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The GAVEL

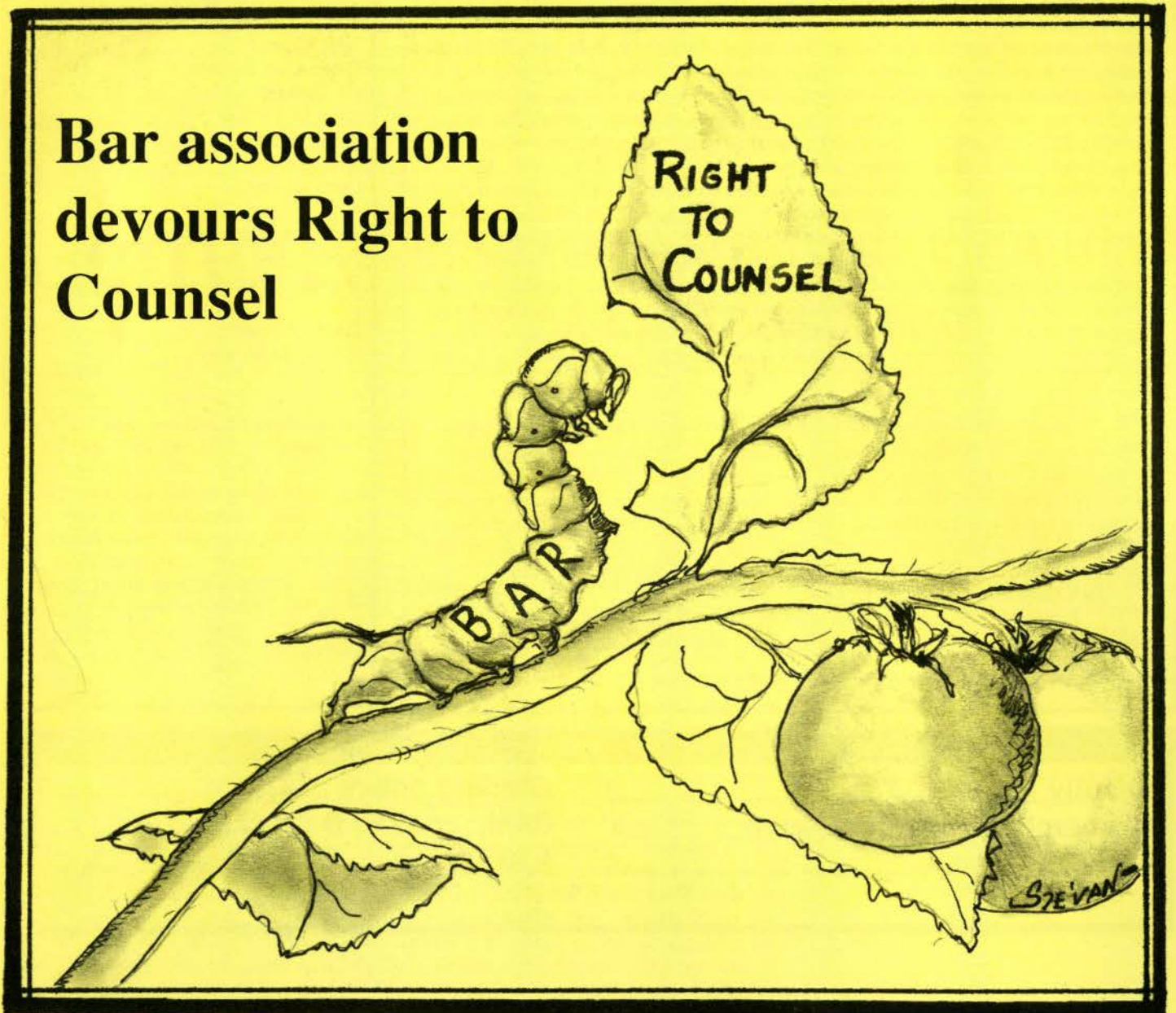
Cleveland-Marshall College of Law

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May, 1990

**Bar association
devours Right to
Counsel**



Don't miss these professors

After years of attending classes and speaking to other students, it is easy to get a feel for which professors "have it" and which don't. Many students experienced the pain of sitting through a completely disastrous class while others were experiencing masterful lectures and charming wit. For those of you who have experienced the awful here is a list of the best. While there are many great professors at Cleveland-Marshall, this is a list of those professors that you shouldn't miss (although the list is limited by the experiences of the writers).

J. Patrick Browne, Professor of Law

Attending a Browne lecture is like watching one of the great masters paint. His precision and knowledge fill the room like the master covers the canvas. In Ohio, he is the master, the "authority" on Ohio civil procedure. He can recite the rules or the cases off the top of his head. He can tell you what motion is proper in a particular situation and why. He is cited by many state courts. Browne is truly a master not to be missed.

Frederic White, Jr., Professor of Law

There is no way to describe a Fred White class. He usually starts with a joke or a reminder to the late students that the jewelry store down the street has a sale on watches. White keeps his wit turned on throughout the class and continually breaks up what at times could be terribly boring material. White makes difficult material easy to understand and always tells it like it is. He does not pull punches. His grading is fair. He knows what he's talking about, especially landlord-tenant law, having written the leading authority in Ohio. He is now teaching a clinic on the subject. His classes can shed some joy on a semester filled with despair.

Steven H. Steinglass, Professor of Law

How often do you have the chance to take a class from the man who wrote the treatise on the subject? Steinglass is the professor to take for 1983 Litigation. He is the man. Everyone around the country follows his treatise. He has written and lectured on 1983 extensively, and can tell you anything you could ever think to ask on the subject, or he'll tell you that no one knows, and you better believe him. Don't let Steinglass' laid-back style of teaching fool you, he can usually get a classroom discussion started on almost any topic of law, provided you're prepared. Steinglass has argued before the Supreme Court not once but three times. Anytime you can get that kind of experience in a professor, combined with a unique teaching style, take it.

Solomon Oliver, Professor of Law

Professor Oliver is one of the nicest persons at Cleveland-Marshall, both in and out of the classroom. In the classroom, he expects students to be prepared and participate in discussion, but will always gently prod when one begins to flounder. His trial advocacy classes are always full because of his ability to teach the concept, even to the most nervous or inept, without ever embarrassing or ridiculing. Oliver comes to class so well-prepared that the hours simply flow. He can make three years of law school seem worth it. Whether civil procedure, federal jurisdiction or trial ad, don't pass up an opportunity to take Oliver.

Jack Guttenburg, Professor of Law

Jack (as he prefers to be called) is intensely interested in preparing students to become attorneys and this interest is reflected in all of his class presentations. Additionally, Jack teaches

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The GAVEL

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Any interested students, including first-year students, are encouraged to become involved. The Gavel office is located in room 23, near classroom 12. Stop by, someone is usually in the office. Or put a note in the envelope on the door.

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faculty forum

Sierk disappointed by articles

by **Carroll H. Sierk, Professor of Law and Assistant Dean**

As one who has been dealing with student problems for more than thirty years in university and law school teaching and/or administration, I find myself more than a bit disappointed in the lack of understanding evident (at least to me) in the articles by Dan Levin and Kevin String in the April 1990 issue of the GAVEL.

While every "issue" mentioned in those articles could be responded to by way of explanation, excuse, defense, view from a different perspective or the like, I believe that I should comment only on those items where I have the most knowledge, concern, or responsibility.

In general I am disappointed in the suggestion that no one in the administration, faculty or staff cares about student concerns. As things appear to me (from my perspective if you will) the opposite seems to be the case.

Commenting on Mr. Levin's article first, the matter of "a limited course schedule" seems a good starting point. Of course our course schedule is limited because our resources are limited. Trying to make efficient use of those resources presents some very real problems in

scheduling (and otherwise). Full-time faculty is, of course, one major resource. If we lack a full-time faculty member qualified to teach and interested in teaching a particular course, we may find ourselves simply unable to offer the course. Even if the course might be taught by an adjunct and our adjunct budget is adequate (not always the case), there remains the often very real problem of finding a qualified adjunct who would be available when we need the course taught. Further there are accrediting limits on the proportion of adjuncts to be used. The problem extends beyond course offerings to student desires to have particular courses taught by particular faculty members at particular times. Faculty desires as to courses and course scheduling aside, there are conflicting student desires as to whether a course should be taught in the morning, the afternoon, the evening, or on Saturday. I am told that as compared to most other law schools our course schedule is rich and varied. I would welcome an opportunity to discuss scheduling problems in some detail with any interested student or group of students.

Turning to the supposed grading standards problem, this seems to me to be a matter of faculty adopted guidelines rather than administration
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Letter: Concerned students should try to get involved

Editor:

Another academic year is coming to a close at Cleveland-Marshall and with it this, the last issue of the Gavel. As much as I have enjoyed reading the Gavel over the past three years, I do not regret the end -- at least temporarily-- of what has been a stream of articles slamming fellow students, faculty and administration alike. And while I in no way admonish the Gavel for supporting the exercise of the First Amendment rights, I do wonder whether Cleveland-Marshall students truly are "concerned" and, if so, whether this is good or bad for our law school community.

According to Webster, "concerned" means anxious or worried, interestedly engaged, or culpably involved. That Cleveland-Marshall students are anxious or worried about issues such as the grading scale, class and exam scheduling, and the performance of the Student Bar Association, is reflected in recent articles published by the Gavel. Going one step further, however, leads one to question whether Cleveland-Marshall students are "interestedly engaged" or "culpably involved" in such issues. Although both phrases boil down to being concerned, the former

has positive connotations while the latter reflects negatively on those "concerned". To be "interestedly engaged" implies that one is committed to or greatly interested in something, whereas "culpably involved" suggests blameworthy participation.

It is unfortunate, but in my opinion true, that Cleveland-Marshall students are guilty of blameworthy participation rather than commitment. By this I mean simply that it is easy to point the finger of blame at others; it is something else entirely to recognize that one's own inertness plays a major role in the perpetuation of problematic issues, and then to act on that realization. By failing to move beyond vindictive articles and succumbing to the "it's useless to even try to address these issues" mentality, we, the student body, are blameworthy participants in the digging of our own grave.

Cleveland-Marshall will never become the reputable legal institution it can and should be unless we who are Cleveland-Marshall work together to achieve that goal. Time is a valuable and rare commodity for a law student and lack thereof a legitimate excuse up to a point for blameworthy participation. The few who do

devote time and effort to the betterment of Cleveland-Marshall should not be a dumping ground for many who hide behind that excuse. Instead, talk to them to find out what little time it takes to make a difference. And if you are unhappy with their efforts to date, carve a chunk of time out of your own schedule and tackle the issue.

I challenge those who are not satisfied with the status quo to become "interestedly engaged". Join a committee or form your own to participate in the resolution of one of these seemingly everlasting problems, such as poor class schedules. Attend an SBA meeting-- they are open to the public-- and gripe if you want to, even be so bold (if you dare) to trivialize the efforts of others, but then go one step further and constructively participate in the meeting. Most importantly, distance yourselves from the apathy which permeates our law school community. Let the problematic issues, rather than the individuals who make up Cleveland-Marshall, be your adversaries.

Deborah A. Wainey

Students beware

by Christina M. Janice

Research assistants beware, you may be paying more for your job than you think.

As part of any research assistantship, assistants often are asked by their professors to take materials out of the library on the professors' behalf. The assistant signs the materials out on cards color-coated to indicate the borrower is an assistant and is entitled to take out reserved or otherwise restricted materials. The assistant signs out with his or her own name, "for Professor X." The assistant takes the materials to the professor. The assistant never sees the materials again.

Months after I resigned my research assistantship to take another job, I began to get notices in the mail. Library fines- \$35.00 per book, plus collection fees. I received notices for fines totalling over \$300.00, and I went to the library. "That's between you and your professor," I was told. "That's the risk you run."

I spent months badgering my former employer to return the books I signed out for him. Many books he had forgotten about and brought back to the school after being reminded. Some books were not returned at my persistent requests. Recently, I received a bill from the Bursar's office for \$106.00 plus collection fees, for books checked out a year ago; books about which I had cajoled, asked and jumped up and down throughout the year to have returned. Now, I was informed that I would not be allowed to sign up for classes or receive my grades until I paid the fine.

The library policy is simple: research assistants are not protected. When they sign out materials for their professors, they **solely** are liable, despite the fact that they sign out special cards with their professors' names and are lead to believe that such a procedure means they are signing out materials **for** that professor.

It is up to the assistant to follow his or her professor and protest. It is up to the assistant to make sure the professor turns the materials in and the assistant's
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Grading policy is an important problem

By Kevin L. String

Dan Levin's commentary in the last Gavel addressed many important problems, one of which caused me enough concern to research a little bit. The problem is C-M's grading policy, or should I say "degrading" policy. Mr. Levin pointed out that Case Western Reserve's grading system gives their students an edge in the job hunting arena. The problem, he says, is that a B students at Case is equivalent to a C+ student at C-M. Alarming indeed.

Well, guess what folks? He's right. We're getting one rotten deal. I contacted offices at Case, Ohio State, Cincinnati, and Akron and found that only Akron utilizes our system. Case and Cincinnati use the A+ system and Ohio State uses a number system thereby creating a definite advantage to the students enrolled in these schools.

The A+ system awards a 4.33 to anyone receiving an A+. But how significant an effect can that have on overall GPA's? A lot! Fifty percent of last year's graduating class at Case had a 3.09 GPA or better, and 25 percent had a 3.31 GPA or better. Compare to last year's C-M graduating class:

	25%	50%
CASE:	3.31	3.09
C-M:	3.09	2.83

Even taking into account annual fluctuations, the differential is staggering. About twice the percentage of students graduating from Case than C-M have at least a B average. If anyone has met a Case law student, they know that they are no more intelligent than we are. That is why this doesn't make any sense. I have heard that C-M has a reputation around town as a school that gives out many C's and interviewers take that into consideration. Somehow that just doesn't cut it with me. I'll take the 3.09 GPA, thank-you. Besides, not all of us are applying for jobs in

Cleveland. Ohio State is my personal favorite. A score of 90 is a B and a 93 is an A. But the scores go all the way up to 100. Like Case's system, this leaves the C-M student looking inferior. OSU's system is so favorable to the student that two or three B's can still render an A average. For example, at OSU a report card may look like this:

Contracts	90 (B)
Property	91 (B)
Torts	95 (A)
Civ.Pro.	96 (A)
TOTAL AVE.	93 (A)

This translates into a 4.00 GPA for the OSU student, but a C-M student would only get a 3.50 GPA! Unbelievable, isn't it? Last year's graduating class at OSU had 50% scoring 90 (B) or better. Again let me emphasize, that compares to only about 25% graduating from C-M with better than a B average. Are OSU students smarter than us? Don't bet on it.

Cincinnati has the A+ system like Case but wouldn't release rankings. My bet is that over half of the students have a B average or better.

Hey, it's wakeup time again. If C-M's reputation is going to improve it seems to me that the first step is to catch up with these other reputable schools in grading policy. Shouldn't we follow Ohio State's lead instead of Akron's plight? (Akron: 25%=3.06, 50%=2.73, almost identical to C-M). Shouldn't we be able to compete on the same level with Case students in the open market? Law school is hard enough without getting C's thrown in our face when our competitors are getting B's. In light of this information I now find our grading policy an unjustifiable hinderance to the furtherance of our careers and I call on the administration to address this compelling issue. Mr. Levin was right on target: we need restructuring and we need it now.

Professors

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the practical instead of the theoretical, an approach too rarely used in law school classes. He is friendly in class and a friend outside of class. When offered, don't miss his Criminal Trial Procedure class. Or, if you are prepared to work hard, take his Pretrial Practice class, taught with Professor Lloyd Snyder, who is also a great teacher.

Bar is denying right to counsel

by **Garin C. Hoover**

The Sixth Amendment to the United States Constitution provides "in all criminal prosecutions, the accused shall enjoy the right... to have Assistance of Counsel for his defence." U.S. Const. amend. VI. The Sixth Amendment does not mandate representation by an attorney, it mandates the right to have assistance of counsel. This assistance does not have to be by a licensed attorney. It can be unlicensed counsel. The right to counsel is an unqualified right. As stated in Chandler v. Fretag, 348 U.S. 3, 9 (1954), "his right to be heard through his own counsel is unqualified." (Emphasis added.)

The words "counsel" and "attorney", even though they are used interchangeably, do not mean the same thing. An attorney is one authorized to act in the place of or stead of another. BLACK'S LAW DICTIONARY 164 (4th Ed., 1951). Counsel is one who advocates or assists another. *Id.* at 148. Advocate is derived from the word "advocatus", which originally signified assistant or helper of any kind. *Id.* at 75. To assist means to help, aid, or to participate in as an auxiliary. *Id.* at 155.

The Supreme Court of the United States has recognized the fundamental nature of the right to counsel. Gideon v. Wainwright, 372 U.S. 335 (1963). In People v. McLaughlin, 291 N.Y. 480, 53 N.E.2d 356, 357 (1944), the court held that "[t]his fundamental right is denied to a defendant unless he gets reasonable time and a fair opportunity to secure counsel of his own choice and, with that counsel's assistance, to prepare for trial." (Emphasis added). "Choice" means the power to choose. It is important that the right to counsel include the right to choose the meaningful and effective assistance of unlicensed counsel if individual sovereignty is to exist. The right to choose counsel is a fundamental and substantive right. Snell v. United States, 174 F.2d 580 (10th Cir. 1949). The assistance of counsel is a requisite to the very existence of a fair trial. Argersinger v. Hamlin, 407 U.S. 25 (1972).

The bar association, the state legislature and the judiciary have created a monopoly in the legal field. We are assured, "[i]t is not done to aid or protect the members of the legal profession either in creating or maintaining a monopoly or closed shop...it is done to protect the public from being advised and represented in legal

matters by unqualified persons over whom the judicial department can exercise little, if any, control in the matter of infractions or code of conduct which, in the public interest, lawyers are bound to observe." State v. Sperry, 140 So. 2d 587, 591 (1962). However, there are no guarantees that admission to the bar will do that. The free enterprise system of competition provides a more reliable source of competent counsel in the legal marketplace. The monopoly created by the legal profession forbids others from providing valuable assistance in a judicial proceeding. In Brotherhood of Railroad Trainmen v. Virginia State Bar, 377 U.S. 1 (1964), the Court held that a state must show an appreciable public interest to be gained in regulating the practice of law. There is a higher public interest in an individual's right to assistance of counsel choice than any perceived notion of protecting an individual from incompetent assistance. In Brotherhood of Railroad Trainmen, the Court emphasized "... in regulating the practice of law a State cannot ignore the rights of individuals secured by the Constitution." *Id.* at 6. There are rules that construe the assistance of counsel as the "unauthorized practice of law." OHIO REV. CODE ANN. 4705.01 (Pages 1988). Also, some courts have denied citizens the right to the assistance of a layman. Turner v. American Bar Association, 407 F. Supp. 451 (N.D. Tex. 1975). However, the Florida Bar Board of Governors has recently approved a limited sort of unlicensed counsel. Dunn v. The Florida Bar Association, 889 F.2d 1010 (10th Cir. 1989).

In Faretta v. California, 422 U.S. 806 (1975), the Court held that an individual has the constitutional right to represent himself. The state court erred in forcing the defendant against his will to accept an appointed public defender and denied the defendant's request to conduct his own defense. Just as an individual might want to litigate a case *pro se*, he might also want the assistance of a friend. Just as he would have a personal interest in pursuing the case by himself, so would he if he chose unlicensed counsel to assist him. Many of the proponents of only allowing licensed attorneys to assist believe that an individual has a right to *pro se* litigation. Should not they also restrict *pro se* litigation because an individual might not be capable of representing himself adequately? Allowing one the right to choose to represent himself and not

allowing him the right to choose the assistance of unlicensed counsel is contradictory.

In United States v. Tarlowski, 305 F. Supp. 112 (E.D.N.Y. 1969), the court recognized an accountant, not licensed to practice law, as "counsel." When a government agent informed the prospective defendant of his right to counsel, he simultaneously requested that the defendant's counsel leave the interrogation. In effect, the agent informed Tarlowski that he might have his attorney present, but not his accountant. *Id.* at 124. The court stated, "[f]or a government official to mouth in a ritualistic way part of the warning about the right to counsel while excluding the person relied upon as counsel, it is, in effect, to reverse the meaning of the words used." *Id.* The court stated further that "[g]iven this historic background and design, the conclusion seems inescapable that the right to associate with others of one's own choice at any time is one of the liberties protected by the Fifth Amendment." (Emphasis added). *Id.* at 121. No one should have the ability to forbid the association between two individuals for the preparation of a criminal defense trial. "When a federal official's interference with the right of free association takes the form of limiting the ability of a criminal suspect to consult with, and be accompanied by, a person upon whom he relies for advice and protection, he gravely transgresses." *Id.* at 124. Again, Tarlowski was unlawfully denied the right to associate with his accountant, who was not licensed to practice law, whom the court labeled as his "counsel." A restriction on the right to associate with unlicensed counsel of one's choice is a restriction of the freedom of association.

Convicted criminals have been allowed to use "jail-house lawyers." Johnson v. Avery, Commissioner of Correction et al., 393 U.S. 483 (1969). A jail-house lawyer is an inmate who has no legal background and assists other inmates in pursuing their legal claims. The Court said in Johnson "...for all practical purposes, if such prisoners cannot have the assistance of a 'jail-house lawyer,' their possibly valid constitutional claims will never be heard in any court." *Id.* at 87. The courts should allow a friend to assist another so that their constitutional claims can be heard in court. In a concurring opinion, Justice Douglas stated, "Laymen -in and out of prison- should be allowed to act as 'next friend'"

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The FEP Clinic in front of the Supreme Court; (left to right) Reynaldo Guerrero, Jim Glenn, Regenia Melton, Dan Levin, Susan Gluntz, Terri Hoffman, Ken Kowalski, Kathryn Olson, Greg Foliano, Dave Chernosky, Steve DeFrank(hidden), and Paula Hruby(photographer).

C-M's own Blackmon

by Anita M. Ramos

This issue's Alumni Profile takes a look at Patricia Ann Blackmon. The Cleveland-Marshall graduate was born in Oxford, Mississippi. She attended Tougaloo College in Tougaloo, Mississippi, where she received a Bachelor of Arts in Political Science and Afro-American Studies. After graduation she came to Ohio to attend law school. She received her J.D and was admitted to the Ohio Bar in 1976.

For the past 15 years she has practiced law in Cleveland, beginning as an Assistant City Prosecutor. From that position she moved into a staff attorney position with the U.A.W.- GM Ford Legal Services. After that it was back to the City Prosecutor's office, but this time as chief prosecutor. Currently Blackmon is with

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F.E.P. clinic visits the Capitol

by Paula Hruby

Monday, February 26, 1990

It was Monday evening, 8pm, and Susan Gluntz, Fair Employment Practice Clinic Student, and Paula Hruby, the Clinic's Office Manager, were off to Washington D.C. to prepare the town for the arrival of the rest of the Cleveland-Marshall contingent the following morning: eight other Clinic students, along with the Assistant Director, Kathryn Olson, and Staff Attorney, Kenneth Kowalski.

Since 1972, the Fair Employment Practice Clinic (FEP Clinic), under the guidance of its founder and director, Jane M. Picker, has been providing free legal assistance by law students under full supervision to clients seeking legal remedies for discriminatory employment practices. As a public service program, the Clinic has repeatedly safeguarded the employment rights of women, racial minorities, and the elderly. As an educational program, the Clinic has enhanced the lawyering skills of its students and sensitized future lawyers to particularly vulnerable segments of the population. Any Cleveland-Marshall student is eligible to enroll in the Clinic for 3, 4, or 5 credit hours if one of the following prerequisite courses has been completed: FEP Course, Immigration Course, or First Amendment Rights Course.

This trip and others this past year were funded by a grant from the U.S. Department of

Education.

Tuesday, February 27

Taking the 7am flight from Cleveland to Washington D.C., the remainder of the Clinic group arrived at the Dirksen Senate Office Building on Constitution Avenue just in time to be seated for the Senate Hearings on the Civil Rights Act of 1990. The Chair of the Senate Committee, Ted Kennedy, opened the session. Like all good law students, everyone immediately pulled out paper and pens to take notes. (What happened to these notes after they came back to Cleveland is still a mystery.)

After the hearings ended at noon, the students, faculty, and staff split into various groups to explore Washington D.C. Some students went book hunting, others lunched at Union Station, and a few went to visit Senator Metzenbaum's office.

As all good professors are want to do, Professors Olson and Kowalski insisted upon expanding the horizons of some of the students by taking them to dine at a nearby Ethiopian restaurant. The walk from the Washington Hilton was pleasant, not so the food, or so the majority of the students were convinced after one mouthful. It was also a little perplexing to some to eat without utensils. But the waitress, a native of Ethiopia, assured the group that no one in Ethiopia ate with utensils. And so the first day ended.

Wednesday, February 28

Very early in the morning everyone rose, put on their best suits and met in front of the Supreme Court Building with coffee, bagels, danishes and bags in hand. It was necessary to get there early so that the group would have a chance to obtain a seat to hear the argument in Donnelly v. Yellow Freight. Security was tight at the Court. Court policy stated that no books, newspapers, overcoats, political buttons (they could possibly influence the Court), or paper or pens could be brought into the courtroom; everything had to be checked at the entrance. Obviously, there would be no notetaking today.

It was thrilling to be in the presence of the nine Justices, seeing them in their black robes administering justice, dispensing wise cracks and displaying bored countenances. The argument was so interesting the group decided to stay for another one, and then went browsing in the Court's museum and gift shop. Besides the traditional postcards, everyone purchased a Supreme Court pencil in the shape of a gavel (two erasers on either end with "The Supreme Court" printed in gold or silver lettering along the side).

The group again went separate ways to experience more of Washington's museums and sites. One small contingent went monument hopping (who could resist that) since one of the students had never been to Washington before. It was a long trek but they managed to

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the Party Poop

Bash gets slow start

by Tom "I love free (invite me to your party) beer" Goodwin

At least I remembered how the night began. I pulled my Goodwill tuxedo out of the closet, put on my best pair of Converse hi-tops and told my date I would prove to her that most law students do know how to have a good time. The Barrister's Bash, held at Mather Mansion (can you imagine living in a building that huge?) Saturday, April 7, is the SBA's annual semi-formal party where the word for the night is "PARTY".

So I was a little depressed when we arrived one half hour after I thought it was to begin and discovered that --oh my god no I can't believe it but what could I expect anyway- the liquor was locked in the SBA president's personal office, along with the tap to the keg, and no one seemed to know how to get in to get it. Word has it that the SBA president had a new lock installed on the inner SBA office door, and there are very few (3?) keys which fit. We watched the jazz band set up and argue amongst themselves for awhile, then fell into line for the smashingly delightful hors d'oeuvres (that's how Mary, Mary

talks, isn't it?). When the liquor finally arrived I swear I heard cheering, even though the line at the bar was way too long, and two of the four bartenders needed a quick mixology lesson. What they lacked in speed they made up for in drink strength, choosing to make doubles for everyone, obviously a strategy designed to keep everyone happy (which it did).

The mellow jazz band was on the first floor this year, with the food, and the DJ had the third floor ballroom ready for dancing. I think he did a fair job of keeping the dance floor packed; but isn't it weird seeing grown men do the twist in suits and ties? I thought I was at a wedding, and kept waiting for the dollar dance. My only complaint is that the DJ waited until I went for refills to play the Elvis medley. All dressed up and I missed the Elvis songs.

A week or so later I waited and waited for the SBA to locate a tap (guess where it was again!) to get the keg going at an alumni sponsored social in the atrium. (I guess anyone but a student group can have the use of the atrium). When a tap was finally found, fifty minutes later, believe it or not the beer was actually cold. A



Unidentified CSU Policeman delivers the goods (finally) to the 1990 Barrister's Bash in Mather Mansion.

round of applause is due John Griffin and Ray Zanne for discovering the tap (somewhere) and doing the honors of tapping the keg. After the obligatory pro-alumni organization speeches, including an appearance by last-year's SBA president, Scott Spero, the handful of students enjoyed the food and drink.

Although overall the SBA did a fair job on their socials this year, there are a few more suggestions that might help next year's SBA master the fine art of slaking the thirst of parched students: (1) preparation is the key folks, whether it's just making sure there is a tap for the keg, or keeping the beer cold for awhile BEFORE it's tapped (preparation is also a key factor in other SBA duties and functions, such as finding a graduation speaker); (2) take constructive criticism, which I hope this column dished out (thanks to this SBA taking my comments lightly and for not banning me from their get-togethers just because I thought they did some silly things!); and (3) always remember, while hard work may get you to the top of your class, all work and no play makes Jack a dull boy, and it wouldn't be any fun to be number one if you didn't have anyone to help you celebrate!

Blackmon

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the Ohio Turnpike Commission as Staff Counsel. As a highly respected leader in the community, Blackmon sits on the Board of Trustees of Paradale School, the Board of Trustees of the Norman S. Minor Bar Association, and is a member of the Greater Cleveland Growth Association. Blackmon has taught at Dyke College as an adjunct professor. Her dedication to the community led her to speak out on important social issues such as domestic violence and AIDS.

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Michelle Salomon, Dan Levin, and Lynn Major, just happy to be at the Barrister's Bash.

Students beware

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record is cleared. This becomes a difficult task when the assistant is unaware of this policy until it is too late, and has signed out dozens of books.

Upon receiving materials, a professor may return them late or never return them without suffering any consequences. It is the student, operating under the threat of blocked registration and withheld grades, who must pay absurd bills for books sitting on a professor's shelf.

So, research assistants, be advised. Decline to take out any materials from the library on your professor's behalf. Your professor may be building his personal library at your expense.

Faculty forum

(Cont. from page 3)

policy. Perhaps no one is or ever will be satisfied in this area. The guidelines, as I recall, were adopted about 17 years ago in response to student dissatisfaction with a chaotic situation where each faculty member acted independently and nothing like a uniform system seemed to exist. A few years ago a faculty committee reviewed the guidelines and found them too generous. This finding was unpopular enough that the old guidelines were then retained with no changes. Perhaps we cannot agree on anything better. Perhaps it is time to review the guidelines again. Some colleagues suggest that we are not generous enough in grading our really good students and too generous with weak students and that a solution is to add the grades of A plus and C minus to our grading scale. I wonder what student reaction might be to this proposal. Furthermore, the hypothetical regarding the recruiter overlooks the fact that the recruiter may well be aware of "grade inflation" at the other school and discount for it.

With regard to Mr. String's article, without spending too much time and effort defending the 1989-90 SBA officers and their actions, I do believe a few comments are in order. With regard to student government organizations generally I believe we might agree that relatively little can be accomplished by the leadership in a one year term and that this may well cause such leadership to exaggerate whatever accomplishments it may have. It seems obvious to me that there was considerable unhappiness with the leadership style of the 1989-90 SBA president, but this doesn't mean the SBA serves no purpose. From my viewpoint only two of the numbered SBA accomplishments criticized need further comment or explanation -- numbers (6) and (7). Security has long been a concern of many law faculty and staff members. I suspect it may be a concern of some students as well. Over the years there have been incidents. We are fortunate that they have not been more frequent and more serious. Seeing the orange jacket and hand two-way radio CSU Escort people around late Fridays, Saturday afternoons, and other times clearly suggests that we do have more security than last year. The SBA scheduling committee seems legitimate to me. I have received a few good suggestions from them (hiring Professor McNew to teach Business Associations in the evenings, for example). I could use more good suggestions but the few are helpful.

I would welcome the opportunity to discuss more student concerns with more students. We really ought to work together to improve our mutual law school experience.

Right of counsel

(Cont. from page 5)

to any person in the preparation of any paper or document or claim..." *Id.* at 498. Justice Douglas has stated that a "next friend" in or out of prison may assist an individual in the preparation of a legal claim in the absence of any alternative.

The bottom line is that a denial of the right to the assistance of counsel is a denial of due process. *Powell v. Alabama*, 287 U.S. 45 (1943). Fundamentally, a person should have the right to the assistance of counsel, licensed or not. If an individual wants a non-attorney to help him or her in a criminal trial, by what "right" does anyone have to deprive that individual of his or her own free choice? Let each individual determine who is most able to protect their freedom, not the state.

Blackmon (Cont. from page 7)

Blackmon's basic philosophy is that human progress is neither automatic nor inevitable. She lives by her philosophy and has progressed through hard work. She strives to achieve her goal of an exemplary posture that will command respect for law and order, to demonstrate the fairness of the justice system, and to act in the best interest of the public. Blackmon has indeed developed the skills and the vision which will enable her to serve the legal profession and the public.

Capitol (Cont. from page 6)

see every monument, even if only from the outside. The tour of the capitol building was splendid and most interesting because the group had a special guide, the Doorkeeper of the House of Representatives. He afforded the students access to rooms that were off-limits to the general public. They saw the original Supreme Court Chambers and attended a session of Congress. The guide also handed out books to everyone, *The Capitol: A Pictorial History of the Capitol and Congress*. A copy of this delightful publication, along with many more photographs of the trip can be viewed in the Clinic, LB40.

Exhausted and happy, everyone boarded the plane at Washington National Airport and arrived back in Cleveland at 9pm. The two days were filled with exciting judicial, dining, and museum experiences. As one third year student put it, "... This was the best experience I had in law school."

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