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LAW NOTES

Cleveland-Marshall Law Alumni Association News

*Volume 12, No. 1
Spring 1986*



IN THIS ISSUE:

A Forum For Redress

*Annual Short Course
Law Programs*

LAW NOTES

Vol. 12, No. 1
Spring, 1986

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Charles J. Humel, C.S.U.

LAW NOTES, issued by the Cleveland-Marshall Law Alumni Association of Cleveland State University, 1801 Euclid Avenue, Cleveland, Ohio 44115. (216) 687-2368.

Chairperson, Law Notes:

Maria E. Quinn, '79

Editor, Alumni Coordinator:

Raymond L. Weiss



ABOUT THE COVER

Alumnus Franklin A. Polk receives birthday congratulations and a key to the city from Mayor George V. Voinovich. Story on page 10.

OFFICERS AND TRUSTEES Cleveland-Marshall Law Alumni Association of Cleveland State University

1985-86



Members of the Board of Trustees, Cleveland-Marshall Law Alumni Association, 1985-86. From left, top row: John J. Sutula, '53, secretary; Susan L. Gragel, '80, president; Terrence L. Brennan, '78, president-elect; Irving L. Heller, '57, treasurer. From left, bottom row: Steven H. Slive, '76; William T. Monroe, '53; Robert Zashin, '68; Leo E. Rossmann, '29; Leon M. Plevin, '57, immediate past president; Dean Robert L. Bogomolny; David Paris, '77; Ralph Streza, '83; Charles J. Gallo, '55; Richard S. Koblentz, '75; Gerald R. Walton, '80. Missing are: Herbert Palkovitz, '68, 1st vice-president; Bessie Cassaro, '65; Sheryl King, '79; Maria E. Quinn, '77; Richard T. Reminger, '57; Samuel J. Agnello, '68; Ramon Basie, '62; The Hon. Timothy M. Flanagan, '71; The Hon. Leo A. Jackson, '50; The Hon. John T. Patton, '58; Lawrence Rich, '67; Michael T. Scanlon, '59; and Bernard Nosan, '73.

The Board of Trustees are committed to serving you. Your input is welcome. Please feel free to contact board members at the Alumni Office, 216/687-2368.

Editor's Note:

We wish to thank alumni and friends who have complimented past issues of Law Notes and who have contributed to the publication. We hope you will continue to respond to the information in this and future issues of Law Notes.

Dean's Message



Robert L. Bogomolny

With May comes Law Day, an opportunity for the Nation to reflect on the role of law in a free society. Cleveland-Marshall is a College distinguished by its dual commitment to quality legal education and public service. Ours is a unique mission of public service born of strong legal training. Law Day is a time to celebrate this tradition.

President's Message



Susan L. Gragel

This year, the Alumni proved their generosity. Cleveland-Marshall graduates from all classes contributed substantial sums to the Law School's Development Drive, making that effort a great success. The willingness of the alumni to give financial support has yielded scholarships and much-needed funding for Law School programs.

For nearly a century, Cleveland-Marshall College of Law and its predecessor schools have trained generations of lawyers in the spirit of public service. By enhancing access to the profession, the School has profoundly influenced the character of the region's legal community.

Believing the profession should reflect the diversity of the governed, Cleveland-Marshall was among the first law schools to erase discrimination from the pursuit of a legal education. Initiating part-time and work-study options, the School eliminated wealth as a prerequisite for a legal career.

That social conscience is reflected in the activities of Cleveland-Marshall students, faculty and alumni today. A Clinical Program allows students to gain academic credit and field experience simultaneously. Participants in the Street Law Program share their knowledge of the issues of due process, equal protection, individual rights and responsibilities with high school students. A Visiting Scholar Program gives students an opportunity to meet America's most distinguished scholars and exam-

However, financial support is only part of the help that the Law School needs from us. The Law School also needs our ongoing personal commitment to maintain its role as an institution which produces excellent attorneys and dedicated public servants.

The "bad press" that lawyers have received in recent years and the often exaggerated claim that there are "too many lawyers" in society has caused many well-qualified college students to decide against pursuing legal education. From my own experience and my opportunities to meet a large number of our graduates, I am convinced that the practice of law remains an excellent career choice for young people. The claim that new lawyers cannot find employment because there are already too many of us is, at best, a myth. Indeed, employment opportunities for beginning lawyers have increased in the past three years.

As graduates of Cleveland-Marshall, we need to encourage individuals with tentative interest in law to follow that interest and to enroll at Cleveland-Marshall. Through personal contacts

ine a broad range of social issues.

Faculty promote educational excellence in research and scholarly publications; their topics reflect the concerns of a complex community and include housing, juvenile justice, child abuse, immigration, discrimination and civil rights.

Alumni use their training to serve the public as jurists, elected officials and leaders of organizations that regulate and promote sound legal practices. In the private sector, graduates practice law in firms and guide the activities of business and industry. Regardless of career path, alumni find innovative ways to contribute to their communities.

The common denominator of Cleveland-Marshall College of Law—past, present and future—is application of legal training toward solution of contemporary problems.

Those who support Cleveland-Marshall affirm quality legal education and the dignity of community service. They insure that this community will continue to be the direct beneficiary of legal training that defines public service as the greatest good.

with friends, relatives and acquaintances, we need to urge qualified individuals to pursue professional education at Cleveland-Marshall. After all, the Law School provides the highest quality legal training in the State. Unless the Law School continues to attract bright, energetic students, it will not maintain its leadership role in the community.

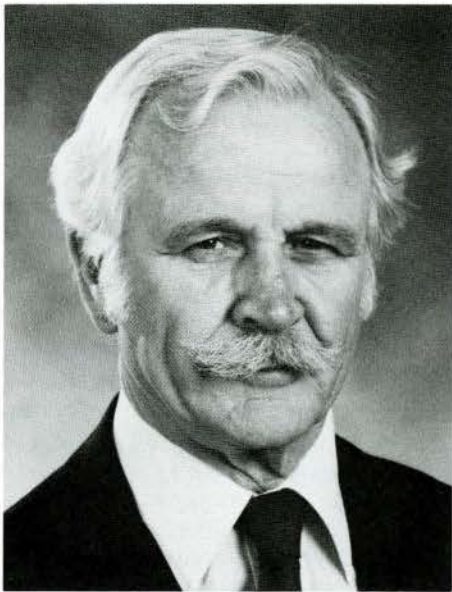
The students now enrolled at Cleveland-Marshall need opportunities to learn from successful attorneys through internships and clerkships. With the approach of summer, the students are available for full- and part-time employment. I hope that our alumni will give special consideration to Cleveland-Marshall students when hiring clerks. If your firm is able to hire clerks in this upcoming year, please call Nancy Goldman, Placement Director, at the Law School. I know that she will do all that is possible to match a law student with your needs.

Finally, the students at Cleveland-Marshall will benefit greatly from formal and informal contacts with alumni.

Continued on page 14

A Forum for Redress

by the Honorable William T. Gillie
Franklin County Common Pleas Court



The Hon. William T. Gillie is a 1940 graduate of Cleveland-Marshall College of Law. He has served as city solicitor, Assistant City Attorney, and municipal judge. Gillie enjoys diverse interests including Shakespeare, wood carving, hockey, and collecting chess sets.

The trial court is the building block of the Ohio and American judicial systems. It is essential that the work of the trial court be subject to review, but the societal need of a forum for the redress of wrongs cannot be denied. This the trial court provides. It is open to all, and by the establishment of public defender services, is available to complaining and complained against citizens and aliens.

Many litigants are unable or unwilling to prosecute appeals of trial court rulings and verdicts. In that event, the court becomes the final arbiter of basic rights and duties. The parties have had their day in court, will have no second chance, and the trial court then becomes the supreme court as to such claims.

This finality in most of the cases tried is often overlooked by the legal profession, try as we do in the steady stream of litigation to assure that litigants receive justice.

There is a tendency- usually unspoken and more often subconsciously thought- that should an error have been committed during trial, the court of appeals is always there to discover and correct it.

Reliance upon the appellate process to make certain justice is done is based on the assumption, purely theoretical, that an aggrieved suitor will indeed be able and inclined to pursue his claim in a higher court. Able though the courts of appeal in Ohio have characteristically been, they should not be used as insurance by trial judges unwilling to express and execute an opinion they know to be legally correct.

In short, if a party to a case seeks and is entitled to a summary judgment, a dismissal at the close of a plaintiff's evidence, or other relief expressed in an appealable order, the party should have the relief sought.

Another impending factor is the apprehension of being reversed by a reviewing court. Few will attribute a decision to the simple fear of reversal, yet it is occasionally named as a factor. There is a fine line between those cases wherein the law has been so clearly or so frequently stated by the appellate or supreme courts that no doubt exists and it would simply be an expensive folly to rule in a contrary direction, and those cases in which law is evolving and the appellate courts need well-reasoned opinions to offer opportunities for modification of their own rulings to meet changing needs. It is the position taken here that in the latter area, a trial judge should allow no conjecture of reversal to intrude upon his work in drafting an opinion setting forth the law as he sees it, and in accord with the highest standard of justice.

It is sometimes said that the legal system is not in step with the times, and is encumbered by obsolete and obscure statutes and practices. Progress should be made, but the legal system, perhaps more than any other institution, adds stability by not changing with every change in public opinion or in rapidly moving science, technology, and economics. The ground rules under which society moves should be known to the users, and should be sufficiently stable

to assure the public that its promises and duties will be honored and a pattern formed for safe venture into the future.

New information and techniques are being developed daily in the area of dispute resolution by conciliation, negotiations, and arbitration. The courts are interested and should be eager to support such efforts. It is realized that much of the court's own current function involves some form of mediation and negotiation.

It has been suggested that a study be made concerning improvement of jury selection and service to the end that panels more accurately reflect a cross-section of the population, and that jurors be given a clearer view of

***"The ground rules . . .
should be sufficiently
stable to assure the public
that its promises and
duties will be honored."***

their function and the manner of its performance. Among these is the possibility of allowing jurors to take notes as the trial proceeds so that, in lengthy cases, as much of the evidence may be recalled as possible.

Another possibility is that of some form of allowing jurors to ask questions of counsel or witnesses under the supervision of the court and subject, of course, to objections of counsel.

The more serious problems of court, however, consist of handling the docket, a lack of adequate and proper places to which to send criminal defendants, the general nature of the sentence function, and court administration.

The first of these, the court docket, in the metropolitan centers at least, has become a monster. To dispose of the volume of cases expeditiously without sacrificing justice is the essential nature of the problem.

Some efforts have succeeded in one area at the sacrifice of the other mutually. Pushing cases through the court with an eye on the numbers is almost certain to result in short shrift for

Continued on page 12

Moot Court Board of Governors Celebrates National Victory



Award-winning C-M Moot Court Team with trophies, l-r: Mary Sotera, Chairman Charles Hannan, Kathleen Kordeleski.

The Cleveland-Marshall College of Law Moot Court Board of Governors has completed the 1985-86 interscholastic competition schedule and has again earned a record of which the entire C-M community can be proud. This year's victories were celebrated, and the Board for the coming year welcomed, at a dinner held at the Theatrical Restaurant on April 18.

This year's Board has attained an unparalleled overall record of success and has, for the first time, won the Region VI National Moot Court competition. The program has gained recognition from the Ohio Supreme Court, the Cleveland State University President's Office, and members of the University and Law Alumni Boards of Trustees.

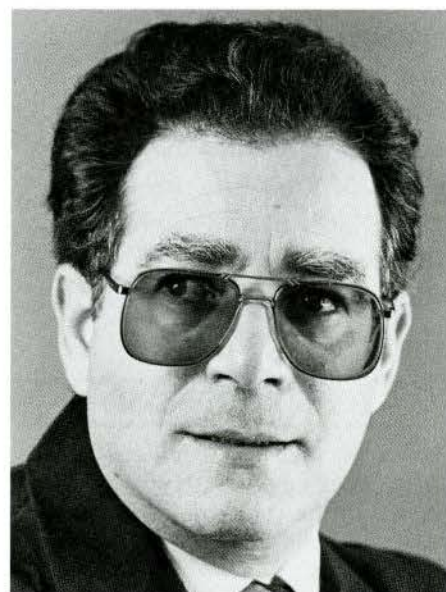
This success and reputation has not come overnight. The groundwork for success was established by Hyman Cohen and Judge Ann Aldrich long before the appointment of Stephen J. Werber as faculty advisor. Professor Werber has added his spirit and experience to form one of the most successful programs in the nation.

In the past five years, few schools have achieved the level of success as that of the Cleveland-Marshall teams. The 1985-86 C-M Nationals Team not only won the regional competition, but performed at an outstanding level in the National Final Rounds where it reached the quarter-final round, and its brief

ranked third among the 26 finalist teams from across the U. S. Four of this year's five teams reached the quarter-final rounds, or better, in their competitions. In this time frame over 60% of competition briefs have placed in the top 8. C-M teams have received first place awards seven times.

A number of elements contribute to the Moot Court program success. Student interest continues to grow as evidenced by thirty six-applications for Board positions for the 1986-87 school year. Also, the Board of Governors enjoys the support of distinguished judges who have heard oral arguments on Moot Court Nights. For example, the last three panels included the Honorable Gilbert Merritt of the U. S. Court of Appeals, Chief Justice Frank Celebrezze, three U. S. District Court judges and four judges from the Ohio State Court of Appeals.

The Board of Governors has already turned an eye to the future. This year's Board took the courageous step of approving a first year intra-mural program that provides for the best from among the first year competitors to compete interscholastically as second year students. For the first time the Board will include several experienced



Prof. Stephen J. Werber, Moot Court faculty advisor.

interscholastic competitors. The competitive edge that many other schools have had by virtue of their strong second-year programs will, at last, be reduced.

The Law Alumni Association offers its congratulations to this year's teams and offers best wishes to the new Board of Governors for 1986-87.

Law Alumni Association Moot Court Awards for 1985-86 Interscholastic Competition

Best Brief
Katherine Papouras

Second Best Brief
Ralph Lustrì

The Hugo Black Award
Outstanding Team
Paul Monahan
Cynthia Sullivan

Dean's Award for Outstanding Oralist
Paul Monahan

The Stein Memorial Award
for Outstanding Overall Contribution
Kathleen Kordeleski Mary Sotera

The West Publications Award for Outstanding Board Member
Patrick Murphy

Order of Barristers
Laura DeVincenzo Judith Francetic
Charles Hannan Anne Keefe
Kathleen Kordeleski Patrick Murphy
Mary Sotera

ANNUAL SHORT COURSE LAW PROGRAMS

- Partnership Tax Problems
- Specialized Estate Planning Techniques
- Landlord Tenant Law
- Basic Motion Practice Under the Ohio Rules of Civil Procedure
- Current Issues in Sec. 1983 Litigation

THE PROGRAM

The importance and complexity of law in today's society, and recent changes in the law, require advance study and review by all legal professionals.

This year's courses are useful for those currently working in these areas of the law as well as for those wishing to expand the scope of their practice.

The courses are patterned after those taught by the faculty at Cleveland-Marshall College of Law. The problem method of instruction is used for tax courses and places heavy reliance on the prior preparation of the problems and on classroom discussion. Course materials for all classes are distributed to registrants prior to course sessions. Maximum benefit is derived by those who can review the problems and/or materials prior to course meetings.

THE COURSES

PARTNERSHIP TAX PROBLEMS:

This course examines special partnership tax problems. Topics covered include partnership allocations under the new final Section 704(b) Regulations (concerning substantial economic effect), special allocations under Section 704(c), tax consequences of admitting a new partner to the partnership, purchase of a partner's interest, special basis adjustments upon the purchase or sale of a partner's interest and the distribution of money or property to a partner. Other topics will include the tax

consequences surrounding the formation of the partnership and the determination of a partner's basis and capital account.

INSTRUCTOR: Thomas I. Hausman.
MONDAYS and THURSDAYS, June 16, 19, 23 and 26, 9:00 a.m. to 12 Noon.

SPECIALIZED ESTATE

PLANNING TECHNIQUES: This course examines planning techniques extending beyond basic estate planning including inter-vivos trust considerations, intra-family transfers for value and planning for post-mortem elections. Inter-vivos trust considerations focus on Clifford Trusts, Spousal Remainder Trusts and Irrevocable Discretionary Trusts under existing and proposed laws. Intra-family transfers for value focus on private annuities, installment sales (after TRA '84) and transfers of remainder interests. Planning for post-mortem elections focus on Subchapter J elections as well as qualifying for 303 redemptions of closely held stock to pay estate tax and 6166 deferral of estate tax payment.

INSTRUCTOR: Louis B. Geneva.
TUESDAYS and FRIDAYS, June 17, 20, 24 and 27, 9:00 a.m. - 12 Noon.

LANDLORD TENANT LAW: This course is a practice-oriented in-depth examination of landlord-tenant law under the Ohio Landlord-Tenant Act. Topics covered include tenant selection and retention, including personal credit considerations; lease drafting considerations; landlord and tenant duties and responsibilities; landlord and tenant rights and remedies; practical approaches to eviction and eviction avoidance; an examination of current fair housing law and practice; condominium conversion considerations and current trends. The availability of attorney fees to prevailing parties is also covered.

INSTRUCTOR: Frederick White, Jr.
MONDAYS and THURSDAYS, June 16, 19, 23 and 26, 1:00 - 4:00 p.m.

BASIC MOTION PRACTICE UNDER THE OHIO RULES OF CIVIL PROCEDURE:

This course is a practice-oriented in-depth examination of motion practice under the Civil Rules. Topics covered include the purpose of motions; when to use oral or written motions; the art of drafting the written motion and the supporting brief; the use of documentary evidence in support of, and in opposition to, the motion; pitfalls in the service and filing of the motion; the need to oppose the motion, and the various ways this should be done; the problem of the oral hearing; and, the court's duty to decide the motion.

INSTRUCTOR: J. Patrick Browne.
FRIDAYS, June 13, 20, 27 and July 11, 2:00 - 5:00 p.m.

CURRENT ISSUES IN SEC. 1983

LITIGATION: This course reviews current developments in Sec. 1983 litigation in the federal; and state courts with an emphasis on recent decisions of the United States Supreme Court and the Sixth Circuit. The course covers the relationship between Sec. 1983 and state tort remedies, including recent cases construing *Parratt v. Taylor* and the new Ohio sovereign immunity legislation. It also examines the survival of Sec. 1983 actions and their availability as wrongful death remedies; the damage and immunity policies in Sec. 1983 litigation, including the liability of municipalities and supervisors. It also addresses the use of borrowed state policies on res judicata and statute of limitations, including the choice of the appropriate limitations period and the retroactivity of *Wilson v. Garcia*. The course treats the availability of Sec. 1983 in land use, inverse condemnation, and other regulatory cases as well as in traditional civil rights and civil liberties matters. It deals with attorneys fees under the Civil Rights Attorneys Fees Awards Act of 1976, 42 U.S.C. 1988.

INSTRUCTOR: Steven H. Steinglass.
MONDAYS and THURSDAYS, June 16, 19, 23 and 26, 6:00 - 9:00 p.m.

REGISTRATION FORM—Short Course Law Programs

| | | | |
|------------------|----------------|-----------------|---------------------|
| Last Name | First Name | M.I. | Social Security No. |
| Address | | City | Zip Code |
| Home Phone | Business Phone | Employer's Name | |
| Business Address | | City | Zip Code |

METHOD OF PAYMENT: Choose One

- ☐ Personal Check ☐ Company Billing ☐ Company Check
☐ Credit Card ☐ Staff Development (CSU Employees Only)
☐ VISA
☐ Mastercard _____
Card Number

Cardholder's Signature _____ Expiration Date _____

- | | |
|--|-------|
| <input type="checkbox"/> Partnership Tax Problems | \$220 |
| <input type="checkbox"/> Specialized Estate Planning Techniques | \$220 |
| <input type="checkbox"/> Landlord Tenant Law | \$220 |
| <input type="checkbox"/> Basic Motion Practice Under the Ohio Rules of Civil Procedure | \$220 |
| <input type="checkbox"/> Current Issues in Sec. 1983 Litigation | \$220 |

Mail to: CSU Division of Continuing Education
2344 Euclid Avenue, Cleveland, Ohio 44115

FEES AND REGISTRATION

The fee is \$220 for each Short Course and includes all course materials. Course attendance earns Continuing Education Units. **C-M alumni receive a 10% discount.**

All courses are held at the Cleveland-Marshall College of Law, Cleveland State University, Euclid Avenue at East 18 Street.

You may register: **by mail** (by submitting the registration form at the bottom of this page), **by telephone** (216/ 687-2144 8:00 a.m. to 5:00 p.m.) or **in person** at the Division of Continuing Education, 2344 Euclid Avenue, Euclid Building, Room 103. Payment may be made by company or personal check payable to Cleveland State University, purchase order, or VISA/Mastercard, and is tax deductible as an educational expense.

Alumni Directory

If you have had little or no success in tracing the whereabouts of your freshman classmate—last seen in Pago Pago, or was it Topeka?—relax, help is on the way. An alumni directory is now in process and is scheduled for release in Spring, 1987. The publication has been planned as a reference volume for those who wish to know where your friends are now and what they are doing.

The directory will be divided into several sections. The first will contain interesting pictures and information. It will be followed by a section with individual listings which will include aca-

demic information, professional information such as job title, firm name, address and telephone as well as home address and telephone. Alumni will also be listed geographically, by city, state and foreign country.

All the information in the directory will be researched and compiled by the Harris Publishing Company and will be obtained through questionnaires sent to all alumni and followed up by telephone verification. Your cooperation in responding to the questionnaires when they arrive will insure the success of this fascinating and comprehensive directory. All alumni will be given the opportunity to order the directory when their information is verified by

phone. (Only Cleveland-Marshall College of Law alumni will be able to purchase a copy.)

The entire project will be undertaken at virtually no cost to Cleveland-Marshall and the Harris Company will finance the operation through the sale of directories to alumni only. The College will not benefit financially from directory sales but we will derive substantial benefit from the updated records which will be turned over to us at the completion of the project by the Harris people.

So, for those of you who have wondered, "where are they now?," you will soon find out! Watch for specific details in future publications.

Domestic Relations Seminar

A Seminar on Current Topics in Domestic Relations, sponsored by the C-M Alumni Association Continuing Education Committee, was conducted on January 21 in the Moot Court Room. Chairman **Herbert Palkovitz** organized a distinguished panel of presentors that spoke to 150 attorneys and guests at the day-long seminar.



DRS Chairman Herbert Palkovitz.

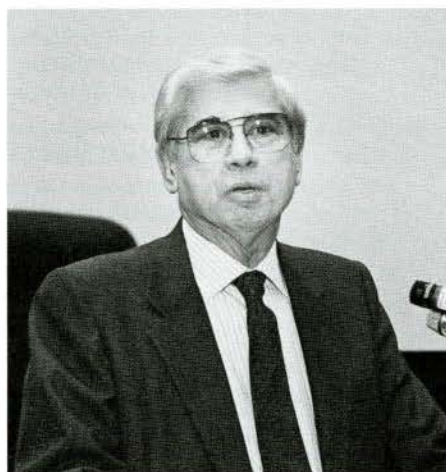
Morning presentations were made by the Honorable **Herbert R. Whiting** on the topic of "Pension Valuation Strategy," **Bryna Bettigole**, Jewish Family Services, on "Divorce Mediation," and **Daniel Dadich**, Withholding Coordinator, Domestic Relations Division, on "Ohio Support Withholding Law."

After a lunch break, the Honorable **Patrick F. Gallagher** kicked off the afternoon session by addressing the topic of "Visitations: The Total Problem." This presentation was followed by **James R. Skirbunt's** lecture on "Successful Negotiating Techniques in Divorce Cases," **Herbert Palkovitz** on an "Update and Review of the Domestic Relations Tax Reform Act of 1984," and **Joyce E. Barrett** and **Robert Zashin** on "Significant Developments in Domestic Relations Case Law in 1985."

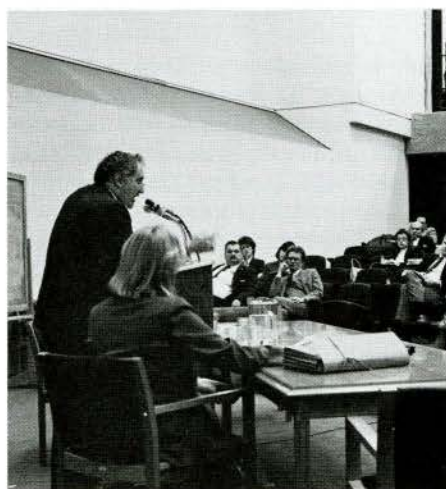
Seminar participants received a copy of the 458-page book, *Significant Developments in Domestic Relations Case Law in 1985*, along with addenda including course outlines and handouts. And for the first time, audio and video tapes of the seminar are available for sale. (For more information contact the Alumni Office, 687-2368. Book price \$50 members, \$75 non-members. Audio tapes (4) \$100, video tapes (3) \$125.).



Judge Gallagher on "Visitations: The Total Problem"



Judge Whiting on "Pension Valuation Strategy"



Robert Zashin and Joyce Barrett present "Significant Developments in Domestic Relations Case Law in 1985"

Welcome New Life Members

The Board of Trustees of the Law Alumni Association are pleased to welcome new life members in each issue of *Law Notes*. In this Spring issue, we are proud to have **Dr. Carl Asseff**, **Charles Ipavec** and **Esther Weissman** join the elite group of dedicated, supporting life members. Their dues provide scholarships for deserving law students.

Other Life Members:

Samuel J. Agnello, C-M '68
Hon. Paul Brickner, C-M '83
Charles J. Gallo, C-M '55
The Honorable Walter L. Greene, C-M '53
Paul J. Hribar, C-M '41
Aaron Jacobson, C-M '59
Clarence L. James, Jr., C-M '62
Norman Kamen, C-M '64
Richard S. Koblentz, C-M '75
Daniel R. McCarthy, C-M '54
John J. McCarthy, C-M '54
Bernice G. Miller, C-M '51, '63, '68
Norman T. Musial, C-M '60
Peter W. Moizuk, C-M '58
Marshall I. Nurenberg, Western Reserve University, '53
Herbert Palkovitz, C-M '68
David Paris, C-M '77
Leon M. Plevin, C-M '57
Franklin A. Polk, C-M '39
Sheldon E. Rabb, C-M '62
Richard T. Reminger, C-M '57
Lawrence J. Rich, C-M '67
Martin J. Sammon, C-M '61
Paul S. Sanislo, C-M '61
John J. Sutula, C-M '53
Donald P. Traci, C-M '55
Ronald F. Wayne, C-M '78
Hon. George W. White, C-M '53
Robert I. Zashin, C-M '68

American Law Network: Education via Satellite

During the past year C-M became an affiliate of the American Law Institute-American Bar Association's new nationwide "American Law Network." The network offers high-quality ALI-ABA continuing legal education programming and related events to a national audience utilizing a satellite relay and video system.

The system enables local lawyers and jurists an opportunity to enhance their legal skills and knowledge through programs presented by nationally recognized practitioners and legal scholars in their respective fields of specialty.

The law school can offer these programs to you through satellite relay to our classroom monitors at a significant saving of time, travel and expense.

Listed below are programs planned through the end of this year. Programming for the new school year begins on August 14, 1986.

- May 22: "Hazardous Waste Regulation, Clean-Up and Enforcement"
- June 5: "Important Current Operational Problems of Qualified Retirement Plans"
- June 12: "Legal Audits: Assessing and Preventing Corporate Liability"
- June 19: "Crisis in Directors' & Officers' Liability"

For further information call Sandra Natran, Office of External Affairs, Cleveland-Marshall College of Law, 687-2354.

Law Library Bookplates

A new bookplate, designed from the law library logo in the library colors of mauve and silver, will be used to memorialize the names of library donors, both those who have made gifts of books and those whose other donations have made possible the purchase of library materials. Use of the bookplates began on March 5.

Cleveland-Marshall College of Law Financial Aid Scholarship and Loan Contributions 1986

New

Jacobson, Maynard, Tuschman & Kalur Co., L.P.A.

Ohio Law Opportunity Fund

Alfred Lerner

Total contributions, YTD \$169,369



Aaron Jacobson, '59, presents his scholarship contribution. L-R: Dean Bogomolny, Aaron Jacobson, CSU President Walter B. Waetjen

Welcome New Assistant Dean for Admissions

The Board of Trustees of the Alumni Association extends a warm welcome to Margaret A. McNally, new Assistant Dean for Admissions at Cleveland-Marshall.

Ms. McNally comes to the law school from the CSU College of Education, where she held the position of Assistant to the Dean and had responsibility for recruiting for the scholarship program, fund raising, interviewing students and academic advising.

During her four years at the College of Education, she increased enrollment in targeted student markets by 38% within two years and recruited 76 top high school students into teacher education from which 16 were awarded full tuition scholarships.

McNally also served as Assistant Director of Student Personnel Services for the College of Education and in-



Margaret A. McNally

structor in the Department of Curriculum and Foundations. She replaces Assistant Dean Mary E. Moran who joined the law firm of Benesch, Friedlander, Coplan & Aronoff in February.

Alumni Happenings...

■ CLASS OF '39

FRANKLIN A. POLK, 1985 C-M Alumnus of the Year and life member, survived double by-pass heart surgery in December at the Cleveland Clinic. Approaching his 75th birthday, Polk believes he will practice law until age 90 and hopes to finally get the "hang" of what law is all about!

■ CLASS OF '59

WILLIAM R. COOMBS, former vice president-administration for the Barnes Group, Inc., has been promoted to senior vice president, and will continue as a director and a secretary of the Barnes Group Foundation.



■ CLASS OF '65

MURRAY R. EDELMAN, vice president of the Nuclear Group at CEI, was the keynote speaker this winter at "Good Morning," a seminar conducted at Lake Erie College. Edelman addressed the group on the realities of the Perry Nuclear Power Plant.

■ CLASS OF '71

JACK D. WARREN is a private attorney, concentrating on rights of the disabled.

■ CLASS OF '72

MARILYN ZACK has been chosen by Mayor George V. Voinovich to be Cleveland's new law director. Zack has been a city lawyer since 1973, and is past councilwoman for Rocky River.

■ CLASS OF '73

PAPAN DEVNANI has joined the National Technical Information Service of Springfield, Virginia as Patent Licensing Specialist.

■ CLASS OF '74

MICHAEL A. GEORGELIS was sworn in as a judge of the Lancaster County Court of Common Pleas on January 6.

■ CLASS OF '75

JAMES H. WALZER has recently published a book entitled *Employment,*

Agency and Service Agreements, and is presently revising a volume on Automobile Forms. James and Gloria have three children: Sara, 11; Emily, 3; and Amanda, 1.

■ CLASS OF '78

MARK W. BASERMAN has become a full partner in the law firm of Logee, Hostetler & Stutzman. Mr. F. Emerson Logee is a graduate of the class of 1945. **MARY E. MORAN**, past Assistant C-M Dean for Admissions and Student Affairs, has joined the law firm of Benesch, Friedlander, Coplan & Aronoff. Moran is a member of the American Bar Association, Section on Legal Education and Admissions. The faculty, staff and students of Cleveland-Marshall offer Ms. Moran their congratulations and best wishes.

M. STEVEN POTASH & KENNETH C. PODOR, '77, have joined their practices to form Potash & Podor Co., LPA. Potash is a regular contributor to the *American Bar Association Journal*, and Podor is a columnist for "Computer Corner."

GEORGEANNE SCHMIDT & KIRD STEWART, '76, were married on September 7, 1985 in Hoboken, New Jersey.

RUTH YUDENFREIND-MORRELL was recently promoted to Government Services Group Counsel of Dynalectron Corporation, McLean, Virginia.

■ CLASS OF '79

ANTHONY M. GENTILE has been named vice president-regional manager of the Ivy Medical Group, responsible for business management of MED Centers in Cleveland and Akron.

■ CLASS OF '82

MICHAEL T. WATSON has been admitted to practice law in the District of Columbia, and has recently opened offices in D.C. Watson was also recently appointed to the Presidential Task Force by President Reagan.

■ CLASS OF '85

LAURIE F. STARR, C-M life member, has joined the law firm of Weisman, Goldberg, Weisman & Kaufman, specializing in medical malpractice and personal injury.

Archival Research Grant

Professor **Robert S. Catz** has been awarded a \$3000 research grant by the Research and Creative Activities Committee, Graduate Council, Cleveland State University.

The project will research the significance of the *Barrington* case to criminal prosecution of Article III judges, and will complete a manuscript by Professor Catz.

This case, in which both Houses eventually agreed to address the Crown for removal, is significant for it is the only case in English legal history in which a sitting judge was formally accused of criminal conduct in the performance of his judicial office.

Research on this case may yield significant findings revealing the understandings of Parliament of the principals underlying the Act of Settlement: judicial independence/immunity and separation of powers. Examination of the common roots of the two legal systems and an analysis of English common law through the *Barrington* case may provide a useful standard for determining the extent of absolute judicial immunity for Article III judges in the United States.



Franklin A. Polk

Happy Birthday, Franklin!

Franklin A. Polk, C-M life member, was honored by his peers and wished a happy 75th birthday at the Cuyahoga County Bar Association Annual Meeting on April 23. Guest speakers included former Mayor Ralph J. Perk, 8th District Court of Appeals Chief Justice Thomas Perrino, and Mayor George V. Voinovich, who presented Franklin with a key to the city.

The Cleveland-Marshall College of Law
Alumni Association

cordially invites

Law Alumni and Guests

from the classes of

1936, 1941, 1946, 1951, 1956, 1961, 1966, 1971, 1976, 1981

to a

Class Reunion

Saturday, September 13, 1986

The University Club

3813 Euclid Avenue, Cleveland

An evening of dining, dancing and reminiscing.

Cocktails: 7:00 p.m.

Dinner and Dancing: 8:00 p.m.

Cash Bar

Cost: \$30 per person

Free Parking - Security on Premises

R.S.V.P. by September 1, 1986

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1801 Euclid Avenue, Cleveland 44115.

Name _____

Class Year _____

Address _____

Telephone Number _____

Enclosed is my check for \$_____ for _____ people at \$30 per person.

Faculty Publications

Joel J. Finer. "Gates, Leon and the Compromise of Adjudicative Fairness Part I: A Dialogue on Prejudicial Concurrences," 33 *CLEVELAND STATE L. REV.* 707 (1984-85).

David F. Forte. "Islamic Law in American Courts," in 5 *MODERN LEGAL SYSTEMS CYCLOPEDIA* 693, K. Redden, ed., (Buffalo, N.Y. : W.S. Hein, 1985). (Reprinted from *Islamic Law in the United States Courts*, 7 *SUFFOLK J. TRANSNATIONAL LAW* 1 (1983)).

"Economic and Legal Agenda of the U.N. - A U.S. View," Tape 4, Side 2 in *CHINA: LEGAL ASPECTS OF U.S.-P.R.C. RELATIONS* [sound recording], (Dobbs Ferry, N.Y. : Condyné/The Oceana Group, [1986].

Stephen W. Gard. "The Dubious Constitutionality of Local Controls over the Religious Use of the Land," [Accepted for publication by Intl. Cultural Fdn., Inc.]

Barry Kellman. *PRIVATE ANTI-TRUST LITIGATION*, Chicago: Commerce Clearing House, (1985) (With Heiser, T.).

John Makdisi. "An Objective Approach to Contractual Mistake in Islamic Law," 3 *B.U. Intl. L. J.* 325 (1985).

"Islamic Law Bibliography," 78 *LAW LIBRARY J.* 103 (1986).

Robert J. Nissenbaum. "The Role of a National Legal Information Center in the Access of Justice," 77 *LAW LIBRARY J.* 695 (1984-85).

ASSIGNMENTS and INSTRUCTOR'S MANUAL accompanying J. Myron Jacobstein and Roy M. Mersky's *FUNDAMENTALS OF LEGAL RESEARCH* 3d ed. and *LEGAL RESEARCH ILLUSTRATED* 3d ed. (Foundation Press, 1985) (co-editor with Joyce Saltalamachia).

"National Law Library Symposium" (Guest Editor), 77 *LAW LIBRARY J.* 613 (1984-85).

Steven H. Steinglass. "State Court Litigation of Section 1983 Actions," in *CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK*, (Clark-Boardman, 1985).

Stephen J. Werber. "Observations on Personal Injury Law," 21 *OHIO ASSOCIATION OF CIVIL TRIAL ATTORNEYS QTRLY.* 41 (1986).

A Forum for Redress

Continued

counsel, clients or both. Deliberate attention to all aspects of a case is a luxury not possible to retain in the presence of a formidable docket and leads to further overcrowding.

Yet more serious is the pressure upon courts in this and other states over a lack of an institution which can properly house, contain, and rehabilitate criminal defendants. This is not criticism of Ohio's penal system or institutions, but a hope that some future generation will find a means of protecting society from criminals and mentally disturbed people without the dehumanizing effect of life in a cage or dungeon.

Every judge who sentences a defendant to penitentiary time knows he is sending that person to a school for crime, as well as to possible physical and sexual abuse. The judge also knows that for each of his years of the sentence, the taxpayers must provide between \$6000 and \$8000 for the housing, care and occupational needs of the inmate.

In the 17th and 18th centuries, Britain sent prisoners to its colonies in America and Australia, thus freeing the mother country of the company of criminals at little expense and in a way that made incarceration unnecessary. France tried prison islands whereon freedom was possible with little if any likelihood of a return to the society the individual had offended. Holland, in more modern times, has sought a solution in seeing that a criminal defendant goes about his daily routine at liberty but with the constant company of an officer of the court.

These methods are either outdated, infeasible or impractical in 20th century Ohio. The only choice is, as mentioned, imprisonment in a cage where the inmate associates with more criminals than he has ever seen in one place, all at tremendous cost to the public.

The situation is very similar in sentencing or otherwise disposing of the cases brought before the courts through some form of drug use or abuse. To my knowledge, no place or institution exists wherein the particular form of self-destruction known as drug abuse is successfully treated, and perhaps none is

possible. No judge confronted with the living loss of life of a young person has access to a place of restoration. Some form of custodial care to keep the defendant from hurting him or herself or others is the best that can currently be done.

These are specifics, but the entire process and duty of sentencing criminals is beset by difficulties of uncertainty created by the spectrum of variables of which the type and flagrance of offense, defendant's attitudes, past offense record, psyche (insofar as known), and likelihood of reform are a few. The amount of support given or denied him by his home environment is also material, as well as an estimate of the defendant's likelihood of representing a danger to the community to which he will eventually be returned, the latter probably the most important factor involved.

The administration of the court itself is concerned with financial problems, personnel problems, space available, and the countless issues of relationship of the various branches of the court with each other and with those of the numerous other offices whose assistance and cooperation are material to the operation of the court.

Despite or perhaps because of these ramifications, the task of administering justice under the laws of Ohio is a challenging and rewarding service.

Obituaries

CHARLES W. BRADLER, '43, former Garfield Heights law director and prosecutor, died January 12 of heart disease. Bradler practiced law in downtown Cleveland for 39 years. He was a Mason and charter member of the Garfield Heights Library advisory board, where he served twice as president.

IRWIN S. HORWITZ, '29, practiced law successfully since 1930 though confined to a wheelchair for almost forty years. Horwitz was a role model for handicapped people, frequently offering counsel and support to paraplegics. Horwitz died on March 21 of complications from heart disease and cancer.

STANLEY H. GRENDL, '53, was an assistant police prosecutor for 23 years

until 1981, at which time he joined in law practice with his son, David. Prominent in the Polish community, Grendel held the office of President of the Cleveland Society of Poles in 1984 and 1985. He died February 18 of a heart attack.

FREDA K. LINDNER, '23, received her law degree from John Marshall at age 19 and had the second highest grade in the state when she took the bar exam. She was assistant to Municipal Judge Perry Frey and limited her own practice to part-time because she was too shy to open her own law office.

FRANK A. PALLADINO, a certified public accountant and lawyer, died in a plane crash near Blairsville, Georgia while en route with four family members to a boxing match. A nearby storm had greatly reduced visibility, and the plane struck a cloud-shrouded peak.

RICHARD E. RESS, 51, was a Parma municipal judge from 1965 to 1973. When he left the bench, he returned to private practice and Republican Party activities. Ress served as special counsel to the state attorney general, executive secretary of the Ohio Real Estate Commission and state commander of the Veterans of Foreign Wars.

ROBERT L. SHEARER, '63, held executive positions at Brush Development Co., Clevite Corp., Gould, and Mogul Corp's Life Science Group. Shearer was one of the founders of a British Leyland Jaguar dealership in Eastlake in 1971. He was a sports car enthusiast and was licensed in amateur radio. He passed away January 21.

EDWIN H. STRAND died January 27 of congestive heart failure and stroke. Strand retired in 1967 as associate general counsel for the Ohio Bell Telephone Company, where he worked for 43 years. He was father of former Cleveland Councilman David Strand.

RALPH A. WINTER, '38, served as Medina County judge from 1967 until he retired in 1973, and was the author of the original Ohio Turnpike law authorizing construction of the project. Winter served four terms as a state senator in the 1940's.

The Cleveland-Marshall College of Law
Alumni Association
of
Cleveland State University
cordially invites you to attend its
ANNUAL OPEN HOUSE

Thursday, June 12, 1986
5:00 p.m.

Law School Atrium
Cleveland-Marshall College of Law
1801 Euclid Avenue
Cleveland, Ohio 44115

Short Business Meeting and Election of Officers
followed by a Cocktail Reception

Join us for Cocktails and Hors d'ouvres
Meet and Mingle with Friends and Fellow Alumni
Welcome Cleveland's Newest Attorneys
who passed the February Bar

R.S.V.P. by June 5

Alumni Office 687-2368

1986 Annual Recognition Luncheon

Each year the Alumni Association recognizes outstanding alumni for their contributions to society, to the legal profession and for their special accomplishments worthy of recognition by the Association. **Congressman Edward F. Feighan**, '78 and the **Honorable John J. Donnelly**, '69 were honored as 1986 Alumni of the Year at a ceremony on April 11. Alumni, friends, honored guests and members of the legal community gathered to hear presentations by the honorees at Cleveland's Hollenden House.

John J. Donnelly has served as Probate Court Judge of Cuyahoga County since 1980. He was Court Administrator and Chief Trial Referee for the Court from 1973-1980 and Probate Court Trial Referee from 1969-1973.

Donnelly is president-elect of the Ohio Probate Judges Association, and was the recipient of the Superior Judicial Services Award in 1981, '82, '83 and '84, and The Bar Association of Greater Cleveland Presidential Award in 1984.

Edward F. Feighan was elected to the House of Representatives from the 19th District of Ohio in 1982, and was re-elected in 1984. Prior to his election to Congress, he served as an Ohio state legislator and on the Cuyahoga County Board of Commissioners.

In the current Congress, Feighan serves on the Judiciary Committee Crime Subcommittee and Monopolies and Commercial Law Subcommittee as well as the Foreign Affairs Human Rights Subcommittee, Europe and

Middle East Subcommittee and the International Economic Policy and Trade Subcommittee. He continues to chair the Task Force on International Narcotics Control.

While in the General Assembly, Feighan gave special attention to housing issues, sponsoring major mortgage revenue bond initiatives and chairing the Subcommittee of Housing. In 1976 he was selected to serve as Chairman of the Cuyahoga County delegation by his colleagues.

Luncheon Chairman **Terry Brennan** served as Master of Ceremonies. Alumni Association president **Susan L. Gragel** presented the awards, which included proclamations from the County Commissioners. **Dean Robert Bogomolny** spoke of progress at the law school, and Cleveland State University president **Walter B. Waetjen** addressed the guests on the importance of the alumni associations to the university.



Edward F. Feighan (above) and John J. Donnelly receive awards from Alumni Association president Susan L. Gragel.

Search for "Lost" Alumni

Recognize a name? These are alumni missing an address and phone number in our computer files. Help us to contact members of these classes who will be celebrating their class reunions in September. Send address updates to the Law Alumni Association, 1801 Euclid Avenue, Cleveland 44115, 687-2368. Thanks for your help.

1936

Gould, W.
Olsen, Frank R.
Rothwell, Sanford A.
Weiss, Joseph H., Sr.

1941

Behan, Lytton S., Jr.
Haeefe, Donald J.
Patton, Eugene J.
Smith, Arlo M.

1946

Tuskas, Emery

1951

Bambrick, Robert J.
Connor, John P.
Cotabish, Frederick J.
Dennison, Rev. B. Whitman
Eikenburg, Albert C.
Gamble, Albert R.
Lee, Andrew
Murphy, William F.
Raynak, Thomas V.
Smith, Ced L.
Sweeney, Martin L.

1956

Bowers, Norbert B.
Dellon, John A.
Jacobson, Barbara G.
Jenkins, Wallace A.
Martenia, Douglas H.

1961

Becker, J. A.
Collier, William
Egan, Francis D.
Fergus, Kevin B.

1966

Fishkin, Howard
Goldsmith, Harvey S.
Reuss, Rita P.
Young, James G.

1971

Bailey, Earl P.
Dowdell, Dennis
Fuller, Lee
Geary, Patrick F.
Hayes, Thomas P.
Hudak, Leona M.
Hudec, Gerald J.
Kahoe, Sheila M.
Kane, Ira O.
Katosic, George R.
Klein, Richard B.
Lieu, Ten-Ching
Morrow, David W.
Oleski, Donald A.
Parisi, Phillip E.
Puzin, Gary W.
Vasil, Christoph W.
West, George A.

1976

Benca, William F.
Bergrin, Irving S.
Bliss, Thomas P.
Border, Paul R.
Brocklehurst, Terry M.
Cameron, Sondra P.
Coll, Virginia J.
Dieterle, Richard K., Jr.
Duval, Leslie E.
Eisenman, Dale C.
Fritsche, William
Gibbons, M. Collette
Grandey, James B.
Grimm, Leroy F.
Henderson, Harold W.
Hill, James A.
Holcomb, Kent M.
Jones, Willie K.
Kaigler, Lawrence M.
Kamlet, Leonard G.
Kenney, Shawn F.
Kratz, Eugene A.
Lager, Dennis D.
Layva, David R.
Mulcahy, Michael
Papushak, Deborah
Plott, Grover J.
Rolf, Carol
Rowley, Deborah L.
Russert, Timothy J.
Schwachter, Joseph A.
Serrano, Blas E.
Steinberg, Michael H.
Williford, Robin Jeffrey

1981

Apostoluk, Eugene Ihor
Bird, Stephen S.
Bowes, John C.
Breckenridge, John L.
Brodersen, Bonnie Lou
Brown, Barbara M.
Brown, David M.
Brusnahan, Kreig J.
Buff, Jonathan A.
Callam, Dorothy E.
Chodorow, Nancy P.
Cookson, Charles P.
Crane, Jonathan O.
Crost, William J.
Diaz, Norbert J.
Dodge, Carter R.
Edmunds, J. Timothy
Eppler, Rita S.
Fisher, Susan L.
Fonda, Charles W.
Gallagher, Michael
Gieseler, Christian A.
Grdina, Elizabeth A.
Grieshammer, Charles R.
Groza, Louis J.
Grunewald, David C.

Hall, R. Lynn
Harris, Matthew G.
Hazlett, Jeff A.
Hogan, Doris A.
Ingram, Mark D.
Jefferson, Ollie R.
Kastelic, Thomas J.
Keller, Holly J.
Kelley, Michael V.
King, Barry
Klein, Peter W.
Knecht, Denise J.
Kukuca, Paul J.
Longino, Nicole C.
McCone, Joseph P.
McGee, David A.
Melville, Robert L.
Mergenthaler, Scott R.
Millat, Henry E.
Moody, S. Mauita
Mosier, David M.
Muser, Madeline H.
Norris, David W.
Novak, Karen J.
Pace, Louis A.
Payne, Kevin F.
Pickens, Debra A.
Prentice, Sally A.
Richardson, Jon G.

Rollins, Myers
Rossman, Alan C.
Russon, Nancy M.
Sackett, Peter A.
Schroeder, David A.
Schur, Thomas P.
Scott, Jenkins G.
Scrivens, Scott L.
Shiflet, Hobart M.
Shirer, Albert D.
Sierleja, David A.
Skupski, Kenneth R.
Slivinske, Patricia M.
Smith, Margaret I.
Sullivan, Mark E.
Sullivan, Mary C.
Taltan-Harris, Alfreda
Tompkins, Paul K.
Troy, Bartley J.
Vanik, John C.
Volsky, Mark R.
Vynalek, John H.
Waldmann, Alisa A.
Whatley, Frederick W.
Wickline, Paul O.
Widen, Frederick N.
Zagrodny, Michael P.
Zeilmann, Lynett M.
Zindroski, James E.

President's Message

Continued

We can help the students place their theoretical training in perspective with "nuts and bolts" advice.

With the Bar Association, the Law School participates in the "Take a Law Student to Lunch" program. Additional volunteers are needed for this important program. It doesn't involve a great deal of time, but greatly helps students on an individual basis. I hope that you will call Placement Director Nancy Goldman or Alumni Coordinator Ray Weiss to aid with this program.

If you can take time to share your practical experience by speaking to a group or class of students at the Law School, I know that the support will be greatly appreciated. Please let Ray Weiss know if you are interested in speaking to students about your special areas of expertise.

The tradition of Cleveland-Marshall lives in our alumni who have completed legal training and gone ahead to the active practice of law, business, public service and community work. The tradition will only survive if we pass it on to future graduates on a personal level. Your personal commitment is needed. Please keep our tradition growing.

Advertising

Advertising space is available in *Law Notes Newsletter* on a limited, first-come basis. Please contact editor Ray Weiss at the Alumni Office, 687-2368, for information regarding rates and publication deadlines.

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CLEVELAND-MARSHALL LAW ALUMNI ASSOCIATION ANNUAL DUES

June 1, 1986 - June 1, 1987

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JUNE 1, 1986—JUNE 1, 1987

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- ___ 1985 Graduate.....\$10.00
- ___ 1986 Graduate.....\$ 5.00
- ___ Friend of Alumni Association\$40.00
- ___ Law Review (Vol. 35).....\$15.00

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