belief that they will increase franchise disclosure and decrease disclosure costs. It would be presumptuous of me to think that the problems of franchise regulation can be solved in this abbreviated forum; rather, my attempt will be to set forth alternatives to the current regulatory mindset.

Uniformity. This should be a key word in franchise and business opportunity regulation. At this time, in no way is uniformity prevalent in franchise and business opportunity regulation; of course, there is some uniformity in that states will permit the use of the Uniform Franchise Offering Circular, but frequently not without a great number of state specific changes. Further, registration, in those states that require it, delay and/or discourage the sale of franchised outlets in those particular states. Normally, the challenges to the document are with respect to state specific changes that were made in the document. Disclosure document uniformity throughout the United States, to which the International Franchise Association and the North American Securities Administrators Association have addressed themselves, is one of the primary ways to make regulation fair and complete to both franchisors and fran-

chisees. This would permit complete disclosure to all prospective franchisees, while, at the same time make the cost of preparing the offering circular reasonable for all franchisors, including the small or new franchisor.

Registration. This is a key word in franchise regulation. In some states registration of the offering circular is required before any sale can be made, while in other states registration is not mandated. For the most part, registration is in place to insure compliance.

But, aren't there more efficient ways of insuring compliance with state regulations than through state-by-state comprehensive registration?

Yes, I believe so. A state and federal private cause of action would surely provide for franchisor compliance with franchise regulation — the alternatives for the franchisor are less attractive. The FTC Rule has called for a private cause of action, but, as of this time, courts have not recognized a private cause. The key to disclosure is to provide the prospective franchise with the material information necessary for that investor to make an informed investment decision; it is not state-by-state registration that makes the disclosure document complete, but, rather, it is the document's attention to mandated disclosure requirements that provides the basis for informed investor decision making. Registration, if there is a need for registration at all, should only focus on the completeness of the document at the time of registration or renewal. Further, registration on peripheral state concerns could still be a part of the ongoing registration process (i.e., review of advertising material, sales agent identification forms, and consent to service of process forms), but the basic disclosure document should remain in the same form throughout the United States.

In an attempt to make franchise and business opportunity regulation effective, the following goals should be the cornerstone for further study:

- 1) Nationwide Disclosure Document Uniformity.
- 2) Eased Registration.
- 3) A Private Cause of Action for Failure to Completely Disclose.

Maybe then we would truly bring franchise regulation "back into control."

NOTES

²⁷ Federal Trade Commission Study, "FRANCHISEE IMPACT of the FTC Franchising Rule," (Announced January 30, 1985), **Bus. Fran. Guide**, No. 58, Extra Edition Supplement.

²⁸ Unfortunately, as of the time of this writing, the FTC's Franchisor Impact Study has yet to be released.



STUDENT BAR ASSOCIATION

ELECTIONS: APRIL 10 and 11

FOR PRESIDENT:

Anne Lukas-Jones
Randal Strickler
Jim Tavens

FOR VICE-PRESIDENT:

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Edward H. Kraus
Terri Stupica

FOR TREASURER:

Robert Bruce
Schuyler M. Cook
Dennis A. DiMartino
Laura Palinkas

FOR SECRETARY:

Lynne Basista
Christopher Fortunato
Lenore Kleinman
Sheila Reinhard

All candidates were given equal opportunity to submit statements of candidacy to **THE GAVEL**. The statements appearing here were those received by the March 20, 1985 noon deadline.

Anne Lukas-Jones

Candidate for President

My main concern is the law student: his and her survival during law school years, professional development, and — most important — getting a job!

As President of the Women's Law Caucus, I successfully met many of these needs through the monthly seminars such as "Test Tactics", "How To Get That First Legal Job", and "Tricks of The Litigator's Trade". Other activities I initiated include "Food For Thought" snack giveaways and the November Student Organization Mixer.

Perhaps it is because of my seven years of experience in industrial advertising/publishing sales and three years as a communications consultant that I believe contacts and networking are essential to a successful career. I believe such contacts must begin at the college level. To that end, I expect to work with the Alumni of Cleveland-Marshall to establish more links between graduates and students. Take-a-Student-to-Lunch has been a good beginning, but much remains to be done.

I would like to meet with various firms and establish a bank of scholarships to be given to students based on need and interest in specialized fields. Financial aids are a constant source of worry for many students. I believe the legal community has a vested interest in supporting us in this way.

I stand on my record as President of Women's Law Caucus, and ten years in business. Allow me the opportunity to help you survive law school, grow as a young professional, and get a good job. Vote for Anne Lukas-Jones!

Jim Tavens

Candidate For President

Over the last two years I have been closely associated with the S.B.A. as

Treasurer and student senator. I have been well aware of the qualifications and expectations which must be met as President. By acting as a liaison between the students and the administration, I will strive to encourage students to share their ideas in an effort to enhance their own education.

This year the S.B.A. and the various student groups have been successful in expanding the available social, academic, and career programs and I look forward to broadening this base. I wholeheartedly commit the time and effort needed, and urge your support, for an enjoyable upcoming year.

Lee Grayson

Candidate For Vice-President

My name is Lee Grayson and I am running for the position of vice-president of the Student Bar Association. I share a deep concern regarding the plight of law students during these difficult academic years. My platform is simply to ease this burden by eliminating obstacles contrary to the fulfillment of a successful legal education. I strongly opposed the recently defeated faculty mandatory grading scheme. I favor longer library hours in order to accommodate the study needs of more students. In addition, I believe immediate measures must be taken to alleviate a serious lighting deficiency problem in the law library. Finally, I feel that it is important to sponsor various social events in order to develop kinship beyond the classroom.

Please give your vote my consideration. Best wishes for the remainder of the semester.

Edward H. Kraus

Candidate For Vice-President

I am a second year student running for the office of SBA Vice President. I bring

two years experience of being an SBA Senator and President of Tau Epsilon Rho fraternity to the vice-president's position. Both of these organizations have given me invaluable experience in management, leadership, communications, and operations.

Being an SBA officer will enable me to enact some fundamental policies which are important to all the students of Cleveland-Marshall. Besides the basic responsibility of providing the services and operations for the students, the SBA is also charged with improving areas of student concern. I can meet the needs of the students through diligent and effective planning. I believe the Placement Office can reach out to the entire student body by diversifying into medium and smaller sized firms. Also, the alumni contact must be strengthened in order to provide the valuable connections to the students. Finally, the rapport and communication between the faculty and students must be increased, in order to enhance, and not frustrate, our purpose in being here.

As vice-president, I plan to actively pursue these and other goals to ensure that the law school provides a quality education for the students and the SBA supports the school's programs with effective planning and operations. Thank you for your support.

Schuyler M. Cook

Candidate For Treasurer

Please allow me to introduce and identify myself. I am Schuyler M. Cook and I am attempting to become your next Treasurer of your Student Bar Association. Some of you will recognize the bizarre first name and others will know me from the following **HONEST** description. I am the one with the brown hair, beard, moustache, and characteristic blue head-band.

The only promise I will make as a candidate and try to accomplish as an

THE GAVEL

elected person is to do my best at serving you!

If you should have any other questions concerning me or my candidacy, I am generally in the law building or library from open till close.

Thank you for taking the time to read this statement.

(Please do not expect to see any individual campaign signs, buttons, or other memorabilia from me. You probably don't want to look at it and the custodians certainly don't want to clean it off the premises.)

Dennis A. DiMartino

Candidate For Treasurer

I am a first year day student seeking the position of treasurer of The SBA. I have always been involved in student government and organizations and have held many offices including President and Treasurer of such groups. Currently, I am the Vice President of Phi Alpha Delta Law Fraternity and was instrumental in its reformation here at CSU this fall.

I want to be involved in the SBA because I feel that my experience in leadership and management of student groups can increase the efficiency of its administrative and financial operations. I will work to keep the SBA running at its maximum level through careful planning and hard work.

My only promises are to continue the sound fiscal programs of the Student Bar Association and meet areas of student concern with necessary improvements. Your support for me will ensure the performance of that promise. Thank you.

Laura T. Palinkas

Candidate For Treasurer

The SBA is an effective political voice, as evidenced by its role in the Mandatory Grading Guidelines controversy. My 2-year involvement as a Senator in the SBA has shown me the potential, and indeed the necessity, of students controlling their own academic destiny through student government. The vehicle exists to do so. Student representation on the various faculty committees is only one of the areas that can be expanded to provide students with a forum to achieve that result; an improved depository of faculty and course evaluations in the library is another.

Beer and pretzels are only the beginning.

Christopher R. Fortunato

Candidate For Secretary

I wish to be your next Secretary of the SBA for the 1985-1986 school year. It is my intention to work with the President in assisting him with his duties in the SBA and helping him carry out his or her agenda.

I also believe I have what it takes to be an SBA officer because I have worked in the past on faculty committees while in undergraduate studies and can greatly help the students voice their concerns to the administration of the law school. I also take copious minutes and type fairly well.

I hope that you will elect me **your** SBA Secretary so that we can put forth an assertive agenda to better the law school. I look forward to any comments or ideas you may have. Please contact me personally or leave them in my mailbox.

Lenore Kleinman

Candidate For Secretary

For those of you who do not know me, I am a committed individual with endless energy and drive. Once I set my mind to doing a task, I do not let up until it is accomplished to the best of my ability.

As an active members of TER Law Society, I have become aware of student organizations and their responsibilities to the student body and the law school.

I am a dedicated individual with many assets and good ideas to make an already good organization even better. Give me the opportunity to work for you.

Sheila Reinhard

Candidate For Secretary

S.B.A.'s future is in becoming an active voice of the law students at Cleveland-Marshall. My two years as an S.B.A. senator have made me realize that S.B.A. can have a role in positive change in the law school. It is crucial that we have increased participation in faculty meetings and committees. This is essential to making students aware of what's happening, and to communicate to the faculty and administration how they can best help us.



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CSU Professor Finds Fewer Teens Being Sentenced to Death

Leon Brown, a 17-year-old convicted murderer from North Carolina, is the youngest and latest example of a rarity in this country — criminals condemned to death for crimes they committed before turning 18. A Cleveland State University law professor has found that fewer and fewer death sentences are being meted out to adolescents.

That is despite the fact that more criminals are being sentenced to death than at any time since the Depression, according to Prof. Victor L. Streib of CSU's Cleveland-Marshall College of Law. His monitoring of the death penalty shows that while 175 offenders were added to death row last year, only three were under 18 at the time of their crimes.

That is a marked change from past years — usually about 15 juveniles a year get the death sentence, Streib said.

A total of 38 states permit capital punishment, and 29 of them allow it for offenders of any age — including teenagers. Ohio is one of the states that prohibits capital punishment for crimes committed before 18. Currently there are offenders in 15 states awaiting execution for such crimes.

The biggest group, said Streib, is in Texas, where nine persons face execution for crimes they performed while 17. (Texas does not permit execution for crimes committed at 16 or younger.) Alabama, Georgia and Mississippi each have three juveniles confined on death row, aged 16 or 17 at the time of their offenses.

At the end of 1984, Streib said, 32 of the 1,464 persons condemned to death in the U.S. were under 18 when they carried out their crimes. Two of the young convicts are women. No female has been executed for an act committed before age 18 since 1912, when the State of Virginia put to death Virginia Christian.

Brown is one of two current death row inmates who were 14 at the time of their crimes. He was sentenced to death last October for the murder of an 11-year-old girl a year before.

"Given the long, drawn-out appellate procedures in capital cases, Brown will be in his mid-20's before he faces execution," said Streib.

Several offenders await execution for acts they committed in 1976 and 1977. Jose Martinez High, 25, has been on Georgia's death row for more than six years for killing a boy when he was 16. James Terry Roach will mark his 25th birthday this month on South Carolina's death row for raping and killing a girl when he was 17. Dalton Prejean, also now 25, is still on Louisiana's death row for murdering a state trooper when he was 17.

Streib said that carrying out the death penalty for juveniles has not been uncommon in American history. He has documented 287 such executions from 1642 through 1964, when James Echols was executed in Texas for raping a woman when he was 17.

The youngest child executed in America was 10 when the crime occurred, Streib said. At least 34 were executed for things they did when 15 or younger. Two-thirds of the 287 juveniles were black. The history of juvenile executions in Ohio stretches from 1880 to 1956. Nineteen young persons, aged 15 to 17, have been put to death in Ohio.

"In the last few years several states have passed, or have been considering, amendments to their capital punishment statutes to ban capital punishment of juveniles," said Streib.

Since 1983 the American Bar Association has officially opposed the death penalty for crimes committed before age 18.

Streib comments that the American Law Institute, a leader in legal reform, concluded that "civilized societies will not tolerate the spectacle of the execution of children."

He notes that the drop in legislative and jury support for juvenile death sentences comes during a period of unprecedented public support for capital punishment *per se*. A Gallup Poll reported in February reports 72% of the public generally supports it.

While these polls have not asked specifically about capital punishment for juveniles, Prof. Streib said his research leads him to believe there is little public support for the idea that adolescents should be punished by death.

Judicial Externship: A Good Experience

by Mary DeGenaro

Taking classes and learning legal theories aren't a student's only option at Cleveland-Marshall for a legal education. Students can also gain practical experience and sharpen their research and writing skills by participating in a judicial externship.

To be eligible for the program, one must have completed at least 45 hours of classes and the required core courses, (a student may be taking constitutional law with the externship) and have at least a 2.5 GPA. To apply, one must turn in to Assistant Dean Lifter a resume, writing sample, statement allowing his/her grades to be released, a preference as to a judge, if any, and a statement why he/she would like an externship.

The externship involves working 25 hours per week with either a Federal District Judge or an Ohio Appellate Judge. It is for one semester and one receives 10 hours credit. As long as the required amount of hours are put in, most judges will allow flexibility in setting a work schedule. There are also both five and seven week externships over the summer session.

Students with a Federal Judge are given case files, then must research and draft memorandums and orders on motions pending before the court, and work primarily with the law clerks. Students also have the opportunity to sit in on sentencings, pleadings, hearings on motions, and trials.

One must not be afraid to ask questions. Any time there's a question about anything, the clerks will be glad to answer. As a result, one begins to pick up on the procedural aspects of Federal Court, and the theories learned in classes begin to fall into place and make sense. It is easy to see how the theory works in the real world. The law clerks are also very willing to discuss the cases. They are a big help, and the whole experience can be another good learning opportunity.

One may think a first, "Hey, this isn't a moot point, this is for real!" It can be an overwhelming but also rewarding feeling. Rewarding because one wouldn't have been given an externship if he/she couldn't measure up to the responsibility. Law school can be frustrating at times, so a boost to the moral is always welcomed.

Judicial externships are a great experience. One can learn so much. It improves research and writing skills, provides a great view of life in the legal profession, and is a real asset on one's resume.

Crossing the Bar

continued from page 4

staying from the Exam before you make reservations.

There are a couple of survival tips that I'd like to pass on to you as you pack to leave for Columbus. First of all, pack your lunches for the three days of the Bar. We brought a cooler along filled with juice and pop, cold meats, fruit, bread and munchies. Since I almost NEVER allow myself to buy junk food during the year, I decided that this was the time to bring along the giant, economy pack of potato chips and pig out. (There really IS something to the old tome that food is love.) Packing your lunch is more than just a practical idea. It saves your sanity. There is a lunchroom at the BAR that sells hot dogs, snacks and pop ... things like that. Of the 600+ people that took the Winter BAR when I did, about 500 planned to buy their lunch from the snack bar. The counter at the snack bar is about 15 feet long, and is manned by two people. Well, you figure it out. Five hundred anxiety-ridden people crowding up to a 15' long counter to try and buy a hot dog during a 60-minute lunch period. Sounds like fun? Youbetcha. By the time you decorate a cold weenie with a glob of relish and splurched mustard, its time to sit down and start writing again.

The other possibility is to purchase a box lunch from any of the local hotels that cater to Bar students. I don't recommend this either. For \$5.00 you get a dry sandwich, a piece of fruit and MAYBE some chips. There was no quality control in the box lunches I surveyed. Also, it's only fair to warn you that buying a box lunch is the kiss of death for those of you who have planned on passing on the first try. EVERY STUDENT that I know of who got a box lunch failed the BAR! (I think it has something to do with the mold spores in the bread.)

But, obviously, the choice is yours ... you can stand in line with 500 grungy bodies (499 of whom are muttering post-mortem words under their breath) and set yourself up for a stroke and INSTANT FAILURE; you can throw away an extra \$5.00 a day on bread mold and again, INSTANT FAILURE; or you can dine in splendor ... a little apres' morning mange tout (French "pig out") ... luxuriating with a few chosen friends for the full 60 minutes and wolfing down the lunch of your choice. I won't try to influence you.

Are you a Buddhist, Aztec or Zoroastrian? If so, the BAR is your kinda place. I have never seen so many different icons under one roof before except in an anthropology museum. Everyone had their own particular good luck piece; the ones that were particularly effective looked a lot

like the Ohio Supreme Court Justices. People arrived there with medals, feet from dead animals, photographs of spouses, tiny statues, etc. The guy across the table from me had a phoney Pink Slip from his job; apparently passing the exam was critical for him.

I brought along a pair of lucky pantyhose. They worked along the same principle as lucky socks in baseball. Anyway, during the Bar Review, I was wearing a skirt and sweater instead of slacks because it was more comfortable and somehow, I discovered that my pantyhose (No Nonsense, sandalfoot) were wearing like iron mail without any of the usual runs and snags. This was phenomenal! I had never had a pair last more than a week before! Obviously, there was something unique about this pair ... well to make a long story short, I wore those stockings every day of the bar review, and all through the bar WITHOUT WASHING THEM! After the first couple of weeks, those pantyhose took on a life all their own, and even helped me to study. I remember that my left leg was particularly good on secured transactions. (Which was fortunate since we had two secured questions on our exam.) After I got back from Columbus, my family had those pantyhose bronzed ... sort of like adult baby shoes ... and they are now the pedestal for our TV.

Anyway, back to icons. If you have a favorite one that you can pack along, by all means bring it. The more the merrier. After all, the Bar is a religious experience! Just make sure that it can fit under the table during the exam because nothing is allowed to grace that formica except the exam books, writing tools, and elbows.

Another item that you might want to consider bringing along is a pillow. I was the ONLY person in our exam who brought something to take the edge off those metal chairs, and my tush was forever grateful for the courtesy. Its not that the chairs are so uncomfortable, its just that you sit there for what seems an eternity on metal chairs, and you get a horrible case of TB (tired buns) by the end of the day. Besides, if you're arriving in Columbus with a cooler full of food and an 8 foot tall icon, whats one more item to drag along? So what if you look like something out of the LLBean catalog ... you're only going to get rigged up like this one time, and you'll NEVER see these people again (except at the induction ceremony ... all 15 minutes of it) so who the hell cares what they think? (Besides, you know these are the folks that are going to be choking down cold weenies during lunch ... they are hardly in a position to criticize you!) Anyway, give due consideration to packing a pillow or cushion along. Or show a little school spirit and pack two cushions in the school colors so that you can

distinguish yourself as a Marshall graduate. Besides, if your behind is comfortable, it gives your brain one less thing to worry about.

Let's have a catalytic moment together and talk about bathrooms. There are two sets of bathrooms located in the examination area, captioned, appropriately, "MEN" and "LADIES". You can take a trip to the potty ANYTIME during the exam or at the lunch break, but remember that if you go during the exam, you go on time that could be used to write an essay. One of the most interesting things about the Bar Bathroom Experience is that the Vow of Silence is observed by all participants. And there are monitors in the bathrooms to make sure that nobody speaks while on the commode. I guess they're afraid that you'll exchange trade secrets or decide to do a last-minute Con Law cram while behind closed doors. Its not that they don't trust us ... but ... I found the bathroom thing particularly idiotic, and it confirmed my suspicion that the Bar was not all it was cracked up to be, and was, perhaps, a highly overrated exam. However, just because you can't talk in the bathrooms doesn't mean that you can't communicate with people. After all, ... there are many other modes of getting your message across. A friend of mine has a phoney seizure act that she uses to ward off muggers. She had the bathroom monitors beside themselves when she launched into her rendition during the Torts question. They didn't know whether it was time for CPR or the nets ... and the beauty of it all was that they couldn't ASK her what was wrong and break the Vow of Silence. Think about it. I'll bet you can come up with something just as memorable to put some life into an exam that is truly devoid of humor.

One last thing to think about. The Bar is a very passable exam. There is no reason that EVERYONE who takes it can't pass the first time because it's not meant to trick you or be an impossible experience. If you get hyped up to pass, put the Bar into its proper perspective and relax, you'll have no trouble. I found it helpful to repeat this Mantra during the test:

This is a highly overrated experience,
Drummed up by retired senior citizens in California,

Who have nothing better to do,
Than make me jump through a hoop in Ohio,
In order to fulfill the basic requirements
Of a learned profession,
And have something to talk about
At cocktail parties. Cheers!

These helpful suggestions are based on the BAR experience of Elizabeth Petersen-Wakefield and Gayle A. Reeves — Cleveland-Marshall graduates, survivors of the BAR Blizzard of 1984 and first-time passers.

A Plea From AMNESTY INTERNATIONAL

by Emilie Trautmann

Atrocities committed by Peruvian government forces in the country's remote highland provinces have reached unprecedented levels in the country's modern history, according to a report released by Amnesty International in January. Hundreds of Peruvians have been tortured and killed during the last two years, and more than 1,000 have "disappeared" after government agents seized them without warrant from their homes. Many of the victims are students and teachers, killed because of their alleged association with the Shining Path armed opposition group. An army patrol abducted Pedro Gomez, a university student, when he returned from Lima to his parents' rural home 18 months ago. He has not been seen since the abduction. Arguimedes Ascarza, an 18-year-old student from the Ayacucho highlands, also remains among the "disappeared." Hooded men dressed in army uniforms abducted him from his home in July, 1983.

Massive human rights violations began to occur in Peru in December, 1982, when the government of President Fernando Belaunde Terry placed nine western provinces under military rule. Shining Path guerrillas have been especially active in these provinces, targeting government security personnel and local community leaders for execution-style killings. Last summer the government extended the Emergency Zone to 13 provinces.

Despite domestic and international protest against the "dirty wars" waged by government authorities, military forces, Peruvian police, and the civil guard continue to violate citizens' basic human rights with virtual impunity. While condemning the killings and other abuses committed by the Shining Path, Amnesty International has called upon the government of President Belaunde to observe international standards for protection of individual citizens' fundamental human rights.

Students and teachers in the Emergency Zone have suffered brutal treatment, in part because young people have been recruited into the guerrilla movement. Evidence compiled by Amnesty International suggests that military agents suspect young people, simply because of their age, of participating in guerrilla activity.

Dress for Success

by Kassia Maslowski

As the end of the year draws closer, one big concern of all law students is finding a summer job. Yet we do not realize that one vital part of getting a job is what you wear to the interview.

This was the topic of the "Dress for Success" seminar sponsored by the Women's Law Caucus on February 28.

Karen Cooper, formerly of Higbee's, stated that people form their opinions of you in the first minute and that 90% of that is what you look like while only 10% is what you say.

Ms. Cooper, a consultant for men, said that you should dress for where you want to be, not for where you are.

The most powerful looks for men are: 1) a navy blue suit; 2) a gray flannel suit; 3) leather shoes; 4) cotton shirts and 5) knee length socks. Then individuality can be expressed through shirts and ties.

She recommended some books on the subject, such as **Dressing To Win** by Robert Pante.

Beth-Ann Burg of the Casual Corner gave suggestions for women. She emphasized the importance of "investment dressing" which is clothing that lasts 3-5

years or longer. Important parts of investment dressing are good classic styling and good quality.

She stated that organization is a must and that you should go through your closet and take out things that you haven't worn for two years, as well as any shopping "mistakes." Then you can begin to coordinate your clothes to determine what you have and what you need.

Since women's clothing is more flexible than men's, it can go further. By coordinating the colors of a few pieces, you can combine them to make many different outfits. The formula, according to Casual Corner, is $2+2+5=30$, meaning that nine pieces will make 30 different outfits. This way you can look different every day of the month.

Another suggestion is to buy your accessories at the time you buy the outfit because it is often difficult to try to match something later.

How you dress is more important than you may realize. Keep these suggestions in mind as you prepare for your interview because — success starts inside.

Victims of government agents also include farmers, lawyers, journalists, and leaders of peasant organizations and trade unions. Security forces have dumped or buried hundreds of bodies at several sites in the Emergency Zone. Fifty bodies were found in seven shallow graves at one site last summer. At other sites military authorities have obstructed exhumation or identification of corpses, which often bear clear marks of torture and a single gunshot wound in the head. Removal of clothing, severing of fingers, and the mutilation of facial features render identification difficult. A Peruvian woman testified that she and her daughter had searched for her missing son "at the place where the dead bodies appear. But we have only found the collar of his shirt, which the marines used as a blindfold on another person."

Numerous victims of "disappearance" were last seen alive at one of two government detention centers. The Huanta Stadium, a concrete structure built in 1974 for sporting events, serves as a provincial naval command headquarters. Authorities have denied detaining many of the prisoners held under the grandstand and in open areas of the stadium. Los Cabitos Barracks, a regional army headquarters, reportedly serves as the Emer-

gency Zone's main interrogation and detention center. Prisoners released from the barracks have testified that they saw people held there whom authorities denied detaining. These testimonies support evidence that guards in the barracks systematically torture detainees. Norma Cordero Martraza, a 12-year-old schoolgirl taken from her home at midnight last year, is among those last seen at the barracks.

NOTE

You can help in the work to end human rights abuses in Peru by joining Amnesty International's worldwide campaign. Please write a courteous letter to President Belaunde,

— Expressing your concern about the increasing number of "disappearances" and extrajudicial executions in Peru, and

— Urging the government to adopt measures for halting these practices, and

— Calling for full inquiries into cases of "disappearances."

Letters may be sent to: President Fernando Belaunde Terry (Presidente de la Republica del Peru/Palacio de Gobierno/752 Av. Canaval Moreya/Pescaderia/Lima/Peru. Salutation is Dear President Belaunde.

You can increase the effect of your letter by sending a copy to:

His Excellency Luis Marchand/Ambassador of the Republic of Peru/1700 Massachusetts Avenue NW/Washington, D.C. 20036.

Letters should be sent no later than March 31, 1985.

NON-SMOKING LEGISLATION: Is Cleveland Next?

continued from page 6

Ohio has no legislation curtailing smoking in the workplace, although there are groups with interest in non-smokers' rights. The Ohio GASP (Group Against Smoking Pollution) has chapters in Cleveland, Akron, and Cincinnati. The group has already had an impact on smoking policies in Cleveland, and is currently laying out a legislative strategy. Members seek support for voluntary and mandatory restrictions in public places, and would like businesses to support no-smoking legislation. The GASP group suggests that one way for a company to show support is through the use of incentive

programs to induce employees to stop smoking. At Cleveland's Bonne Bell, for example, smoking employees receive a pay bonus when they join the ranks of non-smokers.

It might be easier on other businesses if mandatory no-smoking legislation passes. That way, when smoking employees become unhappy with restrictions placed upon them, the heat will be off the employer as he will be able to pass the blame to the government.

There seems to be an interest in a Cleveland no-smoking ordinance similar to the one passed in San Francisco. The major purpose of such legislation would be to protect the public from the country's most dangerous airborne carcinogen: second-hand smoke. Although the majority of persons do not light up, smoking is nevertheless an acceptable norm in this country. People must live and work together, and individual bad habits should not be permitted in public when they are potentially harmful to others.

A Review of the Federal Hazardous Substance Act

by Ron Hurst

The Federal Hazardous Substance Act of 1960 ("Act") is a legislative tool used by the U.S. Consumer Product Safety Commission in its effort to protect the public from hazardous consumer products. An important component of the "Act" is the labeling requirement for hazardous products.

According to the "Act", a consumer product is any product that may be purchased, stored, or used around a house, apartment, or dwelling place. A product is considered hazardous if animal studies or human data indicate that it is highly toxic, flammable, corrosive, irritating, or a strong sensitizer. If a consumer product is a hazardous mixture in and of itself or if it contains hazardous ingredients, the "Act" requires the product to be prominently labeled with warning statement and safety information. The warning label shall contain the following information:

- a) an appropriate signal word such as "DANGER", "WARNING", or "CAUTION"; highly toxic chemicals should also include the additional word "POISON" and the skull and crossbones symbol;
- b) a description of the principal hazards involved in using the product;
- c) a list of the hazardous ingredients;
- d) safe handling and storage instructions;
- e) first aid instructions;
- f) the name and location of the manufacturer, distributor, or repacker; and
- g) the statement "Keep Out of the Reach of Children" when the product is not intended for use by children.

Any consumer product that can be considered hazardous and is not appropriately labeled in accordance with the Federal Hazardous Substance Act, is technically a misbranded product that cannot be legally sold.

Free Student Travel Catalog

The Council in International Educational Exchange (CIEE), the largest student travel organization in the United States, announces the publication of the 1985 Student Travel Catalog. Now in its twelfth edition, the 64-page Catalog is one of the most comprehensive, free budget travel guides available. It is an invaluable source of information on the basics of traveling, studying and working abroad.

International Student I. D. Card

The Catalog contains details on worldwide discounts, benefits and travel bargains available to holders of the International Student I.D. Card — the only internationally recognized proof of student status, and an absolute must for any student traveler. Eligible students are offered substantial airfare savings over regular prices on major international routes, automatic accident and sickness insurance as well as a free 64-page guide listing discounts in over 50 countries. The Council is the official U.S. sponsor of the I.D. Card.

Work Abroad Program

The Council's Work Abroad program, the only one of its kind available to U.S. students, provides an opportunity to work abroad on a temporary basis. By cutting through red tape, the Council has helped tens of thousands of students to obtain work in Great Britain, Ireland, France, Germany and New Zealand. Participants find that salaries more than cover the cost of room and board and many save enough to finance their post-work travel too.

International Volunteer Projects (Work Camps)

International work camp summer programs, open to both students and non-students, place volunteers in community service projects throughout Western Europe, Scandinavia and Eastern Europe. Participants are drawn from every corner of the world and free room and board help to keep participation costs minimal.

Statue of Liberty/Ellis Island Volunteer Project

After successfully launching a pilot program last summer, the Council will again in 1985 sponsor its Statue of Liberty and Ellis Island volunteer project. Using grant support from the United States Information Agency, and in cooperation with the National Park Service, the project will focus on the restoration of these two important monuments.

Free Travel Planner

A travel planning service, offered absolutely free of charge and without obligation is available to all Catalog readers. The Council will research the lowest possible airfare for any given journey and will suggest travel packages and options that fit the individual's interests and budget. More than 10,000 Travel Planners were processed by the Council in 1984.

1985 Ohio Bar Review and Writing Seminar



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- You receive the longest, most intensive course available . . . 7 weeks, 24 sessions, 100+ hours.
- You are provided with a simulated bar examination covering BOTH essay and multiple choice questions.
- You are guided by a professional staff of professors and practicing attorneys. (See back cover.)
- You receive personalized attention as needed and requested.
- The course is available to you in three forms:
 1. Live, in Cleveland, Columbus, Cincinnati and Toledo.
 2. Instruction by hi-fidelity tape to groups in major Ohio cities.
 3. Special cassette home study course.

20th CONSECUTIVE YEAR

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