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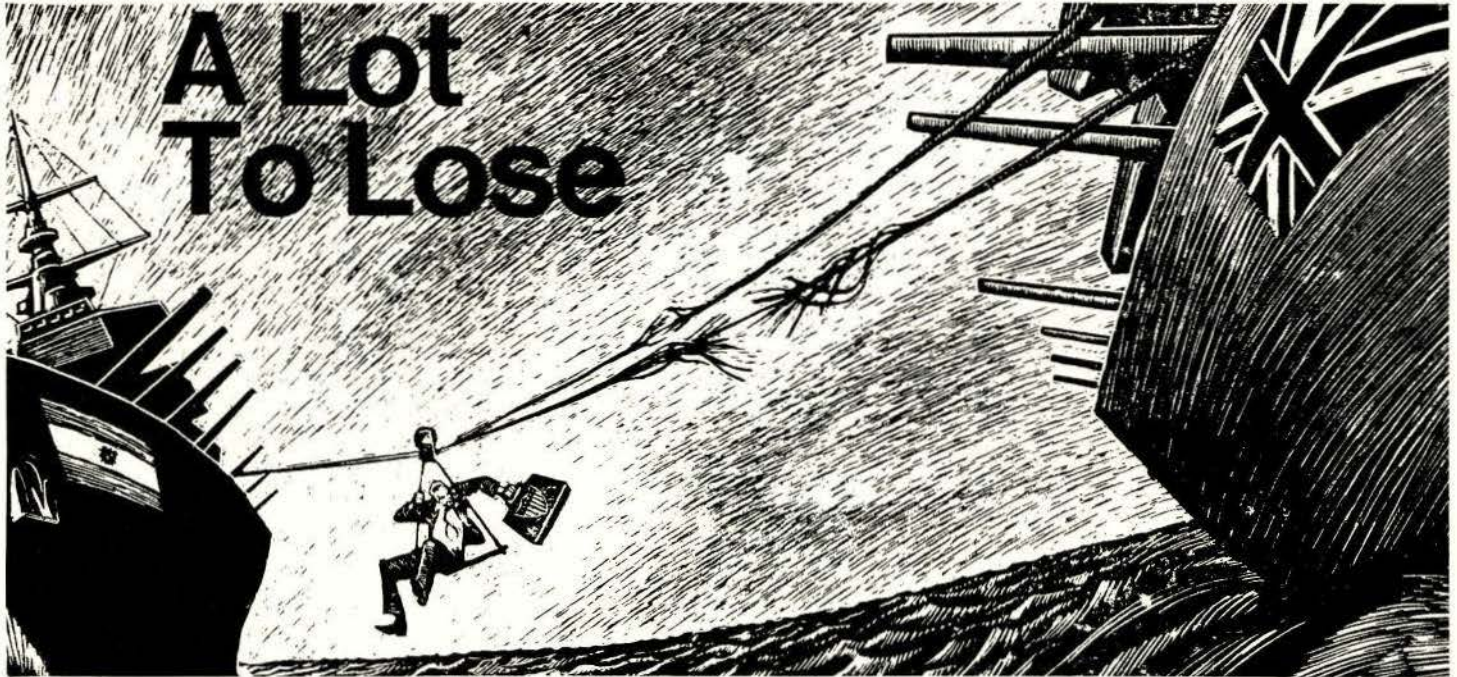
Vol. 30, No. 4

May 1982

THE GAVEL

Cleveland-Marshall College of Law

SBA Candidates Inside
Election May 5th & 6th



LORD FALKLAND'S RULE:

When it is not necessary to make a decision, it is necessary not to make a decision.

gav-el (gavel) n-s *often attrib* (ME, fr. OE *gafol*, fr. the stem of *giefan* to give more at GIVE) 1: periodic payment to a superior in medieval England
gav-el " n-s (ME, fr. *gavelle* sheaf, bundle) 1: the amount of mowed grain sufficient to make a sheaf 2: a bundle of straw or reeds ready to use for thatching
gavel " n-s (short for *gavelkind*) 1: a body of joint tenants that are blood relatives
gavel " n-s (origin unknown) 1: a mason's setting maul 2a: the mallet of a presiding officer (as in a court or legislative body) b: a mallet used to attract or command attention, as at an auction
THE GAVEL (the gavel) n. 1. a student publication of the Cleveland-Marshall College of Law

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The Continuing Crisis

By John H. Reynolds

Education

College isn't what it used to be, reports a front-page New York Times article. Freshmen aren't holding as many beer parties as in the past, or staying up till the wee hours debating politics or the metaphysics of cosmic consciousness. Instead, these young students are studying. "It's sad," says an associate dean of students at Tufts University. "The kids, especially the freshmen, are succumbing to the pressure of the economy and to their parents' anxieties over the rising cost of education." The students at Tufts, where an education now costs \$11,200 a year, seem to have their own ideas about what they want for their money.

A look at the already burgeoning legal profession shows just how bad things can get. Based on membership figures, the American Bar Association estimates there were some 535,000 lawyers in the U.S. last year. That's 22 percent more than the 439,000 jobs the U.S. Bureau of Labor Statistics estimates existed in single- and multi-attorney law firms and corporate legal departments.

Three factors helped fuel the oversupply: for universities, the law school became a low-cost, fast-money profit center. The big attraction for the students is, of course, big money. Highly publicized starting salaries at the 100 largest American law firms are indeed attractive: from \$24,000 in Minneapolis to \$43,000 in New York in 1981, according to the National Law Journal. But to get that kind of money, you must be the cream of the graduating crop and you had better have a diploma from a Harvard, Stanford or Yale. Most down-the-ranks law grads start for considerably less; perhaps \$10,000 to \$12,000. Third is the subsidization of law school via the Guaranteed Student Loan Program.

Concerning the loan program we have all been bombarded by Cleveland-Marshall administrators with pleas to file loan applications before the federal sluice gates close. Colleges and universities are up in arms over the administration's proposal to tighten the GSL program by limiting it to undergraduates who can meet a needs test. We're hearing all manner of scare stories how the cuts represent a retreat from educational equality and a disinvestment in the future. In truth, the program is an example of transfer payments run amok.

Last year, the GSL provided \$7.8 billion in 7 percent and 9 percent loans to undergraduates and graduate students, at a cost of \$2.5 billion to taxpayers. In the 1979-80 school year, according to the Office of Management and Budget, 33 percent of the college juniors in the program were from families with incomes over \$25,000. As illustrated here last fall, the program also offers arbitrage opportunities to law students. As OMB says:

"In September 1980, a family with an annual income of \$100,000 and three children attending Harvard, including one enrolled in law school, could have borrowed \$10,000 through GSL and paid no principal or interest while the students were in school. The family could have invested the \$10,000 in a money market fund paying 16 percent over the next 12 months. At the same time the Federal Government would have paid \$1,760 in interest subsidies and special allowances to the bank making the loan, as well as \$200 in interest on the Federal debt. As a result, in one year the family would have made \$1,600 at a cost to taxpayers of \$1,960."

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SBA Candidates

President:

Brewer

Reisman

Spiccia

Westfall

Vice President:

Johnson

Margolis

Stephanoff

Secretary:

Gerson

Hartwig

White

Treasurer:

Kroger

Rae

President



Blake Brewer

The coming year is a serious one, not just for us at the Cleveland-Marshall College of Law, but for students everywhere. It is a time, accordingly, for serious leadership.

I am campaigning for the office of SBA President. Among my past activities with the Student Bar Association, I have worked with several committees, (Constitution, Speakers, Social), helped with Happy Hours, coordinated the Law Clerk Training Program, and participated in the Follies. I have been a Senator for two years, and am a member of the American Bar Association/Law Student Division. Additionally, I have been named to the Editorial Board of the Law Review. I believe I can translate this experience into fair and effective leadership of the Student Bar Association.



Ramie Reisman

My name is Ramie Reisman and I have been with SBA for 2 years, this year as Secretary. In the past, candidates have guaranteed that SBA would be involved with and concerned about *all* law students. Unfortunately, that often has not been the case. Full participation and an open door policy are essential for an effective and friendly SBA. When elected, such will be the rule — not the exception, for it is my nature to work with a large group.

It is unrealistic to try to do all things for all people. Of course, activities such as Happy Hours, The Follies, The Barrister's Ball, a Spring Picnic, a Faculty-Student Baseball Game, The Plant Sale, and The Red Cross Bloodmobile will continue. However, as my "Campaign Platform," I guarantee the accomplishment of the following 5 goals. No more-No less, within the ability of SBA.

John Spiccia is running for President. His picture and statement were unavailable when this issue went to print.

First Law of Class Scheduling:

If the course you wanted most has room for thirty students, you will be the thirty-first to apply.

Second Law of Class Scheduling:

Class schedules are designed so that every student will waste the maximum time between classes.

Continued on page 11

Continued on page 11

As a Ticket

Westfall

Johnson

Hartwig

Kroger

We, in running as a ticket, offer a co-ordinated, integrated leadership, open to student opinions and able to affectuate them. As first year students we have the time to learn SBA procedures and offer to implement them for a second term. Our basic goals are:

1. To have Cleveland-Marshall students in touch with the Cleveland legal community to achieve more pragmatic goals for better career planning and placement.

2. To have guest lecturers who address topics which are practical and interesting as well as academic in nature.

3. To provide a Student Bar Association that is more responsive to student views and needs.

The methods we plan to use to attain the above goals are, among others:

1. Student advisors assigned on interest/specialization basis, guest lecturers from the Cleveland community, and mandatory past test filing.

2. A continuing orientation program to inform students of career specialization possibilities.

3. A Cleveland-Marshall student survey to ascertain student's feelings and opinions.

4. Innovative fund-raising activities.

5. Increased student activities (i.e., The Follies, The Barristers Ball).

Our candidates are: for **President, Todd Westfall**, candidate Juris Doctorate in 1984, B.B.A. Ohio University 1981, Cum Laude, Economics/Pre-law major, member Sigma Chi Fraternity, offices of secretary and fund-raiser held.

For **Vice President, Jim Johnson**, candidate Juris Doctorate in 1984, A.B. Ohio University 1981, History and Psychology major, Cum Laude, member of Phi Gamma Mu Honor Society, member and treasurer of Ohio University Lacrosse Club, research assistant for a published psychology experiment ("The Cognitive Pressures Affected by Male Presence on Female Academic Achievement").

For **Secretary, Susan Hartwig**, candidate Juris Doctorate in 1984, B.A. University of Michigan 1979, Economics and Political Science majors.

For **Treasurer, Kurt Kroger**, candidate Juris Doctorate in 1984, B.S. Florida Institute of Technology 1980, Psychology major, Cum Laude, Intern Day Hospital 1980.

Vice President



Spanky Margolis

I am a candidate for the office of Student Bar Association Vice-President. This position demands an individual who is aware and sensitive to the needs of the students. During my past two years at Cleveland-Marshall I have been an active member of the student body. The positions of responsibility that I have held include:

- 1) SBA Senator
- 2) member — Scheduling and Evaluation Committee
- 3) member — Student-Faculty Orientation Committee
- 4) member — Social Committee
- 5) member — Law School Follies
- 6) board member — Tau Epsilon Rho Law Fraternity

The cumulative experiences gained and observations made from participating in the above activities have served to acquaint me with the overall expectations and general climate of our school. While serving on the various committees I also, came to know many of the administrators, faculty and staff of our school and their expectations of us, the students. I feel that I can be a cohesive force between the two groups. To that end, I will strive to represent the students and will work closely with my fellow officers to insure success for the SBA.

I am prepared to devote the necessary time and offer my conscientious and constructive efforts to the officers of the SBA so that we together may experience an enjoyable and productive upcoming year. Your support of my candidacy will elect a responsible and dedicated Vice-President to the SBA.

I find no pleasure in saying that the majority of lawyers who appear in court are so poorly trained that they are not properly performing their job and that their manners and their professional performance and their professional ethics offend a great many people.

Warren Burger



Susan Stephanoff

I am running for the position of Vice President of the Student Bar Association. Presently, I am a Senator in the organization. For the last two years, I have participated in many activities including assisting with Happy Hours, Orientation, Law Day and the Follies. I helped in organizing this year's successful Barrister's Ball. In addition, I am a member of Delta Theta Phi.

As a candidate for SBA Vice President, I promise to devote the necessary time needed to make the organization continue operating effectively and efficiently. By close contact with this year's SBA officers and members, I have seen this year's SBA's successful operation and I promise to continue with the same high degree of integrity while incorporating new programs and strengthening pre-existing programs, such as the book exchange and law clerk training programs.

I am both willing and eager to represent the students of this school as SBA Vice President, and I ask that anyone who has any comments or suggestions to better the SBA see me. I encourage you to vote on May 5th and 6th, and I urge your support.

I shall not rest until every German sees that it is a shameful thing to be a lawyer.

Adolf Hitler

A lawyer is a learned gentleman who rescues your estate from your enemies and keeps it himself

Lord Henry Brougham

It is a secret worth knowing that lawyers rarely go to law themselves.

Moses Crowell

Secretary



Jodi Gerson

My name is Jodi Gerson and I want your vote for Secretary of the Student Bar Association. I am currently a first year day student and have been involved in various SBA activities including SBA senator, social committee and helping with the Friday happy hours. I am also treasurer of a legal fraternity.

My primary reason for running for secretary is to provide law students with a willing individual who is concerned with their needs and will communicate their ideas to better the law school atmosphere.

Being an SBA senator has made me aware of the untapped potential of SBA which can be realized with the right person.

I have many ideas which I think can improve our law school environment. I feel this should begin with the orientation program. The quality of the program can be enhanced by expanding the involvement of upper level students. An innovative program which I would like to institute is the "Partners in Law School Program." Incoming law students would be paired with upper level students to share experiences and deal with individual problems.

Availability of SBA is a key to effective communication between students and the SBA, therefore I will set aside specific hours each week to listen to any ideas or complaints.

I feel that I can best achieve these goals through the office of Secretary because of my prior experience as secretary for numerous undergraduate organizations. This experience has helped me develop the necessary skills to do an effective job.

The SBA is an extremely important organization for meeting law students' needs. To operate effectively it demands the right individuals. Choosing the right Secretary is one of the first steps in improving the SBA. I know I am the right person for the job, however, I need your vote!



Michele K. White

I am a second year student running for the position of Student Bar Association Secretary. For the last two years, I have been contributing to the law school community in my capacity as SBA Senator. As a first year student, I assisted with the Blood Drive, administered student evaluations of professors, and worked extensively with the Happy Hours. During my second year, I have become more involved with law school activities. At the beginning of the year, I was a small group leader for the Orientation of many of our first year students. Additionally, I continued my involvement with student evaluations and coordinated last January's Barrister's Ball. Currently, I am involved with the upcoming law school Follies.

My involvement with these activities has given me the opportunity to work closely with the current administration. Consequently, I have become knowledgeable of the functions and capabilities of the SBA. I feel that this knowledge of the organization and goals of the SBA qualify me for the responsibilities of the SBA office. If elected Secretary, I will fully commit myself to continuing my involvement with the social committee and carrying out the varied duties of secretary, including maintaining bulletin boards, participating in Orientation, recording meeting minutes, assigning lockers, and corresponding with other law schools in the Circuit.

I intend to remain open to suggestions and comments from the entire student body. Certainly, some of the concerns that need to be addressed in the coming year include improving the book exchange, working to keep vending and change machines full, and giving night students easier access to law school services.

Working together, we can insure that the law school community receives the services necessary to promote a productive law school environment. In exchange for your confidence in me, I pledge my time and energy to the fulfillment of this goal.

Treasurer



Michael T. Rae

I am a first year student running for the position of SBA Treasurer. As a first year Senator I've observed that the Student Bar Association has resources of power that have gone virtually untapped. We need to elect committed individuals who are willing to put out an effort to draw upon these resources and make Cleveland-Marshall a law school that sincerely allows the students to have a voice and have their needs met. Examples of problems that come readily to mind are a better distribution of night classes so evening students can choose from a wider variety of subjects, an opportunity for part-time day students in the first year class to have a choice in the classes they schedule so they can manage with their family and job responsibilities, and a master schedule which would enable a student to plan his course selections more than a quarter or two in advance. I would like the opportunity to serve as your Treasurer and work toward the realization of correcting such problems.

I served as Treasurer of the Student Body Project at Cedarville College during my senior year and would bring my experience to the SBA position. With the problems of a reduced budget and less funds to work with, I can only pledge that I will strive to insure that the students will get the maximum benefit of the funds that are appropriated to SBA next year. One pet project I would like to see implemented in the coming year is a "Partners in Law School" program for the incoming first year class. Such a program would allow any interested second or third year student to volunteer to lend a helping hand in getting next year's incoming first year class off on the right foot. While such a program would not involve much time or commitment it would enable the different classes to intermingle more freely and would serve a great service to first year students who perhaps might need a little guidance or word of encouragement along the way.

If these ideas or goals appeal to you, I'd appreciate your support in the SBA elections this year and pledge to strive to make them a reality.



Karen Leizman teaches the law components of "Street Chemistry" to St. Ignatius freshmen.

Street Law

By Roman O. Mironovich

Of the many programs at the C-M College of Law, Street Law is truly one that is looking towards a diverse and bright future. To get a glimpse at the future of the program, *The Gavel* interviewed Professor Elisabeth Dreyfuss, Director of the Street Law Program and Adjunct Associate Professor of Law at C-M. In order to better understand the role of Street Law at C-M and in our community, it is important to look at the history of the program.

The Street Law model of law-related education was created at Georgetown University Law Center in 1972 and has been replicated at 31 urban law schools since 1975. The first replication was at C-M in 1975 when the Robert Kennedy Memorial donated the funds necessary for the Washington, D.C. project to reproduce itself. Through the cooperative efforts of Clinical Director, David Barnhizer, and the Clinical Director of Georgetown University, and under the direction of Professor Dreyfuss, the program received C-M faculty approval in 1975 and has been strongly supported ever since. The program involves law students working in cooperation with classroom teachers to provide high school juniors with a year long course in practice law. In the 1980-81 school year, 57 C-M and 2 CWRU law students were involved in responding to this community's need for legal education. Also in the current school year, the program has reached 15 Cleveland public schools, as well as eight other schools in the Greater Cleveland area. Thus the program has grown to serve a little over 1,000 high school students in the community.



Dean Bogomolny presents the Magnet High School Proposal to the Board of Education on February 23, 1982.

When asked to comment on the popularity of the Street Law model, Professor Dreyfuss said, "Street Law provides practical information and thus enables youngsters to face adult responsibilities. From experience we see youngsters come to Street Law with thousands of questions; and the Street Law curriculum either provides immediate answers or enables them to locate the answers to their questions." It is important to note that the Street Law curriculum was created by C-M students and that as Professor Dreyfuss puts it, "The program thrives on the efforts of creative law students and employs approximately twenty C-M students." (This includes the C-M students employed by the Magnet School Project.)

In the Fall of 1981, Professor Dreyfuss was appointed to the national advisory committee of the National Street Law Institute. The committee meets semiannually at the Law Center of

Georgetown University. The appointment is important to Professor Dreyfuss in that, "I can have an impact on national policy in the Law Related Education movement (LRE)." National Street Law is one of four nationwide groups involved in L.R.E. The appointment will also help Professor Dreyfuss as she can "bring back helpful and relevant information from National meetings to Cleveland, where the growth of L.R.E. involves not only high school students but elementary school students as well."

In 1976, Street Law started the annual Mock Trials, the sixth competition of which will take place in the last week of April and the first week of May. The trials involve more than 20 teams which are comprised of high school classes, coached by the C-M law students who are their Street Law teachers. In response to students' needs, Street Law II, a community service job placement program

Continued on page 12



Professor Dreyfuss (center) and Judy Zimmer (left) conduct a Street Law Seminar class.

Point

Counterpoint

I used to be a lawyer, but now I am a reformed character.

Woodrow Wilson

WHAT HAPPENED?

The semester switch

The C-M faculty approved the semester change in December 1977. On May 6, 1981, the CSU Faculty Council defeated a resolution which would adopt a semester calendar for the entire school. In October, 1981, C-M announced the semester change for the 1982-83 school year. Soon after this notice appeared, Ed Buelow, SGA president, mentioned the semester change to Walter B. Waetjen, CSU president. Waetjen told C-M the semester change was not yet approved. Another notice went up postponing the semester change until the 1983-84 school year citing computer problems as the reason. On January 13, 1982, the Faculty Council approved C-M's switch to semesters. Final approval was given by the Board of Trustees in March.

When asked what happened, Associate Dean Victor L. Streib said, "We can't find the culprit. Every program gets delayed." Waetjen said of the first notice, "The action taken was not timely."

Computer Services is planning procedures for the semester change. R. Douglas Pinkney, Assistant Director of Computer Services, estimates it will take approximately nine months to complete the project. The computer center's first concern is with scheduling courses and faculty. Many programs will have to be written to change the registration, class roster, grading and add-drop process.

The Faculty Curriculum Committee, chaired by Professor Arthur R. Landever, converted courses from quarter to semester hours. The conversion resulted in a small increase or decrease in classroom contact hours. Business Associations was divided into two courses, Corporate Law and Agency and Partnership Law. All Committee recommendations must be approved by the faculty.

WE NEED YOU ON THE GAVEL

If you like writing, photography, graphics, or the business end of publishing, stop by the *Gavel* office, Room 23.

A letter to faculty, staff and students from Victor L. Streib, Associate Dean on March 30, 1982:

On Tuesday of next week we have the honor of hosting a seminar/conference entitled "Private Security: Authority and Responsibility." The faculty for this seminar/conference includes William H. Webster, Director of the Federal Bureau of Investigation, as well as other distinguished judges, attorneys and law professors.

As you might expect, the security considerations for Director Webster's appearance are substantial. For most of the 8 a.m. to 5 p.m. conference, our regular law school routine will not be disrupted. However, from about 11:00 a.m. until 2:00 p.m., a luncheon and address by Director Webster will take place in the atrium. For security reasons, we will not be holding classes on the first and second floors of the law building during that three hour period. Therefore, I have asked the faculty and students affected to conduct those few classes in the Corlett Building or in Rhodes Tower. Classes scheduled in one of the basement rooms of the law building are unaffected and need not be moved.

The other major accommodation we ask of you is to avoid using the first and second floors of the law building from 11 a.m. until 2 p.m. on Tuesday, April 6. Entrance to the law building from the outside will be only through the two basement doors, and entrance to the law library will be from the basement area near the elevator. Faculty will have access to their offices but are asked to cooperate with and help facilitate the security measures. Students are asked to remain in the Library or in the basement classroom/lounge areas for this three hour period.

We greatly appreciate your willingness to cooperate with us and to accept this disruption in your daily routine.

"I have noticed," said a young solicitor, "that members of the legal profession are almost always brave men. It is seldom that one shows cowardice. I wonder why this is so?" "Well," responded an elderly lady, "I've read somewhere that 'conscience makes cowards of us all.' And as lawyers mostly have no conscience, why, of course, they haven't anything to make them cowards." (1889)

"Witness, did you ever see the prisoner at the bar?"

"Oh yes, very frequently. That is where I got acquainted with him." (1889)

A lawyer's clerk wants to know if a cross-examination can be a good-natured one? (1889)

A letter to Dean Bogomolny from SBA President, Mark Mastrangelo on April 2, 1982:

On behalf of the members of the Student Bar Association, we take serious exception to Dean Streib's memorandum of March 30, 1982, which spells out the conditions which students must meet for the Private Security Conference of April 6. We do not like Dean Streib's conditions.

Students here have tolerated numerous inconveniences in the use of Cleveland-Marshall facilities for various events throughout the year. And we find this event, which all but bars us from the building, to be particularly objectionable. Suddenly, in the middle of the week, nearly two-thirds of the building is declared "off limits" to students, who (after all) pay tuition and taxes. Payment of tuition and taxes, we might add, defrays part of the cost for the use of this facility and the conference.

Furthermore, Dean Streib's unspoken suggestion that C-M students present a security risk adds insult to injury. We note that special provisions have been made for faculty access to the conference and to the first and second floors of the building. We question the assumption that faculty are better security risks than C-M students. Also, in view of the failure to make any provision for student participation in this program, Dean Streib has failed to clarify how the seminar will benefit law students. What is clear, however, is that our educational routine is being obstructed and disrupted.

Perhaps such stringent security measures do need to be taken for the appearance of the Director of the FBI. If such be the case, the administration of the law school should have suggested another location. We, the students, resent having our education preempted by this and similar conferences of the past.

It is obviously too late to remedy this situation. In the interest of fairness, subsequent orders similar to the one issued by Dean Streib (seven days before the scheduled event) should no longer be tolerated by you. We assure you that the SBA will look very critically at a repetition of this type of behavior.

IMPORTANT:

large student loans ?

Student Loan Marketing Association

Loan Consolidation Fact Sheet

Program Definition

Loan Consolidation was authorized by Congress for implementation by SALLIE MAE effective January 1, 1981. The program is designed to:

- reduce the burden of repaying student loans, and therefore to—
- reduce the incidence of borrower default.

Under the program, a new GSLP loan to SALLIE MAE is created. The existing GSL, FISL, and/or NDSL debt(s) is(are) paid off by SALLIE MAE. The monthly payment amount on the new loan will probably be less than the aggregate payments on the loan(s) being consolidated.

Consolidation is offered to all qualified borrowers having any combination of FISL, GSL, or NDSL indebtedness. Other student loan types are not included in the program. Based on technical amendments, HEAL loans may qualify at some future date.

Features

The new loan created by consolidating will be a GSL loan at a 7% interest rate.

The repayment term will depend on the applicants' student loan indebtedness (amount to be consolidated). Breakpoints are:

Amount Consolidated	Repayment Term
\$ 5000-\$ 7500	10 years
7501- 11000	13 years
11001- 15999	16 years
16000 +	20 years

It should be noted that the new loan created by the consolidation will require the first payment to be made within 60 days of the date checks are disbursed to the old creditor(s).

The borrower will be offered three (3) repayment options from which to choose:

- One level payment option, or
- One of two graduated repayment options. These two will allow the borrower to choose either longer term or lower total of payments.

All consolidated loans are originated and serviced by SLMA.

Because the consolidation service is national in scope, the Department of Education provides the guarantee for the loans.

Qualification

Pursuant to the Higher Education Amendments of 1980, loan consolidation applicants must:

- owe between \$5000-\$7500 to more than one lender, program, or guarantor,
- or
- owe more than \$7500 on any one of the above.

SALLIE MAE is initially making consolidation loans available to borrowers who are not delinquent on any loans being consolidated.

This will ensure that loans for which a claim has been processed are not consolidated.

Inquiries

Borrower inquiries should be referred collect to (703) 385-3605;

or

in writing to:

The Student Loan Consolidation Center

P.O. Box 1600
Merrifield, VA 22116

Institutional inquiries should be referred to William Kidwell, Product Manager at (202) 338-4541.

Applications

Interested borrowers will be sent a package containing all documentation required for the borrower to apply and have his/her creditors certify the indebtedness.

The application/approval process is anticipated to take approximately 90 days from inquiry to old debt pay-off. During that time the borrower will be required to continue making payments on his/her existing loans.



SPEAKERS:



By Roman Mironovich

On April 13, 1982 Professor Harlon Dalton of the Yale School of Law presented an informative and thought-provoking lecture entitled: "Why Do We Listen to Lawyers When Everybody Knows They Lie Like Crazy." Professor Dalton's talk was part of the Legal Traditions Program at C-M.

Although the average attorney spends a small percentage of time as an advocate, the public concern of lawyers "stretching the truth" is based on the attorney's work as advocate in the courtroom setting. The picture painted by Professor Dalton, that of the advocate pressing unjust claims, destroying just witnesses, and resisting just claims — is all part of the "lawyers bag of tricks" which is used to benefit John Q. Client. The resulting questions posed by Professor Dalton strike at the heart of our judicial system: 1) Does the advocate's use of the "bag of tricks" constitute an outright deception of the jury? 2) When opposing attorneys present their own distorted versions of "the truth," does the truth really emerge from the clash of the two sources in our adversary trial system? 3) In our system are other values more important than attaining the truth at trial (i.e., use of plea bargaining, settlement, and the Exclusionary rule)?

If it is a well-known fact that "lawyers lie like crazy," then why do juries continue to listen to them? In order to answer this question Professor Dalton drew an analogy between the use of deception on both sides of the adversary system and the deception that is at the heart of the haggling that takes place in the open market setting. In both cases there are certain conventions or "rules of the game" that must be maintained or else there will be no sale or bargain in the open market, and the jury will not "buy" outright deception by the seller (advocate) when the objective facts and/or the client contradict the deception. Professor Dalton surmised that juries keep listening to lawyers because: 1) jurors are hungry for information, they must reach a decision — whereas the buyer

can walk away from the haggler in the marketplace, 2) even though each advocate may paint his/her own version of the truth, if the presentation is logical and persuasive it may be "bought" by the jury, and 3) in many trials the attorney rather than the defendant or the judge is the one person in the courtroom that the juror can relate to, and thus buy his/her presentation of the case. Professor Dalton concluded that as professionals we must keep in mind that, "The truth doesn't always magically emerge from the adversary system."



The Visiting Scholars program presented the **Honorable A. Leon Higginbotham, Jr.** Circuit Judge, United States Court of Appeals for the Third Circuit, on April 1st and 2nd. Higginbotham spoke on "Race and the American Legal Process." He received the ABA Silver Gavel Award for his book "In the Matter of Color: Race and the American Legal Process; The Colonial Period."

Judge Jack G. Day of the Ohio Court of Appeals for the Eighth District spoke to a relatively large crowd on February 25th as part of the Legal Traditions Program. His lecture on social policies was sprinkled with humor and quotes from Plato and Shakespeare.

"Men and Women all contribute to the making of law and social policy," he said. He told the audience they must be instrumental in binding the community together because lawyers act as innovators, preservers and guardians of values. Day referred to his audience as "embryonic lawyers" saying they had not "learned the bad habits which may be characteristic of your elders."



LOOK, LADY — YOU'RE THE ONE WHO ASKED FOR A FAMOUS MOVIE STAR WITH DARK HAIR, STRONG NOSE AND DEEP SET EYES...

Many graduate students will generally be better off financially than most taxpayers, and need not receive subsidized loans courtesy of them. The administration is still budgeting \$6.3 billion in the GSL program for those who need it most. If poorer families are going to have to make some sacrifices to keep federal spending under control, then middle and upper income families should give up some of their benefits, too.

Twelve years after admitting its first female undergraduate, Yale University performed the ultimate in intellectual self-flogging as penance for such indiscretion. Beginning in the spring of 1982, the school will offer a bachelor (maiden?) of arts degree in women's studies.

As with the black studies programs which sprouted a decade ago, academia is guaranteeing the disillusionment of another whole group of degreeholders. These degrees are only good for teaching in the particular studies area. Thus the adherents are attempting to devise a sort of perpetual motion education machine.

Law

New York's highest court has just ruled that a dog's sniff does not constitute an illegal search. The sniff, by a trained police dog, occurred in Los Angeles airport, giving LA police a clue that the luggage of one Leonard Price, of Buffalo, contained "controlled substances," better known as drugs. When Mr. Price arrived in Buffalo, police were there to greet him with a search warrant. Sure enough, his bags yielded heroin. Mr. Price argued the dog had invaded his privacy but the court said, in effect, that odors are not private. That's at least one small setback for the exclusionary rule.

Archie Outlaw of New York thought his name might prejudice a jury when he went on trial for allegedly stealing heroin, so he petitioned for a temporary change. He suggested names such as Reggie Jackson, Eleanor Roosevelt, and Andrew Young, or even Archie Lawabiding. Opposing the motion, Ronald M. Neumann, an assistant district attorney, said cases against such defendants as Bruce Bimbo, Anthony Oddman, Anthony Savage, and even one Bernard J. Outlaw had all passed through the criminal justice system without apparent prejudice.

In Fresno, California, some of Mr. Norman Lear's most chilling fears regarding the spread of the Christian threat were realized when Mr. Terrill Clark Williams, 42, finally located a judge willing to change Mr. Williams' name to God. "It's something I've wanted to do for a long time," the writer and broadcaster explained, but until recently he had been unable to find an agreeable judge. Now, alas, the Holy Rollers are at work even in the judiciary.

In Fennimore, Wisconsin, Judge William Reinecke attempted to advance the boundaries of children's rights by

commenting in a trial that a 24-year-old attacker did not know how to avoid the advances of a 5-year-old girl. Reinecke, according to the trial transcripts, said, "I am satisfied we have an unusually sexually promiscuous young lady and that this man just did not know enough to knock off her advances. No way do I believe he initiated the sexual contact that did take place."

Nevertheless, Ralph Snodgrass was found guilty of first degree sexual assault. During the trial Snodgrass was revealed to be slightly retarded and had been living with the mother of the young victim. One wonders why the mother was not convicted of negligence for good measure.

Mr. Jack Abbott, author of a prison autobiography, was released from custody while serving time for a murder, in part through the help of his New York literary friends. Mr. Abbott, out for scant weeks, knifed a young playwright to death at a restaurant.

Norman Mailer, who helped get the book published, gave a press conference after he testified at the trial. Mr. Mailer urged that Mr. Abbott not be given a maximum sentence because that would destroy Mr. Abbott as a writer. "Culture," said Mr. Mailer, "is worth a little risk."

There is an irresolvable conflict between Mr. Mailer on the one side and on the other a legal order that refuses to take literary skill as a mitigation of murder. Here is the difference: the legal order sees the fleshy consequence of crime every day. It centers its attention upon the act, the death, the true human nature of the risk Mr. Mailer would like society to run. Mr. Mailer, on the other hand, is so distant from these real consequences that he mistakes them for just another string of words.

Unfortunately, the jury heeded Mr. Mailer's heavings and found Mr. Abbott guilty of a lesser charge. Whether society should risk Mr. Abbott's coming out again was not asked of the poor punctured playwright.

Reaganomics

Have budget cuts gone too far? New Jersey has just compared names and Social Security numbers of people on welfare and receiving food stamps with income tax statements sent to Trenton quarterly by employers. And what do you know, 31,575 "hits" turned up in which names matched, suggesting that working folks had either told the welfare office they were unemployed or had understated their incomes. That's a little over 15 percent of the families receiving social assistance. Quite possibly, legitimate savings can be made in the current programs without hurting the deserving recipients.

Remember the old Yiddish example of "chutpah?" A young man murders his parents and then pleads for the court's mercy because he is an orphan. Well, it seems that nonchalant Social Security administrators have been allowing felons who deprive themselves of a parent to collect survivor benefits. Social Security Commissioner John Svahn has just ordered the practice stopped.

Several weeks ago 60,000 Japanese workers rallied in Tokyo's Yoyogi Park demanding that the government cut taxes. Given the success of the Japanese economy and the failure of America's over the past decade, one should not rush to join the Congressional clarions calling for more taxes to cut the deficit.

Massachusetts Gov. Edward King testified to the Joint Economic Committee Congress that supply-side economics is working spectacularly well in the Bay State. Since 1979 tax cuts by the governor, legislature, and the popular referendum Proposition 2 1/2 have wonderfully revived the state's growth.

When the tax burden started falling, the state's income level zoomed from an anemic 1.1 percent above the national average to a 8.2 percent. Growth means that Bay Staters can look for jobs instead of welfare. The state has added 200,000 jobs in four years. The unemployment rate has dropped from 25 percent above the national average to one of the lowest among industrial states. Welfare rolls are down.

State income tax receipts, despite the cuts, are up 18 percent. The fiscal 1982 budget is headed for a \$25 million surplus while the fiscal 1983 budget is projected at a \$155 million surplus.

In New York, Governor Carey cut the top state income tax rate by better than 50 percent and watched the unemployment rate fall from well above the national average to well below. The main difference between Reaganomics and Careynomics and Kingonomics is that President Reagan hasn't gone as far.

Bimbos

Kenya's president is reported to have complained that his country's large Asian population should be doing more to help African businessmen improve their profit margins. The Asians are charged with selling food and other staples, made scarce by government price controls and subsidies, at large markups — and then smuggling their earnings out of the country for investment elsewhere. In other words, the Asians have indeed been demonstrating how to improve profit margins — at least in a country where profit has long been a dirty word. All this quite aside from the racism implicit in the notion that African merchants need lessons from anyone.

A French submarine captain has found that testing the socialist waters of Mitterrand France can be a tricky business. L'Express magazine reports that he has been given a 45-day confinement to quarters by order of Defense Minister Charles Hernu for being so gauche as to try to persuade his fellow officers to cut down their use of official cars. The poor captain made the mistake of urging them "not to behave like Socialist deputies." Minister Hernu was just carrying out the enlightened philosophy of Socialist Party Secretary Lionel Jospin, who warned that "anyone defaming the party will have to explain himself." The French may think

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they've found a way to egalite, but it looks like fraternite and liberte may lose something in the transition.

The Nicaraguan Sandinist government has admitted that it has uprooted 10,000 Miskitos and moved them to camps in the interior of the country. The official explanation is that the Miskitos have become a "security" problem.

The Reverend Miguel D'Escoto, Nicaragua's Foreign Minister, claims that the Moravian church has been telling the Miskitos that the Sandinists have been sent by the devil. Are primitive Indians living in an inaccessible jungle a security threat? Perhaps the expansion onto tribal land of a Sandinist military air base to take long range jets is more on point.

No doubt it's hard to make a revolution when so many people won't cooperate. But sometimes one wonders why so many human rights have more sympathy for revolutionaries than for their victims.

Freedom House, a non-profit and non-partisan New York organization, said, "while stories on El Salvador datelined Washington are fairly straightforward, those written from the scene are often simplistic, tend toward propaganda and ignore complex issues such as land reform."

The report also said the U.S. press portrays the dead "not as war casualties but as victims of human rights violations and does not indicate those killed often were people actively involved with the guerillas." Amnesty International and other human rights organizations make these distinctions.

Also the press reports killings without giving "any indication of who might be responsible or, worse, blaming right-wing forces in such a way that, though they might have no connection to the government, the government is nevertheless seen as the culprit. These presentations are not balanced with coverage of leftist terrorism."

Benny Bonanno, D-8, of Cleveland, announced his candidacy for Cuyahoga County recorder. Bonanno, former collegiate chum of D. Kucinich, cited his record of support for Munny Light, opposition tax breaks for Sohio (who hadn't asked for any) and support for election of members of the PUCO. The absurdity is that these issues have nothing to do with the competent operation of the county recorder's office. The moral debasement that public office seekers resort to has reached a new low.

Finally, gasoline prices have fallen below \$1.00 a gallon in parts of the Midwest. Oil stock prices are selling at a third of the price they were before deregulation. Why is Mountebank Metzenbaum not out telling people, "I told you so" regarding the evils of deregulating oil?

"Have you," asked the judge of recently convicted man, "anything to offer the court before sentence is passed?"

"No, your Honor" replied the prisoner; "my lawyer took my last cent." (1889)

The current administration had done an enviable job this past year, leaving the Association in good working order, and I promise to continue that trend with sound financial management and integrity. I see in the future, however, some problems which will require the full and diligent attention of the SBA President. They include the draconic reductions in available monies for graduate and professional student, and the scheduling problems associated with the university's changeover to semesters.

As someone who has worked for news organizations in our state and national capitals, I feel I have the knowledge and experience to be an effective lobbyist for student interests and against further reductions in our government's commitment to quality education. And I pledge to do my utmost to ensure that day and evening students get a comprehensive schedule in the coming year.

Working upon the strong foundation which has been established by the solid leadership of current President Mark E. Mastrangelo, I solicit your support for the continued success of the Student Bar Association.

Reisman Continued from page 3

I. EVENING STUDENTS pay as much in tuition as the day students, yet what happened to office hours and services in the evenings? Therefore (1) administrative office hours and services must be available until at least 7:00 p.m. two days a week, (2) more classes should be scheduled immediately following the "work day" rather than late at night, and (3) SBA services such as the book exchange will maintain hours for the evening class.

II. ADVANCED BRIEFWRITING should be able to be taken in satisfaction of the Upper Level Writing Requirement.

III. TUITION should not be increased in the next two years. The SBA must work with the University Trustees and the State Legislature to demand more funding for higher education. Likewise, since the law students pay more general fees per year than any other student at this University, consideration should be given such as either free or reserved PARKING near the law school with Key Cards rather than .75 each time you park.

IV. In the fall of 1983, the law school is switching to a semester system. Unfortunately, the class graduating in June of '83 will still be faced with the unreasonable schedule conflict between the Bar Review Course and Spring Quarter Final Exams. Therefore, Seniors must be given EARLY EXAMS.

V. LIBRARY HOURS must be extended to at least 12 Midnite one week prior to and during final exams. Also, the University cannot schedule various dinners, activities, etc. in our building during our study and exam weeks.

In order to accomplish these goals, the administration must perceive the SBA as having the full support of the Law Student Body. Therefore, everyone should take time out to vote in this election.

As a final note, I must be honest and inform you that the SBA President is paid a fixed salary by the University. Therefore, SBA is a full time commitment. As an incumbent, I have and will continue to devote full attention to the duties of the office. I hesitate to ask, but must question the motivation of other candidates who's time is consumed by law review or other activities in pursuing this office. I guarantee full attention to this job and accomplishment of the 5 enumerated goals. I urge your support and vote. See you at the polls on May 5th and 6th.

'Criminal Attorney' or what?

By Leonard Fleet

Attorneys who undertake the responsibility of representing parties accused of committing anti-social acts can generally be divided into three broad categories: criminal attorneys, criminal defense attorneys and responsible criminal defense attorneys. All three categories have unique characteristics but, at the same time, there are traits common to all.

An attorney engaged in the practice of criminal law usually has a fundamental working knowledge of Florida's evidence code, constitutional and statutory law, trial technique and an inborn desire to engage in intellectual combat. It is in the refinement of these basics, and the extent to which we mix them with a sense of obligation on our part, that determines into which category we may find ourselves in our professional lives.

In the eyes of the vast majority of the public — lawyers and non-lawyers alike — the correct description for one who represents a party accused of committing an anti-social act is a "criminal attorney." Often, such a phrase conjures an image of some sleazy, nefarious character who is a cohort of the accused and, as such, is to be tolerated as a necessary evil, but under no circumstances, is to be considered on the same professional plane as, for example, a corporate attorney. Such a negative image is reinforced when the attorney for an accused demonstrates that winning, regardless of the method employed to achieve his goal, is the single most important purpose of a trial. Protection of constitutionally vested rights or vindication of the accused are second in importance to the "criminal attorney's" ego satisfaction.

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for high school seniors was created. Street Law II is taught by Bob Lelkes and Cliff Nasch, C-M students, who instruct seniors from Lincoln West and Glenville High Schools in legal research. This program utilizes the C-M library and is made possible with the support of Phi Alpha Delta and the alumni of C-M. Through Street Law II, students have been placed in jobs at the Justice Center and in private firms around Cleveland.

Many law related education activities have spun off from Street Law. Materials created for the Street Law program have been used for many other projects. One example of a teaching tool that was written by Professor Dreyfuss, is the *Ohio vs. Sex Discrimination* manual. The guide is based on the evidence that the present education design does not meet the needs of women past early high school. Professor Dreyfuss explained, "The book attempts to build the capacity of women students to pursue higher goals." Some current projects the law related materials have been used for are: instruction of elderly, instruction of inmates at the workhouse and at the Western Reserve Psychiatric Rehabilitation Center. Material have also been specifically developed for the training of individuals, such as corrections officers, hospital personnel and school teachers. Currently, a teacher training program is being developed as a result of a pilot program, "Street Chemistry" which was taught for several weeks at St. Ignatius High School. This pilot program, developed by Karen Leizman and Roman Mironovich, C-M students, teaches about the legal and chemical problems involved with alcohol and drugs.

When asked to comment on the future of the Street Law Program, Professor Dreyfuss feels that the most exciting challenge is the magnet high school. This concept is the result of a combined effort by the CSU College of Urban Affairs, C-M Law School and the Cleveland Public Schools. Professor Dreyfuss explained that, "Like others, this magnet school will have a heavy jobs focus. Upon completion of the 4 year program, the graduates will be looking to enter public service jobs in this community, for example, at the managerial level in police, fire, sewage and housing departments." The proposal for the Law and Public Service Magnet High School was presented to the Cleveland Board of Education on February 23, 1982 by Dean Bogomolny and Dean Sweet. It was consequently voted on and approved on February 25, 1982. Professor Dreyfuss feels that although cities, such as Dallas, Pittsburgh and Baltimore have similar magnet schools, "The Magnet School's strength is in its university tie. Students will benefit from university resources — both college faculties, libraries, and data bank of the College of Urban Affairs." In addition to Professor Dreyfuss, Nona Burney and Judy Zimmer — two recent graduates of C-M through their hard work and involvement have made the Magnet School concept a reality in Cleveland. Judy Zimmer is a staff

assistant with the Street Law Program, and Nona Burney is a magnet planner with the Cleveland Public Schools.

The growth and success of Street Law can be summed up in two words: cooperation and involvement. Cooperation has taken place between the professions of law and education. Involvement of law students at C-M, their dedication and hard work are the reasons for the Program's continuing success. "What we have done is to adapt law materials to meet the needs of the community. Through teaching, the C-M students have derived numerous benefits. Many C-M students feel that teaching law is an effective way to improve their understanding of the American legal system," concluded Professor Dreyfuss. Under her direction student involvement has grown and the future of Street Law is limitless. It is a program that looks to grow with the College of Law and our community.

In conclusion, Professor Dreyfuss would be glad to talk to any interested C-M students about Street Law. Her door is always open (Room 153), and the Street Law phone number is 687-2352.

Bitchin'

SBA and the Curriculum

SBA wants feedback from exams, additional skill courses, parity in the upper level writing requirement and mini seminars. Since early fall, SBA president Mark Mastrangelo and SBA representative David Beal have talked to Associate Dean Victor L. Streib a number of times about these changes.

SBA wants the Dean to put guidelines in writing. Some professors post outlines or publish the best answer but others do not mark the blue books. Streib acknowledged the need for constructive feedback from exams and said the Dean has talked to the faculty. The Dean cannot issue written guidelines because it is a matter of academic freedom. "The faculty is concerned now and that usually brings changes," he said.

SBA complained there were not enough skill courses taught that were listed in the catalogue. Streib said he went through the catalogue and deleted courses that had not been offered for years. On courses that are offered occasionally, the phrase "Offered only periodically" was inserted. Streib admitted these courses might never be offered in the three or four years a student attends C-M. For students interested in these courses, Streib suggests talking to the professor listed under the course description in the catalogue. If there is enough interest, the course may be offered, but there are no guarantees.

Mastrangelo said, "It is clear there is a demand for these practical courses but they are not scheduled enough." Streib said these small enrollment courses are expensive. "C-M has more clinical, skill, advocacy-oriented courses than most other schools," he said. He does not foresee the law school funding increasing so there will probably be few additional practical courses. Streib predicts course availability will increase as the student body decreases to 1000.

SBA feels there is no parity among the institutes and the upper level writing requirement has not been adequately defined. Streib said the upper level writing requirement can be satisfied through: (1) an institute — this is based on the assumption that the institute requires a substantial paper. (This is under review at the present time.) (2) a seminar that requires a paper; or (3) any other course approved by the Curriculum Committee that has a substantial paper or series of papers.

According to Streib, a substantial paper is at least thirty pages. If less, it must be cleared with the dean's office. He has heard complaints from students that the writing requirement is busy work but insists a law graduate's poor writing skills are an employer's biggest complaint.

SBA suggested the introduction of mini seminars for C-M students. Mastrangelo envisions soliciting the outside legal community and C-M alumni to teach special interest courses for approximately two weeks. Mastrangelo brought this suggestion up a number of times but as far as he knows, nothing has been done.

For students who finished taking back to back exams in March, Streib says the final exam schedule should be a factor in selecting courses. He cites the difficulty for a professor to prepare an additional, equally challenging exam for students who cannot take the regular exam at the scheduled time.

One summer morning, years ago, a number of young lawyers surrounded Colonel Boyd, of Norristown, Penn., on the porch of the Stockton House at Cape May. When they were about to leave, the good colonel said he did not feel like parting with them without giving them some good advice. Said he: "Young men, I have practised law for forty years, and I have found that the best plan to have an easy conscience is to open each week in the proper way. Monday morning I go to my office about half an hour earlier than usual, lock myself in the back room, and go over the events of the preceding week, so as to see that I have wronged no man. If I find that I have, I make amends at once. If I find on mature consideration that I have charged a client to large a fee, I promptly write him a check and reduce it to the proper amount. You cannot too soon adopt such a practice."

"Have you often had occasion, Colonel," innocently asked one of the young men, "to make many such repayments?"

"That is the singular part of it all," promptly replied the good colonel; "I have religiously followed this habit for forty years, and thus far I have never had occasion to do anything of the kind." (1889)

The Falkland Mission

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By Michael G. Karnavas

The primary task of Haig's diplomatic mission is to resolve the Falkland crisis and yet have both Britain and Argentina walk away without losing face. More specifically, how can he resolve the issue of sovereignty without Britain or Argentina compromising the uncompromisable? While history has taught us that in peace negotiations it is best for both sides to walk away victoriously (Kissinger's brilliant peace settlement between Egypt and Israel in 1973), history provides no panaceas.

Haig's task is monumental if not impossible. Prime Minister Margaret Thatcher must maintain her position on sovereignty if she expects to remain in office. British pride will not concede to this Argentinian violation of International Law — not when Britain has the support of the international community (a rare, but nonetheless correct response). An underlying but significant consideration is the Spanish-British dispute over Gibraltar. If Argentina is successful in the Falklands, Spain may then use force to get the British out of Gibraltar. President Leopoldo Galtieri, on the other hand, has domestic troubles and must have sovereignty over the Falklands if he is to come out of this politically (or otherwise) alive. With a crippled economy and low national morale Galtieri reached for the Falklands to bail him out. If he fails in this nationalistic claim (especially when 10,000 troops are situated on the island) he will lose the presidency Latin-American style — by coup.

Haig must be successful if the United States is to come out of this fiasco without having to choose sides among its allies. Reagan is quite appreciative of Galtieri's violently anti-communist position in Latin America; hard core red-baiters are hard to find these days in that part of the world. Nonetheless, the United States is in desperate need of Thatcher. When everyone in Europe is going soft on the Soviets, Thatcher is the vanguard of Anti-Soviet expansionism. Thatcher is Reagan's staunchest supporter in NATO and on United States' defense policy. To lose Thatcher would be a devastating blow to Reagan's foreign policy in Western Europe. More importantly, however, Reagan must decide: (1) whether to uphold the Monroe Doctrine (a proclamation, although not approved by Congress, which holds that Latin America is part of the United States' sphere of influence); (2) to uphold the Rio Pact if invoked by the Organization of American States (the treaty asserts that an attack on any North or South American nation by either an American or a foreign nation would be tantamount to an attack on all those bound); or (3) to support Britain, a loyal and vital ally.

Undoubtedly, Haig should continue his efforts to resolve this crisis. However, it is clear that Argentina is the aggressor nation in violation of international law. Haig must pressure Argentina to withdraw its occupation forces and let the United Nations, though usually fraught with irresolution on such matters, resolve the issue of sovereignty; the United Nations can easily cut the Gordian knot by letting the islanders decide their own destiny.

Irrespective of what the final outcome may be, the United States must stand firm in its support for Britain. While juntas come and go in Latin America vacillating in their support for the United States, Britain remains an unsavory ally, bound by a common language, culture, and ideology.

Refund checks

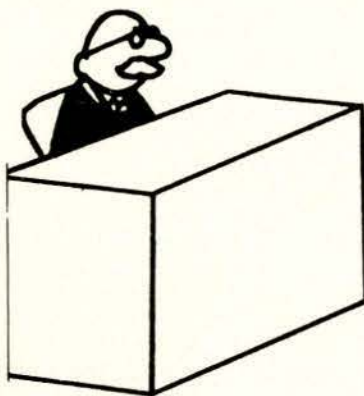
By Fedele DeSantis

All things considered, there are two things that most modern law students have in common, the prospect of unemployment and the reality of being flat-busted broke. With this in mind, one can understand the euphoria felt by those in receipt of refund checks from the IRS. However, one should not be fooled by the officious appearance of such instruments. Behind that pretty, blue computer card, embellished with emblems and bold face lettering, lies a quagmire of runaround and a nerve-frazzling exercise in futility. Before you make the mistake of overpaying the Internal Revenue Service and venture into the twilight zone, consider the following true life situation.

On March 23, 1982 Lucky Law Student, having liabilities far in excess of his assets, receives a posthumous refund check from the IRS in the amount of \$208.34.

On April 2, Lucky, beaming with exuberance boogies on down to Unionacre Bank, where he has a savings account in the amount of \$163.31, and ever so gently places his brand new check in front of Tenacious Teller intimating his intention of depositing it. Tenacious informs Lucky that he may deposit the check but may not withdraw against it "for quite some time." "How long is 'quite some time'?" Lucky unwittingly asks. "Three weeks, but I'm not sure. Let me ask the manager." Manager No. 1 traipses on over and mumbles, "six weeks." "Why?" whimpers Lucky. "Because it takes the federal government that long to get us the money." Lucky grabs his check, trots on down to Nationalacre Bank, where he has a savings account in the amount of \$73.02, and shoves it in front of Tedious Teller. Upon seeing the words *United States*

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"We find the defendant guilty, the lawyers incompetent, and the judge pompous."

Treasury, Tedious blurts out, "Oh, no! Not one of those! Wait one moment." Manager No. 2 strolls on over and mumbles, "you may deposit this, but you may not withdraw against it for six months." "Why not?" cries Lucky. "Something to do with clearing houses. Try the check cashing service at Woolworthacre." Lucky furiously marches on down to Woolworthacre and throws the now crumpled check at Woolworth Woman who screeches, "I can't cash this!" "Why not?" shouts Lucky. "I can't cash anything dated March!" Lucky then tells Woolworth Woman that she looks and sounds like an 80-year-old Lilly Tomlin and storms out.

On April 3, Lucky and his girlfriend, who has assets far in excess of her liabilities, voyage to Cardinalacre Savings & Loan. Lucky's girlfriend has a savings account with Cardinalacre in the amount of \$604.24, and Lucky naively thinks that she may be able to cash the check for him. Lucky unfolds the blue card, makes it payable to the order of Gorgeous and endorses it by signing directly under the words DO NOT FOLD. Lucky's girlfriend hands the check over to Ten Ton Teller who proclaims, "I can't cash this, it's not made out to you." Lucky upon hearing this butts in and delivers a convoluted diatribe about negotiable instruments, payors, payees, third party instruments, endorsers, endorsees, those primarily liable, those secondarily liable...ergo...to wit...etc. Whereupon Ten Ton with a glazed and profoundly confused look whines, "wait one moment, I'll get the manager." Manager No. 3 shambles on over and mumbles, "you may sign the check over to your girlfriend, but it is against our policy to accept it." "Why?" roars Lucky. "Because it takes the clearing house we work through *two years* to clear these checks, and we would have to freeze \$208.34 of her savings account for that period." Lucky then tells his girlfriend that she will be paying for dinner and begins to disendorse the check.

On April 5, Lucky calls the Treasury Department and asks, "how long does it take for an IRS refund check to clear?" "I don't know," answers the bureaucrat. "Don't you have a legitimate question to ask?"

Do you know how long it takes for an IRS refund check to clear? If you can guess the correct period of time, give or take a week, you may win a chance to cash it. Good Luck!!! Lucky's check is presently being used as a coaster for his beer mug.

CRIM. ATTY. Continued from page 11

On the other hand, a "criminal defense attorney" is one who is aware of the awesome responsibility that rests upon his shoulders when undertaking the task of representing an individual accused of an anti-social act. To the criminal defense attorney, such responsibility is accepted with appreciation of the emotional and intellectual demands associated with even the most mundane type of case. Adequate preparation, including both legal and

factual research, are second nature. Recognition of the fact that the quality of his professional performance is not to be influenced by financial considerations is axiomatic. All cases are prepared and presented with the same degree of concern, imagination and zest that should be attendant in defending a capital case.

The ultimate goal to which a criminal defense attorney should aspire is to achieve recognition as being "responsible." A "responsible criminal defense attorney" actually lives law every hour of every day. Self education is constant, embracing not only the law but, also, the humanities, philosophy, natural science, religion and the idiosyncracies of the various cultures which make up our society. The law, to this type of an attorney, is a dynamic force affecting every facet of life, always changing, evolving into new concepts, plowing original fields in order to plant the seeds of social and economic change. Yet, with all of its dynamism, the law remains constant in its role and the pole star upon which history is engraved and from which the paths of the future are charted.

The responsible criminal defense attorney embraces the best characteristics of his brethren and accepts his fallibility as a human. The goal of "winning" is extremely important, but the methodology employed to win is tempered by respect for ethics, intellectual honesty and a sense of awareness that, in protecting the rights of the individual, the privileges and freedoms of society are insulated against invasion. In essence, the proper ethical and moral conduct of the responsible criminal defense attorney contributes more to the protection of our society than the actions of the police or prosecutorial functions. Inappropriate discharge of responsibility by the attorney for the individual accused of anti-social act will contribute, in direct proportion to the degree of ineptitude, to the degeneration and erosion of the fundamental liberties described in our organic law.

Dissolution of our Republic is more likely to occur as a result of inner decay rather than by overt attacks from hostile forces. The rot generated by legal ineptitude in the defense of criminal cases is insidious, covert and may not be recognizable until it is too late. Only by *de facto* adherence to the high precepts of a "responsible criminal defense attorney" can we insure that our democratic system of government is immunized against the disease of apathy, expediency and, inevitably, dissipation.

Mr. Fleet is a practicing attorney in Hollywood specializing in criminal law, trial practice, personal injury and wrongful death law. Reprinted with permission of NOVA University Law Center Newspaper, Perspective.

"I wish to ask this court," said a lawyer who had been called to the witness-box to testify as an expert, "if I am compelled to come into this case, in which I have no personal interest, and give a legal opinion for nothing?"

"Yes, yes, certainly," replied the mild-mannered judge; "give it for what it is worth."

The Inman Resignation: CIA Loses its Conscience

By Michael G. Karnavas

It is hard to believe that the Reagan Administration is so myopic as to voluntarily force Admiral Bobby R. Inman, "the conscience of the agency" as he has been described, to resign as Deputy Director of the C.I.A.

Inman, the master spy, is an anathema to the ultra conservatives of the White House National Security staff. While Inman is committed to an effective intelligence agency which respects the Bill of Rights and civil liberties, Reagan and other top officials want to unleash the agency by upgrading counterintelligence operations that would "cut across the jurisdictional lines" of the FBI.

Counterintelligence, while indispensable, is a function of the FBI under the watchful (yet at times sleepy) eye of the Justice Department. A reorganization of counterintelligence operations would enable the CIA to indulge into domestic spying a la 1984, a bit of unrestrained clandestine wire tapping, an occasional warrantless search if a situation warranted such, and the creation of a central records bank to deposit choice information on anyone fitting the description of an "American."

Inman, the professionals' professional, is by no means a liberal sentimentalist. Prior to becoming Deputy Director of the CIA, he was director of the National Security Agency — an agency exempt from the provisions of the Freedom of Information Act, which conducts satellite reconnaissance and various other types of electronic intelligence gathering. Inman has also been voiceferous in the need to restrict, if not eliminate, the exportation of western scientific and technological information to the Soviet Union. Inman, however, does not feel the need to compromise civil liberties, when, in fact, intelligence operations can be effective to secure the integrity of the U.S.

The saddest fact of Inman's resignation is the loss of a spy, the likes of which not even Le Carre could dream of, who has earned the respect and trust of both ends of the political spectrum. Congressional oversight — coupled with a severe case of paranoia — being a fact of life (or death) for the CIA, is an obstacle which Inman has been able to hurdle to the satisfaction of both liberals and conservatives. A successor of Inman's capabilities will be impossible to find. Nonetheless, Reagan will yet learn, that without the trust of Congress, the CIA will remain an ineffective agency. Inman could be trusted.

Nader Blasts Law Schools

By Michael Krause

The "Harvard Law pattern" of legal education, under which nearly every American law student labors, is anti-intellectual and minimizes the social force of lawyers in our society. That, at least, was the assessment of one of the country's more famous lawyers, Ralph Nader.

According to Nader, things have not changed much since he entered Harvard Law School in 1955. Harvard wasn't training "lawyers" who took the Canons of Ethics seriously; it was training "attorneys," defined by Nader as having "retainer astigmatism." "To be a lawyer," Nader said, "you must transcend many of your courses and ask yourself the normative questions which professors consider analytically 'soft'."

Nader is not only troubled by the structure of legal education. He has also been an outspoken critic of law school curricula and admissions practices.

"Law school curricula are shaped almost completely by the commercial job market," Nader contended. As examples, he points to auto tort law, which focuses on "driver-to-driver" litigation and de-emphasizes product liability questions, and corporate law, which promotes inequality between individuals and corporations. Nader's ideal law school curriculum would include courses in landlord-tenant law which focuses equally on both parties, and courses in consumer cooperative law. He also suggests a greater emphasis on courses in equity, "the most important course in law school."

Law students should constantly be asking themselves what the course should cover in order to be "broadened empirically" — to define the social, political, and cultural factors which shape the law and encourage lawyers to become a social force. And forget about the bar exam, he said. "Never distort you law school career for the bar exam. It is imminently crammable, in more ways than one."

Nader's criticism of law school admissions practices has focused on the LSAT. "The LSAT is no better a predictor of success in law school than a roll of the dice in 80 percent of the cases," he said. Nader suggests the multiple choice format of LSAT be scrapped and replaced with a format that does not penalize reflection. The significance of the LSAT in admissions decisions should also be reduced, Nader contends, and replaced by interviews, writing samples, and work and volunteer experience.

Not even law professors were spared from Nader's barbed critique. Most professors, Nader said, combine the case method with the Socratic method to humble students into accepting existing premises, levels of abstraction, and choices of subject within a

particular area of law. It is necessary for law professors to crush the egos of their students, thus acculturating them into "thinking like a lawyer." "After all," Nader said "the Socratic method is a game at which only one can play."

Nader said being a member of a law school faculty should be a full-time job and students should demand the full attention of their professors. That means faculty moonlighting as consultants should be discouraged; at the very least, Nader said, there should be disclosure of the names of those for whom the professors are consulting.

"If you want to be bought," Nader said, "now is the perfect time to be living in the U.S. as a lawyer." He suggested that job enrichment would be a far more satisfying alternative. As law students consider their futures, Nader suggests they ask themselves, "what kind of law do I want to practice if money is no object?"

Nader advocates careers in "representing the under-represented interests" — that is, in public interest law. This could include work with legal services, consumer cooperatives, or pre-paid legal systems. But Nader also advocates "creating your own public interest job." That may mean taking a risk, he warned, but it can be rewarding both intellectually and financially. "You are living in a corporate culture that begins with law school, Nader said. "But you can just as easily try to make the law effective for the weak, the poor, and the unorganized."

Nader said the selection of a law career could be broadened to include public interest areas by assessing a fee for law firms interviewing on campus. The fee would be dedicated to encouraging public interest legal employers to interview. Law firms interested in interviewing on campus would also be required to fill out a questionnaire

about the types of legal work they do and the amount of pro bono time permitted associates.

Broadening the scope of his remarks in response to a question, Nader said, "the Reagan Administration is going to be good for the consumer movement." Reagan's attack on federal regulatory agencies through the budget process will galvanize consumer advocates, he said.

In addition to the present administration's attacks on consumer gains of the sixties and seventies, Nader said Reagan has launched attacks on civil liberties by proposing to "unleash" the CIA and FBI, by instituting lie-detector tests for persons having access to classified material and by suggesting a serious weakening of the Freedom of Information Act. Reagan is also supporting attempts to restrict the use of class action suits and create "restrictive standing rules which will be worse than fifty sheriffs barring the courthouse door." The Reagan Administration, Nader said, is "flinging buckets full of acid on the rules of law."

Nader concluded his remarks with a call on law students to take an active role in shaping their society. Democracy and the values it embraces foster individual and group effort to institute change. Nader points out that many students around the world are organizing to improve their societies under repressive governments, with few civil liberties. "If we don't begin to use what we have here in this country, we are going to lose it," Nader warned.

"Law school is the freest you will probably ever be as a lawyer," Nader said. "Make use of it!"

Reprinted with permission from SQUARE, University of Minnesota Law School newspaper. Ralph Nader spoke at the school on October 15, 1981.

47 States Now Seal Criminal Record

Three years ago, 23 states had privacy laws providing in varying degrees for the sealing or destruction of arrest, indictment, trial and/or conviction records in order to prevent inspection by the public and the press.

Since July 1978, the number of states enacting such laws has more than doubled. Today 47 states plus the District of Columbia and Puerto Rico have privacy statutes. New Jersey is the most recent addition. Only North Dakota, South Dakota and Vermont are without this legislation. The American Civil Liberties Union has led the lobbying to seal criminal justice records. It claims that job applicants with criminal records need protection from employer discrimination.

As the accompanying chart reflects, there is a wide variation of approaches regarding what records will be sealed or destroyed, as well as in the procedure, person and time by which this is to be done.

The records most often covered by the statutes are those of persons arrested but not convicted. Of 37 states allowing nonconviction records to be expunged, 15 prescribe automatic sealing or destruction. The remaining states require the defendant to file a petition requesting expungement with the court of jurisdiction, law enforcement agency or, in Hawaii, with the state attorney general.

Oklahoma and the District of Columbia, however, let the top criminal justice official decide what records should be expunged. Both statutes require merely a determination that the records are no longer of value to the department. At the other end of the spectrum is California, where a judge may, at his or her discretion, seal a record of a person acquitted at trial if the judge believes the defendant to be factually innocent.

Thirty-four states expunge records of persons arrested but not convicted of either a

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RES PENDENS

ABA's YOUNG LAWYERS DIVISION TO HOLD CONFERENCE FOR MINORITY LAWYERS IN WASH- INGTON, D.C.

CHICAGO, April 12 — A conference on "The Practice of Minority Lawyers in the Future," sponsored by the Minorities in the Profession Committee/Young Lawyers Division of the American Bar Association, will be held on May 15, 1982, at Howard University Law School, Washington, D.C.

This conference, the fourth in a series of regional conferences will explore the problems that minority lawyers encounter as sole practitioners in the area of lawyer discipline, their survival in governmental agencies, and alternatives in establishing a viable law practice.

Contact Andrea V. Wiley at 312/621-9244 for more information.

Phi Alpha Delta is presenting a speaker on Wednesday, May 5, 1982 from 3:00-5:00 p.m. in Room 133. **Dr. Robert Challenger**, a Board Certified Pathologist from the Cuyahoga County Coroner's Office will be speaking on the topic of Forensic Medicine.

At 10 a.m. on May 11, Dean Han Depei of the University of Missouri-Kansas City Law School will speak on "Legal Education in New China."

CLASSIFIED

Summer Housing

Law students would like to sublet apts. or rent homes in the Cleveland area for the summer. Contact Annette Hotz, 696-3939, Ext. 2638.

Write to your Congressional representatives now if you are concerned about the future of financial aid, particularly the drastic effect the proposed cuts will have on graduate students:

Senator John H. Glenn
201 Superior Avenue NE
Cleveland, Ohio 44114

Senator Howard M. Metzenbaum
1240 East Ninth Street
Cleveland, Ohio 44199

District 20:
Congresswoman Mary Rose Oaker
201 Superior Avenue, NE
Cleveland, Ohio 44114

District 21:
Congressman Louis Stokes
1240 East Ninth Street
Cleveland, Ohio 44199

District 22:
Congressman Dennis E. Eckart
24700 Chagrin Boulevard
Beachwood, Ohio 44122

District 23:
Congressman Roland M. Mottl
1240 East Ninth Street
Cleveland, Ohio 44199

CRIM. RECORDS

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felony or misdemeanor offense. Some states require that the charge of which the defendant has been acquitted be only a misdemeanor.

Minor Drug Records Expunged

Fifteen states expunge records involving arrest and conviction records of individuals convicted of minor drug offenses, usually the sale or possession of marijuana. There is usually a required waiting period following the completion of the sentence or probation before a petition requesting expungement may be filed. Nine states limit this relief to first-time offenders.

Another 21 states will, under certain conditions, expunge conviction records in general, which would include drug offenses. Of these 21 states, 17 permit expungement of records for both felony and misdemeanor convictions. Louisiana, Montana, Puerto Rico and Rhode Island will seal only misdemeanor convictions. Connecticut, Maine and Utah require that an applicant receive a full pardon before the record of arrest and conviction can be sealed.

Youths' Records Sealed

Juvenile records are sealed or destroyed in 27 states, automatically in 14. The remainder allow sealing after probation.

But Mississippi and Wyoming provide for the release of the name of the youth and the offense with which he or she is charged if the individual is adjudged delinquent a second time. Mississippi further requires the information be published in a newspaper of general circulation in the country in which the juvenile offender resides. Virginia allows

the judge to make public the name of the defendant, the names of his or her parents and the nature of the offense when the youth is charged with a criminal matter.

The sealing of juvenile records, combined with laws in most states which close juvenile court hearings to the press and public, make juvenile criminal justice one of the most impenetrable areas the media cover.

Provisions for Opening

The majority of states allow the defendant to review his or her file for mistakes. Prosecutors and law enforcement officials also are granted access to sealed files if the contents can help an ongoing investigation. Sealed records also may be used by a judge in sentencing the defendant for a subsequent offense. Two states, New York and Massachusetts, disclose conviction records to gun-licensing agencies.

Only one state, Texas, explicitly provides that the court records of the expungement hearing or the docket entry of the filing of the petition for expungement be sealed. Of course, the broad phrases "court records" and "all records" used in some of the statutes arguably can be interpreted to include the request for expungement as well as the material to be expunged.

Civil and Criminal Sanctions

Twenty-five states give the defendant a civil remedy against the state agency's or employee's releasing the information to unauthorized individuals. A criminal penalty, usually in the form of a misdemeanor punishable by a fine or imprisonment, or both, is also imposed by 39 states for unauthorized disclosures. Only California and Arkansas make it a criminal

offense to knowingly receive or publish sealed records. California makes it a misdemeanor; Arkansas makes it a felony punishable by a fine not exceeding \$5,000 and imprisonment in the state penitentiary for not more than three years if one willfully obtains sealed records.

These statutes are certain to hamper investigative and analytical reporting on the criminal justice system, since fewer avenues of information will be available. An increased number of lawsuits for invasion of privacy may also result.

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Ohio Law

Fingerprints and descriptions of a person charged but not convicted of a crime may be returned upon request.

All records of an individual convicted of a felony or misdemeanor and found to be *drug dependent* may be sealed by petition after rehabilitation probation. A petition may be filed three years after discharge of a felony conviction or one year after a misdemeanor conviction. Sealed records may be opened in sentencing in subsequent convictions.