New Role for Students in OSBA

CONSIDERS U.P.C. IN IMPROVING O.R.C.

by Gary Holthus

The semi-annual report meeting of the Ohio Bar Association Probate and Trust Law Committee at the Sheraton Hotel on February 27, 1970, was opened by Mr. Huddleston, O.B.A. committee's purpose was to improve the Ohio Revised Code sections dealing with Probate and Trust Law, i.e. § 2120.00 et seq.

With people's needs and wants changing every day, we, as future lawyers, must be not only aware of the need for the law to grow and change, but also to enact laws that will reduce litigation and dispose of contested actions quickly. This is the basic problem with which O.B.A. committee on Probate and Trust Law is dealing.

Approximately ten years ago the Probate and Trust Committee started playing with the idea of a Uniform Probate Code which would bring together in one volume those sections of the state codes that are similar. The sixth draft of this Uniform Probate Code has just recently been published and is the basic instrument used by the committee in their attempt to speed up the probate of estates in Ohio.

The Trust Committee is one of the most influential in the O.B.A., primarily due to the fact that as lawyers deal with large estates, it would be far better for the beneficiaries to have all the necessary information on one statement, as their duties may be. It would have been far better for the estate of the late Mrs. Groves in Ohio, one-half million dollars a year are probated. Some of the practical problems were expressed by fellow committee member Ken Tone of Sandusky, Ohio: "Presently the court must be open for four months to creditors to file claims against the estate, and if the Federal Estate Tax is involved, i.e., only applied to estates of $60,000 or more, the wait will be between 18 to 24 months. With the vast numbers of estates to be probated under land, many of which are over $60,000, the necessary changes to simplify the probate process are urgently needed."

Two of the areas discussed to improve the probate and trust sections of the O.R.C. are: (1) Put all necessary information on one statement, (2) Presently, an estate with assets less than $5,000 need not be administered. The committee is trying to increase the minimum to $5,000.

The Uniform Probate Code has one article dealing with creditors, and with the Uniform Trusts, one trust, and one with amendments. The question of discretion in the trust area centered around the fact that the laws of Ohio do not support a trust as an indivisible trust, and to the present, I hope, court that the law is administered in the Probate Court, whereas an estate which is free of court administration and is a private matter between a donor and the Trustee.

Even though the operation of the law is a slow process, the Bar is always seeking new thoughts to keep up with a changing world. The Uniform Probate Code, as published and is the basic instrument used by the committee in their attempt to simplify the probate process are urgently needed.

STUDENT CONTRIBUTES TO INSURANCE COMMITTEE

by Robert I. Cherrett

The Student Bar Associations of the Ohio Law Schools recently petitioned the Ohio Bar Association to establish a program to encourage law students to participate in the work of the standing committees of the association. The Executive Committee of the Ohio State Association adopted a resolution authorizing the president to appoint a limited number of students as student associates to these committees.

Each standing committee has a specific area of interest they explore. Some of these areas are corporation law, family law, labor law, probate and trust law, real property law, and many more too numerous to mention. I was assigned to the Insurance Law Committee, and, as a student associate, I was able to participate in all discussions, assist generally in the work of the committee, but was not permitted to vote on any issues.

The Insurance Committee presented a speaker on variable annuity as a security, a new concept which combines some aspects of both insurance and securities. The committee also had a discussion concerning prospective legislation in reference to multiple injuries and deaths.

As a member of the committee, I absorbed the committee meeting afforded me an opportunity to meet with lawyers in a quasi-equal basis, and it enabled me to see these lawyers and insurance men in a situation where their "hair is let down," so to speak. The members of the committee were most cordial and gracious. The opportunity to make me feel as though I was a full member. Generally speaking, my attendance at these meetings is a most splendid experience, one which everyone, I hope, will have an opportunity to have.

FACULTY STEAMED ABOUT SBA COMPENSATION

The CSU law faculty is taking sides on the issue of recent action taken by the CSU SBA in awarding scholarships to next year's officers. Due to the fact that the Bar, in addition to running its own functions, was handled the job of allocating funds for all law college activities by the university, a question of propriety has arisen.

As their duties may be, it would have been far better for the college to utilize the services of the student association. The fact that they as lawyers deal with large estates, it would be far better for the beneficiaries to have all the necessary information on one statement, as their duties may be. It would have been far better for the estate of the late Mrs. Groves in Ohio, one-half million dollars a year are probated. Some of the practical problems were expressed by fellow committee member Ken Tone of Sandusky, Ohio: "Presently the court must be open for four months to creditors to file claims against the estate, and if the Federal Estate Tax is involved, i.e., only applied to estates of $60,000 or more, the wait will be between 18 to 24 months. With the vast numbers of estates to be probated under land, many of which are over $60,000, the necessary changes to simplify the probate process are urgently needed."

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ATTORNEY GENERAL BROWN KEYNOTES D.T.P. RUSH

by Leland Campbell

Ohio Attorney General Paul Brown will address the brothers and rushers of the Delta Theta Phi Law Fraternity tomorrow evening at the Club City. Mr. Brown's speech, "Ohio Government in the '70's" will keynote rush festivities for the fraternity. The event will commence at 9:00 P.M.

Earl Bailey, Anthony D'Cillo, Gerald Hudec, Peter Floyd, Bruce Molnar, and Robert Sveta are D.T.P.'s most recent initiates. The fraternity has an active chapter, with over 104 members. The local chapter, Ranney Senate, also played host to the national organization's semi-annual business meeting held March 13-15 in Cleveland. The National Chancellor, Edward F. Meyers, is an alumnus of the law college.

Mr. Brown, along with Chapter Chairman of D.T.P. Svets and Mr. Cherrett, will address the fraternity at the upcoming Law Day Program. Along with his work in the Law Student Division, Avery is an officer of the CSU Student Bar Association, Executive Editor of The Gospel, Chapter Chairman of LSCRBC, and Alumni Director of Phi Alpha Delta. He is a graduate of the Law School, admitted to practice law.

In commenting on the nomination, Mr. Friedmann stated that the Silver Key represents a tribute to the law college and its increased role in service to the community. He noted that the nomination reflects the Bar's awareness of what our law students are trying to do in answering the questions of social crisis," he stated.
Crisis in Chagrin Falls by
Avery Friedman

Picture a quiet, provincial Ohio town situated miles from the strains and complexities of urban sprawl. The town square is bustling every Monday night with law students and residents of the semi-decorated specialty stores. The scene is peaceful, tranquil, and static. The school board, of course, is the plaintiff in a lawsuit, and, in somber tradition, dictate policy regarding curricular matters as well as having a say-so regarding the local police department.

This is Chagrin Falls, which, but for certain events which have occurred of late, represents the small towns America, both in size and in attitud. But a crisis has arisen. The Chagrin Falls High School Student Council, with the general support of the Chagrin Valley Chamber of Commerce, submitted to the Board a "Student Bill of Rights" which calls for, among other things, a right to hearing for suspension cases. The board, in turn, proposed a curriculum, and the development of teacher evaluation. The board of regents and the student body, following the Chagrin Valley Chamber of Commerce, have drafted constitutional amendments to the state constitution. However, the issue is not conclusions as to what effect total or partial adoption of the Student Bill of Rights will be, but, rather, what rights and remedies are available to the students, guaranteed under our Constitution. In our society of ordered liberty, the question often arises: to what extent individual rights will be sacrificed to the general collective rights. The answer is far from being ascertained clearly.

Chagrin Falls, however, has missed its point. There has been no discussion of the legal, but, perhaps, of the moral or the political implications of the issues; there has been no research to see what effect total or partial adoption of the Student Bill of Rights will be. The students, however, have a right to know what rights and remedies are available to the students, guaranteed under our Constitution.

The discussion in Chagrin has been by means such material can be suppressed. Members of the bill of rights movement have been making speeches at various meetings supporting restrictions and penalties for disseminating the material. One Board member has stated that "the courts have always been available and have been wise in their deliberations on this question." An organization calling itself the Chagrin Valley Civic Affairs Committee has stated that the documents advises a "policy of litigation, instead of advocacy, as a revolutionary overthrow of this heritage," and that, if the Bill of Rights were to be approved, local communities would have "no force and no power" in the issue. Moreover, the oppositions have constantly made references to two organizations, the SMC and the ACLU, as "Communist fronts whose main function is to obstruct legislation."" An organization calling itself the Chagrin Valley Civic Affairs Committee has stated that the documents advises a "policy of litigation, instead of advocacy, as a revolutionary overthrow of this heritage," and that, if the Bill of Rights were to be approved, local communities would have "no force and no power" in the issue. Moreover, the oppositions have constantly made references to two organizations, the SMC and the ACLU, as "Communist fronts whose main function is to obstruct legislation.

The bill was actually drafted by the Student Matts' rights and then grant him a degree in which he can take pride and use as a prerequisite to further his education at any graduate school in the country." I couldn't agree more, but unless A.A.L.S. approval is given, C-M graduates may not be able to rationally achieve the goals they seek.

To paraphrase the words of the late President Kennedy, "It's not atypical in its desire to do a job that we have been doing for years without compensation," stated Mrs. Edwards as the placement controversy seems endlessly roll on without any hope in sight.

Readers are advised to call Mr. Thomas L. Rentfrow at 861-7400 for information on the Cleveland Bar Association's Legal Services Program. Staff volunteers who wish to offer their services to assist in the planning of and participation in activities on Law Day are advised to call Mr. Thomas L. Rentfrow at 861-7400. The Cleveland Bar Association's Legal Services Program offers free legal advice to those who cannot afford to hire an attorney. The program is open to all residents of Cuyahoga County, Ohio, who qualify financially. For more information, please call 861-7400.

NOTICE

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Moot Court Elects New Chairman, Heads for ABA/LSD Meet

Harvey Yasinow (’71) has been elected Chairman of the CSU Moot Court Board for the coming year. Harvey, a member of the Moot Court Board in the past, was chosen to head the team at the National Moot Court competition last fall which has already assumed the responsibilities of his new post in naming the law college’s most court delegation to compete in the annual Sixth Circuit American Bar Association Law Student Division contest in Toledo April 3-5.

Representing CSU in Toledo will be Tom Arias (’71), Swihart, a former insurance adjuster, assumed the lead for the petitioners, and Sheila Kahoe (’71) and Terry O’Donnell (’72) representing the respondents. Moot Court Coaches Professors Cohen, Boskey, and Browne will accompany the team.

The Moot Court Board is presently considering recruitment for next year’s team. Announcements will be forthcoming in the near future in that respect. Chairman Yasinow represents the Law School and CSU will be well represented next year as he, Bill Kohner (’71), and Tom Arias will be returning to the competition.

USA observance in Paris in 1966. Dean and Mrs. Gaynor were guests of Comte and Comtesse de Chambrun, is admitted to the New York Bar. He further sees the importance of law student leaves much to be desired, as most professors will readily acknowledge.

The articles do not necessarily have to be on a strictly legal subject, but may be related to any nonlegal work or interest of the student. It should be short and to the point in format.

Mr. Edward Haggins, an alumnus of Cleveland-Marshall and past law review member, is a deadline member of the contest with Mr. Raymond Novin, an alumnus of Case-Western Reserve Law School. In describing the purpose of the contest, Mr. Haggins said that “the usual writing skill of the law student involved is not to be desired, as most professors will readily acknowledge.

This contest will give the student who is not writing for either student newspapers, law reviews, or legal journals, a chance to win an award for his writing ability.” But Mr. Haggins did stress that the contest was not closed to newspaper staff or law review members.

The winner is expected to have his paper published in the CLEVELAND BAR JOURNAL, and to be presented with a plaque.

Cohen, Boskey, and Browne will accompany the team.

USD capsules

Avery S. Friedman
Law Student Division Representative American Bar Association

The ABA Law Student Division is now offering to non-affiliated student members the Division’s back publications and a portion of his dues to the ABA Law Student Division. The Division is offering this to students who have been admitted to the bar and are members of law student organizations affiliated with the ABA. The Division will offer to students who have not been admitted to the bar and are members of law student organizations affiliated with the ABA. The Division will offer to students who have not been admitted to the bar and are members of law student organizations affiliated with the ABA.

What are the writing skills of the average Cleveland law student? The Cleveland Bar Association wants to find out. With this in mind, they are sponsoring a legal writing contest, open to all law students in the Cleveland Area.

The papers are to be submitted to Mr. Edward T. Haggins, or Mr. Ray R. Novin in care of the Cleveland Bar Association, 1044 Terminal Tower, Cleveland, Ohio 44114. The deadline for submitting the papers is May 15, 1970.

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CSU Diplomas For C-M Grads

Procedures for obtaining law degrees from The Cleveland State University by graduates of Cleveland-Marshall Law School and its predecessors have been announced by James K. Gaynor, Dean of CSU's College of Law. The University will award the same degree previously given by Cleveland-Marshall and its predecessors, including honorary degrees.

Awarding of CSU degrees was authorized by the Cleveland State trustees at its meeting in December. The first four diplomas were awarded by Dr. Harold L. Enarson, president of CSU, at the annual Cleveland-Marshall Alumni Luncheon on January 29. Recipients were Louis Paner, oldest living law alumnus; Hon. Joseph W. Bartunek, a trustee of Cleveland State; Hon. John J. Patton, Cleveland-Marshall graduate who also is an alumnus of the predecessor college of Cleveland State; and J. Terence Burke, president of the Cleveland-Marshall class of 1969.

CSU officials recognized that the Bachelor of Laws degree was awarded until early in 1968 when Cleveland-Marshall replaced this degree with the Juris Doctor for those who made application. A $25 fee was required at that time to meet the expense of the elaborate ceremony and dinner held at the Cleveland-Sheraton in awarding the degrees. Cleveland-Marshall Law School continued to grant the retroactive J.D. degree upon payment of the $25 fee.

CSU is awarding the degrees upon the certification of Cleveland-Marshall Law School, whose corporate existence is to continue until June 30, 1970, by court order. An individual who failed to receive a retroactive J.D. degree will be certified by the Law School officials as eligible to receive it upon making a $25 contribution to the Cleveland-Marshall Educational Foundation, a non-profit corporation chartered by the State of Ohio for educational purposes.

An application for the CSU degree will be supplied upon request, but the application may be submitted by letter without use of the form if the following information is supplied on the form on this page: (1) the exact name in which the degree was conferred, (2) the name which should appear on the diploma, if different, and the reason, such as marriage or change of name, (3) the school which conferred the degree, Cleveland, John Marshall, or Cleveland-Marshall, (4) the year in which the degree was conferred, (5) the degree conferred, and any subsequent change in the degree from LL.B. to J.D., (6) any honors shown on the original diploma, such as cum laude or summa cum laude, and (7) if appropriate, an indication that the degree was conferred honoris causa.

It will not be necessary to submit the diploma formerly received, as was the case when Cleveland-Marshall granted retroactive degrees in 1968.

The application should be submitted to the Cleveland-Marshall College of Law, 1240 Ontario Street, Cleveland, Ohio 44113, whence, after verification, it will be forwarded to the CSU Alumni Office at the main campus for issuance of the diploma.