SECOND ANNUAL MOOT COURT NIGHT

A standing-room-only crowd greeted the Second Annual Moot Court Night, held at the College of Law on Saturday, November 7, 1970. The event climaxed three months of ongoing activities by the entire Moot Court team, and presented the final arguments on a variety of the nation's most important national court problems to students, faculty members, and the grant of the entire Moot Court team, and pres- ented the final arguments on a variety of the national court problems to students, faculty members, and the public.

Presiding over the event he planned and organized was Harvey Yasnow, Chairman of the Moot Court Board. After Yasnow's brief welcoming remarks, Professor Yasinow's brief welcoming remarks, Professor Yasinow was introduced and gave a capsule view of the activities involved in the national moot court program.

The main point of the evening was the argument itself. David Ross Jones and Bruce Elvin represented the Petitioners, and Gerald Simmons and William Plesec represented the Respondents. The four men had been selected as the top advocates on the team after many intra-squad rounds, and also represented the school in the regional competition. The alternates for the national team, Dick Batten and Tom Besecke, were introduced to the audience along with all other team members.

The distinguished panel of judges was comprised of Court of Appeals Judge John M. Manon, who acted as Chief Justice, and the Court of Common Pleas Judges John F. McMahon, John M. Gerald Simmons, and William Plesec. After the argument, the judges complimented most generously on the quality of preparation that was evident in the arguments, as well as on the value of the moot court program. The Respondents were declared the winning team, and Bill Plesec received an award from the committee as the Outstanding Advocate of the argument.

Gerald Simmons received the award as Outstanding Advocate of the Intra-Squad Rounds from Bill Kohner, who received the award last year. The award for Most Valuable Team Member, voted by the team itself, went to Bill Plesec, a double winner that night. Dean Garyson was presented a plaque for the school won by Sheila Kohner and Terry O'Donnell in the ABA moot court competition last spring, with the male half of the duo doing the honors.

The final presentation of Moot Court Night was a genuine surprise to Professor Cohen, who received a plaque of appreciation from the team for his dedication and inspiration to all those who were involved with the moot court program this year.

The evening concluded with refreshments in the lounge, spiced by reflections on the argument. After the success of our Second Annual Moot Court Night, we can look forward confidently to like festivities in coming years.

1970-71 STUDENT BAR SENATE

Sitting, left to right: Mary Thelwell, E72; William Plesec, Vice-President; Ira O. Kane, D71; Rodger Kimmel, Treasurer; Standing, left to right: Stephen T. Yoel, E75; David Ross Jones, D72; Frank J. Pokorny, E73; William H. West, F71; George M. Schroek, D72; Robert Chernet, A.B.A., Law Student Representative (non-voting member); Ray De Borber, F73; Frank J. Cumberland, Jr., E74; Ronald R. Mills, E72; Timothy M. Flanagan, D71; Charles E. Mathay, E72; John Lombardo, E71; John H. Thornburg, F72; Charles E. Janca, E73; Craig Collingwood, E72.

EXERCISE IN FREEDOM

By Gary Pumpen

This quarter, the commercial law class of Professor William Tabac is engaging in an "exercise in freedom." This is the unique name which Professor Tabac gives his experiment of a new method of law study. Professor Tabac has divided the course grade into two parts. The first is traditional that changes only if one fails on general sales law. The second part is a continuous throughout that "works on" on his own to do any project related to sales law.

Those who do not want to do this investiga- tive work may write a paper on some interest area in sales or a related topic. Some students are investigating prices of drugs on the retail level. Some are bringing suit against a doctor and hospital in the hospitalization expenses. Others are investi- gating encyclopaedia sales. They may take such a course to test if they want; they may pursue these investigations as far as they like.

Another innovation in his class is allow- ing free discussion on any subject of student interest every other week. This encour- ages the students to speak their mind instead of worrying if he has the correct answer from his notes or textbook.

Professor Tabac is trying to change the traditional structure of the course of study. Students are tired of the usual classroom situation. They are interested in the social problems outside the classroom. An ex- pert such as this gives them a chance to satisfy their interests. Most students are enthusiastic but are not used to hav- ing this freedom. They rely on the teacher for approval. He is trying to show them that they do not need teacher approval. Rather than have a teacher lecture to them, they should go out on their own to find the answers to their questions.

He would feel better if he did not have to give grades, thus giving them even more freedom. As it is, they have more freedom than before, but the grade still ties them down. Professor Tabac is mak- ing the study of law more relevant and exciting for his students, giving them freedom to pursue their own interests, a chance they may never have again.

ROLE OF LAW STUDENT DIVISION EXPANDS

by Terry Gilbert

What is the objective of a law school? Undoubtedly a simple question. Obviously the purpose of a law school is to prepare men and women for the practice of law and to develop the skills needed to analyze legal problems—to teach law; what else? Well, there is something else. And one who has any active involvement with law school functions should be aware of a purpose which perhaps conurs in importance with the basic objectives, yet in many ways is ignored, overlooked, and outwardly rejected. If a law school is to survive as a vital institution, it must constantly respond to the trends of society, always defin- ing and redefining the ground it stands on: "Lex spectat naturae ordinem."—The law regards the course of nature; and so too must the law school regard the course of its na- ture in providing new methods and pro- grams to meet new challenges. Thus, it is absolutely essential that a law school maintain an unobstructed level of communication with sister institutions and take cognizance of the course of developments in other schools. This does not mean the compensa- tion of a school's individual identity for the sake of change; but bears upon an undivided concern of faculty- members and students to reflect, discuss and possibly activate new methods in improving the quality of legal education.

Such was the underlying theme of the Sixth Circuit Workshop of the A.B.A. Law Student Division (LSD), where approximately fifty student leaders, representing fifteen law schools gathered in Columbus on November 7, to exchange ideas relevant to legal education and discuss the expanding role of the law student.

Commencing the program was Prof. Addison Dewey of Capital University Law School who stressed the necessity of lawyers to defend the legal system they work within. See Law Students Page 5

PLESE WINS OUTSTANDING ADVOCATE AWARD

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A light touch to the evening's proceedings was evident in the argument, as well as in the audience. With this recognition the final presentation of Moot Court Night was a genuine surprise to Professor Cohen, who received a plaque of appreciation from the team for his dedication and inspiration to all those who were involved with the moot court program this year.

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"Why can't they be like "we" were in the past, and concern the matter with kids, today?" This is the famous song from "Bye Bye Birdie" with which we are all familiar. In the wake of a new first year class there seems to be a problem, a great concern for all teachers and students. My opinion. Law School is essential to becoming an attorney and "we" plan to give you just that. So what is the difficulty? May be the problem is in the word today. To some educators today is still in 1939-1940. Most of us were not even born then and we live in the world of today. Because of that, we are eliminated from today's world and we live in but can hardly affect. In Law School, the problem is more acute. They teach us the difference between right and duty, yet we are still unable to teach them when we exercise these rights. Clearly the SBA does not hear our demand because the "we" are held there in a maze when the students should be more of a BULL in the pasture of Profs. Let our minority should and must be treated with a similar respect. Still the Master guides and professors provide the proper environment for a legal community. Proper, rights, equality, they mean something to our educators today—BULL SHIT. We need the proper breadth of information to be included, i.e. to really learn the meaningful principles of law. To include justice, rights and duties.

The time is now. Not today for we represent none. Our goal seems high because change is so slow. Our Utopia and Millennium is in the word today, but it is an anchor to drag, when our student body wants to start moving forward. Despite the fact that the first year class fail to score higher than the average attorney, a school must be unified. The result, no matter how minute, will be greater strength for the today. Today has become yesterday people, now is forever. N.O.W.? Because it's Not Our World and it should be. Wake-up the "perfect" educators, lawyers, and students, and show how their perfect ways need adjustment for the greater good of Michigan.

In the eternal words of Victor Hugo "nothing can withstand the force of an idea whose times has come."
How much power is no power?

Our Toothless Constitution

by George Schroeck

Senator, '72

"Make no mistake," the new Student Bar Association Constitution has a big mouth, but few teeth. Just as the preamble to the Constitution articulates Article II, Section 4, paragraph 2 through 7, under Legislation:

1. To prepare and adopt a new Constitution;
2. To elect the Student Bar Association.

The Senate shall have the powers:

1. To petition the administration or any officer concerning the conduct of the Student Bar Association Constitution;
2. To request the administration or any officer concerning the conduct of the Student Bar Association Constitution.

Furthermore, when one scrutinizes Article II, Powerless is apparent that this Constitution remains that at many leading law schools, the rights of students are not authorized and adopted this Constitution.

Powerless

What real powers are granted in this Constitution? The only real and important non-monetary or procedural power enumerated is the power to pass regulations governing student conduct, and the Constitution does not claim or even imply that this is a right or that it exists exclusively to the student body. The Preamble states that:

"We the students of the Cleveland-Marshland College of Law, do authorize and adopt this Constitution."

Preambles generally state the purpose of the new Constitution, but have no legal effect themselves.

Nowhere in the Constitution proper do we find any mention of the rights of students, free expression, or the enumeration of student rights. But then again, the administration and faculty have stood ready and willing to help students work their way up the human landscape of Greater Cleveland.

Perhaps in such a benevolent environment, this Constitution could not make an enumeration of student rights or the opportunity to participate in the area of student affairs, appears in the Constitution. Perhaps the best anyone could hope for was that students could be present at Cleveland-Marshall to obtain a legal education and not to serve as semi-administrators. Yet all considered, the fact remains that at many leading law schools a new trend has occurred, that of student participation in administrative and governmental affairs. This is the trend, that of students participating in policy making, at least in those areas which may directly affect the student body. The rationality of such a step could rest upon these facts:

(1) The present administration is comprised entirely of college graduates who are at Cleveland-Marshall seeking a prestige as well as to engage the recipient to do high moral character and able to undertake responsible work.

(2) That many law students will doubt soon become professionals in this field and thus develop the responsibilities of high responsibility in the legal profession and will achieve offices of authority.

(3) Many students have or are now working within the community at responsible jobs, are tax paying adults, and are responsible voters.

Considering the foregoing arguments, it appears only natural that the student body should be credited with this responsibility to attain and maintain successfully a degree of self governance, and the school administration and faculty most directly affecting them.

Our Resident Judge Silbert

VETERAN OF THE YEAR

Chief Justice Emeritus Samuel H. Silbert of the Cuyahoga County Common Pleas Court was recently feted by the Joint Veterans Commission in his honor following Veterans Day Services on Public Square. Nearly 250 persons attended the luncheon which named Judge Silbert "Veteran of the Year."

The Terminal Tower over the human landscape of Greater Cleveland.\n
We of The Gavel know we speak for the administration, faculty and students in saying that we are honored to have such a distinguished alumnus affiliated with Cleveland-Marshall College of Law.

Let us Boycott in Cleveland

Farm Workers Ask for Student Aid

by John Gannon, '72

The United Farm Workers Organization, AFL-CIO union, is again calling upon the people of Cuyahoga County for help in alleviating the poverty and oppression of farm workers in California and Arizona. On July 23, 1970, as victory was imminent in the Delano grape strike and boycott and after three years of organizing in the Salinas and Santa Maria Valleys, Caesar Chavez sent a telegram to the President of the National Farm Workers Association advocating a halt to representation elections for their field workers. The Salinas growers decided to negotiate with the Teamsters, while locals concerning contracts for their field workers. Five days later the growers announced that the Teamsters represented their workers.

"Sweetheart contracts" were agreed to between the growers and the Teamsters providing no improvements in wages, hours, or working conditions. The field workers on the farms were too frightened to protest. The local newspapers as had never been registered or even contacted by Teamster officials. Without such contracts farm workers in many areas of California have remained unorganized and unorganized under the laws of the U.S., Ohio, and California. Since August 24, the lettuce growers in the Salinas, Santa Maria and Imperial Valleys, with the exception of two of the largest companies, have persistently refused to meet with the United Farm Workers Organization Committee. United Fruit Company on August 30, 1970, held representation elections supervised by the National Labor Relations Board at Bishop's Commission and the workers employed on its farms overwhelmingly selected the United Farm Workers Association and the workers employed on its farms overwhelmingly selected the United Farm Workers Association.
For perhaps the first time in the long and eventful history of the College of Law, the student body, after many years of feeling that it had been submerged in the affairs of the school, has taken the initiative in bringing about changes that are of benefit to the students.

The main event of the week was undoubtedly the debate over the pass-fail system of grading. The members of the Junior class in an impromptu meeting decided to petition the Dean to change the system.

For the first time in the College of Law, a student body has taken the initiative in bringing about changes that are of benefit to the students.
A THREE CHOICE GOVERNMENT

by Paul T Kirner

Last month Prof. William Tabac circulated a petition asking for a student-run clinic at the Cleveland State University Law School. Ohio State University, Kent State University and a number of other institutions have student-run clinics. The petition was signed by a number of faculty members and students. It has been referred to Jerris Friedman, National Secretary of the Student Bar Association, for review.

Professor Tabac does not believe the petition will meet the approval of the American Bar Association. He says, "If the petition is signed by a faculty member, the school has the power to overrule it. The petition is a form of resistance against the authority of the university to control the institution."

The CSU Student Bar Association has voted to support the petition. They say, "The university needs to understand that students have the right to be represented by their own leaders."

Co-Chairman David Churchill states that the CSU Student Bar Association has received support from a number of other student bar associations.

The petition asks the university to grant the CSU Law Students the same benefits as the students at other schools. It says, "The CSU Law Students have the right to be represented by their own leaders."

The petition has been referred to the university's Board of Trustees for review. The Board will decide whether to grant the petition. The petition has also been referred to the university's legal counsel for review.

The university's Board of Trustees has not yet made a decision. The board will consider the petition when it meets in April.

The petition has also been referred to the Ohio Bar Association for review. The Ohio Bar Association will consider the petition when it meets in May.

The petition has also been referred to the American Bar Association for review. The American Bar Association will consider the petition when it meets in June.
DELTA THETA PHI
Charles Mathay

On November 17, Delta Theta Phi held a rush party at the City Club. The meeting
speakers were five fraternity alumni who had received their bar examinations. They talked about the trials
and tribulations of taking the bar exam and the types of questions that were asked. There
were no questions about farm school preparation for the examinations. Following the public
business meeting was held to elect new officers for the 1971-72 term.

Congratulations to the newly elected officers of Delta Theta Phi for the 1971 school year. Taking office effective January 1, 1971:

Ronald H. Mills, Dean
Timothy Hughes, Vice Dean
Joy Newberry, Tribune
Craig Collingwood, Clerk of the Rolls
Red Zeller, Clerk of Esquela
Andrew Bland, Master of the Ritual
Bruce Molnar, Bailliff.

PHI ALPHA DELTA

In keeping with its continuing effort to provide service to the stu-
dents of the college of law, Phi Alpha Delta sponsored its annual
practice exam on Saturday, November 21st, at the law school.
Approximately one hundred and twenty stu-
dents, most of whom were members of the law school, partici-
pated. Professor Wilton Sogg began the agenda with a lecture on
the techniques and approaches that should be employed by students when answering a
law school examination. During his lecture, Professor Sogg recom-
mended that each student have a "cataclysmic moment" at some time
prior to actually writing an answer to the exam questions. During this "cataclysmic moment," that one's
thoughts should begin to take shape and an answer to the question for-
mulated. Professor Sogg stated that, "What for me has been a lifetime of trauma," has been to get law stu-
dents not to write a "reflexive an-
swer," but to get them to control their minds, to be introspective, and
"See the light in the tur-
key."