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Cleveland-Marshall College of Law

THE GAVEL

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DEAN GAYNOR RESIGNS

by Paul T Kirner

After two very successful and fruitful years at CSU college of law, James K. Gaynor will leave "the helm" as dean. In his administration at Cleveland Marshall, Dean Gaynor has probably accomplished more for the law school than any other dean in the school's 75 year history. He has unselfishly brought our law school into a national light of recognition and honor.

In July of 1968 James Gaynor took the administrative position as dean with a two fold purpose and goal. His first objective to be attained was the merger of the law school with Cleveland State University. This was accomplished July 1, 1969, a year after the selection of Professor James Gaynor as dean. The second goal was to secure accreditation as a member of the Association of American Law Schools (AALS). This task was to be finalized in November of 1969, but the AALS wanted to *wait and see* how this new merger would fulfill itself. Then last month, CSU College of Law became the 125th law school

Dean James K. Gaynor

in America to be accredited with an AALS Certificate out of the 171 law schools in the USA.

"Many people were responsible for these achievements and much of the preliminary work was completed before I became Dean. For each of these who helped, I feel deep appreciation," said Dean Gaynor. "I do not desire credit for the accomplishments. I simply remained at the helm until the fulfillment."

In a letter dated January 5, 1971 to Dr. Harold Enarson, President of CSU, Dean Gaynor wrote, "Long before the merger was assured, I informed you that once the mission had been accomplished I should like to be relieved of the responsibility as dean." So the Dean has fulfilled his "mission"—a perfectly executed mission that will make CSU's law school the best as well as the biggest in Ohio.

James K. Gaynor, currently has tenure as a professor here at CSU and has taught other courses besides History and Methods L 503, among which are Personal and Real Property. His plans of teaching, writing and legal research will be attained by a position as professor at CSU.

As far as who his successor will be, the dean offered no speculation. The President and vice-president of CSU along with two members of the faculty council are formed into a Search Committee. The two faculty members from the law school are Professor Kevin Sheard and Professor Edward Chitlik.

Their duty is to solicit recommendations and interview prospective appointees from within and without the university. As stated in the C.S.U. Faculty Personnel Policies 1969-1970 Guidebook, "These appointees shall have been approved by the majority of the department chairmen in the college. All persons involved in the selection will work closely together to achieve agreement on the individual who will finally be offered the appointment through the customary procedure of the University."

AALS ACCEPTS CSU LAW SCHOOL

by Richard Lynch

In these turbulent days when students, faculty, and administration are all vitally concerned with the improvement and advancement of CSU Law School, we find that our administration has achieved one of the most important tools in our everlasting struggle to better ourselves. On Dec. 28, 1970 CSU Law School was accepted for membership by the American Association Law Schools. Long recognized by the League of Ohio Law Schools, Cleveland-Marshall College of Law now joins the ranks of the best law schools in the country in the listing with the highest accrediting agency in the legal profession.

This recognition, which follows close on the heels of Marshall's affiliation with CSU (1969), is rarely given to non-university affiliated law schools. Criteria used by the AALS to evaluate prospective members include the school's admissions policy, academic requirements, and quality of the faculty and library.

All this rather dry information means a great deal to all those connected with OUR law school.

First of all, it means PRESTIGE, something which we have been seeking for a long time, and which will affect us all in a number of other ways.

Second, we will now be able to interest law professors in coming to Cleveland State Law School who before would not even have considered us because of our lack of accreditation.

Third, the College of Law is now eligible for government grants and other forms of federal support which are restricted by statute to those law schools accredited by the AALS.

Fourth, graduates are now eligible for government jobs which are only open to graduates of AALS members.

Fifth, as a practical matter, many top firms which would not consider our graduates for positions in their firms, merely because of Marshall's lack of recognition by AALS, will open their doors to them.

Sixth, Marshall's students will now be acceptable to other AALS member schools for transfer or post-graduate study where they were not before.

Seventh, we will now be able to attract higher caliber students to our hallowed halls.

LONGO WITH FEDERAL COURT

by Terry O'Donnell

Thomas Longo, a third year evening student at Cleveland State University, College of Law, has been appointed to the position of Crier Law Clerk for newly appointed Federal Judge Robert B. Krupansky. Judge Krupansky, who had been U.S. Attorney for the Northern District of Ohio, was appointed to the

Thomas G. Longo

federal judgeship by President Nixon to fill an existing vacancy.

Mr. Longo, age 26, assumed his clerking duties on December 6, 1970; formerly he was employed as a legal assistant by Judge Krupansky in the U.S. Attorney's office. Tom says he enjoys his work because it affords him an opportunity to apply his knowledge in a real life situation.

His duties include researching the law on various briefs and motions, assisting Judge Krupansky in researching and writing opinions, and, acting in his capacity as crier, opening and closing the court.

KAHOE HIRED AS GENERAL COUNSEL

by Lila Daum

When a fledgling legal eagle manages to wing himself out of the once timorous, now secure nest of law school, onto a lowly twig of a gigantic law firm's tree; we all applaud it as a justifiably noteworthy achievement in itself. And from the nest of the Cleveland State University—College of Law, class of 1971, a lady eagle has already soared her way into another part of the forest.

Sheila Kahoe, former Editor-in-Chief of the CLEVELAND STATE LAW REVIEW, has been chosen as general counsel to the National Catholic Society for Animal Welfare, effective immediately upon her graduation in June. Needless to say, it is rare that a lawyer fresh out of school can attain so prestigious a position.

Miss Kahoe designates the most probable reasons for her professional assignment as being the advantage of recognized status of a law review editor and, more immediately, the reference and recommendation given to the Society by Distinguished Professor Howard L. Oleck, faculty advisor to the law review.

General counsel of the National Catholic Society for Animal Welfare (catholic used in its non-sectarian sense), is an ideal position for a starting advocate in many ways. Most apparently, perhaps, the legal subject matter of the field is limited enough in scope to permit a young lawyer to gain a firm grasp on it and to acquire a fair degree of expertise and specialization. More importantly, however, as general counsel, Sheila will have the much-desired challenge of immediate trial work.

Because the National Catholic Society for Animal Welfare has heretofore delegated all of its legal work to various private law firms, as its first counsellor our CSU graduate will be actually creating her own legal department there and be able to contribute significantly to the organization's position in the legal world. Miss Kahoe has already researched issues relevant to her forthcoming assignment and is sketching out plans for the future year.

As the Society is one of this country's few national associations for humane treatment of animals, the ultimate goal is building itself a legal service available for reference and advice to all the various state and locally operated associations for animal protection.

Certainly not an unappealing or unimportant feature of the job assignment for Sheila is the location of the National Catholic Society for Animal Welfare in midtown Manhattan. And, using the opportunities of New York to her best professional extent, Sheila plans to do graduate work in law at New York University, in addition to her job.

In an admirable class of 1971, Sheila Kahoe deservedly stands as among its more admirable and promising members.

The Right Of Non-Tenured Faculty

In recent weeks the question of promotion and tenure has been tossed around by faculty and students in informal discussions. Rumors of denial of promotions or tenure or both have been blown out of proportion in their usual course of events. But the reality of it all still lingers as the truth of all rumors will out. We do not know the truth or the situation as it exists now, but we do plan to acknowledge the problems as we see them. The problem of denial of tenure and promotion is important to us all when it involves our school losing qualified professors.

Throughout the universities and colleges of America many non-tenured professors were denied renewal of their contracts. Many were denied tenure and promotion unjustly. The reasons the administration gives are usually unfounded and broad enough to protect their "decisions." The reasons the administration *do not* give are that some of the professors have liberal philosophies that merely clash with the philosophy of the established conservative administration.

We feel all professors at CSU should be given the right to a hearing before a board of peers prior to any final action to be taken on denials of tenure, promotion or dismissals. They deserve a right to defend themselves after *formalized* reasons have been given the board to substantiate a valid denial. Without this "board of correction" the professors have few recourses available. They may petition the university for reconsideration but the result is the same—the presentation of two documents. One states the ambiguous reasons, if any, for denial, and two, a document known as "walking papers" or "like it or leave it" contracts.

The reason behind the promotion and tenure status is to reward the educator for the abilities he has shown in furthering our education, and yet so often these rewards are used as a wedge to hold these educators into an administrative "vice."

When all else fails, the other answer is litigation. In an article in the Chronicle, November 23, 1970 discussing just this problem, it is shown that the courts of Wisconsin, Colorado, California, Illinois, and Florida have heard the petitions the administration have ignored, and have given these professors the hearing or renewal contracts they were unjustly denied.

Help is available from many teacher's associations throughout the U.S. for the right of non-tenured faculty. The ones most active in this area and were co-plaintiffs in some of the actions were the National Education Association, the American Federation of Teachers, and the American Association of University Professors. Many have provided the funds and all are setting a new standard in our schools, which previously the courts would never touch. Today the pendulum is on a backswinging equalization of power.

The right and duty of an administrator's denial of tenure and promotion of all professors should become less ambiguous and more concrete. Then a defense can be set down that does not have to defend everything because the denial says, "Denied tenure. Unqualified." Where qualifications are ambiguous as, "Tenure is given upon a professor's record and time with the university." What does this mean?!

The administration should set the standards and apply them to all professors in relation to their qualities as an educator within the classroom. In not doing this the administration is guilty of fostering a dichotomy between the dual standards of CSU and the law school.

Though the school trains students for the profession of law there is no need for our professors to actually show us how the practical format of the law works in a suit against the university. Emphasis should be on the practical workings of training the law in an environment suitable to give us the best and most qualified professors to turn out the best and most qualified professionals. We need less stereotyped administrative professors in our school who bow to the dangling carrot of tenure and promotion.

Despite the catastrophic result of this split, we the students suffer when we lose qualified professors because of ambiguous administrative standards, if any, or because of one's liberal beliefs outside the class room. We believe when the qualifications of a professor are ambiguously questioned to their detriment, less qualified men filter in and move to the top because they qualify as "company yes men" and not really as professional educators. Look around, are we losing the men who have given us an education worth saying "I was taught Property by Prof. Casner" or men of similar quality. Or do we hang our head when we admit that Prof. Poore taught us a given course.

Letters to the Editor . . .

January 6, 1971

Dear Editor:

To the Faculty of Cleveland-Marshall College of Law:

I want to take this opportunity to congratulate the members of the faculty for your part in the acceptance of the Cleveland-Marshall College of Law of Cleveland State University as a member of the Association of American Law Schools.

This means much not only to the Law College, but to the University in enhancing its potential for service to the community. It is an honor rightly to be cherished by the faculty, students, and alumni. It represents the achievement of a goal which many of you have worked long and hard to reach.

Thank you for your efforts in behalf of the Cleveland-Marshall College of Law in the past. I look for your continued assistance as we seek to make it an institution of growing quality and distinction.

Sincerely,

Harold L. Enarson
President

Editor, The Gavel

Dear Sir:

Your last issue of THE GAVEL for 1970, marks itself as being degrading to both the students and the law school. An editorial feature article in that issue chose to capitalize on self-improvement of the school, but fell short of its mark. It is time, sir, to find better words to describe one's thoughts than the ones used in that article; to capitalize such rubbish highlights ignorance.

Additionally, in that same issue, another article chose to encourage student rebellion as well as using expressions which mark their user as being in a category with seventh grade students who feel compelled to jot such words on scraps of paper. I strenuously object, sir, to succumbing to current day pressures or journalistic trends and reducing the status of our paper to that of a mere college newspaper. Ideally, THE GAVEL is a vehicle for communication of worthy items both relevant and necessary to members of our graduate professional school and others in our academic community.

Ours is a gentlemen's profession which attempts to offer assistance to those in need. By doing this, we distinguish and conduct ourselves as professionals. We ought not be swayed by a group of young college students who haven't totally acquainted themselves with the law, but who display an air of intelligence as having learned all there is to know in nine months.

My suggestion is to more carefully screen what is printed in order to improve the image of our professional school. We should not publish all graffitti which is written by law students. From a reading of the last issue it is time for some students to mellow or find a different profession.

Sincerely

Terry O'Donnell

January 13, 1971

Editor, THE GAVEL:

In the December, 1970, issue of THE GAVEL, there appeared two items which, while ostensibly independent, were similar in content, and unfortunately similar in tone.

The article entitled "The Now of Today," on page two, and the LSCRRC column, on page four, both discussed the quality of the instruction in Cleveland-Marshall today. Both suggested that this quality could be improved. With this sentiment I agree.

I do NOT agree with the language used to express the sentiment. The choice of words found in the two expressions of opinion would find better company in some of Sam Ginzburg's works, or in the magazine for sophomores of all ages, *Playboy.*

We, as students of the law, are allegedly here to learn the application of our reasoning and persuasive talents to questions of fact in our advocacy of a legal position. This application of talents, I submit, does not require the level of expression euphemistically referred to as *grafitti.*

With the opinion I express here, I have no intention of negating the right of the respective authors to use whatever language they choose, wherever and whenever they choose. Indeed, I concur heartily (for whatever it's worth) with the various opinions of Mr. Justice Black as found in, e.g., *Ginzburg,*[1] *Mishkin*[2] and *Stanley*[3].

THE LSCRRC column speaks of student rights and correlative responsibilities. In *Schneider v. Smith,* Mr. Justice Douglas, speaking for the Court, said ". . . (First-Amendment rights) create a preserve where the views of the individual are made inviolate. . . ."[4] Clearly, then, it is a student's well-defined *right* to use pen or mouth in whatever manner he chooses, including the right to be annoying, profane, merely tasteless, or downright foul. Further than this, though, I contend that it is the law student's *responsibility* to demonstrate that he is capable of effective expression without resort to the cop-out language of the teen-age cult.

Along these lines, cf. Mr. Justice Clark's extremely able dissent in *Memoirs,*[5] where he renders a scathing review of the exploits of Fanny Hill in a thoroughly delightful manner without once coming anywhere near the level of the book.

And while in the august company of such as the Justices Douglas, Clark and Black, note that nowhere do these men themselves use the traditional four-letter words whose use by others they so vigorously defend. Even in that epitome of discretion and good taste, *Evergreen,* Mr. Justice Douglas comes through as a verdant breeze in a garbage dump.

Consider, too, one of the greatest orators in recent history, Sir Winston Churchill. While moving men and whole nations to action, his strongest words were "blood" and "sweat."

But even apart from measuring a person by the pungency of his speech, look at practical aspects. Empirically, the guy with a bad mouth gets nowhere in his job, in society or with his friends. Think about that before you reject the idea. But don't think if you get a job in a law firm, and exercise your freedom of speech, that they'll lean on you. Heck, no. They'll ignore you to death.

So let's all speak, write, dissent, and express our opinions. But let's not turn THE GAVEL into the *Grovel.* As reasonably articulate people, we don't have to scoop up mud to make a point.

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[1] *Ginzburg v. United States,* 383 U.S. 463, reh den 384 U.S. 934 (1966) (dissenting opinion at 476).

[2] *Miskin v. New York,* 383 U.S. 502 (1966) (dissenting opinion at 515).

[3] *Stanley v. Georgia,* 394 U.S. 557 (1969) (concurring opinion at 568).

[4] 390 U.S. 17, 25 (1968).

[5] *A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Atty. Gen. of Massachusetts,* 383 U.S. 413, at 441 (1966).

Robert B. Henn

November 23, 1970

Dear Sir:

I have received your most recent edition dated Nov. 1, 1970 and I was nauseated to read the column pertaining to what Professor William Tabac had to say as to the Kent State Grand Jury. I am certainly glad that the school no longer bears the name of my alma mater, Cleveland Marshall School of Law, and if this is the type of instructor that the law school employs, I wish to have my name deleted from your mailing list.

Very truly yours,

Arthur V. Falk

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URBAN LEAGUE HONORS MAYOR STOKES:

The Urban League of Cleveland honored Honorable Carl B. Stokes, Mayor, City of Cleveland with a "Reception" and the initiation of a "Carl B. Stokes Scholarship" at his Alma Mater, Cleveland-Marshall College of Law of Cleveland State University, on Wednesday, November 18, 1970. Shown at the Urban League's Transition Academy during Reception: L to Rt: Ass't Law Director, Stanford S. Smith and UL Bd. member; UL Bd. member James Campbell; UL executive director, Ernest C. Cooper; Cleveland Marshall Law School Dean James Gaynor, Mayor Stokes, and Julian C. Madison, president, UL Board of Trustees.

Mayor Stokes awarded "Street Academy" graduates their diplomas.

STUDENT-SPONSORED PUBLIC INTEREST FIRMS

by Donald Ross
NYU Law School, 1970

Students as a class possess more energy, idealism, resources and resourcefulness than any other identifiable societal segment. Yet they find that their values are not reflected in the society in which they live. They protest and demonstrate, but the student movement, by definition, is cyclical—it always dissolves during the summers and at exam time—and lacks the expertise which would allow it to focus on any specific problem in an effective way (demonstrations on the courthouse steps have shown themselves to be notably lacking in influence on the ultimate decision in a given case). Not surprisingly, this mode of activity has effected no important social change.

If students (or any other identifiable interest group) are to make their collective voice heard where it counts, a change of tactics is clearly required. The Public Interest Research Group, sponsored by Ralph Nader, is suggesting at campuses across the country that an exciting new concept be implemented. This idea manifests the obvious resolution of the inadequacies in the student movement—the hiring of full-time professionally skilled persons to press student interests in the courts, the legislatures, and elsewhere. Basically, the scheme uses highly skilled lawyers and other professionals, such as engineers and ecologists, on the side of the environmentalist and the consumer needful of protection.

To employ the term "adversary system" as descriptive of the *status quo* in environmental protection, for example, where the day-to-day confrontation is between Wall Street lawyers and little old ladies in tennis shoes, is folly indeed. Industries are now operating in a vacuum. They are regulated by agencies composed largely of colleagues on sabbatical from their corporate jobs or civil servants waiting for an offer from industry. The public is unrepresented in the circles where policy is made. The student-sponsored public interest firm, however, can alter that imbalance. It can inject into decision-making the consideration which is so obviously absent—it can require that the social cost of investment be treated as the crucial factor it is.

The critical mass required in any such firm, if it is to have impact, is 10-15 members—six to eight lawyers combined with a balance of ecologists, engineers, social scientists and others. The funding needed is $150,000 to $300,000 per year. There are about eight million college students in the U.S.—by taxing themselves only $2 per semester (a minimal increment over their present payment of tuition and fees), $32 million could be generated. This is enough money, at a nominal cost to each student, to establish more than 100 groups of public interest professionals. The possibility of making the adversary system a reality is therefore clearly before us.

Students in Oregon are now engaged in a campaign to set up their version of this concept. Within the month, referenda will be held at Portland State University, University of Oregon, Oregon State University, Lewis & Clark, and Willamette. Organizations dedicated to the holding of similar referenda are now working at Oregon Technical Institute and many other smaller schools. By voting in favor of the proposition on these campuses, the students will be voluntarily increasing their incidental fees by $1 per student per quarter. They will be dictating that this money be turned over to a student-elected and -controlled board whose job it will be to hire and direct the full-time professionals. All available indications are that the propositions will pass overwhelmingly at schools with a composite population of well over 50,000—yielding on a three-quarter/year basis, at least $150,000 with which the group called the Oregon Public Interest Group (OPIRG) will be funded.

Clearly, the measure, even if passed at all the schools in the state, must be approved by the State Board of Higher Education. It seems unlikely, though, that the Board would deny students this opportunity to work within the system for change. The very essence of the proposal is one of rationality. The students of Oregon will be asking for what they learned in civics class was their right—asking for an effective voice in the councils of government—the same voice that industries and other special interest groups alone now have.

Oregon seems destined to be the first state in which this effort will bear tangible fruit. However, Washington, Minnesota, Georgia, California, Colorado and Connecticut each have small groups working toward

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A REPLY TO THE "NOW OF TODAY"

THE NOW OF TOMORROW

by Robert B. Henn

Irrelevant.

The word falls trippingly and pleasingly from the lips of the critic, adding to his already-heightened euphoria, transporting him again to Nirvana.

Certain laws distress him. They are irrelevant. Biblical admonitions are stifling. They are irrelevant. Some classes puzzle him. He dismisses them; they are irrelevant.

After all, he has a Bachelor's Degree. (We will assume, *arguendo*, a relevant degree.) He therefore has a Certificate to Prove He Is Wise.

Irrelevant.

The awesome power of the word staggers the imagination. Kingdoms tremble and armies flee before it. (It is rumored that the Dow-Jones once dropped 22.73 points when the word was used, but since the D-J is irrelevant, nobody noticed.)

Unfortunately, the Power Structure (at least the relevant portions of it) has begun its ponderous machinations to limit this terrible engine of ennui. It is reported that the current Ohio Legislature will vote on a bill making the use of the word "irrelevant" an actionable tort, and providing treble damages on a finding of guilty by a jury in libel cases brought under the common-law provisions of that statute.

Thus, we will soon be barred from charging into battle with the terrible swift sword of irrelevancy. Oh, the shame of it!

But perhaps there is surcease from this repression. Those of us who have taken the (relevant) Constitutional Law course will leap into the breach, brandishing our (relevant) freedoms as protected by the quasi-relevant Bill of Rights. They can't do this to us, we cry. The First Amendment (as made obligatory on the States by the Fourteenth) will protect our right to lay low whom we will by our unfettered use of that word. Irrelevant.

Alas. The Supreme (Relevant) Court has already considered the situation. The Court, speaking through Mr. Justice Grey, said in *O'Grady v. Vaca,* 414 U.S. 967,

> "The use of the word 'irrelevant,' as applied to Respondent's law-school course offerings, is clearly within the ambit of 'fighting words' as enunciated by this Court in *Chaplinsky* . . . and is therefore not entitled to First-Amendment protection. . . ."
>
> ". . . We further hold that because of the severity of this offense, the announced sentence of 21 lashes, well laid on, is well founded, and Petitioner may not avail himself of the provisions of the Eighth Amendment."
>
> ". . . [N]or may Petitioner invoke the doctrine of *New York Times v. Sullivan.* . . . The Times is no longer relevant . . ."
>
> "We therefore affirm the holding of the Seventh Circuit. . . ."

Of course, this holding is itself irrelevant, so we may ignore it. The fact that this was a burning issue in the District Court for the Northern District of Illinois is also irrelevant.

We might stop and ask at this point, who decides what is and is not relevant? What criteria are used? Are these criteria valid? If so, by what test are they valid? Is there a correlation between the criteria and the results? And perhaps, as applied to courses in law school, *quis custodiet ipsos custodes?*

On this point, the erudite might also consider a statement from *In re Edge Ho Holding Corp.* 256 N.Y. 374, 176 N.E. 537: "Very often the baring of information is *not susceptible of intelligent estimate* until it is placed in its setting, a tile in a mosaic." (Emphasis added.) The emphasized words would bear serious consideration.

It would seem that we are being asked to judge the relevance of an event by its relation to other events, *not* standing alone. And perhaps—just perhaps—we won't be in a position to evaluate a given course until five years after we pass the Bar.

My next exciting topic will be

> Pass-Fail: an Irrelevant Grading Method.

I'll bet you can hardly wait.

LSCRRC—CSU LAW SCHOOL

MINORITY RECRUITMENT

by Sutter & Elfvin

The appointment of a faculty committee to deal with minority recruitment may ease the consciences of some of the Law School faculty, students, and administrators. However, the formulation of different admission standards will not solve the problems of a lily-white law school and profession. We must begin to assess and reorder our priorities to meet the responsibilities of this small law school to the community that supports it.

The process of recruitment requires a conscious and joint effort on the part of students and faculty members. Attending a CLEO conference once a year will not create the interest in attending law school beyond those who are already interested. This Law School does not visibly recruit any students and has made very little effort to remedy this. If we start now on an active recruitment program we will be late for this year, but it will give a foundation for next year.

At present there are approximately 35 black law students at CSU Law School, of these only 6 may be counted in the three year day program. With this in mind, the following comparison of state-supported universities should amply illustrate the "liberal" policies of our administration.

BLACK LAW STUDENT ENROLLMENT, BY CLASS; November 1970

School	*First Year*	*Second Year*	*Third Year*
U. of Virginia	11	13	3
U. of Mississippi	9	7	6
U. of Kentucky	14	3	1
Florida State U.	10	6	2
U. of Texas	3	10	3
U. of Arkansas	6	4	1
U. of Tennessee	4	2	1
U. of North Carolina	5	1	1
U. of Florida	2	3	1
Cleveland State Univ. (Day)	3	2	1
U. of Georgia	4	1	0
U. of Alabama	2	3	0
U. of South Carolina	3	1	0
U. of West Virginia	3	0	0
Louisiana State U.	1	0	0

Most people come to this school for one or more of the following reasons: 1) it is comparatively inexpensive, 2) they can hold a full-time job and attend law school at the same time, or 3) they cannot get accepted anywhere else. The minimum academic standards for admission here are a 2.0 accumulative average and a 500 LSAT. Why deceive ourselves into believing that we cannot find qualified black (or white for that matter) students, when our reported standards are at this level.

A major restriction on minority

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DEAN TO CHAIR NATIONAL PAX ROMANA COMMITTEE

Dean James K. Gaynor was elected chairman of the Pax Romana Committee of the St. Thomas More Society of America at its semi-annual meeting in Chicago on December 28.

Professor Edward T. Fagan of St. John's University was elected vice-chairman of the Committee, Judge Victor Targonski of Trenton, Mich., was elected secretary-treasurer, and Professor Wenceslas J. Wagner of Indiana University was designated as the delegate to the triennial meeting of the International Catholic Lawyers of Pax Romana to be held in Fribourg, Switzerland, in July.

Neither the St. Thomas More Society nor the Lawyers of Pax Romana limit membership to those of the Catholic faith. Any lawyer who is in sympathy with the general principles of using the intellectual resources of man to provide a life of faith, taking into account the progress of science, cultural, and social life, is welcome to become a member.

Catholic lawyers' groups of Pax Romana exist in fourteen countries, but this will be the first representation from the United States at an international conference.

SCRIBES AND ABA-LSD ESTABLISH LEGAL WRITING CLINIC

by Richard Lynch

Scribes, the legal writing society composed of the top 500 legal authors in the country, has taken the steps necessary to establish a nationwide network of legal writing clinics for the benefit of law students. The idea, first proposed by Howard L. Oleck, distinguished Professor of Law and member of the Board of Directors of Scribes, was presented by the Scribes Law Student Coordinating Committee to work with the ABA-LSD to arrange for speeches at law schools on improving legal writing, to conduct seminars, to provide legal writing contests, and other appropriate programs.

Professor Oleck as chairman of this committee appointed Avery Friedman, Secretary of the ABA-LSD from Cleveland State University Law School, to work on the organization of this program. Mr. Friedman, working closely with Ernest S. Zavodnyik, Assistant Executive Director in charge of the Law Student Division of the ABA, worked out an organization based on the 13 Scribes circuits across the country.

Essentially, one Scribes member from each district has been appointed by Mr. Oleck to execute the program in that district. Known as the "resource persons," each one will work with the student designated through the ABA-LSD in that district to implement a legal writing program.

It is to the credit of those who started this program that the resource persons are of the highest caliber. Some of them are: Professor Livingston Hall of Harvard; Mr. Albert Averbach, distinguished personal injury lawyer and author from Seneca Falls, N. Y.; Mr. Paul A. Wolkin of Philadelphia, Director of the American Law Institute; Professor Frank R. Strong from the University of North Carolina Law School, former president of the

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ABA COMMITTEE ON LAW BOOK MARKETING PRACTICES

(SLJ) The American Bar Association has created a new committee to investigate "undesirable" law book marketing practices and improve other aspects of law book publishing. The Committee on Law Book Publishing Practices, meeting for the first time during November in New Orleans, looked into a number of questionable techniques currently being used by some law publishers.

Among the practices most commonly criticized are: falsely advertising old books as new; reselling old books disguised as new ones, with changed titles and fresh bindings; including the same book in different sets; failing to issue needed supplements, or overpricing them; using unnecessarily expensive bindings on books which are soon out-of-date; and failing to advertise prices of the more costly works.

The Association's Board of Governors approved a resolution calling for the creation of the Special Committee with two objectives:

(1) To resolve questions which have arisen or may arise concerning practices in the publication, promotion and marketing of law books and services and cooperate with publishers in the resolution of such questions;

(2) To provide for protection of the bar and the public from any undesirable or improper practices in the publication, promotion or marketing of law books and services, and for cooperation by the Association with appropriate federal and state regulatory and law enforcement agencies with respect thereto.

The Committee also will study ways to improve the overall quality of law book publishing and related services.

Law School Texts

The Committee has a vital interest in the practices of publishers of texts used principally by law school students. The cost factor of texts is of immediate concern to students and the readability, accuracy and educative value and effectiveness of law school texts are of concern to students and professors alike.

The Committee Invites Your Comments

The Committee on Law Book Publishing Practices invites law professors and law students to give their comments, critiques and suggestions concerning publishers of texts and the content and teaching effectiveness of contemporary law school texts and other printed material. All comments addressed to the Committee will be given careful study and will be considered by the Committee in its evaluation and recommendations.

Students and professors are urged to write to:

Committee on Law Book Publishing Practices
c/o Dept. of Professional Standards
American Bar Association
1155 East 60th Street
Chicago, Illinois 60637

JOIN LSD-ABA

Dear Law Students,

Let me take this opportunity to encourage you to join the largest law student organization in the country, the Law Student Division of the American Bar Associations. With a membership of over 17,000 and an annual budget exceeding $170,000, the Law Student Division provides an excellent opportunity for you to become involved in the activities of the American Bar Association at an early stage of your career.

Most organizations, unfortunately, take your membership dues, send you a card, and that's the last you hear of them until renewal time. The Law Student Division, however does much more. *Here are the benefits membership in L.S.D. provides for you*

(1) Free subscription to the *Student Lawyer Journal*
(2) Low cost group health & life insurance from Mutual of Omaha
(3) Opportunity to join three sections of the American Bar Association; receive their publications on specialized areas of law
(4) Subscription to the *ABA Journal* at reduced rates
(5) Free subscription to *American Bar News,* a monthly ABA newsletter
(6) SENIORS: Opportunity to use the ABA's Lawyer Placement Service
(7) Free copy of the booklet, *Federal Government Legal Career Opportunity*
(8) *After graduation* from Law school, LSD membership will save you $25.00 on a membership in the American Bar Association.

Of course, in a larger sense LSD provides more important services to the law school student. This coming year over $17,000 will be available from LSD on a matching fund basis

See Page 6

SBA WORKS OUT

by George M. Schroeck ('72)

Recent occurrences have forced many of us to critically examine the effectiveness of the Student Senate. My analysis produced the self-realization that I personally was harboring antiquated feelings of cynicism which in point of fact could not be justified by the Bar's contemporary endeavors. Rather I was forced to conclude that the Bar was in the process of social transition and that there existed a time lag in this realization.

I attended this year's first Bar meeting wearing a Richard Widmark snear. I believed then that I had entered an "inferno" echeloned in varying degrees of political polarization ever to be evidenced by ego trips to citadels of stagnation and stratification.

But I was wrong in assuming such an attitude, though it is only recently that I have come to realize this. The first Bar meeting, although populated by freshly elected Representatives, like myself, proved to be a body wishing to do "something"!

To make a long story short, in the five meetings held this academic year (starting Nov. 19, 1970), the Bar has cranked out and passed some promising bills, to wit:

1. Funding of L.S.C.R.R.C. (Law Students Civil Rights Research Council), in the amount of $1,000.00. The money was authorized so that matching U.S. government funds might be obtained for the purpose of creating jobs for law students via law study, thus providing law students with jobs and legal experience while enhancing the law school by community involvement Pro Bono Publico. $750.00 was authorized for L.S.C.R.R.C. at the first Bar session and an additional $250.00 was authorized at the third session, in hope of achieving the above outlined objectives.

2. A bill requesting the Dean to place on the agenda of the next faculty meeting the issue of granting to the student representatives sitting on faculty committees, a vote equal in weight to a vote cast by a faculty member and strongly urging the faculty to vote affirmatively.

3. A bill approving the faculty evaluation forms.

4. A bill requesting the Dean to create a large committee (15-30) composed of one-half faculty and one-half students, for the purpose of determining whether the present trend of some progressive law schools, in employing social scientific teaching methods, would be an advisable course for our own law school to follow.

5. A bill empowering Sen. Alan Hirth (D'73) to proceed forthwith and post haste in the establishment of a Speakers' Bureau, and authorizing him to spend up to $1,000.00 for any speakers booked.

6. A bill requesting the adoption of certain relative, contemporary courses and the reactivating of some courses now held infrequently or not at all.

The above enumerated bills are but a few of those passed, but I believe they evidence that Bar machinery is shedding the rust of ages and groaning into production. By no means is it running at total efficiency or effectiveness, but this year's brief production run, prima facie illustrates its potentiality and proves that the people and the machinery are both respectively functional and compatible to undertake a much bigger job.

One can theorize that with proper programming and direction, the Bar could very "extra effectively" make known to "whom it may concern," student body interests and desires in a way much more assuredly to affect the instigation of appropriate change in satisfaction of those desires and interests. Of course, it goes without saying that the only real power presently in the hands of the Bar is that of the communication to higher authorities student ideas and desires. Of course the present could break way to the future, a brave new future where possibly graduate students were franchised to at least partially participate in the fabrication of University format dealing with their education.

The Bar has recently been criticized for being a structured body which reacts only to needs and problems already well descended upon the heads of its constituents, and far from being a body which initiates far reaching programs engineered for the prevention of prediscernible problems, or designed for the implementation of improvement. A temporary plea of nolo contendere must be entered to the above charge—A final plea to be made after the forthcoming election of Bar Officers; which might just produce progressive platforms built upon solid plans occasioned to fit needs accruing via hot campaign issues.

January 21, 1970, saw the school's first town meeting. Its designers billed it as an unstructured open forum styled rap session, for the purpose of bringing festering problems into the open where viable solutions would be discussed along with ideas (means and ways) to successfully effect such correct solutions. In my opinion the meetings are a great idea and it is my hope that those responsible will keep them going. For any social body to act in a rational and effective manner it must first internally and collectively discover its common problems and goals. Only after such discernment can the group go forth to defeat those problems. The town meeting idea might fulfill the school's great need for such a forum, besides if nothing else it's individually and collectively therapeutic.

NADER CALLS FOR ACCOUNTABILITY OF BUREAUCRATS TO THE PUBLIC

by Robert Vaughn, LLM
Harvard Law School, 1970

Joining the Peter Principle and Parkinson's Law, is Ralph Nader's observation on federal bureaucrats: "The speed of exit of a civil servant is in direct proportion to the quality of his service." Nader told the American Society of Public Administrators meeting in Washington, D.C. recently that the federal government could function as efficiently with one-third fewer employees.

Federal administrators, rather than carry out statutory mandates couched in public interest terms, react to a series of special interest pressures, including a system of "deferred bribes" by which government employees expect to accept jobs in the industries which they regulate at the end of their government service. There has developed in the federal government a new, covert, spoils system led not by ward heeling politicians but by corporate and special interests. This system uses the government to dispense subsidies and favors to special interests. Often the favors consist of a refusal to enforce laws designed to protect the public.

To protect this spoils system, agencies have developed a set of defense mechanisms. These include secrecy, delay, the institutionalization of lobbying within agencies, abuse of discretion, and failure to give reasons for decisions.

An administrator who wishes to protect himself must be sensitive to the pressures that can be exerted by special interests. For example, agencies reserve the severest sanctions for those employees who expose illegal action. William Fitzgerald, the Defense Department efficiency expert who exposed millions of dollars in cost overruns in the C5-A contracts, was fired by the Department for "economy reasons." No bureaucracy can stand disloyalty. No bureaucracy can allow moral rules to determine policy.

At present there is so little accountability to citizens that a civil servant who refuses to uphold his oath of office and enforce the law can sneer at the public. The only sanctions are directed toward the reputation of the agency. There is little sense of individual responsibility.

It is the administrator acting to fulfill his oath of office by enforcing the laws—or the employee seeking to expose waste or dishonesty—who takes the risks under the present system. The climate in government must be changed so that action in the public interest will not bring reprisals, and employees can make moral choices on the proper course of action.

Far more efficient methods of citizen access are necessary to insure accountability, such as public initiatory rights. A citizen should be entitled to initiate a public hearing to review the actions of an administrator, to maintain the pressure necessary to counter well-organized and well-financed corporate interests. Rhetoric about the rights of citizens in a democracy must be substantiated by effective remedies and the availability of lawyers.

All large corporations place "institutional dictates" over morality and professional ethics. However, doctors, lawyers, and engineers are beginning to realize that their status as professionals demands their commitment to prevent specific problems. They must place external standards of professional conduct above the demands of the organizations for which they work, standards of professional conduct drawn and applied with the broader public interest in mind.

A change in the climate of government, in the nature of risks, will not only enable government to protect the consumer better, but will also free the bureaucrat from many of the institutionalized restraints that restrict his imagination and deny his creativity.

ATTENTION

SABBATICAL BOUND PROFESSORS

Ralph Nader is seeking law school faculty members who are planning quarter, semester or year long leaves of absence to work with his Public Interest Research Group in Washington, D.C. The pay is minimal, the work voluminous, the office decor early Salvation Army!

The compensations: Ralph Nader is at the cutting edge of a not-so-quiet legal revolution. Working with the Public Interest Research Group provides the opportunity to make a substantial contribution to the growth and stature of public interest law. It also provides a period of almost complete freedom—time to pursue an area of special interest free of the pressures of class preparation, and with the benefits of independence of choice and judgment and the "rejuvenating" atmosphere of Washington, D.C.

The Public Interest Research Group is presently made up of ten recent law graduates, three experienced attorneys, and one law professor on a year's sabbatical. Each has an area of special interest. The work takes many forms—litigation, publication, Congressional testimony, new course materials, and so on.

Come work in the nerve center of public interest law! For more information write: John Spanogle, Public Interest Research Group, 1025 15th St., N.W. Suite 601, Washington, D.C. 20005.

PAD INITIATES FIRST TWO WOMEN AT LAW SCHOOL

by Thomas G. Longo

Another first for the Women's Lib movement occurred on December 29, 1970 when two women law students were initiated into Meck Chapter of Phi Alpha Delta Law Fraternity. In ceremonies held at the Cuyahoga County Courthouse, Miss Margaret M. Jambor ('73) and Mrs. JoAnne V. Sommers ('71) became the first women to be initiated into Meck Chapter of Phi Alpha Delta. They are believed to be among the first few women to become members of PAD, an International Fraternity claiming Chapters in Canada and Puerto Rico, since the adoption of an amendment at its Convention last summer in New Orleans.

Phi Alpha Delta, the oldest professional law fraternity in the country, is currently the only professional law fraternity which admits women to its membership.

Miss Jambor, daughter of Mr. and Mrs. Stephen J. Jambor of Rocky River, was named "Outstanding Senior Woman" of Cleveland State University, by the C.S.U. Alumnae Association, as an undergraduate at that school. While at C.S.U., Miss Jambor, a Dean's List Student, was named to "Who's Who Among College Students in American Universities and Colleges." Her list of activities included: active membership in Beta Sigma Omicron Sorority, C.S.U. Student Government, Vice-President of the Senior Class, C.S.U. Chorale, and Secretary of Wing and Torch National Honorary. Miss Jambor was also first runner up for Homecoming Queen at C.S.U. in 1969.

Mrs. JoAnne V. Sommers ('71 N)

Mrs. JoAnne V. Sommers of Willoughby, graduated from Bowling Green State University where she majored in Journalism. Mrs. Sommers, mother of three children, is presently employed as Assignment Commissioner for Lake County Common Pleas Court. Prior to her present job, Mrs. Sommers was a social worker, sold real estate, and also did advertising work. A member of the Editorial Board of Cleveland State Law Review, Mrs. Sommers plans to enter the general practice of law upon graduation.

Also initiated into PAD with their fellow "Brothers" were: Robert J. Belinger ('74); Gerry Davidson ('72); Dennis J. Kaselak ('72); Paul T Kirner ('72); Robert M. Mirage ('72); David T. Reed ('74); and Stanley R. Stein ('71).

Miss Margaret M. Jambor ('73 D)

DELTA THETA PHI

MAN OF THE YEAR

by Jim Monjot

The Cleveland Alumni Senate of Delta Theta Phi recently selected their "Man of the Year" for 1970. The unanimous winner is John H. Weeks.

Mr. Weeks was born in Butler, Pa. on Feb. 2, 1904. His undergraduate studies were completed at Wooster College in 1926, culminating in an A.B. degree. Six years later he graduated from Cleveland State University's College of Law, where he was an active member of Delta Theta Phi.

Since graduating from the law school, Mr. Weeks has served as trustee, officer and dean on the Cleveland Alumni Senate's Governing Tribunal. He has also served the law school since graduation; having given much of his valuable legal expertise to it at the time of assimilation into Cleveland State University. Mr. Weeks was also an alumni member of the Wooster College Board of Trustees for many years following graduation from there.

Delta Theta Phi's honored member has received many editorial accolades, civic acknowledgments and educational scrolls from various sectors of the community, including, the Lakewood Library Board, the Cleveland Chamber of Commerce and the American Management Association. As stated by Mr. Franklin Polk in his speech presented to Delta Theta Phi's Tom & Jerry Party held on Dec. 30, "None of these achievements can attest to this man's virtues more forcibly than his four decades of harmonious management labor relations as a counselor, vice president and consultant for the Glidden Co. There his mild, friendly and temperate manner manifested itself to the fullest."

In 1966, when he sought election to the Ohio Senate from the 25th District he gained endorsements from various organizations—both labor and management. A heart attack early in the spring of 1970 kept him from seeking reelection to the Senate. His most capable abilities as a legislator won for him the Scripps Howard designation as "The Outstanding Legislator of 1969."

Denver Law School may have the best clinical education in the country. The school offers fifteen courses and employs three professors full time to supervise the program.

Scribes from Page 4

American Association of Law Schools and member of the Scribes' Board of Directors; and Professor Michael H. Cardozo, the Executive Director of the AALS. With these and other instructors of equal capabilities, the Scribes program has assured itself of immediate success.

HELP!!!

The Editors of THE GAVEL are currently assembling all previous editions of the newspaper for the purpose of permanently binding them. The end result will be a complete history of the law school as described by the school's newspaper.

But, we need our reader's help. Certain early editions cannot be located in the school's files. Listed below are the volume, number, and most probable publication date of editions which we do not have. We would appreciate your assistance in locating these missing issues so that we might have copies of them made. If you are able to help, please get in touch with the newspaper.

Volume	*Number*	*Date*
1	All copies are missing	(1952-53?)
2	All copies are missing	(1953-54?)
3	All copies are missing	(1954-55?)
4	All copies are missing	(1955-56?)
5	All copies are missing (except #6, March, 1957)	1956-57
6	All copies are missing	1957-58
7	All copies are missing (except #7 April, 1959)	1958-59
8	All copies are missing (except #3 December, 1959)	1959-60
9	#5	February, 1961
12	(The numbering this year was erratic.) *We only have the following* three issues from this year: Volume 12, #1, November, 1963; Volume 1, #1, February 21, 1964; Volume 12, #4, May 21, 1964	
14	We do not have copies after April 22, 1966	
15	We do not have: #2	November, 1966
	#6	April, 1967
16	We do not have: #1	September, 1967
	#3	October, 1967
	#9	March or April, 1968

SOUP, INC. ALLOWED TO INTERVENE IN FTC CASE AGAINST FIRESTONE

The Federal Trade Commission has agreed to allow Students Opposing Unfair Practices, Inc. (SOUP) limited intervention in a proceeding against Firestone Rubber and Tire Co. for false and deceptive advertising in violation of §5 of the FTC Act, 15 U.S.C. 45.

SOUP is a group of law students from George Washington University who decided to do something positive about the current flood of deceptive advertising. They believe that a cease and desist order against deceptive advertising alone is inadequate to protect the public interest. Those who deceive the public should be required to counteract the deception with affirmative disclosure of the FTC findings in a subsequent ad campaign of scope and duration equal to the deceptive campaign.

SOUP's intervention in a Campbell's soup case, previous to the Firestone action, may have had more impact on the FTC than any other single presentation. It has brought a new spirit of innovation to "the little old lady of Pennsylvania Avenue" (as the Federal Government's chief consumer protection agency has been called). The FTC has responded to SOUP's prodding by seeking affirmative disclosure clauses in recent deceptive advertising complaints against Coca-Cola and Standard Oil of California.

PHI ALPHA DELTA

by Thomas G. Longo

PAD is proud to announce that Chief Justice of the Ohio Supreme Court, C. William O'Neill, will be awarded PAD's Outstanding Leadership Award for 1970 at the annual installation dinner-dance to be held at the Theatrical Restaurant, Saturday, February 13, at 7:30 p.m. The affair will not only honor Chief Justice O'Neill, but will also serve to honor the past year's fraternity officers and install the newly-elected officers.

The brothers of PAD welcome its new members and look forward to a long friendship and professional association. Those students interested in becoming members and who were not able to attend PAD's first induction are encouraged to complete an application form (obtainable in the administration office) and also contact either Tom Longo, tel. 692-2063, or Sam LoPresti, tel. 331-7088.

The members of PAD, including the newest initiated members of January 27th, are requested to attend the general business meeting. There, all brothers will vote in the election of our new officers. The meeting will be Wednesday, February 3rd at 9:30 in the Conference Room.

One last note—the annual dinner dance will be held February 13th at the Theatrical Club at Vincent and Sixth Streets, downtown. This event is the highlight of our fraternity events and will prove to be a good time for all.

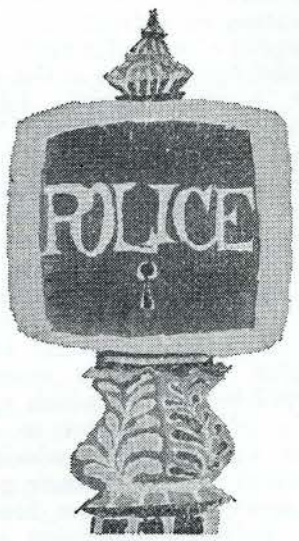
LSCRRC from Page 3

recruitment at most schools is the lack of money. We are in a unique position of having financial resources available to allocate. The question now for the administration is, how will these funds be used?

A law school cannot exist as an entity unto itself. It must serve the society in which it exists. Without an active commitment to, and participation in, a minority recruitment program, the law school will continue to be derelict in its duty to the community and the profession.

Public Interest from Page 3

a similar goal. The realization is there that this scheme presents an eminently viable method which can be employed to achieve the kinds of long-range broad social reforms students see as so desperately needed. Combined with the advent of the 18-year-old vote, success seems inevitable.



Join LSD-ABA from Page 4

to fund locally designed programs in such areas as environmental law, poverty law, legal, speakers programs, etc., all to be run by student bar associations. Further, the LSD has given law students a chance to express their views on legally significant questions with the power of a nationally recognized organization behind them.

For the small expenditure involved ($3.00), I don't think you could find an organization that offers so many and varied benefits. You can join now by filling out an application and returning it with your cash or check to myself or Terry Gilbert. Applications are available in the lounge or the student bar office.

I certainly hope you'll take this opportunity to join this fine organization, and I want to wish you the best of luck in the upcoming academic year.

Best wishes

Robert Chernett
LSD Representative
Cleveland State University
Cleveland Marshall Law School

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