IN THIS ISSUE
President's Message .................................. 3
Caution: Joint Custody .................................. 3
From the Dean .......................................... 4
What Would Orwell Say? .............................. 4
Coming Events .......................................... 5
About Our Life Members .............................. 6
Association Welcomes New Life Members .......... 6
From The Alumni Office .............................. 7
Support Your Alma Mater ............................ 7
Alumni Benefit Plan .................................. 8
Alumni Happenings .................................... 10
Obituaries ............................................. 11
Domestic Relations .................................... 11
Welcome New Attorneys .............................. 12
Faculty Happenings ................................... 13
Placement News ....................................... 14
Homecoming Party ..................................... 15

Photo Credits:
Chuck Humel, C.S.U.
Nate Eastman, C.S.U., L.M.S.

LAW NOTES, issued by the Cleveland-Marshall Law Alumni Association, 1801 Euclid Avenue, Cleveland, Ohio 44115. (216) 687-2368.

Editor: Maria Quinn, C-M '79
Alumni Coordinator: Sandi Oppenheim

1983-84 Alumni Board of Trustees

Front row, from left, Terrance L. Brennan, C-M '78, Robert Zashin, C-M '68, Leo E. Rossmann, C-M '29 (treasurer), Sheryl King, C-M '79, Maria E. Quinn, C-M '79, Michael T. Scanlon, C-M '59, David Paris, C-M '77, Sandi Oppenheim (alumni coordinator). Back row, from left, Terrance P. Gravens, C-M '77 (president), The Honorable Timothy Flanagan, C-M '71, Herbert Palkovitz, C-M '68, Bill Monroe, C-M '53, The Honorable Leo A. Jackson, C-M '50, The Honorable John T. Patton, C-M '58, Bernard J. Nosan, C-M '73 (secretary), Lawrence Wilhite, C-M '80, and Leon Plevin, C-M '57 (1st vice-president). Missing are Susan Gragel, C-M '80 (2nd vice-president), Samuel J. Agnello, C-M '68, and Ramon Basie, C-M '62.

The Cleveland-Marshall Family, including alumni, faculty, staff and students, celebrate the Fall of 1983 Bar Results in The Law School Atrium.
President's Message

The common bond between all Alumni from Cleveland-Marshall is the law degree which we all possess. That law degree has enabled us to enhance our lives through the practice of law or through use of our legal education in other fields. Each of us knows what our legal education and our law degree have permitted us to accomplish.

If others are to be afforded the same opportunity which we had to earn that law degree, we must join together to support the Association to contribute funds to the support of the Law College. Hopefully, the future will find the Alumni Association actively involved in the Development Program of the Law School. For now, the payment of dues is our contribution to the Law School and its future. For those of you who have not already paid your 1983-1984 dues, I would ask you to pay your dues as soon as possible. The Association must do more to support the Law School. Your dues payment today will add greatly to the Association's ability to support the Law School.

President's Message

Caution: Joint Custody
By Judge Lesley Brooks Wells C-M '74

Joint custody has become a household word, if not a fad. It sounds nice, conjuring up fairness, equity, equality, lack of parental conflict, and continuing relationships for children whose parents divorce. Like so many phrases, it can be misleading. "Revenue enhancement" does, after all, mean a tax increase. Speaking of Washington, D.C., "joint custody" has become au courant in Congress too. Representative Long of Maryland has introduced a curious amendment (HR 4266) to Title IV of the Social Security Act to mandate states consider joint custody as the first option in child custody cases as a condition to their receipt of Aid to Families with Dependent Children funds (AFDC). Currently in the Ways and Means Committee with no action taken on it, the implications of this bill, like joint custody itself, warrant close scrutiny.

Our national penchant for swallowing sugar-coated slogans, coupled with the seriousness of child custody issues suggest thoughtful consideration by lawyers and judges of what joint custody really means. Law, with its caution, long view and special reliance on terms of art may be slow to recognize what mental health disciplines focus on: the significance of what we "call" something so close to self-esteem as parenting. This may help explain why the public has eagerly adopted the joint custody concept, a significant departure from former legal and mental health theory.

Displacement of decision power following divorce is continuously sounded in the traditional formula of sole custody in one parent subject to visitation with the other. Visitation rights seem peripheral, second class. Behind visitation orders, usually coupled with a specific child support order, looms the unwelcome prospect of court interference and enforcement. Since value is seldom ascribed to the considerable financial and non-financial contributions of custodial parents, many parents without custody feel reduced to mere money machines. Joint custody is thought by many to avoid all this. Is it the answer?

Lawyers and judges know what the public forgets about child custody. It was American fathers who retained their children upon separation or divorce until the Industrial revolution and Victorian Era spawned the tender years presumption. A recent and limited doctrine of short duration, expounded in terms of mysterious bonds supposed to exist between mother and child, the presumption briefly favored mothers as custodians of young children, but generally maintained fathers as custodians of adolescent boys. Child support orders slowly developed, overcoming a general practice of relieving fathers of all support duties whenever a mother had custody. Today most states espouse gender-neutral custody standards and hold both parents responsible for financial support of a child to majority.

Lawyers need to explain to folks that legal custody is not necessarily coextensive with physical custody; that time-sharing is not exclusive to joint custody; that absent a court order both parents now have equal legal and physical custodial rights and obligations. Folks need to understand from the outset of divorce consultation that in Ohio joint custody is not even an option unless both parties can

The Honorable Lesley Brooks Wells

Lesley Brooks Wells was appointed Judge, Cuyahoga Common Pleas Court, Domestic Relations Division, by Governor Richard F. Celeste in April, 1983. Prior to appointment, Judge Wells was an attorney with Schneider, Sneed, Busch & Renneg. She taught law and urban policy at Cleveland-Marshall College of Law and the College of Urban Affairs at Cleveland State University and she served as Director of the 14-state national litigation center at Cleveland-Marshall College of Law. She was a partner in general civil practice in the firm of Brooks & Moffett.

Judge Wells graduated with honors from Chatham College in 1959. She earned her J.D., cum laude, from Cleveland-Marshall College of Law in 1974 and was admitted to practice in 1975.
From the Dean

ROBERT L. BOGOMOLNY

As I was thinking about writing this column, I was struck once again by a truly unique characteristic of Cleveland-Marshall - both the faculty and the student body bring an unusual combination of quality and diversity to the school, making it a truly exciting place to be. In this issue, I will focus on our faculty, sharing with you some thoughts about their outstanding qualities as individuals and as a group. In the next issue of Law Notes, I will highlight our students; I think you, as I, will find their accomplishments - before, during and after law school - to be remarkable as well.

As a reading of Faculty Happenings column in this issue of Law Notes will show, faculty productivity, as measured by published scholarship, is truly impressive - fifteen members of the faculty have had books or articles published or accepted for publication in recent months. This in itself is outstanding, but even more interesting is the wide range of subjects about which they have written - from an assessment of the constitutionality of the U.S. Claims Court to a jurisprudential discourse on Islamic law to analyses of the Ohio Rules of Civil Procedure.

Equally noteworthy are the "extracurricular" activities of our faculty. In the past year, two faculty members successfully argued major civil rights/civil liberties cases before the United States Supreme Court; two others are serving on prestigious ABA law reform committees; still others have brought their legal expertise to a variety of national and local community and service organizations.

As the range of interests and activities might suggest, the faculty have come to Cleveland-Marshall with a wide range of experience and backgrounds as well. They have practiced in small, medium and large law firms as well as government agencies, legal services offices, and corporations; they have represented plaintiffs and defendants in civil and criminal matters; some have combined their legal educations with graduate study in other fields - history, economics, political science, to name a few.

Each individual brings an outstanding combination of training, experience and interest to the school. As a group, they complement each other, allowing us to provide an educational program that is at once wide-ranging and deep.

What Would Orwell Say?

by Mark Fleischer

1984 is finally here and most of us are tired of hearing about "Big Brother". In contrast to Orwell's image of the world, we have today a relatively healthy democracy - no telescreens pervade our homes and no thought police control our minds. Big Brother has yet to appear. Surely Orwell's timing was off by at least a few years. Ironically, Orwell could not have known that technology would develop the way it has. Cable television and computer files were still decades away. Still, Orwell's vision was not meant to be taken literally. The dangers he described were borne out of a fear of totalitarianism and its effect on the human spirit. He recognized that the dangers to personal freedoms are always increased when power is concentrated in an elite few.

Today, however, our increasing reliance on information technologies renders traditions of privacy and personal autonomy vulnerable. Between 1977 and 1985 sales of personal computers will have increased over 700%. It is estimated that by the year 2000 over 100 million homes will have a cable subscription. Our legal system has not kept pace with these technologies. For instance, attempts by the FCC toward "increasing outlets for local self-expression and augmenting the public's choice of programs" by requiring a cable operator to establish a public access channel have been thwarted by the Supreme Court. See 59 FCC2d, 288 (1976); FCC v. Midwest Video, 440 U.S. 689 (1979). Because cable television today is used principally as an entertainment medium, its similarity to broadcast television induced the Court into treating cable operators the same as radio broadcasters. The law currently precludes the FCC from deeming a "broadcaster" as a common carrier and this is, in effect, what the FCC attempted by requiring public access to a cable operator's facilities. Id.; 47 U.S.C. S153. But as the potential of broadband technologies, such as coaxial cable and fiber optic cables, are utilized, cable operators may in fact act as common carriers. As we move closer to a "paperless society", people will come to depend on broadband systems, interfaced with personal computers, to transact all manner of business - from banking, home security, and electronic mail, to the payment of utility bills, buying and selling of goods and even voting. A growing number of cable operators already offer such "two-way" capability. In fact, the FCC is requiring the larger systems to offer such capability in the next few years. 47 C.F.R. S76.014.

Many believe that such power in the hands of cable operators could lead to abuse. As cable operators offer more services, com-
JOIN THE
CLEVELAND-MARSHALL
FAMILY AT . . .

The Alumni Association's First Annual Dinner Dance
Saturday, February 4, 1984
The University Club, 3813 Euclid Avenue, Cleveland, Ohio
Cocktails: 6:30 p.m. Dinner: 8:00 p.m.
A Scrumptious Buffet, entertainment and dancing, Cash Bar
$40.00 per couple, Alumni Association Members
$50.00 per couple, Guests and Non-Members
R.S.V.P. to Sandi Oppenheim, Alumni Coordinator at 216-687-2368.

Annual Recognition Luncheon
Honoring Congressman Dennis Eckert, C-M '74, and the Honorable August Pryatel, C-M '42
Friday, March 9, 1984
11:30 a.m. to 1:30 p.m.
The Bond Court Hotel, 777 St. Clair Avenue, N.E., Cleveland, Ohio
Chairman Terry Brennan, C-M '78, promises to keep the event running on schedule. Friends and firms are welcome.

Spring Seminar on Products Liability and Negligence the first week in April, 1984.

Ohio State Bar Convention C-M Alumni Breakfast
Friday, May 18, 1984.
8:00 a.m.
Stouffers-Inn-on-the-Square, Cleveland, Ohio
Several noteworthy speakers will address an important issue for Cleveland-Marshall: "The Future of the Night Law School." Breakfast attendees will be asked for their views on this key issue.
All alumni are urged to attend the Breakfast on May 18. This event will provide a good opportunity to renew old acquaintances, to meet new friends and to learn about plans for the Night School.
Please contact Sandi Oppenheim at the Cleveland-Marshall Alumni Association (687-2368), the Ohio State Bar Association (614-421-2121) or Susan Gragel (696-6122) to make reservations for the Breakfast.

Annual Open House in May, 1984.

MARK YOUR CALENDARS NOW!
For further information contact the Alumni office at 216-687-2368.
Association Welcomes New Life Members

Many dedicated alumni and friends are showing their support to the Law School and the Alumni Association through Alumni Association Life Membership.

A Life Member is afforded all the benefits of alumni membership. A plaque with each member’s name is on permanent display in the Law School atrium. Alumni Association showcase.

Leon Plevin, membership chairman, is happy to announce the recent joining of eleven fully paid Life members and ten who are partially paid. “I hope that many more alumni will support the Life Membership program,” said Mr. Plevin.

Life membership is $1,000, payable over four years at $250.00 per year, or all at once. Life Membership funds are being held in a special Trustee account which will be used to benefit Cleveland-Marshall College of Law students.

For further information on Life Membership, please contact membership chairman Leon Plevin at 216-621-2300 or alumni coordinator Sandi Oppenheim at 216-687-2368.

About Our Life Members...

AARON JACOBSON

“This law school has, from its inception, provided second career opportunities for myself and many, many others among our alumni. We should be forever grateful by showing continued support in this small way.”

RICHARD S. KOBLENTZ
B.S., 1982, Ohio State University; J.D., 1975, Cleveland-Marshall College of Law.

“As a student, I could not afford to attend law school. Cleveland-Marshall gave me the opportunity to attend a mixture of day and night classes. I was able to work as a law clerk because of this. I feel an obligation for what put me where I am today. I will be forever grateful.”

DANIEL R. MC CARTHY

“I am grateful to be a successful attorney in a large law firm today, working with many Cleveland-Marshall graduates. Dean Stapleton encouraged me to become what I am.”

JOHN J. MC CARTHY

“I am most appreciative of what the Law School has done for me in the course of my career. I will continue to support the Law School in all of its endeavors.”

MARSHALL I. NURENBERG

“I feel that the Cleveland-Marshall College of Law is a vital community asset, to be supported in the same way we support the Cleveland Orchestra, the Cleveland Playhouse, and the Great Lakes Shakespeare Festival, to name but a few. I want to preserve that asset for the greater Cleveland community.”

LEON M. PLEVIN

“I came to Cleveland as a stranger from a modest background. By means of attending night school, I was able to obtain a law degree while working during the day. I am grateful to Dean Stapleton for his encouragement, and for helping me to get a job.”

FRANKLIN A. POLK

“We who are in the profession should return to the University in order to make it possible for current and future students to also achieve. I feel that I owe a debt of gratitude to that citadel of learning which made it possible for me to become a franchised lawyer. Because of Cleveland-Marshall, I was able to achieve a life-long dream to become a lawyer.”

RICHARD T. REMINGER
A.B., 1953, Adelbert College, Case Western Reserve University; J.D., 1957, Cleveland-Marshall College of Law.

“I would be out on the turnpike fixing tile and roofs for nominal wages without Cleveland-Marshall. Dean Stapleton motivated me to become what I am today. I employ many Cleveland-Marshall graduates and try to support the law school whenever I can.”

JOHN J. (CHIPS) SUTULA
B.BA., 1947, Western Reserve University; LL.B., 1953, Cleveland-Marshall College of Law.

“I hire Cleveland-Marshall graduates whenever possible because I want them to have the same chance I did.”

DONALD P. TRACI

“I attended night school while supporting a wife and five children. The Cleveland-Marshall College of Law is a very special institution! I could not be where I am today without it. I am proud to say that I am an alumnus of Cleveland State University’s Law School, and hope the night program will always be!”

THE HONORABLE GEORGE W. WHITE

“Without Cleveland-Marshall, I would not be where I am today. The night school program was the only way I could afford an education. Life membership is just a small way of showing my appreciation.”
New Life Members

From The Alumni Office by Sandi Oppenheim, Alumni Coordinator

Getting to know our alumni is a most gratifying experience. As alumni correspondence increases, I marvel at the number of graduates who have, through their law degrees, achieved great success in other areas. This diversity adds much richness to the Cleveland-Marshall family.

Because of this, the Alumni Association has begun many new events and programs. We want to keep you involved with your alma mater through the diverse avenues we have created.

Please join the Board of Trustees in supporting the Alumni Association through membership dues and participation. You are a vital part of the Cleveland-Marshall family. Your presence at our events is a great asset to both the law school, yourself, and the Association.

Please continue to return the postage-free cards which are provided in this issue. News about yourself, your classmates, and address changes are vital to maintain appropriate correspondence.

A welcome to the many "Friends" who have joined the Cleveland-Marshall Law Alumni Association. "Friends" are members of the community who choose to support our fine College of Law, even though they may not have graduated from Cleveland-Marshall.

The Alumni office is located in the law clinic, room 41; the phone number is 216-687-2368. Please stop in or call to say hello. We want to hear from you.


If you have not paid your 1983-84 dues, please return the enclosed dues statement with your check and mail to the Cleveland-Marshall Law Alumni Association, 1801 Euclid Avenue, Cleveland, Ohio 44115. Membership entitles you to attend all Alumni events at a discount. JOIN THE CLEVELAND-MARSHALL FAMILY IN SUPPORTING YOUR FINE ALMA MATER! Please return the attached today!

---------------

CLEVELAND STATE UNIVERSITY
CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION
June 1983 – June 1984

I wish to support the Cleveland-Marshall Alumni Association. Enclosed is my check to cover:

- Annual Dues ........................................ $40.00
- Annual Dues (Graduate Class of '80) ............. $20.00
- Annual Dues (Graduate Class of '81) ............. $15.00
- Annual Dues (Graduate Class of '82) ............. $10.00
- Annual Dues (Graduate Class of '83) ............. $ 5.00
- Sustaining Membership ............................. $100.00
- Life Membership ................................... $1,000.00
- Law Alumni Association School Endowment Fund .... $15.00
- Law Review (Vol. 32) ................................ $15.00
- Friend of Alumni Association ...................... $40.00

Enclosed is my check $ or Mastercard No. ________ 
Visa No. Expiration date ________ 
Name __________________________
Address __________________________
City State Zip
Phone __________________________________
Graduating Class ___________
Alumni Benefit Plan Still Available

The Alumni Benefit Plan which began this fall has been well received by Alumni members. The plan has great flexibility, allowing for individual election of insurance limits and coverages, with preferential underwriting. OPEN TO DUES PAYING MEMBERS and their employees, we again offer this exclusive program. Features of the plan are:

**Group Life Insurance and Basic Hospital Plan plus Major Medical**

This may be the best buy in the market today. Available to Cleveland-Marshall Alumni who are registered members of the Association.

Term Life Insurance for individual or family in increments of $10,000 ($10,000 minimum is required to participate in the medical plan)

<table>
<thead>
<tr>
<th>Basic Hospital Plan</th>
<th>PLUS Major Medical Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>365 Days semi-private UCR</td>
<td>1,000,000 individual maximum</td>
</tr>
<tr>
<td>Medical Expense UCR</td>
<td>9200 Individual deductible</td>
</tr>
<tr>
<td>Diagnostic UCR</td>
<td>80/20 of $2000 then 100%</td>
</tr>
<tr>
<td>Full Maternity Coverage UCR</td>
<td>Surgery at UCR</td>
</tr>
<tr>
<td>Mental Disorders, Alcoholism UCR</td>
<td></td>
</tr>
</tbody>
</table>

**Medical Plan Rates for Ohio**

Family $238.29 per month — Single $86.49 per month

Underwritten by Mutual of New York and Blue Cross/Blue Shield of Greater New York.

**Alternative Medical Plan**

$1,000,000 Comprehensive Major Medical Plan

Available to Alumni members and their employees who wish a high deductible, high co-insurance, low premium plan.

**Life Insurance - Alternatives**

If you have a need for personal life insurance - "Batch" underwriting has been arranged for OMLA members through MONY. This is much more liberal than individual underwriting.

**Annual Term Insurance - Whole Life - Universal Life**

**Group Long Term Disability Income Protection**

- Benefits to Age 65 or Five Years
- Residual disability benefit
- Liberal Underwriting
- Elimination period 30 days or 90 days
- Remarkably low rates

**Long Term Disability Income Protection**


Non-Cancellable Guaranteed renewable to age 65 - May keep to age 75

Lifetime Sickness Benefit

Definition - "unable to perform material duties of regular occupation"

Residual Disability Benefit

Zero Day Partial Disability Benefit

Non-Consecuting qualifying days satisfy the waiting period

Cost of living adjustment to 8% compounded annually

Purchase Option-$2400 Per month-cumulative to age 50

Elimination periods 0 days to 365 days

**Group HR-10 Plan**

The plan will be offered if there is sufficient response.

1. Professional money management
2. Principal guaranteed against
3. Earnings rate guaranteed
4. All annuity options available
   1. Life only
   2. Life and period certain
   3. Joint and survivor
5. Same plan and administration that is available to major partnerships and corporations

**Automobile**

Purchase Lease Conditional Sale

Purchase a new Oldsmobile at $150 over the Dealer's invoice price

Lease any make or model at 10% discount from the advertised lease price.

Conditional Sale allows the eventual purchase of a Mercedes or similar luxury car at little or not after tax cost.

This is a unique concept and program.

**Travel Benefits**

For information contact Alumni Office.

Please return the enclosed tear sheet to Cleveland-Marshall Law Alumni Assn., 1801 Euclid Ave., Cleveland, Ohio 44115. For further information, call 216-687-2368.

Contact me regarding the benefits checked below

| Basic Hospital and Major Medical |
| Group and Individual Term Life Insurance |
| Long Term Disability Group and Individual Coverage |
| Retirement: Group HR-10 |

Name: ___________________________ Class of: ___________________________

Firm: ___________________________

Address: ___________________________

City: ___________ State: ___________ Zip: ___________


I am not a current member. Please send me a dues statement, or fill out the dues statement provided in this issue and return with a membership check.

8
Alumni Happenings

CLASS OF '39
FRANKLIN A. POLK was recently presented with the American Judicature Society's Herbert Harley Award in recognition of his service to improving the effective administration of justice. Polk has served as a fine example of commitment to the ideals of fair and impartial justice for all.

CLASS OF '53
A 30th reunion was held in September at the law school, headed by BILL MONROE. Alumni compared their former "institution over a loud printing plant" to the current law school building, while sipping champagne with their spouses and guests.

Ralph J. Dilley attended with his wife Marjorie. He is currently working with a law firm in Traverse City, Michigan.

Donald L. Stehr is director of risk management for the Stroh Brewery Company in Detroit, Michigan.

Bert Wolstein has been busy running the northeast Ohio franchise of The Force soccer team. He is also a member of the executive and national expansion soccer committees.

CLASS OF '54
Daniel R. McCarthy, former class president, plans to contact '54 alumni for a 30th reunion. A letter should be mailed out shortly. Jack Smith, former vice president, and Ed Hug, former secretary, will serve on the committee.

Kermit K. Neely is a judge in the Medina Municipal Court.

Carl B. Stokes was recently elected judge of the Cleveland Municipal Court. He is one of a few individuals who has served in the legislative, judicial, and executive branches of government.

CLASS OF '59
Paul Granzier will chair the 25th reunion. If you wish to serve on this committee, please contact the Alumni office at 216-687-2368.

CLASS OF '62
Clarence L. James, Jr. was elected president and chief operating officer of the Keefe Company, Washington, D.C., in October, 1983. The Keefe Company is a government relations/public affairs firm that specializes in domestic and international business consultation.

CLASS OF '63
Arthur B. Heard was recently named head of Cuyahoga County's equal opportunity office. In this capacity, Heard will monitor compliance to the federal affirmative action plan for companies doing business with county hiring.

A 20th reunion was held in October at the University Club, Cleveland. The event was chaired by Jerry Kraig and committee members Eileen Kelley, Dick Dunn, Hank Hentenman, Bob Tuoff, and Judge Francis Sweeney. Many alumni attended the dinner dance, including Judge Daniel O. Corrogan, Judge Francis Sweeney, and Judge Leodis Harris.

Jim Thomas came all the way from California. He has retired from the practice of law and is into real estate development.

CLASS OF '64
A 20th reunion is being planned. If you wish to serve on this committee, please contact the Alumni office at 216-687-2368.

CLASS OF '65
Judge John E. Corrigan, former class president, and Judge Ann Marie Dyke, former class secretary, will co-chair a fifteenth reunion. Letters will be forwarded soon.

Herbert Palkowitz was elected to fellowship in the American Academy of Matrimonial Lawyers in November, 1983.

CLASS OF '70
John F. Pilch is manager of the claims department for United Pacific/Reliance Insurance.

Jeffrey L. Weiner served as Chairman of the Bar Association of Greater Cleveland's 26th Annual Cleveland Tax Institute held on November 17, 1983. The event was attended by approximately 500 tax practitioners.

CLASS OF '71
Marian Nathan is the 1983-1984 Cuyahoga County Bar Association president. Installed in May, she is the first woman to head a major city bar in Ohio and the fourth woman president of a major city in the U.S.

CLASS OF '72
Harold D. Smith is in the private practice of law in Hollywood, Florida. He had represented Eastern Airlines for 3½ years in Labor Arbitration and the American Federation of Government Employees out of Washington, D.C.

If interested in serving on the committee, contact the Alumni office 216-687-2368, or class representatives chairman Herbert Palkowitz 216-771-3777.

Richard L. Ayres was appointed by Ohio Speaker of the House Vern Rife to the Advisory Committee to consider constitutional issues relating to State Issues Two and Three. He is currently an associate professor at the University of Akron School of Law.

J. Julie Jason is vice president and assistant general counsel to Paley, Webber, Jackson and Curtis, Inc. in New York City.

Marian Jakulis Jason is associated with the law firm Taggart and Colucci in New York City. The firm specializes in Trademark, Copyright and Patent Law.

CLASS OF '75
Molly Faven is currently staff attorney for Evergreen Legal Services.

Harold Wesley Fuson, Jr. was recently appointed legal counsel to the Copley newspapers in San Diego, California. He will be responsible for editorial legal problems of the San Diego Union and The Tribune. Fuson taught communications law before joining the Times Mirror Co., publisher of The Los Angeles Times, as staff counsel.

Continued on Page 10
CLASS OF '77  
K. J. MONTGOMERY was recently appointed prosecutor for the city of Shaker Heights. She is also prosecutor for Richmond Heights and Highland Heights, and assistant law director for Bedford Heights.

CLASS OF '78  
TERRENCE L. BRENNAN was appointed chief counsel and assistant law director for the city of Shaker Heights on November 1, 1983. He was previously Shaker Heights prosecutor. Mr. Brennan is also executive director of the Shaker 100 Inc., a non-profit corporation designed to assist Shaker Heights police and fire fighters.

GEORGE KUHLMAN has left the Greater Cleveland Bar Association as legal counsel to take a new position with the American Bar Association in Chicago as special counsel to the Implementation Committee for the Rules of Professional Conduct. He will serve for two years in this capacity as a B.A. spokesperson with the Supreme Court.

GEORGE KUHLMAN has left the Greater Cleveland Bar Association as legal counsel to take a new position with the American Bar Association in Chicago as special counsel to the Implementation Committee for the Rules of Professional Conduct. He will serve for two years in this capacity as a B.A. spokesperson with the Supreme Court.

LAURENCE P. SKLENKA was appointed chairman of the Law and Legislation Committee on the Cleveland Association Life Underwriters Board.

ROBERT ARTHUR STRICKLETT earned the status of Diplomate of the Court Practice Institute in Chicago, Illinois, on August 20, 1983.

CLASS OF '79  
JEAN-ROBERT AUGUSTE was appointed assistant corporation counsel for the city of Mount Vernon, New York, in August, 1983.

AUDREY D. DAVID will chair a fifth class reunion. If interested in serving on the committee, please contact Ms. David at 216-831-2322.

CLASS OF '80  
RICHARD MORRIS was recently named chief of the Stark County Juvenile Division, where he was formerly an assistant prosecutor.

CLASS OF '81  
DAN Pribich and PAUL ST. MARIE are team prosecutors for the city of Elyria, Ohio. As co-prosecutors, the pair represents the city in all misdemeanor crimes which occur in Elyria and the townships of Eaton, Elyria, Carlisle, Columbia, and La Grange.

CLASS OF '82  
ALAN BIALOSKY has been busy with an international line of teddy bears, books, calendars, and related fun things called Bialosky and Friends. He and his wife Peggy also write the Plain Dealer pet column.

GEORGE KEITH was recently named an associate of the Dyer and Cox law firm in Kent, Ohio. Keith was formerly a prosecutor's assistant at the Portage County Juvenile Court.

GARY N. TRAVIS is an assistant director of law for the city of Cleveland.

CLASS OF '83  
K. RONALD BAILEY opened a law office in Huron, Ohio, in July. He is accepting cases for trial in criminal law, personal injury, domestic relations and workers' compensation.

EDWIN HARGATE III has been elected council-at-large for Highland Heights.

SUSAN M. STEPHANOFF has opened a private practice in Cleveland's Terminal Tower.

Alumni News About Yourself or Lost Alumni

Please send to the Cleveland-Marshall Law Alumni Association, 1801 Euclid Avenue, Cleveland, Ohio 44115.

改变地址

| Name: | | |
| Class: | | |
| Position, Firm: | | |
| Office Address: | | |
| Office Phone: | | |
| Home Address: | | |
| Home Phone: | | |
of bits of information. Some hackers have already demonstrated the potential for damage by gaining access to computer files at the Sloan-Kettering Cancer Research Center through use of an Apple II computer. Enough damage was caused to concern the FBI. Imagine what a large corporation seeking information with a mainframe computer could do?

The law regarding unauthorized access to computerized data files is inadequate. Hacking is not considered a form of wiretapping for a hacker does not eavesdrop. Thus, the Omnibus Crime Control and Safe Streets Act is not very effective except where national security is involved. See 18 U.S.C. 2510-2520. Section 605 of the Communications Act of 1934 also does not squarely confront the problem. See 47 U.S.C. S605. That law prohibits the interception of wire or radio communication not intended for the general public. Again, a hacker does not eavesdrop on a communication between two terminals. He is the intended receiver for he induces the computer into transmitting the signals to him.

Protection against the hacker will likely come either from legislation or from an action based on a privacy tort. Unauthorized access is essentially a trespass akin to walking through an open door and rifling through a file cabinet. Yet, such intrusions are, apparently, quite easily effected. Furthermore, it is a difficult task to find those parties who are responsible for such intrusions. Hackers can act at high speed and become electronic ghosts flashing through a system.

One important question facing the attorney is: "Who is liable?" Is the computer hacker who intelligently "guessed" an access code? Is it the employee who divulged the password to a friend? Or is it the owner of the system who was negligent in not changing the password often enough? Clearly, some duties exist for providing safeguards.

History provides some clues on what form these safeguards could take. For example, radio communication stimulated a tremendous growth in the study of cryptography - the science of secret communications. This growth did not occur however until the potential for abuse was demonstrated. Since anyone could listen in on radio broadcasts, nations developed methods to maintain the privacy of their communications. The encoding of radio signals, clearly indicated some privacy interest was involved.

Recently, the National Bureau of Standards has devised the Data Encryption Standard - an algorithm for enciphering data which has yet to meet wide spread approval.

Research is being conducted on "public-key encryption" systems which would allow a person to send an encrypted message to another person without any prior arrangement. It could even be utilized in creating "digital signatures". It is therefore possible that authentication of documents and the preservation of confidentiality will be more easily accomplished. Whether some legal duty to encipher data would evolve is unknown.

The law regarding subscription television may be relevant here. This form of entertainment is broadcast in scrambled form. Only authorized subscribers with "black boxes" may decode these signals. Courts have held that scrambling precludes a finding that such broadcasts are intended for the general public notwithstanding the fact that the transmissions occur over the public airwaves. See Chartwell Communications Group v. Westbrook, 637 F.2d 459 (1980). Unauthorized decoding of such signals has been held to violate section 605 of the Communications Act of 1934. Indeed, firms have been enjoined from manufacturing and selling these black boxes.

What would this mean for the electronic ghosts - the professional or amateur computer hacker? Would mere possession of a slip of paper or a floppy disk with a password recorded on it somewhere render one liable for armed computer bank robbery?

Needless to say, the law will develop and attorneys will be the agents that nudge this development along. Attorneys will have to advise clients on matters that are more frequent as the future unfolds. This area of law will likely see some dramatic changes in the next few years. Congress is currently holding hearings on cable television, computers in the home and the threats they present to privacy interests. Amidst all the technological marvels and hype it is easy to forget that privacy and freedom go hand in hand just as do intrusions and totalitarianism. Attorneys will have to play their traditional role as stalwarts of democratic values in an area that may seem hostile and intimidating. Technology can appear as extremely self-confident opposing counsel. But the challenge is there and if Orwell were around today, it would be a pity if the only thing he had to say was "I told you so!"
Cleveland-Marshall alumni who recently passed the Bar joined current students, faculty, staff, and the Alumni Association in celebrating their passing of the Bar in October. This annual event, sponsored by the Alumni Association, is another opportunity for alumni to meet and mingle as part of the Cleveland-Marshall family.

2nd Vice-President Susan Gragel, C·M '80, congratulates new Cleveland-Marshall attorney Linda Rocker Sogg while 1st Vice-President Leon Plevin, C·M '57, Dean Robert Bogomolny and Adjunct Professor Wilton S. Sogg share her joy.

Members of the Student Bar Association celebrate with alumni and new attorneys. From left, Chuck Longo, Steve Richman, Bruce Rosewater, SBA President David Lambrose, and Tony Bondra.
**Faculty Happenings**

**Professor Joan Baker**'s article "Is the United States Claims Court Constitutional?" was published in the most recent issue of the Cleveland State Law Review. Professor Baker is also a member of the University Faculty Staff-Alumni Club Committee and is an Incorporator of Friends of Howe Mansion Restoration, Inc., which has been formed to coordinate efforts to restore the old Howe Mansion as a site for the proposed faculty-staff-alumni club.

Dean Robert L. Bogomolny spoke about trends in legal education to members of the law firm Ulmer, Berne, Laronge, Glickman & Curtis at a luncheon in September. On November 19, 1983, he spoke at the C.S.U. Alumni Association Central Ohio Chapter Dinner in Columbus, Ohio. On February 14, 1984, he will speak at the Fairmount Temple Brotherhood Forum Breakfast on "Has 1984 Arrived in the Mental Hospitals?"

Professor J. Patrick Browne's article "Civil Rule 13 (J) and the Cleveland Municipal Court" was published in the Cleveland Bar Journal. His "Compulsory Counterclaims and the Problem of Subject Matter Jurisdiction" was published in the Ohio Bar Journal and was cited by the Ohio Supreme Court in its opinion in the case of Behrie v. Beam. In addition, Professor Browne delivered a paper entitled "Documenting Service of Process: Keeping the Clerk Out of Court" to the Northeastern Ohio Municipal Clerk's Association.

On December 2, 1983, Professor Hyman Cohen delivered a paper "Exclusive Representation and the Election Process Under the New Law" at a conference on the new Public Sector Collective Bargaining Law sponsored by the American Arbitration Association and the Case Western Reserve University Industrial Relations Group. Professor Cohen also served as moderator at the conference.

Associate Professor Michael Davis's book INTELLECTUAL PROPERTY - PATENTS, TRADEMARKS AND COPYRIGHT (co-authored by Arthur Miller) was published by West Publishing Company in 1983.

Street Law Director Elisabeth Dreyfuss, C'M 78, and James Vargo, C'M 83, who was former staff assistant in the Street Law in Mental Health Facilities Program, contributed "Reaching the Mental Health Community" to UNDERSTANDING THE LAW: A HANDBOOK ON EDUCATING THE PUBLIC, published in 1983 by the A.B.A. Commission on Public Understanding About the Law.

Associate Professor Ted Dyke has been appointed by Ohio Governor Richard Celeste to chair the State Personnel Board of Review established by the new Public Sector Collective Bargaining Act.

Professor Joel J. Finer is compiling course materials for a series of courses in the area of Law and Medicine, the first of which, Forensic Psychiatry, is being offered this Spring at the law school.

Professor James Flaherty is editor of Banks Baldwin's OHIO DOMESTIC RELATIONS LAW (1984).

On December 13, 1983, Professor David Forte, who is on academic leave this year, presented a paper, "Natural Law and Natural Laws" at the Conference on Legal Theory and Philosophy of Science in Lund, Sweden. Professor Forte's article "Western Law and Communist Dictatorship" was recently published in the Emory Law Journal and his "Comparative Criminal Law and Enforcement: Islam" appears in the ENCYCLOPEDIA OF CRIME AND JUSTICE (Free Press).

Professor Stephen Gard's article "The Flag Salute Cases and the First Amendment" was published at 31 Cleveland State Law Review 419 (1983).

Assistant Professor Sheldon Gelman's article "Mental Hospital Drugging: Atomistic and Structural Remedies" will be published by the Cleveland State Law Review.

Associate Professor Louis Geneva authored "Simplifying Qualified Terminable Interest Property Use - Planning Considerations" in the Review of Taxation of Individuals (Winter 1984). He addressed the 1983 Cleveland Tax Institute on "Qualifying Plan Distributions - Income and Estate Tax Consequences to Plan Participants and their Beneficiaries."


Assistant Professor John Makdisi's article "Legal Logic and Equity in Islamic Law" will be published in the forthcoming issue of the American Journal of Comparative Law. His "Fixed Shares in Intestate Distribution: A Comparative Analysis of Islamic and American Law" (with Iden Martyn) will be published in the Brigham Young University Law Review and his "An Objective Approach to Contractual Mistake in Islamic Law" will appear in the journal Al-Sharrah wa-al-Qanun. His book review of H. Toledano's JUDICIAL PRACTICE IN MOROCCO was published in the Middle East Studies Association Bulletin.

Professor Elizabeth Moody, on leave this year, has been appointed to the ABA Ad Hoc Committee on Consumer Bankruptcy Amendments, which is preparing a report on the issue of whether the Bankruptcy Code is too "titled" in favor of the consumer debtor. She has also been appointed to the Small Business and High Technology Advisory Committee of the Ohio Division of Securities.

Assistant Dean Jan Murray was a guest speaker at Case Western Reserve University Law School; she spoke on "State Intervention in Family Life: Constitutional and Public Policy Considerations." Dean Murray has been appointed to serve on the Ohio Committee on Child Welfare Services, a task force convened by the director of the Ohio Department of Public Welfare. She has drafted proposed rules to govern Ohio's child care agencies.

Associate Professor Solomon Oliver has been appointed by H.U.D. to the Community Housing Resources Board, which monitors an affirmative marketing agreement entered into by H.U.D. and the National Association of Realtors.

Professor William Tabac has prepared the 1983 Supplement to West Publishing Company's OHIO COMMERCIAL AND CONSUMER LAW.

Professor Stephen J. Werber's article "The Product Liability Revolution - Proposals for Continued Legislative Response in the Automotive Industry," 18 New England Law Review 1 (1982-83), has earned him Cleveland-Marshall's Howard L. Oleck Award for faculty writing for the 1982-83 academic year. His article "A Multi-disciplinary Approach to Seat Belt Issues," 29 Cleveland State Law Review 217 (1980), was cited by the Wisconsin Supreme Court in Foley v. City of West Allis, 113 Wis. 2d 475, 335 N.W. 2d 824 (1983). On October 8, 1983, Professor Werber chaired a workshop at Capital University on Multiple Punitive Damages Awards in Design Litigation as part of that school's Sullivan Lecture Program. On October 11 he spoke to the Alumni Association and on September 14 he was a panelist at a discussion of "Preventive Counseling in the Defense of Products Liability Cases" sponsored by the Corporate Law Section of the Bar Association of Greater Cleveland.

Associate Professor Fredric White is a member of the Cleveland Municipal Court Rules Revision Committee.

Associate Professor James Wilson's article "Chaining the Leviathan: The Unconstitutionality of Executing Those Convicted of Treason" will be published in the University of Pittsburgh Law Review.
Caution:
Joint Custody
Continued from Page 3

reach a specific agreement and operate under a full joint custody plan. The press is full of other forms of "split", joint, or co-custody. Some states have preference/presumption statutes, other order joint custody at the request of one party and some statutes are simply permissive. T.V. and radio talk shows blend them all into one sweet palliative.

Attorneys need to be alert among clients for: parents who simply swallow the sugar-coated pill without understanding the nature of their obligation; a parent who chooses joint custody simply to assuage the classic hope of the child of divorce "not to choose"; a parent who uses a custody demand merely as a bargaining tool and then "compromises back" to joint custody; a parent who, unable to face the toughest decision when a marriage ends, uses joint custody as a cop-out; a parent who demonstrates damaged ability to make important decisions with their spouse.

Lawyers and judges know from experience general post-divorce behavior patterns which many divorcing parents cannot anticipate. While our profession should sensitize its terms and permit tailor-made custody decisions wherever possible, there is no magic in the phrase joint custody. We know millions of American children have full and meaningful association with both parents under the traditional sole custody/visitation formula. Harsh exceptions exist: strenuous refusal of support or of substantial visitation - one often played off against the other - and active alienation of children against the other parent. These need not be aided nor abetted by lawyers. Joint custody is clearly inappropriate for such parents, although frequently requested.

Joint custody makes sense for parents committed and able to continue shared responsibility for raising children after divorce. Many, but not all folks who successfully coparented while married, can co-parent after divorce. Lawyers know, however, that the best laid plans are often insufficient in this mobile Society of "serial marriages." New spouses and families shift and add perspectives, responsibilities and loyalties. Economic necessities and separate career decisions alter time and resources available to really co-parent.

Lawyers know from experience the long emotional residue of divorce, the frequent bitterness and anger, even violence, usually underestimated by divorcing parties. With Dissolution and no fault statutes, lawyers' roles in custody agreements have expanded and they know what judges have known, with the Supreme Courts of Colorado and Washington, "(n)o question ever submitted to the courts calls for greater care or wisdom in its decision, and none is more far-reaching in its consequences." Searle v. Searle, 115 Colo. 266, 172 P.2d 837 quoting Brock v. Brock, 123 Wash 450, 212 P.550.

Joint custody can and does work in some cases. For two people who, for whatever reason, are terminating their primary relationships and "making a new life" for themselves, it remains an extraordinary challenge to continue to interact and make joint decisions successfully, on equal footing, for the children of their former marriage. Joint custody has become a household word, a rallying cry. With due caution, full information and perspective, it need not become a fad, or salve for adult egos at the expense of children.

Placement News...
by Nancy Goldman, Placement Director

This year's Cleveland-Marshall placement statistics are the best ever, and we would like to share the good news with alumni.

To date, 86 percent of the 1982 class has been placed. Of that percentage, the largest number entered private practice. Approximately 32 percent of the 1983 graduates are working in small firms of two to 25 members. The employment breakdown for 1982 graduates is:

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>44.8%</td>
</tr>
<tr>
<td>Business</td>
<td>24.2%</td>
</tr>
<tr>
<td>Government</td>
<td>12.1%</td>
</tr>
<tr>
<td>Judicial Clerkships</td>
<td>6.7%</td>
</tr>
</tbody>
</table>

The remainder are pursuing public service or academic careers.

This fall's On-Campus Interviewing season was a huge success. More employers interviewed at Cleveland-Marshall than ever before. Confirming the continuing marketability of Cleveland-Marshall students, 38 percent of second year and 46% of third year students were invited to interview with prospective employers. Although we are awaiting final results of the 1983 recruiting season, we can report that every major Cleveland firm has extended offers to our students.

We still have to serve the needs of the greatest majority of our prospective graduates, and with the job market so tight we are asking for your help. If you hear of, or know of, any job openings, please call our office. If you reside outside of the Cleveland area, we need your help more than ever. We are encouraging our students to look beyond Northeastern Ohio and go wherever the opportunity presents itself. Please let us know by phone or by mail if there's a vacancy that you know about. We also have a roster of experienced attorneys who just may fill that need. The Placement office number is 216-687-2332.

Please return the attached to Nancy Goldman, Placement Director, Cleveland-Marshall College of Law, 1801 Euclid Avenue, Cleveland, Ohio 44115.

Expect openings for graduates third second and/or first year law students.

Date position (s) available

Employer's name and address

Contact Person

Name

Title

Requirements

☐ I am willing to talk to students about job opportunities.
Homecoming Party
Enjoyed By All

Alumni, faculty, students, staff, and guests all enjoyed the Alumni Association’s First Homecoming Party, which was held on September 15, 1983 at the Engineers Building before the Cleveland Browns vs Cincinnati Bengals game. Jerry Walton, C-M ’80, and Lee Mull, C-M ’80, co-chaired the event.

More Homecoming Party photos on next page.
CLEVELAND-MARSHALL LAW NOTES
CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION
1801 EUCLID AVENUE • CLEVELAND, OHIO 44115
(216) 687-2368

This publication made possible by your membership dues.