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THE

GAVEL

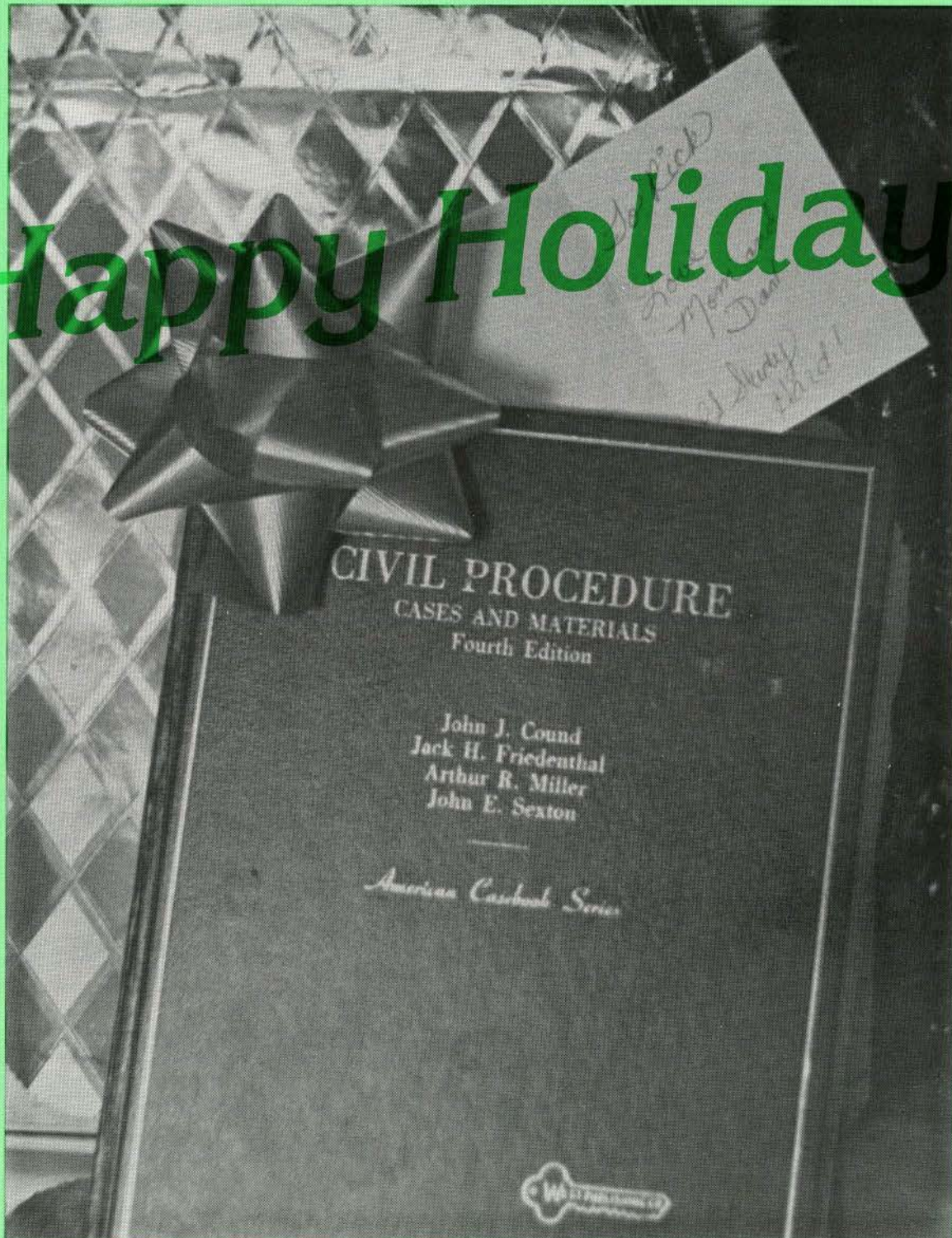
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Happy Holidays



Editor's Note

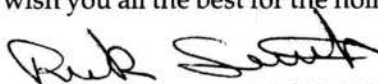
Another week has gone by and with it so has another semester. With these last few days of classes, reading week, and then onto examinations there is one factor that everyone must maintain in order to make it through. That crucial factor is motivation. Without motivation the intensity of the upcoming days will be much more burdensome if not unapproachable.

Certainly the semester's 15 plus weeks may seem like a long time, but as it quickly sails on by, and the workload piles higher it gets tougher to motivate yourself to accomplish the required work of each class. And then, when it seems like any motivation you had left was used to put the finishing touches on a paper or on an outline, you're asked to dig deeper to find some motivation that you didn't know you had. Or for that matter, if you had known that you had it in you, you surely didn't want to use it now.

After bringing together the semester's course material and digesting it, it becomes time to analyze it, compare it, distinguish it, and truly know it. Then it is time to go into the examination and anxiously hope that the questions asked reflect a vague similarity to the material that you studied. You then put your quick but careful thoughts into words surrounded by the particular courses identifiable terms and turn your blue book into the determining factor.

If all this seems to drop your motivation by the end, or even the middle of the semester, you are certainly not alone, just look around. And while you are looking around, it may take some time, but continue looking for ideas to make the grueling required habit of studying just a little more bearable. And if you are lucky these ideas will culminate just in time for you to no longer need them, at graduation.

If all else fails, it won't be hard to motivate you to have a very enjoyable break so from all of the staff at the *Gavel* we wish you all the best for the holidays.


Rick Smith

THE GAVEL

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All interested students are encouraged to become involved, including first year students. **The Gavel** office is located in room 23, near classroom 12. Stop by, someone is usually in the office. Or put a note in the envelope on the door. We'll get in touch with you.

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The Week Before Finals

Twas the week before finals, when all through the school
All the students were studying, their heads off — like fools.
The outlines were traded with fright and despair,
In hopes that the "A's" would someday be there.

The rest of the people all snug in their beds,
While fears of failure danced in their heads.
And Fran with her coffee and I with my cup,
Had just settled down to soak some knowledge up!

When out in the atrium there arose such a clatter,
I sprang from my carrell to see what was the matter.
Away to the door I flew like a flash,
Tripped over some digests and knocked over the trash.

The librarian stopped me and would you believe,
He made me clean up before I could leave.
I reshelfed the volumes and threw out the mess,
A brief reprieve from the upcoming tests.

At last to the atrium, I finally did wander,
And could not believe what I did encounter.
A series of casebooks, all "running" along,
And there was Jolly Santa Claus chanting a song.

"There's Contracts, there's Evidence, there's Sales and Con. Law,
"There's Procedure, there's Torts, there's Property and Ad Law!
To the top of the stairs, to the top of the rail,
Now dash away, dash away, don't let them FAIL!!"

There I stood, in wonder and surprise,
These books, this fat man, right before my eyes!
They suddenly grew wings and started to fly,
If not for the ceiling they'd be in the sky.

All around the atrium, these crazy books flew,
Crammed full of cases and legalese too.
And then, in a twinkling, they came to a stop,
They turned round towards me — you could hear a pin drop.

As I stood there in fright and did not make a sound,
Down the Bannister fat Santa Claus came with a bound.
He was dressed all in red from his head to his feet,
Then he plopped right in front of me on the couch seat.

A bundle of something he flung on his back,
He looked like a peddler just opening his pack.
He was chubby and plump, a right jolly old elf,
And I laughed when I saw him in spite of myself.

A wink of his eye and a twist of his head
Soon gave me to know I had nothing to dread.
As he reached in his sack, he smiled my way
Then he gave a Ho! Ho! — and HANDED ME AN 'A'!!

What joy filled my heart as the casebooks stood round,
The 'A' that I'd dreamed of was finally found!
Then quick as he came he was gone in a flash,
Took all the casebooks with him, in his dash.

But, I heard a strange echo as he disappeared from sight,
"Happy Christmas to you, and to you a good night."
In a daze there I stood — clutching the 'A' close to my shirt.
Imagine my confusion when I woke holding **only** GILBERTS.
I guess that old Santa was only a dream,
But nobody ever said law school was "peaches and cream."
The end



Law & Order . . . and Economics

By Richard Loiseau

In an early 1986 decision, when Judge Posner wrote that an injunction should be granted if $P*H_p > (1-P)*H_p$ ($> =$ greater than), he turned a routine breach of contract case into a vibrant example of the application of Law and Economics. Translated into laymen's terms, his mathematical formula simply weighs potential harm to the litigants (H_d and H_p). *The Wall Street Journal*, August 4, 1986, at 14, col. 1.

Judge Richard A. Posner, of the U.S. Court of Appeals for the Seventh Circuit, is one of the leading advocates of the intellectual movement Law and Economics that is swaying legal circles. Essentially, the movement aims at providing incentives for efficient competitive behavior through the legal system. A 2nd Circuit Judge named Learned Hand may have started it in the 1940's. The movement has maintained its vitality through the years in espousing conservative principles of Milton Friedman and Chicago School freemarketeers. The appointment of several disciplines to federal judgeship by President Reagan has provided a serious boost to the movement.

Cleveland-Marshall is no stranger to the movement. At least, one section of this 1st-year Tort course is using Judge Posner's own book, *TORT LAW: Cases and Economic Analysis* (1982). Throughout the various cases in the book, the judge methodically applies a standard of economic efficiency embodied in Judge Learned Hand's formula, $B < P*L$, which relates the burden of precautions (B) to the expected cost of the accident ($P*L$). Thus when $B > P*L$ ($> =$ less than) negligence is inferred, other things being equal.

Law and Economics covers a broad spectrum of topics ranging from business to social areas. It is in business, however, that it is most widely applied. Antitrust, tort, mergers, acquisitions, product liability, securities are all areas with applications for Law and Economics.

Critics argue that the movement runs counter to principles deeply rooted in our legal systems such as fairness, equality, and personal rights. It is often hard to strike a balance between economic efficiency and social needs. Individuals have certain rights against the greatest economic good of the majority. To correct the unfettered and sometimes abusive power that landlords have over tenants, the law has imposed upon the former an implied warranty of fitness and habitability owed the latter. The advocates of Law and Economics question the usefulness of such a law. They reason that since compliance has its price, the landlords simply channel the cost down to the tenants in the form of higher rents. Similarly, concepts such as free speech, search and seizure, right of prisoners, free

counsel to the poor are empty or meaningless and seen as an economic strain on the free market system. Hence, the whole area of Constitutional law is almost irreconcilable to Law and Economics.

Both sides agree that economics will play an expanding role in law. As the level of economic literacy raises in our legal system, lawyers will have to fashion their case strategy accordingly. Good advocacy may mean more than just putting together precedents and analogies but also hard economic analysis. Future attorneys may need more than doctors, scientists, and psychologists to make up their panel of experts. The addition of a good economist to the group may be the determining factor that causes the scale to tilt in their clients' favor.

Fran The Coffee Shop Queen

By Lynne Howell

One of the most loved and cherished individuals at the law school is Fran Borucki. She serves the law school community with cheer and good coffee, as well as other delectable delights at the snack bar.

Fran is a life long resident of Cleveland. She followed her children as they progressed from grade school to high school by working with the respective cafeteria service organizations. Once her children went to college, Fran stayed in the cafeteria business and in her fourteen years of service she has worked at almost every CSU food service outlet. Fran states, her love for the law students is what makes her present position at the Law School such an enjoyable place to work. Besides feeding hungry law students, Fran is (if you haven't guessed it by now) an avid BINGO player!!

We really appreciate Fran's good-morning cheers as well as her other interesting characteristics. Thanks Fran.



Fran Borucki, Snack Bar Operator
Photo by Lynn Howell

Street Law...What is it?

By Doug Davis

Of course everyone remembers that day in high school when the school officials confined everyone to homeroom while lockers were searched. Was it legal then? Is it legal now?

Those are some of the questions the Street Law Program is designed to answer; questions from high school students in the Cleveland community. Cleveland-Marshall law students help give the answers.

Street Law is directed by Adjunct Professor Elisabeth Dreyfuss who also is senior consultant for law and public service at Magnet Schools. The seminar course is worth 2 credit hours per semester and can be taken for two semesters.

The seminar does two things for

students, Dreyfuss said. First, it teaches students to be comfortable with teaching, and second, it teaches students the substantive material that will be taught to high school students.

Law students are not just thrust into the classroom with no background, Dreyfuss said, they have one week of classroom observation. This really is no problem since most law students are good lecturers, she added, the seminars make them more comfortable with different types of teaching styles.

Since most social studies teachers do not know law, law students instruct classes several times a week, Dreyfuss said. "(High school) students want to know how to read code, case law," she said. "Youngsters are handling legal information."

Materials taught in high schools are developed, in part, by law students, Dreyfuss said. Once the materials are drafted, anyone can teach the course, she said. Law students are used in the classroom the first time through to make teachers comfortable, she said. Teachers do not always have students come back, although some do. "New sites have preference," said Dreyfuss.

Dreyfuss also helps put materials together, but the "energy, brains, creativity and responding to perceived needs come from law students," she said. "They have taken the down paths I never thought of."

Why would a student want to take a course that is not listed as part of the bar exam? Well, it is. "This is one of the few courses to teach state code," Dreyfuss said. Every subject area taught to high school students requires knowledge of Ohio Revised Code, she said. "Many people take it as a good bar review," she said.

Besides taking law out of strict categories, Street Law also gives students an opportunity to be active in their own educations. Some students have told Dreyfuss Street Law has helped in Moot Court. Others have wanted to improve speaking skills, others have wanted to tie all their courses together. Dreyfuss remembers one student who had an interview with a Wall Street firm and all the interviewer wanted to discuss was the student's involvement with Street Law.

Of course the program would not be a success without high school students. At one suburban high school, about 700 students signed up for the course which only had 90 available spots. "Students attend Street Law better than school," Dreyfuss said.

All a law student needs to do to get involved is sign up for the course during registration. The core curriculum must be completed, or nearly so. Law students will also need to have taken Evidence.

The Street Law program also helps with recruitment of minorities to law school, Dreyfuss said. Because high school students get a legal vocabulary early, it opens options for them, she said.

All About Legal Pads!

By Sandra Kowiako

There is something exciting about cracking a new legal pad from its cellophane wrapper and setting a fresh ball-point or felt-tip pen to the first sheet. Legal pads help many people think things out in a manner that looseleaf, spiral notebooks, word processors and dictaphones don't seem to match. They help the creative to create and the logical to be organized. And they allow for some very artistic doodles, especially along the top bindings.

Legal pads were first produced in the early 1900's by Ampad, a Massachusetts-based company. A Baltimore printer and supplier for law firms made a request for a legal length pad that would not come apart. The yellow color was used so the paper would stand out amidst a pile of white, and the left margin was to allow for scribbling.

More legal pads are produced in the United States today than ever before, with a ten to fifteen per cent in-

crease over the last ten years. Bureau of Census figures point out that nearly 369 million were made in this country in 1985.

The traditional legal pad is canary colored, wide ruled, blue lined, and measures in at eight and one half by fourteen inches. There is always a red-ruled left margin and a top binding with perforations below it. The pages either stay put if something is to be saved, or rip out easily if that is the user's preference.

Manufacturers are now producing less traditional legal pads. For instance, newer colors like lavender and blue are becoming common, although many law firms still frown at such a break from the conservative canary color. In addition, with a nationwide trend toward letter-size documents growing more and more prevalent, letter-size pads are now popular and are said to sell better than the original longer size.

Ampad is currently the largest manufacturer of legal pads in this country.

Testing · Housing Discrimination

By Philip Althouse

Cross burnings and vandalism against minority residents living in predominantly white Toledo and Cleveland neighborhoods are only the tip of the iceberg when it comes to racism in the United States. Far more widespread, but less overt is housing discrimination which has helped give cities like Detroit, Chicago, Boston and Cleveland the dubious distinction of being leaders in segregation.

Housing discrimination prospers despite a panoply of state and federal laws designed to thwart it. The Civil Rights Act of 1866, now 42 USC Section 1982, was upheld in the landmark case *Jones v. Mayer*, 392 U.S. 409 (1965). The *Jones* Court declared private and public racial discrimination in the sale or rental of property unlawful. Later, the Civil Rights Act of 1968 provided a more comprehensive attack on housing discrimination encompassing advertising, mortgage lenders and brokerage services. The

Act also gave teeth to enforcement of its provisions that were lacking in the old 1866 Act. Here in Ohio, housing discrimination is prohibited by the Ohio Civil Rights Housing Law.

That discrimination persists can largely be attributed to its metamorphosis. Gone are the days when a white seller would frankly admit to a prospective black buyer that there would be no sale simply because the white was a racist. Now discrimination is far more subtle. Consider the practice of racial steering, where a real estate firm, without mentioning race, slyly directs potential purchasers or tenants to areas based on their race or ethnic background. Since the firm does not mention race, an unwary person might not realize discrimination is taking place. Even if the victim realizes his plight, he still has to prove an unlawful act occurred.

Enter the tester; this person is the fly in the ointment who often spoils

the best planned discriminatory practice. In Cleveland, as elsewhere, a tester normally is a trained volunteer associated with a fair housing organization who poses as a would-be buyer or tenant. Her job is essentially to document the treatment she receives which is then carefully compared to the treatment given a minority complainant by the same party. The tester must for all intents and purposes be a carbon copy of the complainant and is carefully briefed in advance about the role she is to assume. A properly conducted test should show any discriminatory impact or intent that will make a prima facie case.

In housing discrimination cases testers have been used to corroborate a plaintiff's account, but more recently testers have been given standing to assert discrimination under the Fair Housing Act. In *Coles v. Havens Realty*, 633 F.2d 384 (4th Cir. 1980) the court remarked that just because a

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Moot Court Night

Justice Andrew Douglas of the Ohio Supreme Court, Justice Craig Wright of the Ohio Supreme Court and Chief Judge Frank J. Battisti of the United States District Court, Northern District of Ohio, served as the panel of judges for the Cleveland-Marshall College of Law Eighth Annual Fall Moot Court Night.

Members of the National Moot Court Competition teams presented an appellate argument to the panel on a case involving the constitutional conflicts between a criminal defendant's right to counsel and the government's right to subpoena defendant's counsel. The Fall Moot Court Night was the final practice round before the team's regional competition which began November 20 here in Cleveland.

The Moot Court Board of Governors sponsored the annual event on Monday, November 17. The teams did especially well. Good luck to all the competitions to come!



Justice Craig Wright (L), Chief Judge Frank J. Battisti (c), and Justice Andrew Douglas listen as respondent Dave Kraus presents his oral argument during the fall Moot Court Night. Photo by Lynn Howell

The Independent Judiciary

By Debbie Gibula

William W. Falsgraf, former president of the American Bar Association (8/85-8/86) took time from his busy schedule to address Cleveland-Marshall law students on Wednesday, November 12th. Falsgraf, who just recently returned from the People's Republic of China, talked of being an itinerant bar president and how his year as ABA president allowed him the opportunity to see the world's various justice systems in addition to traveling across the United States.

Falsgraf, who was the CEO of the largest voluntary profession in the world (ABA), talked of his job as a way of interpreting policies to lawyers, people, and the media, and being responsive to the needs and desires of attorneys throughout the U.S.

Falsgraf talked of the large volume of lawyers in the U.S. as opposed to other countries. He posed the question, with 650,000 lawyers in the country, the highest lawyer/person ratio in the world, why is there a demand for legal talent? Why do the law schools continue to produce thousands of lawyers annually? The answer for the demand reflects the strong influence of human rights, Falsgraf stated; the citizens of this country enjoy more rights than *any* other country in the world. Rights like environmental, trade, civil and criminal, and when people are given so many definable rights then they will go to the justice system to ensure that "their" rights are not infringed upon. In a country like the U.S. lawyers are needed.

Falsgraf compared the U.S. with China and commented that in China they are working to "catch-up" with the U. S. and other countries where legal systems are concerned. During the revolution in the mid 60's the lawyers in China were "physically eliminated" from the practice of law under the theory that they were educated in a superior way and thus had the ability to manipulate the lay people. The entire system of justice was disassembled and is just now beginning to push interest and encourage people to study law in China.

One issue addressed by Falsgraf was the Tort Insurance Crisis, which was brought on by action of the American Medical Association to bring attention to the fact that doctor's insurance rates were starting to skyrocket. The medical profession looked to blame the lawyers, arguing that the lawyers were inventing lawsuits so they could get the monies from malpractice insurance and the like.

Because of this argument, Congress faced many new bills, some to eliminate punitive damages altogether and others seeking to eliminate joint and several liability. They also felt the key to controlling lawyers was to cut down on the contingent fees. The legislators came to find that the lawyers were not bringing frivolous lawsuits because it did not make sense. Lawyers waste time and money, and face ethical violations when they bring frivolous lawsuits.

So, the reason for the insurance rates skyrocket is unclear. Falsgraf felt one reason could be the jury awards

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*Former ABA president William Falsgraf addressing C-M students recently in the Moot Court room.
Photo by Lynn Howell*

Housing Discrimination

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tester never intended to rent or buy a home does not negate the fact that she was injured under the meaning of the Fair Housing Act. Both the black and white testers alleged that the defendant's racial steering deprived them of the benefits of living in an integrated community and thus the Fourth Circuit found that they had a personal stake in the controversy. Testers may also file an administrative complaint with H.U.D. to enforce the Fair Housing Act.

Although some courts have criticized testing as something akin to entrapment, the majority of federal case law requires testing to prove a violation of Section 1982 or the Fair Housing Act.

What motivates a tester beyond a general subscription to fair housing

principles? There are certainly risks involved—testers whose covers have been blown have been beaten or harassed on occasion. Scheduling may not always be convenient since it is dictated by the needs of a given case; neither is there the draw of money or prestige. For some the admix of acting, detective work and adventure are the attraction. For me, as a tester with the Cuyahoga Plan and formerly a Board member of the Milwaukee Fair Housing Council, testing is striking a blow, albeit a small one, against the racism that alienates people from one another and polarizes society. It vindicated my moral values and lets me walk in someone else's shoes, gaining a perspective that I might otherwise miss.

BLSA Sponsors Seminar

By Rick Smith

The Black Law Students Association (BLSA) recently sponsored a sports and entertainment law seminar with speakers from various aspects of both fields.

Former Cleveland Brown and Hall of Fame inductee Paul Warfield began the seminar by relaying his thoughts and experiences with sports agents. Warfield, currently Director of Player Relations for the Browns, said that the first thing an agent must be able to do is determine the sort of a player in dollars.

Though Warfield acquired representation for his initial contract as a rookie, he did his own negotiating through his sixth season. He added though, that there were often times when a third party was needed because of the personal clashes that did arise. Warfield commented that there were two reasons why he retained an agent, both of which he feels are the same reasons players today seek some type of representation. First he said, you need "someone with expertise to negotiate the dollars and cents in a contract," and second, for "financial counseling and planning." Players want someone who will be able to invest their money properly — and give them some security for the future, Warfield said. He added that it is vital for the agent to have contacts within the league to assist his clients when they are unemployed, as well as contacts outside for things such as product endorsements.

Ralph Malone, the Browns rookie defensive lineman, spoke briefly after Warfield. Malone gave his perspective of what players look for in an agent. He said that the "way things evolved is more like big business" today with collective bargaining agreements and the huge sums of money that players seek. Most players look to someone they can trust, he said adding that there is definitely a need for agents to do "all the dirty work" concerning the contract and the money. Malone then concluded by reiterating Warfield's statements regarding an agent's need to set up a player's future financial security and keep in



From L to R: Dick Ambrose, John Kellogg, and William Carpenter spoke to C-M students recently at a sports and entertainment law seminar. Photo by Lynn Howell

close contact with the players both with financial and other information.

Former Cleveland Brown and now C-M student Dick Ambrose said that a "player's perception of an agent is one of mistrust." Following Malone, Ambrose, who was an N.F.L. Players Association Representative while he played with the Browns, said that the mistrust begins when a player is in college and he starts to get mailings and solicitations from potential

agents. You "don't want to trust yourself to a perfect stranger," he said, while adding that you look for someone with a "track record."

Ambrose said an agent who fails to maintain contact with a client after negotiating a contract is placing his job in jeopardy, especially when the player needs to discuss specific terms in his own contract. A full service agent may not be as attractive as one who promises the moon, said Am-

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Street Law

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The Street Law program also helps with recruitment of minorities to law school, Dreyfuss said. Because high school students get a legal vocabulary early, it opens options for them, she said.

Law students are not just assigned to area high schools, Dreyfuss said. She tries to honor requests from students as to where they would like to teach.

Materials developed in Cleveland are field tested in Cleveland first, Dreyfuss said, then are used throughout the country. "It is a real powerhouse," she said. An ex-NFL player, a Beachwood police officer and a law student working part time in a Lorain law office are currently working on a new drug program, Dreyfuss said. This kind of information can get to a high school student in a very short

time. In addition to drug programs, classroom materials range from voting rights to landlord-tenancy problems.

Street Law was developed at Georgetown University in the early 1970s and came to Cleveland-Marshall in 1975 through the efforts of Professor David Barnhizer. Dreyfuss became the director in 1978 after graduating from Cleveland-Marshall. Dreyfuss was a social studies teacher before returning to law school to add to her "skill bank."

About 26 law schools across the country have Street Law programs now, Dreyfuss said. Cleveland-Marshall graduates have continued with Street Law; one graduate now heads a program in Oregon and another is a staff member at Georgetown University.

A Look at GLOBESCOPE 87

By Sandra Kowiako

Professor David Barnhizer is the coordinator of the GLOBESCOPE 87 National Assembly which will be held in Cleveland, April 29 through May 2, 1987. The GLOBESCOPE 87 National Assembly is a joint project of the Washington, D.C. based Global Tomorrow Coalition and the Cleveland State University, with the assistance of Case Western Reserve University, the United Nations Environment Program, and many other organizations. The GTC is a coalition of 100 leading nongovernmental organizations in the fields of environment, population and Third World economic development, created to facilitate dialogue and cooperative interaction among those groups.

GLOBESCOPE 87 is part of a long term process committed to educating citizens in effective methods for dealing with critical challenges of the environment, rapid population growth, and sustainable economic development, both in North America and nations of the developing world. It is not a single conference but part of a long term process using the dynamic en-

ergy and catalyzing ability of the conference process as the driving force.

GLOBESCOPE 87 is an early stage in a process, not an end in itself. Its overriding goal is to bring together the best people to facilitate and sustain longer term networks of active, innovative and entrepreneurial people. The group has been seeking people who can understand practical action, who are willing and capable of reinforcing each other's ability to solve problems and can take advantage of opportunities. It has been identifying people who, when faced with a challenge do not remark about how big or awesome it is, but respond by starting to figure out how it can be dealt with. GLOBESCOPE 87 will therefore not simply collect data, regardless of how intellectually stimulating that process is proving. GLOBESCOPE 87 is laying the groundwork for local, national and international networks of strategic problem solvers.

GLOBESCOPE 87 is built around an agenda of practical action. Specifics address natural resource man-

agement, environmental quality, population concerns, educational needs, the importance of sustainable economic development, facilitating new approaches to productive investment, and effective policy development and implementation. A continual element will be how to use private sector methods to resolve problems that have too often been left to an ineffective public sector. In this context investment strategies, facilitation of innovation, and creative use of information networks, technologies and data bases will become a central characteristic.

The preliminary agenda reveals hard looks at issues such as acid rain, toxic wastes, the economics of nuclear power, youth education, tropical forests, attracting capital, and facilitating investment in nontraditional ways for less-favored needs or locations. Also considered will be the roles of consensus building and mediation in dispute resolution, examples of how organizations can better work together to increase their effectiveness, and

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The Independent Judiciary

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of enormous amounts when they know there is insurance. After all, he stated, what is a couple of million to a poor plaintiff when they realize that our government is running on a billion dollar deficit. It is no wonder that the jury's award 1.5 to 2 million dollars in damages.

Another issue Falsgraf discussed was the decline in the level of professionalism of attorneys today. He stated, that lawyers today are not as well trained as they were years ago; that the law today is looked at as a business rather than a profession, and there is a decline in the respect for the courts. He mentioned, that if the drift for materialism continues then there is the fear of regulation within the profession. He stated, the FTC has already come in and investigated for price fixing, and the legislature sees law as a business, a monopoly, that needs to be regulated like anything else. The ABA produced a report that

talks specifically about the "recertification" of lawyers. Falsgraf stated, "imagine taking *another* bar exam." He pointed the reason for the recertification is that some lawyers have not followed through on their obligation to "stay current." "If they do not keep on top of things then this is what we're up for — retesting." He stated, people need to be able to count on at least a minimum level of performance.

In addition to these topics, Falsgraf talked of advertising with lawyers and the need to instill a high level of professionalism in attorneys. Falsgraf does not see advertising legal services on television as the thing that "professionals" do. But, the Supreme Court ruled that this is a first amendment protected right and as long as there is no misrepresentation or fraud lawyers can advertise any way they want.

Falsgraf ended with a discussion on the selection and compensation of Justices. He made note of the recent race for Supreme Court of Ohio's

Chief Justice and how it claimed more attention than the race for governor. This, he stated, reflects the importance that people attach to the justice system, and how they do not think it is as "professional" as it should be. Falsgraf stated the sad notion that a political ideology is taking the court room instead of letting the laws decide. He stated, boldly, that "without the independence of the judiciary we might as well do away with our system of justice." Politics should not control the judiciary.

With all this in mind the floor was opened up to the many questions the students had, most of them addressing the idea of professionalism in the law and the desire to keep it that way.

William Falsgraf is a partner with the law firm of Baker and Hostetler and is a graduate of Case Western Reserve University, where he was Editor and Chief of the Law Review. The discussion with William Falsgraf was sponsored by Phi Alpha Delta Law Fraternity.

Res Pendens

New Moms in Library

Congratulations to Judy and Charles Kaul and their newborn son, Eli Charles, who was born on Thursday, October 23, 1986 at 1:34 p.m. Eli Charles weighed six pounds, eight ounces at birth, and was nineteen and one quarter inches tall. Both mother

and son are doing fine and resting comfortably. The father no longer paces.

Also, congratulations are in order to Marie and Michael Rehmar and their newborn son, Marc Louis, who was born on Monday, November 3,

1986 at 1:38 p.m. Marc Louis weighed seven pounds, five ounces at birth, and was nineteen and one quarter inches long. Both mother and son are doing fine. Michael is passing out cigars.

Sports & Entertainment Law Seminar

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brose, because most N.F.L. players are "not that sophisticated with finances and large sums of money," so they don't look beyond the dollar value of the total contract. Nonetheless, Ambrose believes that the full service type agents are the ones who will survive, emphasizing the fact that 10 percent of the agents have 90 percent of the players in the N.F.L. This is true he said "probably because they are the cream of the crop."

On the other side of the table sat the agent and William Carpenter from International Management Group who spoke on the agent's perspective in representing athletes.

Carpenter said that IMG is the largest sports management agency in the world. He said there are three basic subdivisions in the sports agent's discipline. The first task he said, is "in connection with the negotiation of a contract for services," the second is "the merchandising activities," which Carpenter said included footwear and other endorsement contracts, and third, the most important area is the "financial management" aspect.

Carpenter said that he undoubtedly sees a continued need of agents to represent the sports stars and probably even for the middle of the road players. "It is always better to have a third person representing you," he concluded.

To speak on the entertainment law area, Amir, an international model and entrepreneur began the discussion. Amir said that representation in modeling and acting has several different concerns than does representing athletes. The major difference he pointed out is that of longevity. An actor can continue to act as they get older, but an athlete's career is lim-

ited. Additionally, he said a major concern that agents have is seeking jobs for their clients that don't typecast them into roles that will limit their future directions.

Connections within the industry are also vital, he said, because a good actor may not get any significant opportunities without any agent connections, but a mediocre or bad actor who has an agent with the right connections may land a significant opportunity.

The final speaker was Attorney John Kellogg, who practices in the area of entertainment law. A former

entertainer himself, Kellogg said an agent is a buffer, not well liked, and never getting the proper credit for their work." Kellogg primarily represents musicians and he said that a familiarity with copyright laws and endorsement possibilities is a necessity. He did stress that that a "great deal of the practice is making artists aware of the realities of the business." Since the record company is investing in the artist they are the first one to get any money back if an album begins to sell, and often times an artist doesn't realize this and the attorney must guide them as best he can.

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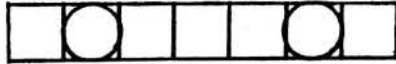
1. RRDOEEPUC



2. AATUSOCNI



3. CYELNRA



4. NISOSESOSP



5. NCCCAAEEPT



6. NNROPSTMEMII



7. KHOBONOR



8. STMLIIRA



By: Ookiawk

Unscramble the following words and print the answers in the boxes to the right. Then unscramble the circled letters to discover the answer to the puzzle.



Word Scramble

PUZZLE: Where the law is black and white and read all over.

A Look at GLOBESCOPE '87

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how grassroots organizations can be linked to enhance their knowledge and impact. Throughout the process the concentration will be on working examples of effective programs, and on how to make other programs even more effective.

GLOBESCOPE 87 is not only convening national and international problem solvers, but will bring together people active in dealing with local and regional needs. The Globescope Process obviously seeks to create awareness of national, transnational, and global needs. But an important part of the Globescope Process is facilitating local and regional networks of people interested in and/or already working on solving their own problems. As part of GLOBESCOPE 87, for example, the provosts of both Cleveland State University and Case Western Reserve University are taking active parts in helping to identify the best people in the two universities with something to contribute. This has already brought six faculty from CWRU into GLOBESCOPE 87. The same effort is taking place at CSU, not only using the resources of the universities but helping to build a sustainable working dialog within Ohio and the Midwest region.

GLOBESCOPE 87 will provide a convenient function for area organizations. Through a combination of

mini-conferences on the opening day of GLOBESCOPE 87, and scheduled sessions and luncheons during GLOBESCOPE 87 itself, local and regional organizations will be able to work together on furthering their own strategies. This will provide groups a mechanism to come together to develop their next steps, plan directions, and seek cooperation and support from others.

GLOBESCOPE 87 is rapidly becoming a national and international event, attracting significant attention and interest. It is carrying out a strategic intellectual mission that could not be more timely. Max Planck once observed that progress in science did not

occur until and unless an almost fortuitous coalescence of insight and perceived need occurred. Planck recognized that it was not enough to have a brilliant insight. He understood that breakthroughs occurred only when the other key actors in the system had arrived at a point where they were able to recognize their own need for the new knowledge.

GLOBESCOPE 87 is occurring at precisely the moment when many people have come to recognize the need to develop new paths of action. This "window of opportunity" generates significant leverage that will be available to the GLOBESCOPE 87 process.

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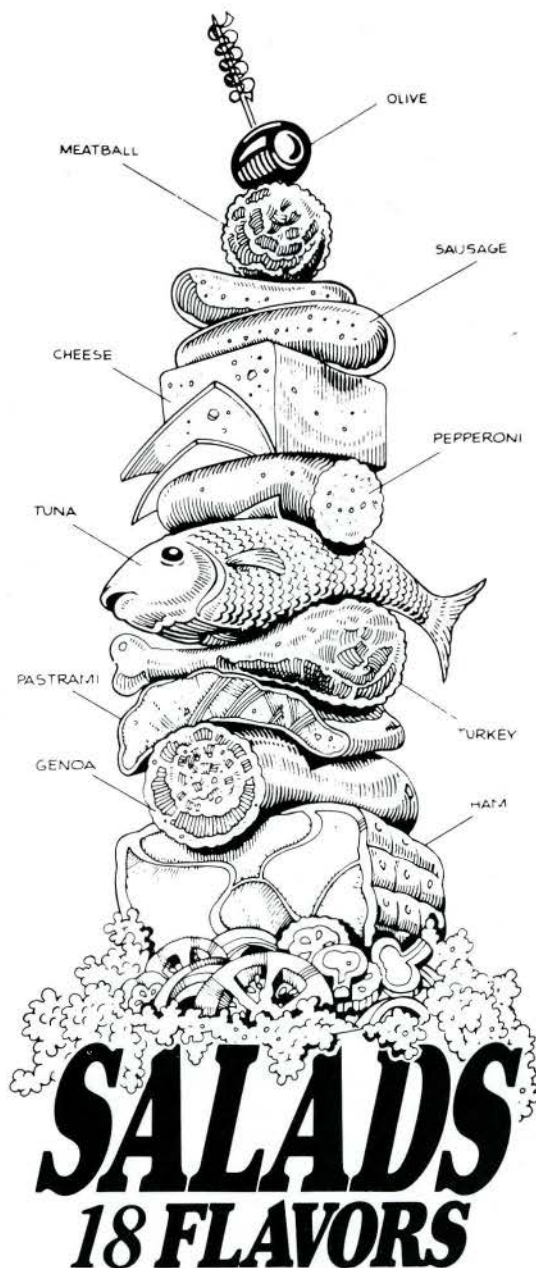
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