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THE GAVEL

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio

VOLUME 19 • NUMBER 5 • MARCH 10, 1971

DEAN'S SEARCH IS ON!

THIRTEEN TAPPED FOR WHO'S WHO

Thirteen Cleveland State University law students have been nominated for placement in the 1970-1971 Edition of *Who's Who in American Colleges and Universities*. The criteria for the national honor are academic standing, leadership in extracurricular activity, service to the community, and future potential which is decidedly above average. Those chosen have been confirmed by SBA President Pat Gnazzo upon the recommendation of the law college selection committee.

The selection committee are former recipients of *Who's Who*. They are William Plesec, SBA Vice President; Avery Friedman, National Secretary of the American Bar Association Law Student Division; and Sheila Kahoe, Past Editor-in-Chief of both the *Cleveland State Law Review* and *THE GAVEL*.

The following will be presented with their certificates in a brief ceremony later this year:

- THOMAS L. ARIES (71)—Moot Court; SBA Community Action Chairman
- BRUCE B. ELFVIN (72)—Moot Court; Co-Chairman of LSCRR
- WILLIAM P. FARRALL (72)—Secretary, Student Bar Association; Law Review Editorial Board; Moot Court; Ohio State Bar Association Representative
- BRUCE E. GAYNOR (72)—Editor-in-Chief, Law Review; Student Bar Association Representative; Chief, Library Staff; LSCRR; Law Alumni Scholarship for First Place Academic Standing (1969-1970)
- PATRICK J. GNAZZO (71)—President, Student Bar Association, Voting Delegate, American Bar Association Convention (St. Louis, Mo.)
- DAVID GUIDUBALDI (72)—Student Bar Association Representative, Moot Court, Law Review Apprentice Staff
- THOMAS P. HAYES (71)—Law Review, Business Manager and Editorial Staff; Moot Court
- DAVID R. JONES (72)—Moot Court; Student Bar Association Representative; former first place academic standing (day school)
- IRA O. KANE (71)—Editor-in-Chief, Law Review; Student Bar Association Representative; Delegate, National Conference of Law Reviews (Denver, Colorado); Delegate, American Bar Association Convention (St. Louis, Missouri); Delegate, Association of Student Governments (Atlanta, Geo.)
- JOHN J. LOMBARDO (71)—Treasurer, Student Bar Association; Moot Court;

Law Review Editorial Board; Voting Alternate, American Bar Association Convention (Dallas, Texas); Voting Alternate American Bar Association Convention (St. Louis, Mo.)

TERRY O'DONNELL (71)—Moot Court; Second Place, ABA Law Student Division Sixth Circuit Moot Court Competition; Law Review

BRUCE R. SUTTER (72)—Moot Court; Co-Chairman of LSCRR

HARVEY S. YASINOW (71)—Chairman, Moot Court; Law Review Editorial Board; First Place, academic standing.

The Committee on Search For a Dean for the College of Law has begun its deliberations with the aim of undertaking a national search to obtain a Dean.

The Committee has agreed that serious consideration would be given to those candidates who generally meet the following requirements. Some national prominence as a legal educator; a strong and vigorous administrator with leadership qualities; a person who will vigorously assume a role in the af-

fairs of Cleveland and one who will create and maintain contacts with the judiciary, the organized Bar, and the various constituencies of Cleveland and the State of Ohio.

To assist the Committee in its efforts, the Alumni and Students are requested to furnish Professor Hyman Cohen, Chairman of the Committee with names of persons who in view of the aforementioned guidelines would be seriously evaluated by the Committee.

LAW REVIEW ADOPTS NEW CODE

It is inescapable that the two most important words on a graduating law student's resume may well be "Law Review." Of the past six law review editors, three have obtained clerkships with the Ohio Supreme Court, one has accepted a position as general counsel for a prestigious non-profit corporation in New York, and one has moved on to be special counsel to the Governor of the State of Ohio.

Bruce E. Gaynor, CLEVELAND STATE LAW REVIEW Editor-in-Chief, explains the attraction of law firms and judges to Law Review as being at least partially due to the saleable skills developed as a member of a law review. He does feel that there is an aura of elitism which for some reason attracts employers to law review people, but more importantly he believes that it is the research and writing skills which members develop that attract the attention. Then too, there is no denying that those who participate on law review must be academically excellent to begin with.

According to the newly-adopted Law Review Code, there are two ways in which a student can affiliate with the Law Review. First, the students with the highest academic averages at the completion of the first school year are invited to participate on the Law Review Apprentice Staff. A bare minimum accumulative average of 2.7 is required. Candidates must then submit an in-depth study of an area of law or a recent case as assigned by the

Special Topics Editor. Finally, the Board exercises its discretionary power in rooting out any who have not exhibited an interest and willingness to assist the members of the board in their functions.

Apprentices must serve at least one quarter on the staff, submit an article deemed publishable by the editors, and obtain a 2.8 accumulative average to be eligible for the Editorial Board. On the Board, the student, if not in his last year, may run for one of the three issue editorships, the position of book review editor, or the business manager.

The second avenue of affiliation with the Law Review is open to any student of the law school who has had an article published in the Law Review. However, Law Review membership status can only be achieved when the student meets the previously mentioned requirements.

The next issue, edited by Ira O. Kane, will be published this coming May. The September issue, edited by Mr. Gaynor, will feature a special symposium on School Law.

THERE IS A RUMOR . . .

NEW STUDENTS GROUP SEEKS SUPPORT

A new, lively, outspoken group of students has been organized this year under the name "RUMOR." Unlike many other groups, "RUMOR" is no acronym for something else. It stands for just what it says, RUMOR. "Our purpose is the creative development of rumors about the law school," states E. A. R. Elevant, founder of RUMOR and a first-year day student. "Too often this phase of our legal career has been neglected by those who read cases rather than canned briefs."

Although admitting that preparing for class does have its place in law school, Mr. Elevant stressed that "Digging into case law, interpreting decisions, and really finding the holding in a case may be of some interest, but it doesn't hold a candle in creativity or sheer work to developing meaningful rumors that will be swallowed in whole or in part by the student body."

The second-in-command of RUMOR, Mr. I. M. Aterial, also by coincidence a first-year day student, is appalled by the apathy on the part of his fellow students towards supporting their organization. "The evening students, particularly," he said, "just haven't got that old get-up-and-go to support rumors. I've actually heard them laugh at some of the best ones we've put out. The day students, especially first and second year, have been the most help."

That the business of RUMOR is serious indeed few would doubt after talking with these two bright men. Although reluctant to take credit for all the rumors that have spread through the school this year, both were pleased to report that a few of their creations have actually forced denials from certain faculty members.

Their only current problem is to find fellow students to carry on their task. "Developing rumors has been such exhausting work that we may not be back next year," Mr. Elevant said. The clear implication was that the group's activities had adversely affected their academic standing, and that was why he and Mr. Aterial might not return. But—"So be it," they chorused, "There's more to life than this. By the way, we just heard from an undisputable source that the faculty has also put into full swing a similar service organization. Before we go, we would like to wish them the best of luck in their work."

MOOT COURT TO COMPETE IN CINCINNATI

The 1970-71 Moot Court Team, under the guidance of its adviser Professor Hyman Cohen and Board Chairman Harvey S. Yasinow, will compete at the Sixth Circuit ABA-LSA Convention in Cincinnati. Law schools from Ohio, Kentucky, Michigan and Tennessee comprise the circuit. Competition begins Friday, March 19th and continues through the weekend.

The case involves, inter alia, the constitutionality of a newsman's right to preserve the anonymity of his sources. Advocates for Petitioner are B. Richard Sutter and Elliot R. Levine. Counsel for Respondent are Thomas Baechle and John Lombardo. Robert Henn will serve as alternate. Preparatory

arguments are now under way—all students are encouraged to attend. Dates are posted on the Moot Court bulletin board in the Lounge.

On February 6, 1971 David Ross Jones, a second year day student, was elected to serve as Moot Court Board Chairman for the 1971-72 year. Thomas Baechle, a third year night student, was elected to act as Vice-Chairman.

After returning from the ABA-LSA Convention the Board's energies are to focus on the selection of next year's team. Announcements will be forthcoming in all classes establishing the application procedure.

Good luck to the team in Cincinnati.

KANE AND MELLE MOVE TO HIGH COURT

Mr. James Melle and Mr. Ira Kane have been selected to serve as law clerks on the Ohio Supreme Court. Mr. Melle will serve as clerk to Chief Justice C. William O'Neill commencing in August, while Mr. Kane will clerk for Justice Louis Schneider and will begin at the end of this winter quarter here at the law school.

The appointments mark the second duo the law school has sent to serve the high court in the past year. Last year, Messrs. Jeffrey Rich and Eric Gilbertson assisted the Justices in Columbus.

Mr. Kane has served as Editor in Chief of the CLEVELAND STATE LAW REVIEW, and has been on the Senate of the Student Bar Association for the past three years. Mr. Melle has served the school both on the Law Review's staff and on the Moot Court Team.

AN ANSWER FOR TENURE?

The editorial in the last issue of THE GAVEL advocated one way to solve the problem of unjust and unfounded denials of tenure and promotion to any Cleveland State University professor. Surely, even on the main campus there must be some educators who are virtually being thrown out of their offices because they are somewhat left in their political philosophy or for that matter, any "non-conforming" philosophy. They, in fact, refuse to be molded into an archaic structuralized university community and the end result is their removal.

We reiterate our stand that the standards for which tenure is given or denial is an ambiguous one. Some of our educators have been presented with no real reason for their denial of tenure and promotion, and second if such a presentation would have been made there exists no effective "board of correction" except the courts. The already burdened judicial system now must come to grips with a problem we believe can be effectively solved within the university.

The argument is that once tenure is granted, an educator is almost permanently entrenched as a faculty member. Some become "permanent monuments" and their productivity as educators has nearly stopped. But the security of tenure, as an island of tranquility, shrouds them with protection. But maybe enough men will play the "university game." Sticking to the "rules" three years to achieve permanent entrenchment is a small price to pay. Suddenly the "backswinging equalization" will lie at the other end of the pendulum's sweeping arm and the university will have to achieve their purpose through litigation. So maybe tenure should be abolished to prevent the "three year bigots" and the "permanent monuments" from furthering a decline in our environmental quality.

Without tenure no one seems to be secure or at ease and no one seems to advocate a better system. Until a new system is developed, CSU must continue to recruit and maintain for the university, the community and the students, the best possible educators available. This is our purpose and if we fall short of this, we all lose. If there is no better system, then we must utilize what we have. We believe tenure, even though it has its faults and failures, is a system we must work with. There is no reason why a court of law should be the almighty sovereign that will be asked to solve our problems of educational environmental quality when we have the ability, power and duty to do it ourselves.

Letters to the Editor . . .

Dear Sir:

It was without amusement that I read the pages of a recent edition of THE GAVEL in which: one of the editorials cried out for more student power by demonstrating the lack of verbal maturity of the Editorial Staff; an article explained a confrontation by students with Dean Gaynor in the classroom, justifying that confrontation by the result; and a letter to the editor from two law clerks in Columbus (Cleveland-Marshall graduates) bemoaned the recent poor showing of Cleveland-Marshall Law students on the Ohio Bar examination, using several hundred words to attack "certain" professors at the school, blaming the failure of the law school's graduates upon the inadequacies of the professors.

It would seem to me that it is time that the students in the College of Law at Cleveland State University understand what Pogo long ago learned, and that is when searching for the enemy he is usually found to be "us."

It is the students and only the students who fail the bar examination. The professors at Harvard do not spend a great deal of time teaching their students. The students are chosen for their academic background and potential. Such students need little guidance in law school to learn the law and pass examinations. They learn on their own. There have always been paint salesmen going to law school at Cleveland State who wanted to remain paint salesmen, with a law degree. If they passed the bar, fine, if not, paint sales would not suffer. It is these students who must be removed from the law school and not the professors. The library is open enough hours for every student to learn enough law to pass any bar examination. When such props as canned briefs and Martin Ziontz's outlines are forgotten and serious study begins for students who want to be lawyers, Cleveland State University College of Law can become the "Harvard on the Cuyahoga." For those prestigious law clerks in Columbus I can only say that there is nothing stopping you from becoming a Supreme Court Justice. You would, however, help your alma mater by more serious consideration of what the legal profession is about. It is hard work and study and competition. It is not spoon feeding or continual guidance from learned men. I am happy to know that despite the fact that the students at Cleveland State University College of Law are more worried about running things than studying, the American Association of Law Schools has accredited the School.

Sincerely,

Kenneth F. Hoffman, '69
 Trial Attorney
 United States Department
 of Justice
 Washington, D.C.

February 18, 1971

Dear Editor:

This letter is prompted by the editorial called "Backswinging Equalization" which appeared in the February 1, 1971, issue of THE GAVEL. I am concerned primarily because I feel you have treated an extremely complex subject as a relatively simple one.

If your suggestion were to be followed that every failure to reappoint, to promote, or to award tenure, should involve an adversary action before a "board of correction", the initial appointment to a faculty would, in effect, become a tenured appointment.

As the record will show, once tenure is confirmed, removal becomes almost impossible even for fairly obvious shortcomings or virtual incompetence on the part of the faculty member. There are strong arguments by some groups, that many would regard as hostile to the universities, that tenure should be abolished.

It is unfortunate that you apparently did not inquire closely into the personnel procedures followed in the Law College before you printed the editorial. The whole question of personnel practices and procedures is one about which a great deal has been written. In this connection, the book by Richard Hofstadter and Walter P. Metzger on *The Development of Academic Freedom in the United States* is worth examination.

Actually, at CSU as at most institutions, these decisions are not a matter of administrative fiat, but involve a substantial input and participation by other faculty members. The most serious controversies involving such questions have usually not been administrative actions opposed by the faculty, but have involved administrative unwillingness to reverse an action already recommended by the faculty.

I appreciate that your concern in the matter is the same as mine—that we recruit and maintain for the College of Law the most qualified faculty possible. On the basis of the best available evidence, however, I question whether your proposal would achieve that objective.

Sincerely,

Harold L. Enarson
 President, Cleveland
 State University



A NEED FOR \$ \$ \$

Congress once again is to pass on legislation which could have a vital effect on a young educational program here at the law school. Coming up before legislators is a bill for providing the money necessary to establish clinical legal education programs. These are the potential programs established by Title XI, of the Higher Education Act of 1965.

The Act saw the necessity of a training program for students of the law; the legislators endorsed clinical law programs by passage of the Act. But, it is not enough to create an idea if the creator will not bring the idea into reality. They must be authorized by Congress to bring the intent of the Education Act into existence.

We are glad to note that President Harold Enarson of the University is aware of the need for adequate appropriations in accordance with the provisions of the 1965 Act. He has been in communication with Congressmen Charles Vanik and Louis Stokes urging them to support the new legislation establishing these funds.

Senate Lays Foundation

A new year is beginning for the Student Bar Association's Senate. THE GAVEL wishes to congratulate President Pat Gnazzo and the other officers, Bill Plesec, Vice President; Roger Kimmel, Treasurer; and Bill Farrell, Secretary, for a job well done. This year was especially difficult in that we had a new Constitution which they had to develop into a working rule by a whole new set of by-laws. It is our hope that the new officers will continue to guide the Senate during its next year as an extremely effective voice for the benefit of the Students, the College of Law and the University.

"YOUR INALIENABLE RIGHTS"

by Frank Askin
 Associate Professor of Law,
 Rutgers Law School;
 Member of A.C.L.U. of New Jersey

While some rules of conduct are obviously essential to the proper functioning of any educational institution, it is equally clear that certain fundamental rights common to every member of society under our Constitution and Bill of Rights may not be infringed under the guise of promoting discipline or regimentation in the school setting. The rights and privileges guaranteed by the Constitution are not for adults only. Thus, students may be required to give up or limit certain modes of conduct while they are in school in order to promote the objectives of education, but they cannot be compelled to give up basic freedoms and rights simply because they have been afforded the privilege of attending school.

In 1943 the Supreme Court was called upon to decide just where lines may be drawn between rules and rights. In holding that the state, through its educational system, could not require students to salute the flag, if to do so would violate their personal convictions and offend their religious beliefs, Justice Jackson explained why boards of education were required to operate within constitutional limitations just as much as any other agency of the state: "That they are educating the young

for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

Just as the state may not interfere with religious freedom, it may not limit the freedom of speech and expression also protected by the First Amendment under the guise of maintaining order and uniformity. Thus, when students in an Iowa elementary school chose to object to the Vietnam War by wearing black arm bands to school in silent protest, the Court determined that the action taken by the school officials in suspending the students involved in the protest was an unconstitutional infringement upon their First Amendment rights. It said unequivocally that "First Amendment rights, applied in the light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either teacher or students shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

See Page 3



**THE
 GAVEL®**



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The views expressed herein are those of the newspaper or its by-lined reporters and contributors, and do not necessarily reflect the views of the student body, administration, or faculty of the College of Law or The Cleveland State University unless otherwise specifically stated.

A MAN IS WHAT HE DOES . . .

by Marvin E. Sable

A Man Is What He Does . . .

Elia Kazan

Mr. Ira Kane will soon complete his law schooling and embark upon a new plateau of his professional career, as Clerk to Justice Louis Schneider of the Supreme Court of Ohio. At his respected request however, this article will not contain epitaphs of glory nor any lesser lines of praise for his laudable appointment to the Clerkship or his past achievements at this College of Law.

Mr. Kane rather would seize this opportunity to express his views on how to complete the *successful* journey through law school. Success, it is asserted by Mr. Kane, is not measured by the fact that a diploma adorns the wall nor by the particular institution whose name appears thereon, but by the measure of professional ability developed by the student while earning that degree.

Mr. Kane, as Editor of the Cleveland State University Law Review, has learned that individuals cannot be judged by their names, their backgrounds, or any such subjective test but can be accurately evaluated only in terms of what they produce. It is their professional ability that makes their words worth repeating and their writings worth printing.

This professional ability that Mr. Kane refers to, cannot be spoon fed by faculty nor can it be gained through osmosis by the "nose in book" method. Each student must devote himself fully to the study of law and seek understanding of its underlying concepts and purpose. It is not enough, says Mr. Kane, to learn the black letter law. A student must search the theme behind the letters and become informed as to the spirit of the law. Mr. Kane is particularly appreciative to Professors Charles Auerbach, Edward Chitlik, Hyman Cohen, David Goshen, Howard Oleck and William Tabac for their creation and maintenance of a classroom situation wherein substance and spirit alike are stressed and which challenges the students' talents and skills. Mr. Kane reflects that some students are resentful of being put on the spot and of having their recitations subjected to severe scrutiny. He maintains that the productive reaction is one which finds the student pitting himself against the prowess of the professor and competing with him, as he will be called upon to do in

practice. It is important that the student learn to think on his feet with effective speed and professional accuracy. The student is given the opportunity to gain these skills where his mistakes will not harm him, and should take advantage of the opportunity. Careless preparation or an arrogant attitude may be tolerated in school but no such tolerance exists where the rights and liabilities of people are concerned; in practice. Therefore, the student should not be too quick to condemn a professor as being intolerant. It should be realized and appreciated that if the student successfully deals with the "devil's advocate" on the devil's own level, he has surely mastered one phase of advocacy. The above professor's demand of the student that he compete and perform with him on a level appropriate to the profession in which he seeks admission. The student may, however, follow the unproductive path of least resistance. He may become discouraged at what he may deem "brow beating." He may show his hostility in his demeanor toward the professor or reflect it in his preparation. This, feels Mr. Kane, is nothing more than an admission by the student that he cannot or does not seek to compete with the professor on the professor's level, but chooses rather to admit defeat. Mr. Kane asks the question, "If you cannot face a professor in school, how can you face another advocate in court?"

The Educational discipline of the student is not limited to the classroom. The opportunity to learn other vital skills is offered the student through Law Review and Moot Court participation. Long after the celebration of the student's participation in the above activities wears off, the benefits of the acumen acquired will continue to be realized upon. Mr. Kane is cognizant of the fact that his editorship of the law review will not per se get him another job but believes that the knowledge gained thereby will manifest itself in his present job and therefore indirectly lead to his future success.

In short, Mr. Kane advocates that the student get involved in the law. That he question at his pleasure, but on a level commensurate with the degree he seeks. Further that a student should utilize as many aids as are available to prepare him for his future and that he learn the letter and spirit of the law as well as the methods necessary to his successfully advocating them.

FREEDOM OF EXPRESSION IS BASIS OF NATIONAL STRENGTH

From Page 2

Again, the rationale was a simple one. The school authorities had based their decision to prohibit the demonstrations on their fear that disturbances might result from the possible criticism of the protest by other students thus interfering with the education process. The Court emphasized that this was not a sufficient reason for stifling freedom of expression. "In our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any word spoken, in class, in the lunchroom, or on the campus, that deviated from the view of another person, may start an argument or cause a disturbance. But our Constitution says we must take this risk, and our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious society."

The philosophy of our system, and the protections afforded to all of our citizens by the Bill of Rights, rest upon the premise that freedom to differ extends to every conflict and idea within the society and must be protected at all costs lest we produce a nation of men and women who do

not understand the difference between the shadow and substance of freedom.

Over the years, courts have become increasingly aware of the need to protect basic rights of students in the educational system as part of the overall objectives of education itself—exposure to maximum number of ideas will increase the possibility that schools will turn out effective and committed citizens with a true understanding of the heritage of democracy and the ability to translate beliefs into behaviors.

The freedom to dissent is as essential as the freedom to inquire. Young minds have a unique capacity, often lost by their elders to seek the truth in its purest form. Whatever education may accomplish, its most basic objective is to provide the opportunity for every form of truth and every type of idea to be discovered and dealt with accordingly. Consequently, the rights afforded to students in the educational system are essential to their development as effective, insightful, and intelligent members of society.

If the student hears about the principle of freedom of expression, but is denied the opportunity to express himself when the moment arises, he has simply learned that the system does not always mean what it says. If he learns about due process of

LSCRRRC

Professional Responsibility

Sutter & Elfvin

One of the first impressions that a new law student gets is the overwhelming work load. This has a tendency to force students to concentrate entirely on their own problems and forget ancillary problems of the legal profession (or at least force them to deal with the problems). If one is selfish enough, one can get through law school and the rest of his life without lifting a finger to help the profession serve all of the people. Serving clients and serving on bar committees may save one's conscience, but very seldom are problems dealt with at their root levels.

The legal profession depends solely on the law schools for new blood. If we don't start a foundation for strong, active commitment in law school, the profession certainly will not give it to us. The law schools, while staffed (usually) by attor-

neys, all too often stifle any spirit of concern by their own inactivity. Since it therefore seems incumbent upon the student body to provide that concern, let us not waste a minute of our time.

Dan Wilson, a first year day student, is heading a committee (sanctioned by the SBA) which plans to study and write about the goals and future of this law school as the students see them. This document can be very important in setting the tone of this law school. With a new dean coming in, we have a chance to make this school and the legal profession more responsive to the community. LSCRRRC urges that all students show concern by contributing their ideas in order to insure a well thought out and well written report.

PASS-FAIL

AN IRRELEVANT GRADING METHOD

A One-Act Play
by Robert B. Henn

The scene is the incredibly plush office of Solomon Ananias, partner in the law firm of Sophisticate, Largess, Ananias and Moloch. The phone discreetly clears its throat (the phones at SLAM do not ring; it would be uncouth). It is an applicant for a job with the firm. His name is Charles M. Senior, known to his friends as CM.

ANANIAS: Ananias speaking:
SENIOR: Mr. Ananias, this is C. M. Senior; you perhaps recall that we had lunch together about a week ago, and I left my resumé with you.

A: Yes; I've been reading it, and there's something that disturbs me. There are no grades. All of your courses are listed simply as "passed." Would you explain that?

CM: Well, the law school gives only "pass" or "fail" on the grounds that the student is then free to concentrate on course content, rather than a grade per se.

A: That's a very laudable attitude. However, there's no indication of how well you absorbed the course content; we have no way of telling whether you're at the top or bottom of your class.

CM: Well, sir, I don't believe that's relevant.

A: On the contrary; we consider it more than merely relevant. We believe it's critical. Let me illustrate.

This firm is based on the thesis that a client is entitled to the best legal representation he can get. Not just adequate—the best. So—

CM: I agree heartily; but in a lawsuit, you either win or lose.

A: We have found that you can win A, B, C, or D, and you can lose anywhere from court costs to catastrophe. We don't lose very often, and we prefer to win with an "A" or a "B" at worst.

CM: I'm afraid I don't follow.

A: O.K. Let's say a guy walks into our office. He's an accountant. THE AKRON GAZETTE has run a series of articles accusing him of juggling his firm's books. He's been fired and blackballed. We bring suit for libel. We could simply win, i.e., "pass," by having a finding that he's innocent of the alleged juggling act. Big deal. He's lost a lot of time and

money. We would prefer to win with an "A," by getting a fat money judgment against the paper. This way, he's compensated for his time off of work, court-related expenses, attorney's fees, etc. And he has the big judgment to show people how badly wronged he was. Meanwhile, the attorneys for the paper are not playing dead; they're fighting for their client, who does, after all, have a right to legal representation. So we might win "C" or "D." A fat lot of good that would do a guy whose career has been destroyed.

CM: Well, I can assure you that I would fight for my client with every bit of legal skill I can muster.

A: That's the problem. We have no method of measuring the legal skills you have. You weren't on Law Review or Moot Court; not that these are vital criteria, but they would give us some measure of your abilities. We don't know how well you can research or argue; we don't know the extent of your grasp of constitutional or tort law.

CM: May I suggest that if I were employed on a trial basis, I could demonstrate my abilities? Then, if you find me unsatisfactory, I would leave, and there would be no hard feelings. Even as a mediocre researcher, I could still pull my weight for maybe six months.

Ananias rolls his eyes upward in supplication.

A (sotto voce): Mama mia! (aloud): I admire your attitude, but the economics are a bit more gloomy. We have found that if we hire a new associate for \$12,000 per year, we will spend not less than \$18,000 on him in the first year, in terms of his salary, fringe benefits, firm overhead costs, time spent by others in training him, etc. These figures are even better than some firms, who go over 200% of salary. So even a trial period is a definite risk on our part.

If I were a real hard-nose, I'd suggest that you join with us on the basis of 50% of the billings you generate. Now that's pass-fail in the truest sense of the term. But you'd almost certainly be dead of starvation before three months had passed.

In any event, I like the way you handle yourself, and when we evaluate the applicants we have, I'm going to swing whatever weight I can. Unfortunately, mine is only one among four votes. Mr. Largess is rather demanding; he will want to see results. Moloch, on the other hand, is a real pussy-cat; he likes young people, and I can probably convince him. As for Sophisticate, he's kind of blunt and no-nonsense; he'll go for the guys with letter-grade reports. So it's kind of a toss-up.

I'll let you know the results within a week. But don't get your hopes up too high.

CM: Thank you, sir. I appreciate your efforts. Good-bye.

A: Good day, Mr. Senior, and good luck.
Curtain



Report of the Faculty Evaluation Committee

The machinery and procedures necessary to conduct an effective faculty evaluation program are beginning to be realized. Recently, the faculty and administration have agreed to assist in the distribution and collection of questionnaires for future evaluations. Hopefully, this will help to achieve 100 per cent participation by the student body and thereby increase the validity of the results. Further, Dean Gaynor will be arranging appointments with the faculty to review their individual evaluations.

The computer print-outs accompanying this report are the results of the evaluations for faculty members who conducted classes during the fall quarter. The raw data contained therein simply indicates the percentage of students who responded to a given question in a particular manner. The S/S indicates the sample size of students who participated.

Presently, this data can serve as an indicator of possible areas of strength and weakness of the individual faculty member. However, this information will take on

greater significance once sample sizes increase and norms, deviations and trends can be established.

The answers to the subjective questionnaire and the individual comments of students on the faculty are available for perusal in the Student Bar Office.

The evaluations for the winter quarter will take place prior to final examinations. The same questionnaire that was used this fall quarter will be utilized once again. Students are asked to be more explicit and extensive in their response to the subjective questions. Expletives and other words of exclamation are of little value to the faculty member, administrator or student who is seriously attempting to appraise an evaluation.

Faculty Evaluation Committee
Student Bar Association
Bill Plesec—Chairman

- How frequently do you attend class?
a) 0-20% b) 21-40% c) 41-60%
d) 61-80% e) 81-100%
- When you did not attend class what was your primary reason?
a) disliked subject matter
b) disliked instructor's teaching
c) conflicting obligation
d) habitual non-attender
e) other
- Rate your instructor's daily class preparation.
a) Excellent b) Good c) Adequate
d) Barely adequate e) Inadequate
- Rate your instructor's overall organization of this course.
a) Excellent b) Good c) Average
d) Below average e) Disorganized
- Rate your instructor's knowledge of the subject matter.
a) Excellent b) Good c) Average
d) Below average e) Inadequate
- Rate your instructor's success in communicating his knowledge.
a) Excellent b) Good c) Average
d) Below average e) Failed to communicate
- Rate your instructor's handling of class discussion.
a) Excellent b) Good c) Average
d) Below average e) Poor
- Rate the materials your instructor selected for this course.
a) Excellent b) Good c) Average
d) Below average e) Poor
- Is your instructor helpful to students who are having difficulty with this course?
a) Always b) Most of the time
c) Generally d) Occasionally
e) Rarely
- Rate your instructor's performance in stimulating your critical, analytical and synthesizing powers.
a) Excellent b) Good c) Average
d) Poor e) Very bad
- If this course was not required, rate the primary reason for taking it.
a) Instructor's excellence as a teacher
b) Instructor's reputation as being an easy grader and/or requiring little work of students.
c) Professional interest.
d) Bar exam topic
e) Other
- Describe your instructor's use of class time.
a) Uses class time exclusively for teaching and learning the course subject matter.
b) Generally makes good use of class time but occasionally digresses from the subject matter.
c) Frequently discusses matters that are not related to the course.
d) Good discussion of course subject matter but dismisses class early and/or comes late to class.
e) Poor discussion of the course subject matter and dismisses the class early and/or comes late to class.
- Describe your instructor's reputation as a grader.
a) Hard b) Easy c) Equitable
d) Plays favorites e) Don't know
- Does your instructor make students feel free to ask questions, disagree, express their ideas etc.?
a) Always b) Most of the time
c) Generally d) Occasionally
e) Rarely
- Is your instructor fair and impartial in his dealings with students in his class?
a) Always b) Most of the time
c) Generally d) Occasionally
e) Rarely
- Is your instructor fair and impartial in his dealings with students outside of class?
a) Always b) Most of the time
c) Generally d) Occasionally
e) Rarely
- Based on your instructor's teaching methods this quarter, would you take this instructor for another course?
a) Yes b) Probably c) Only if required d) No e) Undecided
- Considering everything, how would you rate your instructor as a teacher?
a) Excellent b) Good c) Average
d) Poor e) Very bad

ALDRICH—CONSTITUTIONAL LAW S/S 31

	A	B	C	D	E	Omit
1.	00	00	06	19	68	06
2.	00	06	55	03	23	13
3.	13	52	10	06	13	06
4.	10	52	13	06	10	10
5.	45	29	16	00	03	06
6.	16	48	16	10	00	10
7.	13	32	35	10	03	06
8.	23	23	42	03	00	10
9.	61	19	03	03	00	13
10.	13	35	23	16	03	10
11.	00	03	23	29	03	42
12.	16	55	06	06	06	10
13.	03	00	55	06	29	06
14.	48	23	16	03	00	10
15.	58	19	06	06	00	10
16.	52	16	10	03	00	19
17.	48	19	10	10	06	06
18.	16	48	10	13	00	13

GOSHIE—CONTRACTS S/S 27

	A	B	C	D	E	Omit
1.	00	00	00	00	96	04
2.	11	19	22	00	33	15
3.	74	19	00	00	07	00
4.	33	37	15	00	11	04
5.	70	19	00	00	07	04
6.	07	30	22	26	11	04
7.	26	48	11	07	07	00
8.	15	44	15	15	07	04
9.	22	33	22	11	11	00
10.	26	30	26	00	15	04
11.	19	00	19	48	07	07
12.	67	22	00	00	07	04
13.	85	00	04	07	00	04
14.	52	22	07	07	07	04
15.	41	19	33	00	07	00
16.	48	19	22	00	07	04
17.	26	11	30	30	00	04
18.	30	22	22	15	07	04

MURAD—AGENCY & PARTNERSHIP S/S 66

	A	B	C	D	E	Omit
1.	00	00	00	12	88	00
2.	02	27	45	02	18	06
3.	17	27	23	20	14	00
4.	14	21	30	26	09	00
5.	23	42	14	17	05	00
6.	09	17	27	18	29	00
7.	11	12	12	21	44	00
8.	09	33	42	03	12	00
9.	23	15	12	20	29	02
10.	11	14	18	18	39	00
11.	03	03	11	24	05	55
12.	08	29	33	00	30	00
13.	06	05	30	35	23	02
14.	06	17	11	09	56	02
15.	15	20	12	17	35	02
16.	24	23	11	11	27	05
17.	29	06	12	44	08	02
18.	15	12	23	20	29	02

SIMMONS—EQUITY S/S 8

	A	B	C	D	E	Omit
1.	00	00	00	13	88	00
2.	00	13	50	00	00	38
3.	75	25	00	00	00	00
4.	38	63	00	00	00	00
5.	75	25	00	00	00	00
6.	25	63	13	00	00	00
7.	13	25	50	13	00	00
8.	13	63	25	00	00	00
9.	25	25	25	00	00	25
10.	25	38	25	13	00	00
11.	00	00	13	13	25	50
12.	25	38	25	00	13	00
13.	13	00	13	00	75	00
14.	13	38	25	13	13	00
15.	50	13	38	00	00	00
16.	25	13	38	00	00	25
17.	50	13	13	25	00	00
18.	38	25	38	00	00	00

COHEN—DAMAGES S/S 13

	A	B	C	D	E	Omit
1.	00	00	00	15	85	00
2.	00	15	31	00	31	23
3.	23	23	46	00	08	00
4.	23	31	15	23	08	00
5.	46	31	15	08	00	00
6.	08	38	15	23	15	00
7.	15	38	08	15	23	00
8.	08	46	38	08	00	00
9.	08	15	54	08	08	08
10.	23	54	00	08	15	00
11.	15	00	69	08	08	00
12.	46	38	08	00	08	00
13.	15	00	23	00	62	00
14.	38	23	23	00	15	00
15.	62	15	15	00	08	00
16.	23	23	08	15	08	23
17.	23	31	08	31	08	00
18.	15	46	00	31	08	00

LEISEB—TORTS S/S 20

	A	B	C	D	E	Omit
1.	00	00	00	15	85	00
2.	00	05	50	00	15	30
3.	60	30	10	00	00	00
4.	50	35	05	05	05	00
5.	65	25	10	00	00	00
6.	10	45	20	20	05	00
7.	10	45	25	10	10	00
8.	25	55	15	05	00	00
9.	35	35	20	05	05	00
10.	40	45	05	00	10	00
11.	00	00	30	15	10	45
12.	95	05	00	00	00	00
13.	75	00	15	00	10	00
14.	35	40	05	05	15	00
15.	20	30	25	10	15	00
16.	30	50	10	00	05	05
17.	45	25	10	10	10	00
18.	30	40	15	10	05	00

OLECK—TORTS S/S 24

	A	B	C	D	E	Omit
1.	04	00	00	00	96	00
2.	08	00	33	00	42	17
3.	79	17	04	00	00	00
4.	67	29	04	00	00	00
5.	92	08	00	00	00	00
6.	58	38	04	00	00	00
7.	58	46	13	04	00	00
8.	42	50	08	00	00	00
9.	25	29	38	04	04	00
10.	38	46	17	00	00	00
11.	33	00	21	29	08	08
12.	29	67	04	00	00	00
13.	38	00	50	04	08	00
14.	29	42	17	08	04	00
15.	29	38	17	13	00	04
16.	33	38	17	04	04	04
17.	67	25	00	04	00	04
18.	71	25	04	00	00	00

SOGG—CONFLICTS S/S 13

	A	B	C	D	E	Omit
1.	00	00	00	00	100	00
2.	00	00	62	00	31	08
3.	100	00	00	00	00	00
4.	100	00	00	00	00	00
5.	100	00	00	00	00	00
6.	62	38	00	00	00	00
7.	54	23	08	15	00	00
8.	77	15	08	00	00	00
9.	31	38	15	15	00	00
10.	85	15	00	00	00	00
11.	85	00	08	08	00	00
12.	77	23	00	00	00	00
13.	23	00	31	00	46	00
14.	38	46	00	08	08	00
15.	38	23	23	15	00	00
16.	77	23	08	00	00	08
17.	77	15	00	08	00	00
18.	85	08	08	00	00	00

COHEN—LABOR LAW S/S 6

	A	B	C	D	E	Omit
1.	00	00	00	00	00	00
2.	33	00	50	00	17	00
3.	83	17	00	00	00	00
4.	33	67	00	00	00	00
5.	83	17	00	00	00	00
6.	67	00	33	00	00	00
7.	33	17	50	00	00	00
8.	50	50	00	00	00	00
9.	17	17	50	17	00	00
10.	67	00	33	00	00	00
11.	50	00	33	00	17	00
12.	83	17	00	00	00	00
13.	83	00	00	00	17	00
14.	33	50	17	00	00	00
15.	33	17	17	00	17	00
16.	50	00	17	17	00	17
17.	67	00	17	17	00	00
18.	67	33	00	00	00	00

LIKOVER—PROPERTY S/S 26

	A	B	C	D	E	Omit
1.	00	00	04	19	73	04
2.	00	04	69	00	19	08
3.	50	38	08	00	00	04
4.	31	54	12	00	00	04
5.	73	23	00	00	00	04
6.	19	54	19	04	00	04
7.	27	54	15	00	00	04
8.	19	42	35	00	00	04
9.	38	23	19	08	00	12
10.	23	23	42	08	00	04
11.	00	00	27	31	04	38
12.	77	19	00	00	00	04
13.	00	00	27	00	65	08
14.	50	38	04	04	00	04
15.	73	19	04	00	00	04
16.	46	15	08	00	00	31
17.	69	15	04	00	08	04
18.	35	50	08	04	00	04

SIXTH CIRCUIT CONFERENCE

[by Robert I. Chernett
LSD-ABA Representative]



The Sixth Circuit Conference for the Law School Division of the American Bar Association will be held March 19-21 in Cincinnati, Ohio. Our school will be represented by Robert Chernett Law Student Division/American Bar Association representative, Terry Gilbert, assistant Law Student Division/American Bar Association representative, and by the new Student Bar Association President. The Moot Court Team will be there also to participate for circuit honors in the Moot Court competitions; also attending the Conference will be Avery Friedman, National Secretary of Law School Division of American Bar Association.

The Conference will discuss the topics of clinical education programs at American law schools, and reorganization of the law school division as well as elect a new circuit governor for the Sixth Circuit.

Recently a resolution was voted on by all members of Law Student Division. Schools involving the Laos Invasion. The resolution was passed by a majority of the circuits supporting it, please read it and I would welcome any comments you may have. The resolution is:

WHEREAS, the express purpose of the United States Government as stated by the President is the systematic withdrawal of American forces from Southeast Asia and,

WHEREAS, the incursion into Laos by the South Vietnamese Armed Forces with direct military support and aid of the United States Government can only cause to widen and prolong the war in Southeast Asia and defeat the avowed United States goal of systematic troop withdrawal from that area,

NOW THEREFORE BE IT RESOLVED, that the American Bar Association Law Student Division does hereby condemn the offensive military action of the United States Government in Laos and Southeast Asia, and hereby urges its cessation.

Cleveland State University law student Avery S. Friedman was presented with the Cleveland Bar Association's Law Article Writing Award at the 1971 Cleveland Bar Association's Awards Luncheon held in the Gold Room of the Cleveland-Sheraton Hotel. The article, chosen by the editorial committee of the Bar Association as the best entered into competition, is entitled "How Many Rivers to Cross" and deals with discriminatory practices of companies and unions in northeastern Ohio. Friedman is the senior investigator with the Cleveland offices of the State of Ohio's Civil Rights Commission.

The award represents the first for a law student presented by the local Bar. Samuel Gaines, president-elect of the Cleveland Bar Association, made the award presentation. The luncheon address was delivered by Leon Janorski, former chief prosecutor at the Nuhrenberg trials and president-elect of the American Bar Association. Approximately three hundred lawyers and judges were in attendance.



American Bar Association President, Leon Janorski, Houston, Texas presents Cleveland Bar Award to Avery Friedman.



LSD-ABA

CONFERENCE IN HOUSTON

A three day Conference of the American Bar Association's Law Student Division, in Houston, Texas, on April 1, 2, and 3, will feature Roundtables headed by Vice-Pres. Spiro Agnew, U. S. Supreme Court Justice (retired) Tom Clark, ABA Pres.-Elect Leon Jaworski, Attorney William Kunstler, U. S. Attorney General Mitchell, and CSU Distinguished Prof. of Law Howard L. Oleck.

Prof. Oleck will chair the Roundtable on Legal Research and Writing.

NEWS FROM THE FRATERNITIES

P. A. D. HOSTS DISTRICT CONCLAVE

by Margaret M. Jambor

District IX of Phi Alpha Delta Law Fraternity International held its annual conclave February 19, 20, and 21 in Detroit, Michigan. The nine chapters within the district were represented by approximately one-hundred fifty men and women. Besides the David C. Meck Chapter of Cleveland State University College of Law, members from Akron, Case-Western Reserve, Ohio Northern, Toledo, Wayne State, and the University of Windsor were also present. David C. Meck chapter delegates included Thomas Longo, Samuel LoPresti, John Shoop, Roger Kimmel, and John Boscoe.

Included within the purpose for assembling was the holding of workshops to discuss programs in Finance, Rush, and Professional areas. Not only were the delegates given a tour of Wayne State, but they also were afforded the opportunity to hear former mayor of Detroit, James Cavanaugh, who spoke at the banquet Saturday night.

But the most important aspect of any conclave is the work accomplished while in session. District IX adopted the resolution, presented by Meck Chapter on the 'Residency Requirements For Taking The Bar Examination And Admission To Practice'. Due to the often 'over-inclusive class discrimination within the definition class under the Fourteenth Amendment to the Constitution of the United States of America', it was resolved that the respective bar and state law associations should abolish the taking of state bar examinations. This resolution will be carried to the 1972 Biennial Convention to be held in San Diego, California. The assembly elected Thomas G. Longo of Meck Chapter as Conclave Justice, and also resolved to hold next year's conclave in Cleveland, Ohio.

At the last meeting, new officers were elected in Meck Chapter:

- Justice: Thomas G. Longo
- Vice-Justice: Roger A. Kimmel
- Secretary: Margaret M. Jambor
- Treasurer: Andrew A. Markus
- Marshal: Ronald K. Lembright



Newly initiated brothers of D.T.P. (left to right), Bill Goldsword, Richard French, Martin Despina, Dean Emeritus Wilson G. Stapleton, Dean Steigerwald, Professor Carroll Sierk Faculty Advisor, John Huitsche, and Jeff Mart.

D.T.P. WELCOMES NEW BROTHERS

The brothers of D.T.P. and several honored guests assembled in the courtroom of Judge John Manos (App. Div.) on Jan. 30, 1971 to welcome their newly initiated brothers into their fraternal ranks. The new brothers are: Bill Goldsword, Richard French, Martin Despina, Dean Steigerwald, John Huitsche, and Jeff Mart. All the brothers of D.T.P. bid them welcome and express their desire to have these new brothers share in the fraternal spirit.

At the initiation ceremony the new brothers were personally welcomed into the fraternity by our faculty advisor Prof. Carroll Sierk and by our long-standing and devoted brother, Dean Wilson G. Stapleton, past Dean of the College of Law, as well as by all the officers and brothers of the fraternity.

The short ceremony ended with the installation of the new officers of D.T.P. who will guide the fraternity for the next twelve months. The new officers are: Dean — Ronald Mills, Vice-Dean — Tim Highes, Tribune — Jay Newberry, Exchequer — Ed Zaller, Clerk of Rolls — Craig Collingwood, Master of Ritual — Andy Bodor, Bailiff — Bruce Molnar. Former Dean, Tim Janos, and his officers wished their successors great success in the events of the coming year and vowed their continued support.

The initiation program was concluded with a cocktail luncheon at *The Mark Restaurant*, where the new brothers were treated to their first taste of D.T.P.'s congeniality and fraternal "spirit". They had the honor of meeting our National Chancellor, Ed Myers; National Marshal, Wil-

liam Richards; Judge Manos of the Court of Appeals; and the Alumni Dean, Tony Shylo.

The new Dean, Ron Mills, wasted no time in announcing several upcoming events: notably the *Annual Spring Dinner-Dance*, to be held this year at *The Cleveland Yacht Club*, Saturday March 20. All brothers will be getting further information in the near future concerning this event.

ALUMNI NEWS

1956
Richard Zilm is now the President of Reynolds Machinery Company, Cleveland, Ohio.

1966
Bruce Mielziner is now in private practice at 1450 SOM Center Road, Mayfield Heights, Ohio.

1968
Timothy Taylor is a personal trust real estate officer for the Cleveland Trust Company.
Edward Zak is an attorney advisor National Aeronautics and Space Administration, Lewis Research Center, Cleveland, Ohio.

1969
Donald Zinner is one of the partners of Zinner and Zinner, Accountants, South Euclid, Ohio.

1970
Julian Greenspun has been appointed Assistant U.S. Attorney for the District of Columbia, and will be trying criminal cases. He also is working towards the LL.M. degree at The George Washington University.

Jeffrey Weiler is an associate Attorney with Ulmer, Berne, Laronge, Glickman & Curtis, Cleveland, Ohio.

David Woodlock is a Labor Relations Representative with Ford Motor Company, Brookpark, Ohio.

ATTENTION LAW GRADUATES HAVE YOU FORGOTTEN

to send in for your CSU Law degree????

CSU has made available to all alums a degree comparable to the degree you received from Cleveland Marshall—College of Law. New degrees will be mailed to you upon request. Please PRINT information below and mail to:

Cleveland State University, Alumni Department, University Hall,
2605 Euclid Avenue, Cleveland, Ohio 44115

NAME: _____

ADDRESS: _____

City State Zip

YEAR GRADUATED: _____ DEGREE RECEIVED: _____



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Your Alumni office has a limited number of mementoes of The Cleveland Marshall Law School at reduced prices.

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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

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