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Reminder: Semester schedule starts

Starting with this Fall's class schedule the College of Law will be on a semester academic schedule. The new schedule breaks down into terms consisting of: 14 weeks of class, a 1 week reading period, and a 2 week exam period. Note that there is no reading period during this Summer Quarter, that there is a limited vacation period before Fall Semester begins on August 29th, and that Summer Quarter stars the Monday after Spring exams are done.

* The tentative schedule through Summer of 1985 is published below. The schedule is fixed (finalized) through Spring Semester of 1984. Some changes may be made in the summer terms for 1984 and 1985.

<table>
<thead>
<tr>
<th>Quarter &amp; Yr.</th>
<th>Classes Begin</th>
<th>Classes End</th>
<th>Reading Period</th>
<th>Exam Period</th>
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<td>6/13/83</td>
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<td>8/19-24/83</td>
<td>8/25-28/83</td>
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<td>8/29/83</td>
<td>12/9/83</td>
<td>12/10-14/83</td>
<td>12/15-23/83</td>
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<td>1/9/84</td>
<td>4/24/84</td>
<td>4/25-5/1/84</td>
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<td>7/17-21/85</td>
<td>7/22-27/85</td>
<td>7/28-8/18/85</td>
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</tbody>
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Days gone by

96% PASS BAR

Ninety-six percent of the recent Cleveland-Marshall graduates who took the Ohio State Bar Examination last July 24, 25 and 26 passed the test, setting a new record for the College. The 149 successful bar candidates were honored by the Cleveland-Marshall Law Alumni Association at a reception held at the law school October 24. Of the total 1,070 candidates who took the exam statewide, 1,033 were successful.

Jury Duty

by Fedele DeSantis

Today, somewhere, as is the case on every business day in courtrooms across this land, a jury foreman will sullenly and upright position, and with flaccid knees and a quivering voice blurt out the words "guilty as charged." Of course, the jury he or she speaks for will be certain as to the defendant's guilt-well, at least "beyond a reasonable doubt!"

How certain is certain beyond a reasonable doubt? To the average juror probably as certain as a discernible gut feeling. At any rate, gut feelings were all I had when I served as a juror in late August of 1980, as it turned out, a month before I was to start law school.

It was 8:50 a.m. on a typically humid and sticky summer morning in Cleveland when I traipsed into the Justice Center with mouth agape marveling at the splendor that is confused architecture, bearing a full complement of reading materials, i.e., one issue of Playboy magazine. I dutifully reported to the jury bailiff on the fourth floor, intently signed my name to the attendance roster (so that I might collect my five dollars per day), patiently listened to a lecture on what a good citizen I was, and eagerly settled into a lounge chair so that I might peruse the aesthetic articles in my magazine.

At 9:30 a.m., while in the midst of an article on how many blond women are introducing himself and identifying the members of the glassy-eyed collection in the hope of picking out twelve with the highest propensity to render unbiased and fair decisions. Of course, what they were really searching for was twelve onlookers gullible enough to dissuade and bamboozle. I qualified!

The trial started the next day, and the usual parry and thrust of witness examination and cross-examination ensued. Tempers flared, objections were sustained and overruled, and on occasion instructions were given to the jury to disregard inadmissible statements and testimony inadvertently made and extracted by counsel. One statement involved the defendant's past criminal record, another concerned his intelligence quotient as measured while attending junior high school. To be sure, these and similar statements were duly forgotten by the other members of the jury. Well, maybe they weren't. I know that at times during those nonsensical directives I found it difficult to restrain myself from shouting "sure judge, tell me anything - I'm from Cleveland."

The defense asserted was consensual sex with innuendoes of some sort of sordid and vindictive conspiracy thrown in for good measure. The prosecuting attorney seemed content on sitting back and letting the charade play itself out. Three days later, the testimony was complete, closing sermons were delivered, the judge recited selected sections of the Ohio Revised Code (which were supposedly comprehended in their entirety) and the jury retired to deliberate.

There was relatively little discussion as to the defendant's guilt concerning the rape, the testimony and evidence were clear cut — the afflicted exression on the victim's face is still a vivid recollection. As to the felonious assault, I alone had reservations. The victim testified that the defendant pointed an unloaded revolver in a jocular manner. I struggled to reconcile the elements of the crime, as recited, particularly the terms "knowingly: cause serious physical harm to another; or cause or attempt to cause physical harm to another by means of a deadly weapon or a dangerous ordinance." As to why the defendant was not charged with aggravated menacing under Ohio Revised Code 2903.11(a)(1) — "No person shall knowingly: cause serious physical harm to another; or cause or attempt to cause physical harm to another by means of a deadly weapon or a dangerous ordinance."

After subjecting myself to thirty minutes of steadfast arm-twisting, I crumbled and agreed to go along with the conviction. The court reconvened; the jury foreman bellowed the decisive words; a mother's blood-curdling scream was heard, threats were made, and the judge hurriedly ordered us into his chambers before twelve cases of trauma-induced cardiac arrest developed.

For five minutes no one spoke. Most of us stared aimlessly out of a window overlooking Cleveland Municipal Stadium, all of us doubting our decisions-life can be so messy at times. Just as one of the group was about to break the silence the judge strolled in and commended the jury on a job well done. In a noticeably feigned mood of exaltation, he skittishly sat at his desk and endeavored to settle our nerves by affirming his belief in the defendant's guilt. "Besides," said he, "felonious assault in Ohio calls for a mandatory year-and-a-half sentence. Had it not been for that conviction, he probably would have received nothing more severe than probation for the rape."

Lexis

by Laura Fallon

Our library has Lexis capability 81 hours a week. It is only from 2-5 p.m. that the terminal is not available, as these hours are sold at the prime rate. Clearly, our Lexis could be used by many more people than are presently using its services.

The Lexis may be used by second and third year students and faculty members who have been trained how to use the computer.

The first part of the training is a class instruction where the library staff member will go over the basic rudiments of using the computer. The student will also receive literature on the Lexis system. There are also videotape modules to watch, and an off-line training module that goes with the computer to familiarize the student with the keyboard. Finally, there are some problems for the student to work on, under the guidance of the library staff.

At the present time, the budget restrictions have precluded our library from acquiring Westlaw. One of the advantages of having Westlaw is that its terminal is not dedicated. Thus, if we had Westlaw we would be able to hook up to Westlaw, or enter another code to gain access to other bibliographic data bases for other types of on-line research (e.g., Orbit or Dialog). Professor Pope is hopeful that we may be able to purchase Westlaw in the near future.
The flood
by Laura Fallon

On Monday, October 25, 1982, Bartunek Law Library took its place among the annals of American law libraries. According to the Library of Congress, Department of Conservation, ours was the first library to their knowledge, to have a sanitary sewer rain down on the books. A dubious distinction!

Early on that morning the sewer pipe from the first and second floor lavatories ruptured in the basement of the library. It was 10 a.m. before the flow of sewage could be closed off, due to the inaccessible position of the pipe.

The pipe had been dripping prior to the disastrous rupture and because of that the library staff had moved a number of books away from the area. According to Professor Nicholas W. Pope, Interim Law Librarian, “This helped us save a good bit of the books, but when the pipe ruptured it sprayed all over everything, an area covering eight ranges of treatises.”

Prof. Pope and the entire CSU community acted quickly to save the books that could be saved and at the same time to keep the library open and functioning for everyday use. “We never closed, we never lost any time in the library. Everything was back to normal in three weeks.

And, all the books were reshelved in the appropriate places in four weeks.”

When the disaster struck, Prof. Pope immediately began to gather suggestions and facts as to how this situation should best be handled and how to save the books that could be saved. He called the Library of Congress, Department of Conservation and learned precisely how to handle the catastrophe. The temperature was turned down to fifty-eight degrees and the humidity kept at 30%, in order to dry the room and to retard the growth of potentially harmful fungus and bacteria.

Prof. Pope also spoke with NASA-Lewis Space Center and made arrangements to use their centrifuge to dry the books. Luckily, he never had to resort to using this service, at a cost of thirty dollars per book. The affected books (almost 400) were washed and dried here, with the aid of large fans, and 147 books were sent away to be trimmed and rebound. There were 158 books that were lost on the spot. These books were not salvageable, and all the staff could do was clean off enough of the excrement to identify the book and then dispose of it.

Because of the nature of the flood and the danger of contamination, special precautions had to be taken. Prof. Pope was most grateful for the cooperation and help he received from many different people to ensure the safety of the law library for its patrons.

“We had daily biological bacteria counts done by the biology laboratories at CSU. The bacteria counts were certified to be safe by a bacteriologist from the Cleveland Clinic Foundation. I had the Chief Immunologist from the Cuyahoga County Department of Health, and the Health Department from the City of Cleveland come over to inspect also... Many people contributed a lot of expertise, help, suggestion and volunteer work.”

The carpeting was taken out and replaced within four days. (Unfortunately they were not able to get the same carpet, as the old carpet pattern had been discontinued.) The floor, the ceiling and the walls were all cleaned and sterilized. The shelves were taken out to be specially disinfected.

The exact bill for the sewer flood was $4,859.00, about one-fifth of what the original estimate predicted. This is due in great part to the large number of books that they were able to rescue before the acid was able to attack the paper and binding.

Since they cannot be sure that such an accident could not happen again, the library has moved all the ranges of books that were in the path of the sewer pipe. The library has set up a number of study carrels in that area.

So, if you are ever studying at these carrels in the basement, and you see, hear, or smell something dripping from the ceiling I would advise you to get out fast. — Oh, please do notify the people at the front desk as you leave.

First year experience
by Steven Mills

I doubt that I'll be able to write an article on the rigors of the first year of law school. This writer, masking as a law student, has 100 pages to read in torts, 60 to read in contracts, 70 in civil procedure and more than I care to mention in property.

Hell! I'll fit the article in somehow, provided I go without sleeping, eating, and if I forego any semblance of a social life. Oh, I forgot, I gave those things up to finish my moot court research.

Well then, it's strategy time! If I put outlining off until next week that will leave me four weeks behind for this quarter and six weeks from last quarter. Or is that six weeks from this quarter and four from last? Who knows?

Wait, didn't I replace this week's outlining with last week's property assignment? If so, I can't replace outlining with the time it will take to write the article — unless I push the property assignment back one more week. No, I can't do that because the assignment has to be handed in this week and I can't ask for another extension because of a dentist's appointment. My professor has already mentioned that I should get false teeth with all the dental problems I've had. So the dentist's appointment excuse won't work this time, and I've already used the old standby excuse that my friend from Tunisia is coming to town. Damn! That leaves me no choice but to do the assignment.

So as you can see I don't have any time to write the "first year experience" article. Besides, how could I explain it to the Gavel editors?
Speakers

Stokes on: Social change

by Steven Mills

On November 17, 1982 former Cleveland mayor Carl B. Stokes addressed a gathering of undaunted devotees of the Legal Traditions Program here at Cleveland-Marshall. Stokes, a C-M grad, returning to the practice of law after a lapse of fifteen years, delivered his speech, "Law Practice to Effect Social Change", with an emphasis on the need for attorneys to use their skills for the betterment of society.

He illustrated his point by describing one of his recent cases. Barbara and Steve Graves came to his office after their son, Steve, had been found dead in the trunk of his girlfriend's car. The girlfriend's body was found five days before Steve's body, even though both bodies were in the same car. The investigating officers did not bother to look in the trunk of the car because they were just about ready to get off of work. An A.P.B. was sent out for Steve as the police suspected that he was the rapist/murderer of his girlfriend. After five days, Steve's decayed body was discovered by the police in their impound lot.

Since the city is immune from prosecution, Stokes pursued the anguished parents' claim to the city's moral claims commission. The commission had never awarded any money on a claim such as this, but after some debate the city elected to award the Graves $30,000.00. Stokes then commented, "Had it not been but (sic) for a lawyer that believed in social change and challenged the system with the justice of the Graves' claim for some form of compensation, and with a belief in the system's ability to change its posture, there would have been no compensation whatever in this case, and the sins of the police officers would have been compounded by the lack of at least some sort of compensation for these parents."

Stokes challenged the students at the lecture to work for social change as attorneys. He said, "The desire, the determination, the wanting to do it must come from your own insides. You must feel that you want to change this system of ours to be more responsive to the many who are not law certified. You must want to be one of those to challenge old law to fit the new ways. You must feel appalled by injustice, personally repelled by discrimination, righteously indignant at the lack of equity, concerned at the plight of the poor, moved by those who have less than they need, shocked at the society's denial of the basic rights to learn a skill, work a job, support a family, to build security for their old age."

Schwartz on: Human rights

by Lynette Ben

What are human rights and how have they developed? Those questions could have been easily answered by attending the Legal Traditions program on January 26, 1983, when Judge David Schwartz presented a lecture on "Human Rights — First Principles". Judge Schwartz is the senior judge of the United States Court of Claims and is co-author of Litigation with the Federal Government. In his lecture, Schwartz provided the history of human rights and fundamental freedoms — their beginning around the time of Christianity. Although virtually nonexistent in those days, human rights have evolved throughout history, especially in the eras of the Magna Carta, the Constitution, and the Industrial Revolution. Today, human rights have extended internationally, as many countries have recognized these rights in other countries.

There are two classes of human rights. The first deals with civil and political rights such as the right to life and liberty, the right to privacy in one's home, and the right against cruel and unusual punishment. The second class involves social and economic rights, and includes the right to education, food, clothing, and shelter, the right to work and receive fair wages, and the right to rest and leisure. Although all of these rights are inalienable, they will change as new needs for individuals arise.

Continued on page 7
Taylor on: 
Laws of War 

by Lynette Ben 

"The Laws of War—Past, Present and Future" was the topic of Professor Telford Taylor's lecture presented on February 3, 1983. Professor Taylor is the Keiser Professor of Constitutional Law, Yeshiva University, Benjamin N. Cardozo School of Law, and the author of numerous books and law review articles.

According to Taylor, the laws of war were unwritten until the Civil War, and were the product of merchants and businessmen who felt the laws were needed for military situations. The laws were first published by the United States Army in 1863, and were followed by the military until the beginning of the 20th century.

The principles of the laws applied both domestically and internationally, and required that prisoners be treated fairly and humanely in a country occupied by the enemy. At this time the laws applied only to land warfare, since air warfare had not been established yet.

The Nuremberg trials, which began after World War II, were the most famous of the war crimes trials. The changes brought about by Nuremberg were: 1. psychological; 2. recognition of war crimes; 3. punishment and precedent for war crimes; 4. attitude that war itself was criminal.

The modern era of the laws of war occurred after the Vietnam War. The main focus in this era was to solve two problems. The first was: who was a combatant and how was a person entitled to be treated if considered a prisoner of war? Under existing laws, the only requirements were that the combatant be under the command of the enemy and must carry arms openly.

The second problem dealt with aerial bombardment. A formal document stated that the occupying army had to recognize local life and customs and could not attack small groups of occupants. This was done for three reasons: 1. to avoid indiscriminate attacks; 2. to avoid carpet bombing; 3. to limit attacks to the achievement of military objectives.

From Taylor's viewpoint, the laws of war should always exist so that countries have some written guidelines to follow. However, some changes need to be made to the laws of war as they exist presently. Whether the changes in the laws are followed is immaterial; at least there is some recourse if the laws are in existence. However, as a practical matter, the laws of war have virtually no effect. After all, what country who wins a war would punish its people?

Professor Telford Taylor also conducted Constitutional Law Class with Prof. Lazarus on Feb. 2nd. The lecture dealt with the Congressional Power to withdraw jurisdiction from the Federal Courts and the Ex Parte McCardle decision (1869).

Summer law programs abroad

by Roman O. Mironovich

For the student who would like to combine travel with the study of law, there are many summer law programs available for 1983. Many universities are adding new opportunities for not only the study of law, but also the chance to learn about other nationalities in exotic places far removed from the North Coast.

One such program is at the University of San Diego, which is initiating new summer law study programs in Alexandria Egypt and Dublin Ireland for the Summer of 1983. The program in Egypt will focus on problems of doing business in the Islamic countries of the Middle East, while the program in Ireland will allow a student to specialize in international human rights problems. The Dublin program will also offer a number of international business-related courses.

The addition of these two programs join summer seminars sponsored by USD for a summer program at the University of California, Berkeley. There are also opportunities for travel law seminars in winter and spring.

(Continued on page 7)
Summer

decade in locations such as London and Oxford England, Paris France, Warsaw Poland, Guadalajara Mexico, and Leningrad and Moscow Russia. Each program is designed to fully integrate the participants into the legal life of the host country. The faculty is composed of professors from the host country, USD faculty, and some of the most distinguished law teachers and scholars in the world. For this Summer the faculty includes: Andreas Lowenfeld of NYU, Michael Reisman of Yale, Clive Schmitt-hoff and Ken Simmonds of London, Detlev Vagts of Harvard, Russell Weintraub of Texas, and Judge Malcolm Wilkey of the D.C. Circuit Court of Appeals.

Moot Court

The Moot Court Board of Governors consists of eighteen members. Currently four teams are preparing to compete in inter-scholastic competitions. In the last week of February the Craven team will travel to Chapel Hill, North Carolina, to represent C—M in the Constitutional Law Competition hosted by the University of North Carolina. That same week, four members of the Board of Governors will argue in Lansing, Michigan, in the Regional Trial Competition. C—M will also send advocates to both the Jessup and Niagara International Law Competitions.

The Moot Court Board is comprised of the top qualifiers in each Spring intra-scholastic competition. A prerequisite for participation in this competition is completion of either section of Advanced Brief Writing, which is offered to second year students. This year’s problem should be available after Spring vacation, and the Board is looking forward to a highly competitive tournament. If you are a first — or second — year student and are interested in a valuable experience such as Moot Court, Bill Davies will gladly field any questions. He may be found in the Moot Court office, LB 16 weekdays.

Schwartz

The problem that has developed with respect to human rights is a federal statute which prohibits the United States from providing aid to other countries if those countries do not recognize human rights. According to Schwartz, the most important idea is the “dignity of mankind.”

In recent weeks the government believes that human rights are improving because of actions taken with other countries. As Schwartz stated, “There is never a point at which human rights are secured.” Recognition of human rights and fundamental freedoms is more prominent now. However, it is an ongoing process which we must help along in order to keep from sliding back to where we once were.

Quotes:
“There is only one thing about which I am certain, and this is that there is very little about which one can be certain.” — by W. Somerest Maugham, The Summing Up.

Moot Court Night

The National Moot Court teams presented their arguments in front of a jam-packed moot courtroom on the evening of Tuesday, November 9, 1982. The judges hearing the arguments were: The Honorable Frank J. Battisti, Chief Judge, United States District Court; The Honorable Alvin I. Krenzler, United States District Court; The Honorable Richard M. Marcus, Cuyahoga County Court of Appeals; and Gerald A. Messerman, Esq., Messerman & Messerman Co., L.P.A. Presenting the arguments were: Karen Leizman and William Davies; Irene Holyk and Cordelia Glenn.
SBA: Calendar

Class evaluations: Anyone interested in conducting evaluations for classes may sign up on the list posted on the SBA office door (Room 28) next to the class you wish to cover. Packets containing enough evaluation forms for your class can then be picked up from the SBA office and should be returned there when you have completed the evaluation.

Blood Drive: The Red Cross will be in the student lounge on April 6, the second Wednesday of Spring Quarter, to conduct a blood drive. Donors will be able to give from 1:00 to 5:00 p.m.

Petition against night schedule: A group of night students opposed to the scheduling of 4 and 4:30 p.m. classes as night classes has begun a petition drive to ascertain the amount of opposition to this practice. If you wish to sign one, they are posted on bulletin boards or available from the SBA office.

Happy Hours: Happy Hours will be held on March 3, from 3:30 to 7 p.m., and on April 7, from 3:30 to 7 p.m.

Golf Outing: The Annual SBA Open will be held on May 21. The Open is tentatively slated for Hinckley Hills, with the $22 fee including green fees, cart, cookout, beer and prizes. Details to follow.

Alumni Association Recognition Lunch: Tickets for the Recognition Luncheon are on sale now, at $12.50 per person. For information, contact Sandra Oppenheim at 687-2388 or get a reservation form from the bulletin boards.

Ticket Appeal: The SBA appealed parking tickets issued on Veteran's Day, November 11, because no classes were held that day and most students did not realize it was not an administrative or faculty holiday as well. The appeal to the Student Judicial Board was successful and those who turned their tickets in to the SBA office will be notified of further developments.

Follies: The Law School Follies are scheduled for April 29 in the University Center Auditorium. Anyone interested in writing, acting, playing or submitting skit ideas please contact the SBA office by letter or by calling 687-2389.

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SUMMER LAW STUDY
in
Alexandria
Dublin
Guadalajara
London
Oxford
Paris
Russia-Poland
San Diego

For information:
Foreign Law Programs
Univ. of San Diego School of Law
Alcala Park, San Diego CA 92110

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Lost & found

The Security Dept. at C-M would like to remind all students to identify their books (as well as any other articles they may choose to misplaced) with name, phone number, and address. If one plans to resell their books it is adequate to just have ones name and phone written in pencil inside the text. This information allows the security people to return the book promptly to the student — maybe, even in time to study for finals!

The Lost & Found is located on the basement level of C-M, opposite the Clinical Legal Education offices and just inside the door as you enter the College via the North Entrance (from the parking lot). There is a member of the Security Dept. on duty in the building 6 a.m. to 11 p.m. Monday to Friday, should anyone need to check the lost and found for misplaced articles. Your cooperation is appreciated by the Security Personnel at C-M.

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Speakers

April 5, 1983: 27th C-M Fund Lecture will be delivered by Barbara Babcock, Professor of Law, Stanford Law School. The topic will be, "Defending the Guilty." The lecture will take place in the Moot Court Room at 12:00 noon.

April 21, 1983: Derrick A. Bell, Dean of the University of Oregon School of law, will conduct Criminal Law Class with Professors Davis, Finer, Willey, and Dean Bogomolny on the topic of: "Jury Discrimination and the Criminal Law Process." The lecture will take place in the Moot Court Room at 1:00 p.m.

April 22, 1983: Dean Bell will present the Bar Lecture at 12:00 noon, Stouffer's Inn on the Square, and the topic will be "Law School Responsibility For A Crowded Bar." For information and tickets call: 696-3525, The Bar Association of Greater Cleveland.

Other lectures on campus:
Three scholars to probe future of American History in Lectures at CSU.

"The Future of American History", a series of three lectures at Cleveland State University in the coming months, is designed to assess the impact of new viewpoints and methodologies on the future of American historical studies. The CSU history department has selected three top history scholars — Prof. John Higham of Johns Hopkins University, Prof. Gerda Lerner of the University of Wisconsin-Madison and Prof. Nathan Huggins of Harvard University — to give the lectures.

All three lectures are in Room 1 of CSU's University Center, 2121 Euclid Ave., at 8 p.m. and are free and open to the public. The dates are:
* Wednesday, March 9 — Prof. Higham will talk on "Beyond Pluralism: A History for All Americans." He is the author of many books on ethnicity including "Strangers in the Land" and "Send These to Me: Jews and Other Immigrants in Urban America."
* Monday, April 4 — Prof. Gerda Lerner will speak on "The Challenge of Women's History." She is the author of The Majority Finds Its Past: Placing Women in History and Teaching Women's History.
* Thursday, May 5 — Prof. Huggins will lecture on "American History: Toward a New Synthesis." He is director of the DuBois Institute at Harvard.