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Cleveland-Marshall College of Law, "1963 Volume 11 No. 5-6" (1963). 1960s. 19. https://engagedscholarship.csuohio.edu/lawpublications\_gavel1960s/19

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volume 11 number 5-6

OF CLEVELAND-MARSHALL LAW SCHOOL

# CLEVELAND-MARSHALL AWARDS J.D. DEGREE

(The following is reprinted from the 1963-64 Catalogue.)

"Beginning with the graduating class of June 1964, the first professional degree in law at this Law School will be the J.D. (Juris Doctor), for graduates who entered the School with a Bachelor's or higher degree, and the LL.B. (Bachelor of Laws) for those who entered without a Bachelor's or higher degree.

This policy was adopted in the light of (a) a recommendation to this effect by the Adviser to the Section of Legal Education of the American Bar Association (referring to the votes by the A.B.A. Committee on Legal Education as early as 1906 and 1907 that for students already possessing a Bachelor's degree, the J.D. should be the first professional degree in law) (b) the adoption of a similar policy by several law schools in this and other States; (c) the requirement in recent years of a Bachelor's degree before admission to law school for admission to the Ohio Bar under the Rules of the Supreme Court of Ohio; (d) the arduousness of approved law school's requirements for graduation; (e) the anomaly of awarding merely another Bachelor's degree for successful completion of a post-Bachelor's professional course; (f) the self-downgrading implicit in awarding a Bachelor's degree for work that is recognized as entitled to a Doctor's degree in other professions; and (g) the fact that continuation of use of the LL.B. as the first professional degree in law in many law schools is attributed chiefly to mere custom that originated when a Bachelor's degree was not a prerequisite for admission to law school."

Dean Oleck, in commenting upon this change, was of the opinion that "it will become a general trend. The law is too conservative. This degree was first requested by the Bar Association in 1906."

One of the reasons for the change was the wide salary spread in the Federal Civil Service, between the man with an LL.B. degree, and the one with a J.D. degree. The LL.B. graduate starts at GS-9, while the J.D.

graduate starts at GS-13.

Sixteen schools presently give the J.D., as an honorary degree. Other schools give this as a sole degree. Among these are: University of Chicago, Northwestern University, Chase Law School, University of Cincinnati, and the University of Toledo (in process).

This is one more indication of the Faculty and Administration's sincere desire to make Cleveland-Marshall the top law school in the country.

## PERSON TO PERSON

by Dean Stapleton

A word as to classroom attendance and problems arising in this connection. We recognize that our students are under pressures not present in every school. In the main our students are here because they want to be, and a high degree of attention to duty can be presumed. But it is axiomatic that in most cases, there is a triple allegiance to the home and the problems arising there, to the employer, and to the school. So it is inevitable that there will be absences and in some instances for more than one successive period.

The instructors and the office try to keep abreast of the situation but in the absence of communication from the student in question we in the school are sometimes at a loss in determining his current status. It takes so little effort on each individual's part when an absence of more than one class is reported to let the office know what the situation is.

There is a corollary of the situation and that is when a student decides to drop out of school and does not notify the office, he does both himself and the school a disservice.

This raises the question of tuition charges. It should be recognized that our tuition charges are probably the lowest in the nation and this is designedly so for we recognize that our students are paying their own way and frequently are pressed financially. We even go so far as to prorate tuitions when there is a dropout from school and give credit for the unexpended time. This is very unusual in scholastic institutions. In the light of continually rising costs of education how long we can continue this policy is constantly in question, but the effort will be made to keep student costs low consistent with offering a sound educational program.

The very nature of our program, however, raises the question of the obligation of the student. Tuition as outlined in the catalogue is payable in advance, as are the various fees. The fact that the school, for a slight carrying charge, will allow some students to pay for the course in question at the end of the course

please turn to page 2

# PHI ALPHA DELTA

by Jimmy Brown

Professional activity and integrated programs with practicing lawyers were promises of the new Meck Chapter administration. These promises have taken form as seen in a re-cap of the events of the last  $2\frac{1}{2}$  months.

The 8th of February found the campus being honored by the presence of the Nat'l Field Rep. of PAD, Ray Judice, who is a practicing attorney and grad. of a Houston, Texas night law school. He spent long hours in conference with Assoc-Dean Oleck and Prof. Wilson discussing activities which will benefit the school and the fraternity. Following classes on Friday, he spent 2 beneficial hours with the fraternity talking over program ideas. On Saturday, Mr. Judice was the honored guest at a cocktail party given by Justice Mike Thal.

The school was honored, again, on Feb. 11, when the Public Defender, Gerry Gold, accepted PAD's and Prof. Murad's invitation to speak to the Criminal Law Class. Mr. Gold kept the huge class interested in his humorspiced lecture on current law practices for over an hour and 20 minutes. The students expressed their appreciation for this opportunity to gain an understanding of the practical operation of criminal proceedings. This event marked the first of several professional programs which PAD will make available for the benefit of the entire student body.

The Chapter initiated its second class of pledges for this school year on March 17, bringing active membership over the 70 mark. Prominent in this new class were

two graduates; Kennard Goodman, a recognized author of legal textbooks, and Arthur Lewis, a practicing attorney. Formal ceremonies were performed in the County Court of Appeals chambers with members of the Cleveland Alumni in attendance.

Following this, the entire party adjourned to the Pick-Carter Hotel for the annual banquet honoring the two classes of initiates. Main speaker at this event was Dean Wilson Stapleton, who gave a most inspiring speech.

Robert Bensing, trust officer at Central National Bank and ex-West. Res. Law Prof. was the featured speaker at the City Club Alumni Luncheon, March 28. He spoke for 30 minutes on various aspects of estate planning and exemption trusts, which the 8 students and 25 attorneys found very beneficial.

April 5-6, Cleve-Marshall joined with Akron, Chase (Cincinnati), Duquesne, Toledo, U. of Cincinnati, and U. of West Virginia Law Schools in the annual Regional Conclave of PAD National, held in Cincinnati. The conclave's purpose was to consider new programs and old problems of the fraternities. Many new ideas and programs were brought back by those in attendance, incl. Justice Thal, Treasurer, Mel Kahle, and Joe Lynch. Speakers were Pres. of the Ohio Bar Assoc., Mr. Lawrence Burns; noted Pathologist and Assist-Coroner of Hamilton Cty, Dr. Cleveland; and Common Pleas Judge Otis Hess. At the conclave's conclusion, Justice Thal was elected Vice-Justice for the next conclave and expressed the hope that Cleve-Marshall would be the host school in '65.

#### PERSON TO PERSON

from page 1

rather than at the beginning is the exception rather than the rule and students who try to take advantage of this situation are to say the least guilty of a breach of faith. There are ultimate procedures to take care of these isolated situations, but in dealing with embryo lawyers it should not be necessary to adopt summary tactics.

One further word. Each student at the beginning of any calendar year is furnished with a classroom schedule. One copy of this is kept in the student's file and one copy in the master file for the use of the Registrar and the office. Any change of schedule should be discussed with the Registrar. Yet there are those who blithely move from one class as scheduled to another without taking anyone into their confidence. The change may be a warranted one, but it cannot be official until first cleared with the office. We soon catch up with the situation but the unauthorized change causes additional unnecessary work and confusion.

So we ask you to give some conscientious thought to all the foregoing to the end that the irritations caused by these deviations may be alleviated, and to the further end that the time now needlessly used to straighten out the mis, mal, and nonfeasors may be constructively used for the betterment of the overall program.

DON'T FORGET-

May 11th-9:00-1:00

See Page 3

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# PRESENT

May 11, 1963, is the date set for the biggest social event of the Cleveland-Marshall school year. It is the date of the annual spring dance sponsored by the Law Wives Club for the students and their friends. This year the dance, called the Caravelle Cotillion, will be at the Hopkins Hotel, at Cleveland Hopkins Airport. The Caravelle Cotillion will feature dancing from 9-1 to the music of George Conti's band and will include a late evening cold buffet dinner consisting of, among other things, corned beef, turkey, ham, potato salad, relishes, streudel, and coffee. The dance committee asks that everyone bring his own liquor (BYOL) and the committee promises to provide plenty of ginger ale, soda, ice, potato chips, pretzels, etc.

Decorations will be along a spring theme and Kitty Avery and her committee have been working on them for several

Door prize chairman Mary Heaslip has gathered an impressive list of prizes to be raffled off. Included in her list are 3 law books, several bottles of liquor, champagne, a silver tray, Corning Ware, and 2 dinners at the Brown Derby Restaurant.

Dance Committee Chairman Donna Dunn is pleased to announce that all of the above, dancing, food, set-ups, door prizes, etc., will only cost \$8.00 a couple . . . a reasonable price for a full evening's entertainment. Pat Russell, Ticket Chairman, urges all C-M students to call her as soon as possible at 221-6039 to reserve tickets because the number available is limited.

In addition to the girls already mentioned, the dance committee consists of Elaine Sandford, Joanne Houry, Lynn Loftus, Mary Ann Hisnay, Florence Tolt, Polly Burns, and Agnes Kermode. They are looking forward to an entertaining evening on May 11th.

### UP ON CAPITAL HILL

by Dennis Butler

Student Congress has commenced another year of representation under the able leadership of President Beryl Stewart, with a treasury balance of \$329 as reported by Treasurer, Elio Zerbini. Most discussion thus far has been in the form of new business, to

keep pace with the physical expansion and academic improvements at Cleveland-Marshall.

With regard to physical expansion, it has been suggested that space be made available for two fraternities, the Student Congress, and The Gavel. So far, the faculty has offered the use of the basement to any of these organizations, if they wish to supply the

needed furnishings. This is an indication of faculty good-will, but should be followed up with more support if any of these parties mentioned show an interest.

President Stewart and Fred Durocher will attend the American Law Student Association Convention, to be held in April, at the University of Tennessee. I'm sure all of you will be interested in their report of the convention and what other law students are doing.

The council showed particular interest on the subject of changing the degree awarded at C-M. Starting in 1964 all students who entered C-M with a Bachelor's degree will be awarded the degree of Juris Doctor (J.D.); those students without an undergraduate degree will be awarded a Bachelor of Laws degree. (See article, page 1.)

In conclusion, it should be mentioned that the general welfare of all students, and thus the school, will benefit if each student voices his interests to his class representative. In addition, the cooperation the council will be in direct proportion to its sincere leadership.



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## **IGNORANCE IS AN EXCUSE!**

by Al Perry

In times past, if a man adhered to a sound moral code, he could live a lifetime without becoming involved with law-enforcement officials. Today, however, we find that it is possible to break a law whose basis is not found in any moral code. The ordinary citizen often unwittingly breaks those laws, which have no connection with his sense of doing what is right.

We do not mean to advocate that the law breaker, no matter how noble his intent, should escape the prescribed punishment for his breach by pleading ignorance of the law. However, if the law was purely statutory in that it conveyed no hint to a reasonable man,

is it just to find the offender guilty?

Knowledge of the law is intrinsic where morals are the basis of that law. This is one basis for adjudging the mentally incompetent not guilty of crimes. Is it not reasonable then, to assert that ignorance can be an excuse for the rational man breaking a law not founded in moral code?

Granted, this is often a technical question, but one, nevertheless, observed in other areas of law. A bona fide purchaser's claim is not forfeit if he buys without notice from one who has no title; a tortfeasor is not liable if there is no duty relationship; a principal is not responsible if his agent acted outside the scope of his authority. No authorities need be cited to substantiate the fact that knowledge or its legal equivalent, notice, is the one element required in each of the above instances to incur liability, responsibility, or destroy good faith.

There are untold situations where knowledge is required to make an act wrongful, and although no solution is offered here, it is believed that law-enforcement agencies should be compelled to make all law known.

### PETER HOETS CHAIRS NATIONAL LAW REVIEW SEMINAR

That the quality and fine reputation of our law review, built up over the years by former editors and our faculty advisors, is recognized, was manifested by the fact that for the first time in the history of the Conferences, the representative of Cleveland-Marshall was selected to be the chairman of the seminar "Leading Articles and Book Reviews."

Dean John W. Riehm of the Southern Methodist University School of Law opened the Conference with a few well chosen words of welcome. Then the entire assembly, consisting of 104 editors and 2 faculty advisors, representing 43 law reviews broke up in seminars in which the following topics were discussed:

- 1) Purpose, Planning and Publishing of a Law Review; Review Personnel—Selection and Organization;
- 3) Student Writing; 4) Leading Articles and Book Reviews; 5) Business Management. Out of these seminars a wealth of information became available, indicating a great variety in scope, emphasis and methods of organization of our national law reviews.

Speakers were, the Honorable Barefoot Sanders, United States District Attorney for the Northern District of Texas; Mr. Neil T. Heffernan, of the Heffernan Press Inc., and the Honorable John M. Wisdom, Judge of the United States Court of Appeals for the Fifth Circuit, New Orleans.

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### DELTA THETA PHI

by Jim Dyson

Brother Henry Berlon, head of the publicity committee and also Convention manager of the Sheraton-Cleveland Hotel arranged comfortable surroundings for the social gathering held on March 15, at the Mohawk Room of the Hotel. A fine turnout of brothers and guests made the event a beneficial evening, and, I'm sure an enjoyable time was had by all. One of the illuminating spots of the evening was the arrival of five lovely young ladies from the Delta Chapter of Iota Tau Lambda Sorority of Fenn College. As the evening progressed, many motions were made to initiate the lasses, however composure prevailed.

Among the guest speakers was the noted attorney, Dana Brooks of the Domestic Relations Department. Brother Brooks gave an informative discussion as to the practice and procedure of Domestic Relations. Also present was our active alumni representative, Elmer Myers.

Delta Theta Phi wishes to extend a "good luck" to all the Brothers who are now "sweating out" their recent endeavors down in Columbus.

It is the desire of Delta Theta Phi to obtain use of a room on the first floor of the school building for fraternity meetings and smokers. A proposal, now under consideration, is to share a room along with Phi Alpha Delta Fraternity, thus creating some *esprit de corps*, sadly lacking at our evening law school.



Professor Smith and Judge Whitlatch renew old friendship at the Open House.

An open house was again held on April 4 at the Terminal Room of the Sheraton-Cleveland Hotel and another fine turnout of brothers and guests assembled. Also present was Professor Jack Smith, Fraternity advisor. The speaker for this occasion was the distinguished Brother The Honorable Walter B. Whitlatch, Judge of Cuyahoga County Juvenile Court. Judge Whitlatch's topic was, "Lawyer and the Juvenile Court". Judge Whitlatch entertained questions from the floor thus clearing up some points of law not covered in the classroom.

THE GAVEL, Cleveland 13, Ohio
David S. Lake, Editor
Andrew Fiorenza, Bus. Mgr.

Bessie Marino
Al Perry
Tobi Goldoftas
Pete Kinney
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Cleveland 13, Ohio
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## MINORITY AIRS GRIPES

by a female

"Law school? What a paradise for you!" So my friends comment; and my answer is, "So what else is new!" This paradise has turned out to be another job away from a job. But—I won't give up. At least, not yet!

When I came to law school, I had no desire to study law; but bored with grading what seemed to be millions of papers morning, noon, and unfortunately evenings, I thought a change of scenery would do me good.

Much to my amazement, Cleveland-Marshall did not have as many women as I had expected. It took quite a while to adjust to this situation, but having more nerve than one might imagine, I refused to quit. Fortunately, the men in my class were very considerate and gentlemanly, and soon accepted me as a "fellow sufferer," but still "a female."

Now many more females have invaded the inter sanctums of law classes much to the chagrin of many male students and professors. I must smile sometimes at the rather noticeable frowns of the various men. If they only knew that they need not bother worrying. Most of us gals are truly female females and have no desire to compete with the men.

I haven't felt persecuted because I am a woman, but I do have a few pet peeves about certain conditions here. Just like a woman, wouldn't you say!

Firstly, I HATE, HATE, HATE being called Mister. My mother, father, doctor, and friends keep telling me I'm of the female sex. Isn't it noticeable! I can't help but feel that when answering to the name of Mister, a two hundred and fifty pound tackle for the Browns should be standing in my stead.

Secondly, I HATE having to get up to recite in class in front of so many men. Of course, even I know that it would be very unfair for me not to be called upon. I'm not asking for favoritism; only for some pity. When you see my knees knocking, my book shaking, and my voice cracking and wavering (other than the fact I might not be prepared), just imagine if YOU, a male, had to stand in front of one hundred

please turn to page 8

## BUT HOW THEY KNOW YOU . . .

by Tobi Goldoftas

Unless you happen to come down to Cleveland-Marshall Law School before 5 o'clock, chances are good that you seldom get to see or know an important segment of the school's staff. So important, in fact, that without them the school could not operate. They don't do much teaching, though some are well grounded in legal matters. They don't give exams, though they help prepare them. They know most students, though few know them. They are the ladies that run the office and keep things humming.

Mrs. Alice B. Meck has been the Registrar of the Cleveland Marshall Law School since 1956. A native Clevelander, she received her A.B. degree from Smith College. Later she earned an LLB. at Cleveland Marshall (naturally), Class of 1937.

Mrs. Meck enjoys traveling and gardening, and as a matter of fact graces her desk with her own home-grown flowers. In addition to keeping track of her many students, she has the pleasure to make up the school schedules, and cheerfully accepts the blame of anyone's sorrows regarding class scheduling. She also a dmits (though rather modestly) to having helped revise Couse's Form Book.

Mrs. Meck's father-in-law, Judge David Meck Sr. was the founder of John Marshall Law School, and its Dean until his death in 1938. He was succeeded by Mrs. Meck's late husband, Judge David Meck Jr. who held that position until 1946.

Mrs. Alexander Blazys is Secretary to Dean Stapleton and has

served in that capacity most capably since she joined the school's staff in 1949. Born near Edinburgh, Scotland, she studied music in Boston with a pupil of the eminent pianist Heinrich Gebhardt. In and near Boston she performed on radio and as an accompanist.

Her love for Cleveland-Marshall notwithstanding, Mrs. Blazys' hobbies lie in the fine arts. She collaborated with her eminent sculptor/husband Alexander Blazys on a number of ceramic and enameling works. One of his fine sculptures, City Fettering Nature, stands on the East lawn of the Cleveland Museum of Art. Mrs. Blazys is also an avid fisherwoman and is partial to flower gardening.

Mrs. Rebecca I. Hotes' association with law schools dates back to 1924 when she became as she says "the one-woman-office" of the old John Marshall Law School, then located in the Weber Building on Superior Ave. She witnessed the merger, in 1946, with the Cleveland Law School and the subsequent move to its present location on Ontario.

Mrs. Hotes has two sons. It is fitting that her youngest boy is a graduate of Cleveland Marshall Law School, Class of '61. It is even more fitting that young Hotes' wife was his classmate and was graduated from Law School with him.

Mrs. Winifred R. Knorr, secretary to the faculty is the "junior" member of the office staff. She only claims 12 years of service with the school. Born in Monongahela, Pa., (for you Californians that's near Pittsburgh) she managed two years of high school during the depression, then quit

to go to work. She returned to school and scampered through the balance of her schooling in one year. Moving to Cleveland in 1945, she could find no nobler task than to earn a law degree at . . . you guessed it, Cleveland-Marshall, Class '55.

Among the colorful experiences of her career, she mentions a 10½-year stint as Secretary to Eliot Ness (of Untouchables fame) in Washington, D.C., and in Canton, Ohio when he was Chairman of the Board of Diebold. Mrs. Knorr, who happens to be the sister of Mrs. Blazys, enjoys fishing, and like her sister derives great pleasure from the arts. Oh, yes, she also received a credit by-line from Assistant Dean Oleck in his book "Modern Corporation Law".

Miss Hazel Thorkelson is the one most students know the best. Hazel, as she is best known, has been associated with Law Schools in Cleveland since 1926 when she joined the staff of the Cleveland Law School. As she puts it, she "works the night shift" and has done this since the two law schools consolidated in 1946.

While she gives no exams, Hazel does the next thing to it: she gives out the grades. She has the pleasure, (though sometimes questionable), to watch the satisfied smiles, the deep sighs of relief, or occasionally a disappointment. One of her unsung deeds is her money-making prowess as she collects tuition fees (sometimes plus late fines), and sells scores of books. She likes and actually prefers the "night shift" because she has her days free to do as she pleases, but above all she has the opportunity to have a closer, everyday contact with the students.

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I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law:

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any considerations personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So HELP ME GOD.

## SAMPLE BAR EXAM QUESTIONS

(reprinted from the Caveat of the University of Illinois)

The Mudville bar exam is unique among bar exams of this country. More than any other, it lays emphasis upon the knowledge acquired in the law school classroom and tends to deemphasize the practical side of the law. A cram course is unnecessary. The law graduate with a well-rounded legal education and an aptitude for recalling the professorial inanities will have no trouble. Some sample questions from last year's exam follow: (The questions are labelled to assist the examinee)

- 1. Property. Give the legal description of Blackacre?
- 2. Contracts. Which ship Peerless was the cotton on?
- 3. What did the Foakes have against Beer? (Hint: the 18th Amendment is applicable.)
- 4. Did Hadley really get the shaft from Baxendale?
- 5. Legal History. Which English judge contributed the most to the law of de minimis?
  - a. Lord Holt
  - b. Chancellor Clark Kent
  - c. Bill of Middlesex
  - d. Mienhard V. Salmon
- 6. Federal Jurisdiction. How much did Tompkins get out of the Erie Railroad? Could Melvin Belli have gotten more?
- 7. Constitutional Law. Did Marbury get his commission?
- 8. Taxation. Discuss the impact of the Helvering case upon the law of federal taxation. (restrict your answer to 10 words.)
- 9. Judicial Remedies. Before 1955 in Illinois, A lighted a squib and threw it at B. B picked it up and threw it at C. C tossed it at D's feet where it exploded. In action for injuries by D against A, does the Rule in Shelley's case apply?
- 10. Domestic Relations. Which of the following is not a divorce case?
  - a. Haddock v. Haddock
  - b. Estin v. Estin
  - c. Barber v. Barber
  - d. McCullough v. Maryland
- 11. Torts. Why does Mr. McPherson drive a Volkswagen?
- 12. How much did Mrs. Palsgraf weigh?
- 13. Why couldn't Rylands hold his water?

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## MINORITY AIRS GRIPES

from page 5

females all staring at you as if you were a freak. What would YOU do!

Thirdly, I hate not being able to eat or drink in class. The lounge is very small and definitely a man's world. I have but one desire at break-time-to get a Pepsi-Cola. Yet, if anyone ventures into the lounge, he is sure to be rammed into the wall. Since I am a girl, the men make sure to move so that I have plenty of room; but in the process, they hit about three men with coffee or with some other beverage in their hand. If I stand in the lounge and drink my Pepsi, I feel so uncomfortable that I'd just as soon disappear in a cloud of smoke. If I don't stand in the lounge, however, then getting back to my room requires being an expert broken-field runner heading for a touchdown.

Fourthly, I feel I must mention a pet peeve held by one of the other gals. Point one: the men wear the long trousers, but we gals wear nylons. Point two: the chairs in the classrooms being of pre-war variety, probably made by an experienced "hatchet-man", have enough splinters to keep a toothpick factory in business. Point three: as a consequence, runners, runners, runners! Runners to a girl mean money, money, money, as well as a lack of confidence in her appearance, as well as a complete change in her otherwise sweet personality, as well as a big fat headache. I'll bet most men just don't realize what one itsy-bitsy runner can do.

But enough of my pet peeves. As one can see, they are not earth shattering, just nerve shattering. P.S. If you're wondering which girl wrote this article, just look for a gal with red stringy hair, purple eyes (or is that bloodshot), yellow teeth, wearing a raccoon coat with sneakers.

WHERE WILL
YOU BE THIS

SATURDAY NIGHT?

#### PROFESSOR WEEKS LEAVES

For the second time in two years, Cleveland-Marshall is searching for a new professor to fill the vacancy created by the recent resignation of Professor Weeks, and before that Professor Samore.

Professor Weeks has accepted a position at the University of Syracuse, where one of his duties will be conducting a course in Law and Literature. He was apparently approached by the University of Syracuse after his article in the January C-M Law Review.

It seems, at least recently, that we lose more professors than students. Is this a trend?

#### SUMMER SEMINARS BEGIN SOON

For the second year, C-M will offer summer seminars in the following subjects: Torts with Associate Dean Oleck; Legal History with Professor Weeks, and Criminal Law with Professor Murad.

These seminars are only for students who have successfully completed their third year; each student must take at least one seminar to graduate.

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