Lawschool Game

1. Score 312 on LSAT. Register for LSAT Review Course. Start Over.

2. Admitted to Law School. Make list of friends in Graduate Program. Friend you met at party mails you a letter! GO TO HOSPITAL.

3. Professor calls on you first day of class. Your mind blanks out. Humiliation! LOSE 1 TURN.

4. Spend entire day on phone with friends about your LSAT score. Lose your LSAT score. No LSAT score = no LSAT = no LSAT.


6. Mugged by punks on way to school. Police arrest you and muggers for disorderly conduct. GO TO JAIL. Worry about sound moral character.

7. Spouse threatens to leave you for preferring Proctor to quiet evenings at home.

8. Adversary tries to bluff his way through oral arguments. You're prepared and let him to it. Feel bad afterwards.

9. Find a civil job. Find a civil job. Reforms are due. New Justice Center.

10. Take professor's class notes. Take professor's class notes. Remember to learn. Reforms are due.


15. Marion Gilding comes back. Two weeks later from Christmas break. Administratively dropped from 2 courses.

16. Go to visiting Scholars. No need to worry when students arrive.

17. Graduates and take bar exam. Enter imprisonment. Worry.


19. Clerkship, please! Gains a position in a civil practice.

20. Employers tell you to summarize previous job better. Because you now take responsibility for Civil Procedure.

21. Take crim. Pro. exam. Professor mistakes your handwriting for one of his enemies.

22. Tryans. Get hung over and wear suit to interview. Employee is impressed. Employee tells you to look more like you.

23. Stop going to class, read Cliffords. Make dean's list.

Memories of the 1st year. Is there a better model?

In Contracts he learned of the enormity of the task ahead: three briefs, an oral argument, a final exam that would cover even the squib cases. Students were assured, however, that while they wouldn't get many Bs, most would pass through the instructor's screen—"I don't like to flunk anyone," he told us. He then proceeded to talk about the number of D's and F's he had given over the years.

Our Civil Procedure professor told us that we wouldn't make it if we didn't recite in class. So a number of students obligingly strained each day to catch the gentleman's attention. The sight was reminiscent of another class in which we stuck our chests out as far as we could to win Sr. Judith Ann's contest for the row that sat up the straightest. The price then -- holy cards. But requiring participation was a good way of keeping class going for a man who was more interested in other things: his book, his trips to Washington.

In Property we were to be screened by an old pro, a very distinguished looking gentleman who flouted convention by wearing golf shirts in class (no gold ats allowed in class though) and smoking cigars under the no smoking signs. Property consisted of "Ken Kingsfield's." Lectures: KK on the Rule of Perpetuities, K.K. on Landlord-Tenant Law, K.K. on Treasure Trove. KK was also willing to share his worries about the quality of people entering the law profession. He mentioned accordingly that he was not afraid of flunking people. On his tests there was only one correct answer--Kingsfield's. He flunked eight people that year. Kingsfield cared about his students, he wanted them to pass, he said. His office was always filled with students who had questions about his class or other weighty matters. "King, do you think I should take your extra exam?" Steve Smith said that he shouldn't take it, that you'd make it harder." Kingsfield is it true that I'll never get hired by a law firm if they find out that I'm a member of the National Lawyers Guild?" Yeah, Kingsfield had all the answers. If he didn't have them right at hand you could be sure he'd look them up.

This history major learned some law that first year. You could learn a lot about Property by just listening to Kingsfield, who had a real gift for explaining difficult concepts. My Civil Procedure instructor's pet question, "Why is this case in the book?" is one all serious students use casebooks must ask themselves. My Contracts instructor, a very conscientious man, spent a lot of time critiquing our briefs. But while he said good things about our research and our conclusions, he made sure via the final exam and grades that we were aware of how much of Contracts we didn't know.
And that was the Initiation Model of teaching. Make the students meet your requirements, your exams, your briefs, your participation chart. Lay on a large dose of the threat of failure, and the students' desire to avoid failure will make them learn the law.

Law school under such a model is drudgery; it is nothing but a game of adaptation. Two other problems with the initiation model are also evident. One, it creates needless pangs of inferiority among the students. In framing the task of the first year as a matter of passing professor's requirements rather than learning the law, a "no win" situation is created. Some students are always going to do better than others at determining what the teacher wants. Those who don't get the right answers are bound to feel inferior, a problem that wouldn't arise if the task was defined as learning the law, which everyone can do. Two, the Initiation model saps the school's sense of community. It creates a chasm between students, those seeking to pass, and the teachers, those holding the passing grades. Under such a caste system there can be no community of scholars, to borrow an old liberal arts phrase. Put another way, the model deprives students of mentors, although not great Uncles (witness Kingsfield).

Last year the history major took a first year class and was exposed to a different model. We'll call it the Professional School model. The source of direction was the casebook, not the professor's exams—he only gave one. Throughout the class the instructor talked of the lawyering skills evinced in the cases, the tireless research, the deft use of facts, an awareness of the importance of stare decisis. For motivation the professor offered the promise of being a part of an exciting profession. Class conversation was about acquiring lawyer-like skills, a plane above "how can I pass." For those who feel that a function of the first year is to weed out the incompetent, the grades in the class were low. But even then, everyone in the class gained something—a sense of why they were in law school and what they should be doing there.

One hopes that this model would be utilized more often in the first year and indeed all through law school. The model would move the focus of each class from the requirements and tastes of the teacher to the requirements of the profession—it would mean a definite loss of professional power and control. But the model would seem more in keeping with the purpose of law school, as I saw it as an entering history major: developing the skills and confidence of students so that they might have a positive impact on their profession and their community.

In Sympathy


We are sure that the entire faculty, staff and student body join us in mourning their untimely passing.

Legal Supplies

Barnes & Noble

One stop shopping

All required law books

Complete selection of West & Foundation Hornbooks

Huge variety of study aids

Gilberts
COIFS
Programmed Learning Reviews
Nutshells
Smiths
Emanuels

Canned Briefs
CES Series — Sum - Substance
Campers Review Outline
Law Review Series
Case Note Legal Briefs
Legalines

OPEN Mon. & Tue. 8:45 to 8
Wed. & Thu. 8:45 to 6
Friday 8:45 to 4:30
Every Sat. 10 to 4
Can the nucleus of today's society, the family, stay together? That question will be examined on NBC-TV's "Knowledge" series the week of September 25-29.

Produced in cooperation with Cleveland State University's Cleveland Marshall College of Law, "Families at the Crossroads" will air each day from 5:50 to 6:20 a.m. on WKYC-TV (Channel 3). The programs will explore alternative living arrangements, the question of abortion, husband and wife abuse, child custody and the future of the family.

Host and moderator William Louis Tabac is a law professor who specializes in domestic relations. Prof. Tabac talks with Cleveland State University experts, community leaders and legal officials in examining families and their problems.

Cuyahoga County officials in the series are Domestic Relations Referee Lanette S. Flower and Judge Herbert R. Whiting and Assistant County Prosecutor Patrick G. Lazzaro. Christopher D. Stanley, a criminal lawyer, also appears.

Others in the series are CSU Anthropology Prof. Ronald A. Reminick, James B. Nooney, clinical psychologist, Fr. James R. Becherer, Catholic Diocese of Cleveland, and Jean Serkowski, director of counselling, Preterm Clinic of Cleveland.

"Families at the Crossroads" will air later on NBC-TV owned-and-operated stations in New York City, Chicago, Washington and Los Angeles to an estimated audience of a million.

The series was produced in conjunction with the opening of the new Cleveland-Marshall College of Law Building on CSU's campus.

Prof. Tabac also hosts CSU's award winning "The Law and You," which airs Sundays at 7 a.m. on WMMS (101 FM) and 11 p.m. on WHK (1420 AM).

The Cleveland State University music department will open its 1978-79 concert season on Saturday, Oct. 14, with a performance by the Gregg Smith Singers in the Main Classroom Auditorium at 8 p.m. The auditorium is on East 22nd St., north of Euclid Ave.

The professional vocal ensemble's concert is free but with admission by ticket only. Tickets may be obtained by calling the music department's vocal music division after Oct. 1 at 687-2030.

All of the 27 concerts this season will be in the auditorium. Most are free and open to the public, with free indoor parking under the Main Classroom Building. All of the concerts are at 8 p.m. except Sundays, when they are at 7:30 p.m. The Cleveland Civic Orchestra concerts are at 3 p.m. Sundays, with admission $2, $1 for students. Upcoming concerts include:

Sunday, Oct. 15: Cleveland Civic Orchestra, John Ross conducting.

Friday, Oct. 27: Gayle Schmidt, faculty piano recital.

Friday, Nov. 3: Metropolitan Brass Quinet, faculty concert.

Friday, Nov. 10: Franz Schubert 150th Anniversary Concert, faculty. 

continued on page 11

Qualm 23

The Law prof is my quizmaster; I shall not flunk. He maketh me enter the examination room; He leadeth me to the alternate seat.

I prepareth before me in the presence of my proctors; I anointeth my blue book with words; My time runneth out Surely grades and blue books will follow me all the days of my life; And I shall dwell in law school forever.

Adapted by Parran H. Curry

He restoreth my fears; He leadeth me into a deep problem for the grade's sake. Yea, though I know not the answers to the questions, The class average comforts me.

Page 4
The SBA Report

As a representative of the SBA (Student Bar Association), I would like to welcome all the incoming freshman to Cleveland-Marshall College of Law. Your first year of law school will be enriching, frustrating, difficult and so much more. I hope that the SBA will be able to help you through this upcoming year.

Throughout the summer the SBA has been trying to implement a few ideas in order to encourage more student participation. For example, President Bill McGinty proposed to expand the number of student representatives on a few major committees such as Academic Standards and the Admissions committee. This proposal was presented to the Dean who immediately ruled against any expansion of these committees.

One of the major concerns of the SBA has been the payment of locker fees for the upcoming year. Last year the SBA was able to thwart any locker payment, but similar attempts this year have been futile, which means students will be forced to pay a locker fee for every quarter. After putting some thought into the matter, the SBA then proposed to take over collection of the locker fees at the same price the university would charge and set aside a certain percentage of the income in a sinking fund for maintenance and replacement of lockers. This would enable the SBA to generate some needed money, which would not be restricted to the supervision of state authorities. The money that would be collected could be used for whatever purposes the SBA deemed best. As of this date there has been no final determination as to our proposal.

Other improvements provided by the SBA will include typing rooms in the library for student use. This will alleviate the problems of running to the main campus library every time some urgent need for a typewriter arises. Our plans indicate that two and possibly even three typewriters will be available.

As of this date an ad hoc Speakers Committee has been sending out letters to a few interesting individuals, and if everything works out, Cleveland-Marshall may even improve over a fine schedule of last year's speakers, who included Tom Hayden and Senator Tom Eagleton.

As for the social aspect, the SBA is also planning a semi-formal dance to be held in the Atrium, with tentative plans setting the date around Thanksgiving. Other possibilities include a fund raising benefit dance with a local disc jockey in order to raise money for the underprivileged. And as usual, the Friday Happy hours will be continued throughout the year.

Thomas G. Lobe
SBA Vice-President

ACLU to Help Vets

The American Civil Liberties Union of Cleveland is initiating a program to train attorneys to assist veterans with discharge upgrades. On Friday, October 6, ACLU of Cleveland will conduct a workshop for attorneys in the area of discharge upgrading.

Attorneys interested in participating in the October 6 workshop should contact Michael Brizz at the ACLU Cleveland office at 781-6276.
LUNCH WITH F. LEE BAILEY
IF HE HAPPENS TO BE THERE

RECEIVE A FREE $3.00 GIFT CERTIFICATE* FOR A MEAL AT YOUR CHOICE OF:

ELEGANT HOG SALOON

Rusty Scupper

or

NEW YORK SPAGHETTI HOUSE

* Limit one per customer

WITH ANY LAW BOOK PURCHASE OF $25.00+

LACO BOOK STORE

1224 HURON
CLEVE. OHIO
PH: 795-2510

ALL REQUIRED BOOKS FOR THE FALL COURSES AT CLEVELAND MARSHALL ARE NOW AVAILABLE IN QUANTITY. GIFT CERTIFICATE OFFER EXPIRES OCT. 5.
Complete line of Law Books
Avoid the Undergraduate Rush

Regular Hours: 8:30 a.m.
- 5:00 p.m. Mon.-Fri.
9:30 a.m. - 4:00 p.m. Sat.

795-2510
795-2511

Special Fall Quarter Hours
week of Sept. 25-29 only
8:30 a.m. - 8:00 p.m.

Burby's Law Refresher
Restatements
Landmark Law Summaries
West Hornbooks and Casebooks
Foundations Textbooks

- Gilbert's Complete Bar Review Course
- Casenotes Programmed Learning Research Center
- Sum and Substance Blackstone Law Summaries
- Primers Legalines
- Coif Smith's Review

Downtown

Law School

Restaurants

and Shops

Huron Road Mall

LACO BOOKSTORES INC
1224 HURON ROAD
NEAR THE CORNER OF EUCLID AT HURON
CLEVELAND, OHIO 44115
In his book *One L.*, Scott Turow described the ordeal of reading his first case as “like trying to stir concrete with my eyelashes.” While he may have been exaggerating slightly, the fact remains that first year students face a difficult task in coping with legalese, for law speaks in a language all its own. Ordinary English words such as *judgement*, *answer*, and *motion* take on entirely different meanings when used in a legal context. In addition, students must wade through a maze of Old English, French and Latin words such as *demurrer*, *assumpsit*, and *res ipsa loquitur*. What follows is a list of terms that the beginning law student will encounter initially and need to master.

**Acceptance** In Contract law, the act of receiving something or agreeing to certain terms or conditions.

**Answer** A pleading filed with the court in response to a plaintiff’s complaint, in which the defendant denies the allegations made in the complaint or asserts whatever defenses he may have.

**Appellant** The person who appeals a decision to a higher court; his opponent is called the appellee.

**Assault** An act which attempts to inflict bodily harm on another. An assault can serve as the basis of a criminal prosecution or a civil action.

**Bailment** In Property law, delivering an item of personal property to someone to be held in trust. Example: leaving your car with a parking lot attendant. You would be called the bailor, the attendant the bailee.

**Battery** An intentional, harmful bodily contact. The person committing the act could be civilly liable in tort, or criminally liable.

**Breach** In Contract law, the failure to perform a previously agreed to act, thereby giving the injured party a right of recovery.

**Citation** In legal research, a reference to a source of authority. Example 296 N.E.2d512; Ohio Revised Code Section 1701.01.

**Civil** That portion of the law dealing with suits outside of criminal law.

**Complaint** The pleading that initiates a lawsuit, where the complaining party states his claim and demand for relief.

**Consideration** One of the necessary elements along with offer and acceptance to form a contract. Consideration involves something of value given in exchange for a return promise or something of value.

**Defendant** The person called upon to answer for some alleged wrongdoing also referred to as the accused in criminal cases.

**Demurrer** A plea frequently seen in older civil cases where the defending party states that even if proved, the complaining party would not be entitled to relief. See Civil Rule 12 (B)(6).

**Donee** In Property law, the person, who receives a gift. The donor gives or creates the gift.

**Duress** Compelling a person to act involuntarily, thereby precluding liability. Applicable in Criminal Law, Torts, and Contracts.

**Entrapment** A defense to a criminal prosecution where the defendant claims that he was tricked or induced to commit a crime.

**Equity** A branch of law that developed apart from the rigid formal requirements of common law pleading. Equity was designed to do justice where there was no remedy at law.

**False imprisonment** An intentional tort whereby a person is unreasonably denied his liberty to move about, or unlawfully restrained.

**Felony** A serious crime such as murder or arson, as opposed to minor offenses known as misdemeanors.

**Fraud** In Tort law, an intentional misrepresentation that causes injury to another.

**Good Faith** Synonymous with honesty and fair dealing.

**Homicide** The killing of a human being by another human. The act may be unlawful (murder, manslaughter) or justifiable (self-defense).

**Infra** In citation form, referring to something appearing later in the text. *Supra* indicates something that has already appeared.

**Intent** An important concept in several areas of law. Generally it refers to a state of mind where a person knows and desires the consequenc es of his act.

**Issue** In litigation, the point of fact or law that is in dispute.

**Judgement** A court’s final determination of the rights of the parties.

**Jurisdiction** Broadly, the power of a court to hear and decide a controversy.

**Liable** To be responsible for or obligated to perform some act.
Law, a state of mind that accompanies a forbidden act.

**Motion** An application to a court, either oral or in writing, asking the court for a favorable ruling. The person making the motion is called the movant or moving party.

**Negligence** In Tort law, a failure to exercise that degree of care which a reasonably prudent person would exercise under similar circumstances.

**Offer** In Contracts, the expression of willingness to enter into a bargain.

**On the merits** A decision made on the merits is based on the facts of the case rather than some technical rule of procedure.

**Party** A person involved in a lawsuit. The term also used in deeds, contracts and leases. Example: “The party of the first part.”

**Plaintiff** The person who initiates a lawsuit.

**Possession** Having dominion or control over property. Possession can be either actual or constructive. An important concept in Property and Criminal Law.

**Precedent** A previous decision recognized as authority for disposition of future cases. See stare decisis.

**Process** Refers to procedural methods used by courts to compel the attendance of a defendant in a civil suit.

**Real Property** Refers to land and things fixed to the land, as opposed to personal property, which refers to tangible movable objects.

**Reasonable Man** In Tort law, a hypothetical person exercises that degree of care which a reasonably prudent person would exercise in a given situation. A standard of conduct used in determining negligence.

**Service** Delivery of a pleading, motion, or other paper involved in a lawsuit to the opposing party.

**Stare Decisis** Latin: to stand by that which was decided. When principles are announced in former decisions, they will be upheld in later decisions unless there is good cause to change them. A fundamental concept.

**Trespass** An intentional tort connoting wrongful interference with another person's property.

**Unconscionable** When the terms of a contract are so lopsided in favor of one party, the contract is said to be unconscionable.

**Vendee** A buyer of goods. The seller is called the vendor.

**Venue** While jurisdiction refers to the power of a court to hear a case, venue deals with the particular place where that power is exercised.
C-M Hosts Conference

by Walter Bubna

The Legal Services Corporation held a training session for its attorneys at the Law Building from Sunday, September 10 to Saturday, September 16. The session was devoted to improving the trial advocacy skills of lawyers with two or more years of experience for the Legal Services Corporation. Participating attorneys came from as far away as Texas to become involved in this training program.

The Legal Services Corporation, a federally funded organization, provides free legal services to indigent persons in civil cases. This organization is now established in every state and also in the District of Columbia, Puerto Rico, Micronesia, and the Virgin Islands.

There are currently about 3,000 lawyers working for the Legal Services Corporation. Its headquarters are in Washington D.C. and its president is Thomas Ehrlich, past dean of the Stanford Law School and Cleveland-Marshall Distinguished Speaker in January, 1978.

The local coordinator for the program was David Barnhizer, Director of Cleveland-Marshall's Legal Clinic. Also, C-M's Professor Lazarus was a trainer at the program.

Many Ann Rini, a recent C-M graduate, also participated in the local coordination of the program.

To the first year class: Welcome to Cleveland-Marshall.

Congratulations on your opportunity to enjoy the best first year faculty in memory. For the first time in at least three years, Lizabeth Moody and Jane Picker will teach first year courses. Steve Lazarus who is leaving the Legal Clinic to assume a full teaching load and Assistant Dean Janice Toran also join the first year teaching staff this year. These changes evidence a shift in policy in an institution not known for its benevolence toward first year students. They also fulfill Dean Bogomolny's promise to spread the good teachers more equitably. In the past some of C-M's best teachers taught only upper level students. We hope your educational experience at C-M will be rewarding. We at The Gavel 'will do our best to aid your education by informing you of activities and issues in the law school, and in the Cleveland community.

Future issues of the paper will explore the state of the school, the job market for graduating senior and how some recent graduates have fared, pending state legislation such as proposed reforms in juvenile law, and cultural life in Cleveland. If you are looking for a diversion from your studies, we would welcome your ideas and talents as a member of the staff.
Migliore indicted for smuggling dope
Ex C-M Prof. moves to greener pastures.

Former Cleveland-Marshall professor Daniel Migliore has been indicted by a Trenton, New Jersey grand jury for alleged involvement in an international drug smuggling ring. The scenario of events leading to Migliore's arrest seems like the script of a TV movie.

According to the New Jersey Attorney General, an elaborate scheme involved transporting marijuana from Caribbean points to remote airfields on the eastern seaboard of the United States. The conspirators apparently attempted to bribe an operator of the Trenton-Robbinsville Airport. The operator declined the bribe, and notified authorities. On July 8, 1978, the police seized six persons, including Migliore, a DC-6 aircraft, and $10 million dollars worth of marijuana. Somehow, however, the arrestees managed to escape.

Migliore taught at Cleveland-Marshall from 1973 to 1976. He received his J.D. at the University of Louisville, where he was editor-in-chief of the law review. He also holds a masters of law degree from Columbia.

Concert Series

Friday, Nov. 17: Violinist Daniel Kobialka, guest artist in a contemporary music program.
Sunday, Nov. 19: Cleveland Civic Orchestra.
Friday, Dec. 1: Faculty Wind Ensemble
Sunday, Dec. 3: CSU Civic Musicum
Friday, Dec. 8: Christmas Concert
Sunday, Jan. 28: Cleveland Civic Orchestra.
Friday, March 2: CSU Chorale, with guest conductor Thomas Hilbish.
Sunday, March 4: CSU Jazz Ensemble, guest artist to be announced.

March 6 to 9: Collegium Musicum concert series.
Sunday, March 11: Cleveland Civic Orchestra and CSU Civic Musicum performing Ralph Vaughan Williams' "Dona nobis pacem."

BUDS HI-LUNCHEONETTE
1840 Euclid Ave.
Right across from the law school
Home Cooked Meals
CARRY OUT ORDERS
241-1818
Breakfast-Lunch-Supper
Monday to Friday 5:30 a.m. to 6:00 p.m.
Tennis Anyone?

*The Gavel* plans to sponsor a tennis tournament in the near future. The format will be mens and womens singles, and the only requirement for entry is that players are currently enrolled at Cleveland-Marshall. Look for details in the next issues of *The Gavel*.

Interviews Scheduled

Upper division students should check the bulletin board in the lounge or at the Placement Office for the schedule of employers. Resumes are due no later than October 5.

Colonel Promoted

Placement Director Walter Greenwood has been promoted to Assistant Dean for Academic Affairs, the position formerly held by Carroll Sierk. Until a successor is found, Mr. Greenwood will also continue to cover the operations of the placement office.

A crowd of about seventy persons gathered in front of Fenn Tower on July 19 to hear a series of speakers denounce the recent tuition hike at CSU. Organizers have not been dissuaded by the poor turnout, and plans are being made for another rally October 18.

"But what's he really like"

Incoming students who are interested in finding information about their professors should consult the Faculty Evaluation volumes found in the library. At the end of each course, students rate and comment on the professor's performance. The evaluations can be found at range 72, basement level.

Jobs Available

Beginning Fall quarter, Cleveland State will be implementing an escort service designed to the Campus Police and University Security. Positions are available of interested day students. The pay is $3.50 per hour for a five hour per night shift. Students should be willing to work three nights per week. Those interested should contact Francine Cole, LB 114.

Rhodes Dedicates Bartunek Library

On September 21, Governor James A. Rhodes presided over a ceremony renaming the law library in honor of James W. Bartunek III. The event was after *The Gavel* went to press, so the festivities will be covered in the next issue.

Worth Remembering

"Without a free press, there can be no free society"

Justice Felix Frankfurter

Warning: This product may be hazardous to your health