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1971 Vol. 20 No. 3

Cleveland-Marshall College of Law

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Freedom Of The Press is based on a principle which the whole world must practice if we are to have peace, and that is the principle of tolerance of being able to stand criticism and realizing that nobody has the infallible truth.

Henry Cabot Lodge

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio Volume 20 • Number 3 • October 12, 1971

P.A.D. INTERNATIONAL AWARDEE



Bruce Ellis Gaynor, 25, of East Cleveland, Ohio is one of 40 law students of the Phi Alpha Delta International Student Membership to be awarded the \$500.00 Phi Alpha Delta Law Fraternity merit scholarship. Gaynor, a senior law student at the Cleveland State University College of Law, is Editorin-Chief of the Cleveland State Law Review and a member of the Executive Committee of the National Conference of Law Reviews.

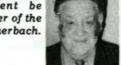
He is Reports Controller for the Schools Neighborhood Youth Corps (SNYC), a poverty program of the Cleveland Board of Education. Gaynor lives with his wife, Elizabeth, and son, Adam, at 1812 Colonnade Road. ANATOMY OF A FACULTY MEETING

The patient lies defenseless and silent as the professionals break the tradition of bleeding the body and placing leaches on the open wound. Friday, October first, the traditional leach was forever banished from the operating room. A new method has been developed—another "Symbol of Progress."

DEAN'S PROPOSAL

Dean Christensen opened the discussion of his first faculty meeting with a proposal (not a motion) to give students membership and voting rights on all committees. Some faculty members wanted to qualify this proposal.

"Let the student be heard; it is the order of the day." Professor Auerbach.



"It is only a token gesture," said Dean Christensen, but the disagreement and argument continued.

ANN ALDRICH'S MOTION Professor Ann Aldrich was recognized by the chairman, Dean Christensen. Her reaction to the discussion was unhampered as she made a monumental motion: "I move



CLINICAL ED. GIVEN BOOST

In a concerted effort to involve The Cleveland State University and Case Western Reserve University law students in Cleveland's legal community, Samuel T. Gaines, 91st President of the Cleveland Bar Association, has issued a statement expressing his desire to give law students "an appropriate perspective" of the Bar. Gaines' move is the first in the history of the CBA where a president has recognized problems facing law students and expressed hope to use the Bar to make "material contribution" toward its solution.

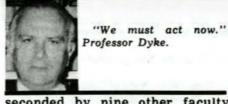
Gaines also touched upon the new clinical thrust in legal education, commenting, "a yearning, frequently vocalized by law school students, for clinical training as a part of the curriculum has engendered a reaction among some that such a trend will hamper substantial and difficult intellectual training in law school. The issue has lead to sharp controversy to those traditionally oriented. But, he noted optimistically that the conflicts "are reconcilable."

In addition to problems in legal education, students will have an opportunity to attend Bar meetings and work on committees.

CBA Executive Director Peter Roper stated that he and president Gaines will be establishing meetings at the law school to meet personally with students and explain the structure of the CBA. They will further give students an opportunity to sign up for participation on various committees.

by PAUL T KIRNER

that there be a student, with full voting rights, appointed to the special and standing committees of the faculty." The motion was quickly



seconded by nine other faculty members. Professor Goshien was recognized by the chair and his official "seconded" was recorded by the faculty secretary, Walter Greenwood.

DISCUSSION ON THE

MOTION Distinguished Professor Oleck attempted to close discussion, debate and argument by calling the question. His rationale was that the question of student voting power has been discussed many times before. A vote was taken and a 10 to 11 majority kept the motion open to further discussion.



The next comment came from Professor Ruben. His contention is that each committee has a different purpose; "a student could not possibly have the skills and experience necessary for the utilization of this important voting privilege. For instance, on the Admissions Committee there are too many variables involved in standards of admission, qualifications for admission, and the like, to allow a student's power to be equal to a faculty member." (Professor Ruben has been appointed chairman of the Admissions Committee.)

Thus, Professor Ruben's comment started a fierce defense of student rights, skills, and capabilities.

"Their time has come." Professor Goshien.



The chair recognized Professor Flaherty. "Each committee chairman should define any problems they may have and report to us at our next meeting. Let's table the motion." Professor Sierk moved to table this

(See Anatomy p. 3)

EMPLOYMENT OPPORTUNITIES

Are you a graduating law student with a dim future? Let's hope not, but if you're unsure as to where the law is taking you, see Alex Jamieson.

Mr. Jamieson is director of placement services at C.S.U. law school. During the summer the placement department set up several appointments with prospective employers.

The placement office is now making appointments for interviews. "All students are welcome to come into the office and sign up for an interview. But placement is looking at students in their last year of law school. For possible employment after graduation with larger law firms and many government agencies, it is imperative that applications be made during October & November."

To date Mr. Jamieson has received several good responses from over 500 letters he sent out to law firms and government agencies.

Special emphasis must be given to the fact that larger law firms have a strong policy of taking graduates who have been interns during the summer before their last year of law school. The firms have confidence in their recruitment programs when an interview and resume are supplemented by a three month training program conducted by the firm or agency. Therefore, it is important that second year day and third year night students contact the placement office soon after the first of October.

The following is a schedule of interviews that are available to the law students merely by signing up.

Only 79 percent of the day school law school graduates took advantage of the Placement Service; 80 percent were placed with firms or government agencies.

(See Schedule p. 4)

STUDENT BAR ASSOCIATION THE CONTINUING CONTROVERSY

ELECTIONS

As you may or may not realize, the student body does not elect most of the improtant officers of the Student Bar Association. The positions of Vice President, Treasurer and Secretary are filled without the consent or ratification of the student populace. The S.B.A., not the student body, selects the people they want to hold these three offices. Rather than an electorate of 800, there is an electorate of 21. Rather than the choice of the majority of the student populace, one can be elected Vice President, Treasurer or Secretary because he is favored by eleven people. Such is a good method for dispensing favors, rewarding supporters and honoring friends; it is not good method for proving effective student leadership.

The Gavel would favor the popular election of all officers. This process would involve a Constitutional amendment and would not be feasible with the election only one month away. However, it would still be possible, and we believe beneficial, to hold a preferential referendum for these offices. While results would not be binding, they would demonstrate the student body's feeling as to who should be their leaders.

While, as the courts are apt to say, "It is not binding authority. It is certainly persuasive authority."

It is **The Gavel's** belief that responsible and receptive Student Bar will, and certainly should be guided by the electorate. Therefore, **The Gavel** would **strongly** favor a preferential referendum for this year's Presidential election. Further it is our suggestion to the SBA that a Constitutional amendment be forthcoming. Some of the advantages of this system over the status quo are as follows:

1. It is the most democratic process. It gives the electorate an opportunity to choose their leaders.

2. It would stimulate interest in the election. With more offices available there will be more candidates, more activity, more enthusiasm. Last year 42 per cent of the electorate voted; this is a disappointing figure, yet it is a higher percentage than ever before. Clearly, the present election procedures do not stimulate interest, and thus, are passed up by the majority of the students. With more reponsibility and a bigger voice, there may be a larger turnout.

3. The inner workings of the SBA give these officers much power. The Vice President succeeds the President, and he can then perform all the Presidential functions. Yet, he is not elected by the student body. If such a succession seems unlikely, be advised that President Hirth was elected Vice President by the Student Bar and succeeded to President by the resignation of Mr. Gomberg. The position of Treasurer, with all the financial responsibilities it entails, is quite important. Furthermore, these three officials can vote, along with the senators, on any issue. This is a privilege, it should be noted, denied even the President.

4. Finally, the SBA itself has been, of late, the subject of much criticism. A recent Gavel editorial described it as "antiquated, sophomoric and neverwill be". Most students do not follow the Bars activities; rarely does a non-Senator show up at a Bar meeting. It is doubtful that 25 percent of the law school community could name all of the officers of the SBA. By giving a larger voice to the student body, students may become more aware of the Bar's activities.

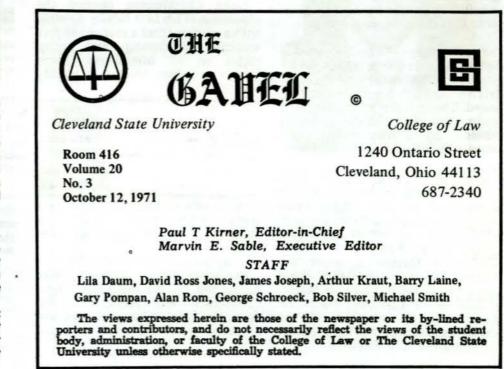
While the above reasons are certainly not exhaustive, they are the basic reasons why **The Gavel** urges some mechanism whereby the whole student population can select all of the major officers of the SBA. In the November election, the best mechanism appears to be a preferential referendum. Only then can the SBA be by the people as well as of and for the people.

FACULTY COMMITTEES

The Student Bar Association has reacted generally to the previous editorial with agreement that its intellectual fondling must stop and make way for substantive results. Whether the recognition of this inexcusable perversion of its purpose will end in change for the better—is a question that will be answered, at least in part, very shortly.

The Student Bar Association is charged with the task of appointing law students to membership on the various faculty committees. More important is the responsibility this task carries with it. A responsibility, no less a position of trust than the SBA has ever held in the past, to insure a complete representation of all students on the faculty committees. It is expected that the group of students chosen will reflect individuals from every class, sex, race and idealogical point of view. It is expected that a small group within the SBA will not "pack" the group of students chosen to reflect their personal views nor hand pick those chosen for the more important committee seats. This newspaper rejects the operation of the SBA by a small minority of the senators which has heretofore been the case. If the SBA is to move-it should be a majority of the elected representatives that should move it. Secrecy and closed doors are the greatest single advantage to those who would be inclined to represent themselves to the exclusion of those they are elected to represent. It is those people who have the most to lose and the most to gain who are imposing this secrecy on the Bar. Until such time as you the students take an active interest in your SBA-until such time as you attend and participate in its meetings-the SBA will continue to be an Apathetic Appendage.

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-mark Letter's To The Editor Mann-

Dear Dean Christensen:

My experience of the educational program in this law school during the past three years has been generally both pleasant and intellectually rewarding, but certainly not free from defect nor beyond improvement. I invite you to consider the proposal outlined below which, in its simplest terms, involves a rather mechanical change in administrative procedure, but which, I suggest, would tend to both palliate some legitimate sources of student dissatisfaction and simultaneously create a natural channel for more effective evaluation and improvement of the program of instruction by the faculty.

The proposal is: Let examinations be conducted jointly by the faculty as a whole through boards of faculty members assigned on a continuously shifting basis to pose and grade examinations for courses they are not then teaching.

The analogy between this plan and the conduct of bar examinations is obvious, but largely irrelevant. Such schemes have been recommended for undergraduate courses as a means of minimizing apparent conflicts of

LETTERS TO THE EDITOR

LETTERS TO THE EDITOR ARE TO BE SENT TO THE GAVEL OFFICE—THE CLEVELAND STATE UNIVERSITY COLLEGE OF LAW, 1240 ONTARIO, CLEVELAND, OHIO 44113.

YOUR COMMENTS SHOULD BE LIMITED TO NO MORE THAN 150 WORDS. THE GAVEL RESERVES THE RIGHT TO SHORTEN LET-TERS THAT ARE OF AN UNREASONABLE LENGTH. WE ALSO ASK THAT THE LETTERS BE TYPED OR PRINTED.

AS YOU KNOW IT IS THE POLICY OF THE GAVEL TO PUBLISH ONLY SIGNED LETTERS. DESPITE REASONS GIVEN BY THE WRITER, WE MUST DEMAND THAT THE WRITER GET INVOLVED ENOUGH TO PUT HIS NAME BEHIND HIS WORDS. interest between student and teacher, but because of arts and sciences faculty specialization they have usually been thought to require examiners from outside the institution, which gives rise to many problems. The more homogeneous range of competence of law school faculty relative to the curriculum should render outside examiners unnecessary here, and probably undesirable.

Most students would welcome the greater uniformity of grading which this plan would automatically produce and they would welcome it especially for multi-section courses, even if scheduling problems or nonuniformity examinations. Of course, complaints about teaching might in some cases replace complaints about grading, but is that not a more important area upon which to find attention focused? And under this plan the students' opinions of teaching effectiveness will naturally command respect without resort to initiatives on their part which are frequently unpleasant to all parties.



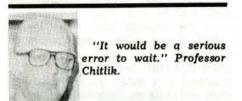
ANATOMY CONTINUED STUDENTS GET VOICE

(From p. 1)

motion until November 29th. DISCUSSION TO TABLE

Alan Hirth questioned a two month waiting period and said, "You have directly attacked the integrity of the student body of this school. Let them become involved."

"We can't keep saying tomorrow, tomorrow, and tomorrow," said Professor Werber. "The motion made by Professor Aldrich and proposed by the Dean (Christensen) must be settled TODAY."



"We need the students", said Professor Auerbach, "Their skills and abilities are sought after on a state level. I've worked with them on state committees and in national organizations and their participation is invaluable. Let the student voice be heard; it is the order of the day."

The advocates of the students pulled heavily in favor of student rights. The motion to table Professor Aldrich's motion was soundly defeated. The question was called to vote immediately without further discussion. By a vocal vote the question was called.

Standing Com ACADEMIC STANDARDS

ADMISSIONS

CURRICULUM

FACULTY APPOINTMENTS

GRADUATE STUDIES

LAW REVIEW

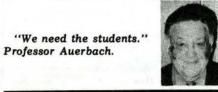
MOOT COURT

STUDENT AWARDS AND COMPETITIONS

STUDENT CONDUCT

STUDENT FINANCIAL AID

LIBRARY



Ann Aldrich stated her motion once again. The atmosphere of the room was suddenly silent and tense as she read her motion. THE VOTE

A personal privilege to comment on the motion was granted to Professor Ruben. The Dean firmly stated that, "The student members of all committees will have full voting powers, completely unqualified and un-conditional."

A roll call vote was called and the outcome was 16 to 5; the motion passed.

The faculty passed a motion October first which placed one student on each one of the dean's eleven standing committees and nine

special committees. Each student has

been given full voting power by the 16

The students will be appointed by

the Student Bar Association and final

approval of the appointments will be

to 5 decision of the faculty.

made by Dean Christensen.

Special Co

CLINICAL LEGAL EDUCATION

CONTINUING EDUCATION

FACULTY RESEARCH

NEW LAW FACILITY

PROFESSIONAL STANDARDS

PLACEMENT

EXAMINATION AND GRADING PRACTICES

INTER-DISCIPLINARY PROGRAMS

LEGAL CAREER OPPORTUNITIES PROGRAM

Chitlik Cohen

itlik (Chairman) Buckley

Profs. Oleck (Chairman) Cohen Moody Sonenfield Werber

COLLEGE OF LAW FACULTY COMMITTEES

1971-1972 ACADEMIC YEAR

Profs. Moody (Chairman) Oleck Werber

Profs. Cohen (Chairman) Buckley Moody Sonenfield

Profs. Murad (Chairman Leise

Profs. Oleck (Chairman

Profs. Emerson (Chairman)

ben (Chairman

FREEDOM OF THE PRESS It was strongly suggested that the Gavel be prohibited from publishing the names of the faculty who voted for or against this motion. But the general consensus of the faculty believes the Gavel should not be prohibited from publishing the roll call vote.

I would suggest that you read the companion article on this page en-titled, "The Five Nays." In this article the five faculty members have expressed their reason for voting against the motion.

The roll call vote was as follows: Yes: Professors Aldrich, Auerbach, Buckley, Chitlik, Cohen, Dyke, Emerson, Flaherty, Goshien, Leiser, Moody, Oleck, Ruben, Sutin, Tabac, and Werber. No: Professors, Browne, Sheard, Sierk, Simmons, and Sonenfield.

FRIEDMAN HONORED

AVERY S. FRIEDMAN has been invited to membership by special vote of the GeneraliCommittee of the Conference of Personal Finance Law. He is the first



law student to be elected to the Conference. The invitation was made as a result of his successful participation as a member of a sevenmember panel discussing the Uniform Commercial Credit Code (UCCC). The panel, meeting in New York for the American Bar Association, was chaired by George R. Richter, Jr., of Los Angeles, California, Past President of the National Commission on Uniform State Laws.

The Hive Naus

The Gavel strongly believes that a "No" vote may be seen as a vote against student recognition and "...a direct attack against the integrity of the student body." Therefore, all five "No" voting faculty members have been given the opportunity to explain the reason for voting "No". Without editorializing, I would like to state that no one should be made to explain their reason for voting one way or another.

Professor Simmons believes that his vote could be misconstrued. In an interview with Professor Simmons he was quoted as saying, "I opposed the blanket grant of voting membership to students on all faculty committees because of serious misgivings that they ought not be on some, that is, Admissions, Faculty Appointment, Continuing Education, Graduate Studies, and Professional Stan-dards." He continued by stating, "I do not oppose it as to the other committees. Some committee work requires a background of experience, personal interest and maturity; attributes which students lack in various degrees. If they did not lack them, they would not need faculty, they could teach each other."

"My misgivings on the subject," Said Professor Simmons, "were multiplied by the intemperate accusation by the Student Bar President (Alan Hirth) against a faculty

member. I wonder how many future instances there will be of the same kind of acrimony."

'I vote as a member of the faculty according to my conscience and feel under no obligation to account for the votes I cast," states Professor Sheard.

Professor Sonenfield can be quoted as saying that his "No" vote will stand unqualified. "There is no need to explain the rationale behind my no vote."

"The reason that I voted "No" on the motion that there be a student voting member on each faculty committee is that I am not at all sure that proper law student participation in law school governance requires voting membership on all faculty committees. Some faculty committees may involve the performance of non-delegable faculty duties in which students cannot properly be allowed to participate," stated Professor Sierk.

He continued, "I believe I can speak for all who voted "No" in saying that a "No" vote on the particular question did not mean that the voter was "against students," "against the dean," opposed to student participation in law school decisionmaking, or anything of the kind. It simply meant that the voter was opposed to adopting the particular

(See Nays p. 4)

(Spouse's)

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Business



The Student Directory editor would like all students to be sure to supply the information necessary for inclusion in the 1971-1972 CSU College of Law Student Directory.

Address Home Phone

Place of Employment

Occupation

Day or Evening

Year of Graduation

Please leave this information in the Student Bar office.

Thank you,

James Walters Editor, Student Directory

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Letters to the Editor (From p.2)

This plan would also provide an additional institutionalized avenue for exercise of the faculty's concern with the overall content and quality of instruction. And that collective involvement would entail a minimum of restriction of individual teaching philosophies and extra-faculty interference. The separation of examining from teaching would incidentally provide a mechanism for more nearly equalizing faculty workloads.

Numerous administrative and pedagogical difficulties probably lurk in this plan. But if any substantial benefits can be anticipated from its adoption, as I think they can, then I feel confident that it can be made to function without superhuman effort or undue sacrifice of traditional prerogatives.

The precise mechanics of the operation of such a plan are open to considerable variation and adjustment. It might be introduced on an experimental basis for a limited number of courses. The membership of the examining boards for the various courses could be chosen by the dean or by a faculty committee, but perhaps the best method would be selection by lot from those qualified with the number of assignments to any individual weighted by the number of examination papers in-volved and by his other obligations. Where special circumstances indicate its desirability, participation by outsiders could be invited. And even if the plan were generally adopted, instructor grading could be retained in specialized courses such as patent law. Nor would it be contrary to the spirit of this proposal to allocate a portion of the grade to the instructor to reflect the classroom performance of each student.

I doubt that this plan is original as applied to law schools, but I am not aware of any recent local discussion or consideration of it and I think that its adoption now would contribute significantly to the solution of a number of problems of great concern at the present time to everyone interested in Cleveland-Marshall College of Law.

> Sincerely yours, James B. Wilkens

The Hive Nays

(From p. 3)

motion, in that particular form, at that particular time."

"I will give you four reasons for my voting "no" at the faculty meeting," said Professor Browne. "First, I don't believe that students should be on all faculty committees. In my opinion, some faculty committees deal with matters that are solely within the province of the faculty; their business is not of legitimate concern to students. Now, that is not to say that student views might not be helpful to faculty members serving on such committees, but student views can be obtained by means other than a student representative on such committees. Also, some faculty committees deal with matters of a very delicate nature; matters which should be kept as private as possible. Putting student members on such

committees is, in my opinion, tantamount to an invasion of another student's privacy. Since the motion to put student members on faculty committees was made on an all or nothing basis, I felt obliged to vote against it.

"Secondly, I was informed, on a point of information, that the student committee members would initially be selected by the Student Bar Association. As the "CSU 8" made quite clear to the press in their press conference called on the day they filed suit against the Board of Trustees, student governmental bodies are not truly representative of the student body as a whole. Thus, there is a definite danger that student committee representatives chosen by an unrepresentative body would more likely represent special interests rather than the student body as a

Tuesday	Briefing By Placement Director Room Alex C. Jamieson 101
Tuesday October 12 3:00 p.m. and 5:30 p.m.	
Wednesday October 13 2:00 p.m6:30 p.m.	Ernst & Ernst B-4 Steve Parker
Thursday October 14 1:30 p.m6:00 p.m.	Federal Trade Commission B-4 Carol Emerling
Friday October 15 10:00 a.m4:30 p.m.	Kahn, Kleiman, Yanowitz & Arnson B-4 B.R. Hollander
Monday "W October 18 3:00 p.m. o	orking For The Federal Government" 101 Federal Agency Briefing Morris Berke Patrick DiBello
Tuesday Ha October 19 1:30 p.m. 6:00 p.m.	auxhurst, Sharp, Mollison & Gallagher B-4 Clarence L. Mollison
Wednesday October 20 1:00 p.m6:30 p.m.	Jones, Day, Cockley, & Reavis B-4 Naoma Stewart James Sennett
Thursday October 21 9:00 p.m3:30 p.m.	U.S. Board of Veterans Appeals B4 Frank D. Burchfield
Friday October 22 1:00 p.m5:00 p.m.	Jones, Day, Cockley & Reavis B4 (For 2nd Year Students - Summer Program) Naoma Stewart James Sennett
Tuesday October 26 9:00 a.m6:00 p.m.	Squire, Sanders & Dempsey B-4 Ivan L. Otto
Thursday October 28 9:00 a.m6:00 p.m.	Squire, Sanders & Dempsey B4 (For 2nd Year Students-Summer Program) Ivan L. Otto
Friday October 29 1:00 p.m6:30 p.m.	Baker, Hostetler & Patterson B-4 Don Pace
Tuesday Novermber 2 9:00 a.m5:00 p.m.	Baker, Hosteller & Patterson B-4 (For 2nd Year Students-Summer Program) Don Pace
Wednesday Def November 3 1:00 p.m6:30 p.m.	lense Contract Administration Services B4 Mr. James E. Silliman
Thursday R November 4 (to be con- firmed)	eginald Heber Smith Fellowships
Friday November 5 1:30 p.m. 6:00 p.m.	Arthur Anderson & Co. B-4 John Selis
Monday November 8 3:30 p.m6:30 p.m.	Haskins & Sells B-4 Jim Delaney
Tuesday November 16 (to be announced)	U.S. ' oast Guard Mr. Johnson
Wednesday November 17 9:00 a.m4:00 p.m.	Interstate Commerce Commission B- Fred E. Cochran
Tuesday November 23 1:00 p.m6:30 p.m.	U.S. Internal Revenue Service B- Thomas Cozzens
ad the stool	Dates To Be Announced: U.S. Jusitice Dept. (Henors Program U.S. Army Judga Advocate Genera

1971-1972

whole. One might thus wonder whether the student committee representative would be a true "student" representative, or whether he or she would be a representative who happened to be a "student."

Thirdly, and more importantly, most faculty committees meet during the day when it is convenient to the faculty members on the committee. Of necessity, this will preclude most night students from serving on such committees, since they will find it difficult, if not impossible, to attend the meetings. This will result in the disinfranchisement of the largest

Course Descriptions

STEPHEN J. WERBER, Asst. Prof. of Law (1970) D.A. Adelphi Univ. J. D., Cornell Univ.; LL. M., New York Univ.

CONTRACTS

Even Yale still requires this basic first year course which is a most confusing subject involving a maze of interrelated, sometimes contradictory areas. Most primary contract concepts such as formation, discharge, breach, damages, the Statue of Frauds etc. will be covered. To further complicate this renowned "Bramble Bush" relevant portions of the Uniform Commercial Code will be included.

DOMESTIC RELATIONS

Bar Examinations require us to examine traditional areas of marriage and divorce, obligations of husband and wife, parent or guardian and child etc. Modern conditions permit analysis of current and future problems such as population control, family planning, welfare, and marriage between persons of the same sex. Some emphasis on social and psychological aspects will be included.

CONFLICT OF LAWS A of Utah and B of Maine have a

contract calling for manufacture of goods in Wisconsin with delivery in Ohio. A breaches and B brings suit. Which state(s) has jurisdiction and whose law governs? Similar problems in the area of torts, property, domestic relations etc. will be discussed as well as the traditional core of conflicts—judgments, jurisdiction and the Constitution.

segment of the student body; that segment, by the way, which is the most mature and experienced.

"Finally, I do not take well to threats; my reaction is to resist them. I resented the implied threat made by the Student Bar President when he said, in substance, that if the motion to put student voting members on all faculty committees was not passed, the "politics of confrontation" could not be avoided. As I understand it, the phrase "politics of confrontation" is a code word for violence, and I do not feel any compelling necessity to bow to a threat of violence."

GAUEL

THE

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