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Cleveland-Marshall College of Law

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THE GAVEL
Cleveland-Marshall College of Law
Volume 36 Issue 2 October, 1987

"Bork Under Fire"
Editor's Note

Empty pizza boxes, cellophane wrappers, crushed pop cans and cold, stale cups of coffee. All these items are readily seen in the basement (read lunchroom) of the law school practically every weekday.

Custodians and maintenance people try to keep up with the flow of garbage and do a reasonably good job. But, is this really their job? Picking up after the noon or 5 p.m. rush can be a monumental task. This extra effort on the part of the C-M maintenance people is not necessary.

The administration boasts of a better quality of students entering C-M this fall. Average LSAT scores are up two points, from 29 for 1986's class to 31 for 1987's. Average grade point averages are also up from 1986's 2.96 to 1987's 3.02.

I haven't noticed any correlation between the intelligence of this year's class and a diminishing amount of trash that accumulates on various tables, chairs and floors. If anything the amount of trash seems to be the same if not increasing.

To combat the ever growing trash piles, a new admissions test should be adopted to ensure all applicants do not live with a servant (mother, girlfriend, wife, husband?, boyfriend?) who picks up after them.

After the basic numbers determination has been made, (ok, references, writing samples and whatever else the college uses to make its current determinations) all applicants for 1988's class should also be forced to take an on campus motor-skills test. This would be a simple test. The prospective candidate would be given small change and told to buy something from a vending machine. The applicant would then take the purchased item into the lunchroom eat or drink the purchased item.

Then, the really crucial part of the test would commence. After eating or drinking the purchased item, the applicant would be tested on a) whether he/she leaves the container/package/wrapper on the nearest table, chair or floor or b) whether he/she takes the container/package/wrapper and deposits it in the nearest trash container.

Under this scheme, applicants responding under choice b) will be offered admission. Applicants responding under choice a) will be given an opportunity to retake the test. If the applicant does not pass on the second attempt, admission is denied. This might seriously reduce the enrollment here, because I doubt that many of the applicants in previous years would have passed.

Perhaps screening of the applicants would not be effective (afterall, the entering classes are becoming more intelligent and would probably figure out the nature of the test and respond accordingly). Instead, the law school might consider penalizing those caught not using the trash containers. Professors would be fair game for this tactic as well.

How would this be policed? Let's get a Student Bar Association committee to study it.

Douglas L. Davis

Infra.

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Violent Crime Down At CSU

By Doug Davis

Crimes of violence against other people are very low on the Cleveland State University campus, however thefts are a big problem, said David Ostroske, a detective with CSU's police department. Ostroske talked recently during a safety forum sponsored by Women's Law Caucus about precautions and steps students can take to avoid being victims of crimes.

The last reported rape on campus, according to Ostroske, occurred in 1984. Outside of the campus boundaries, E. 18th to E. 30th and Carnegie to Superior, the number of assaults, muggings, thefts go way up, he said.

One of CSU's theft problem is the fact the campus is located in the downtown area of Cleveland, just north of housing projects. "Some of these people steal," Ostroske said. Some people from the projects think all college students are wealthy and professors make $500,000 per year, he said.

CSU's second theft problem comes from other students, Ostroske said. Books are easily stolen and turned into cash.

To protect property, Ostroske said students should try to stay in areas with other people. In the law library, people generally don't talk and cause distractions, so it should be easier to study near other people. Thieves prey on solitude and darkness. If you must leave your books and materials in the library for a moment, ask someone to watch your stuff.

Ostroske's second suggestion is to mark your books with your name, social security number and the semester you used the book. However, don't mark your books on the inside cover; instead, pick any page inside the book and write the information down along the binder. The reason for this, Ostroske said, is thieves are lazy and aren't going to thumb through 400 pages to see if the book is marked.

Police or Fire EMERGENCY DIAL 2111 !!!

Barnes & Noble has been very cooperative with Campus police, Ostroske said. A stolen book list is kept at the back of the store. When a book is resold to the bookstore, it is matched against the stolen book list. The person will be caught because Barnes & Noble requires the seller to display identification and records it. Barnes & Noble will check every book that is resold except during the rush weeks, Ostroske said.

Since Cleveland is one of the top five cities in the country for car thefts, CSU's figures reflect this. Sixty percent of the stolen vehicles from campus come from the Viking Hall parking deck: 70 percent of all thefts from cars and vandalism to cars comes from this deck. Ostroske suggested between the Viking Hall deck and the parking deck next to the law school, 80 percent of all theft and vandalism occurs.

To combat this, a patrol car drives through the Viking Hall deck once every 20 minutes and eight closed circuit television monitors have been purchased for the Viking Hall deck.

Ostroske suggested buying steering column collars as the best deterrent to thieves. With a cost of about $85, the collar is less expensive than alarms and more effective, he said. The collars can be purchased from dealers and some parts stores. Late model GM cars such as Regals, Cutlasses, Camaros and Firebirds are the most frequent targets.

Net property loss from the campus is down to about $40,000 per year from a high of about $300,000 seven years ago, Ostroske said. "This is still too high," he said, "I won't be satisfied until it is down around $10,000 a year, but I think I'm dreaming."

 Debate Fills Room 

(301) 861-2066

The Electric Beach

2044 Euclid Avenue
Admission Numbers Up

By Greg Foliano

The applications for admission to Cleveland-Marshall increased 29 percent last year. This was the highest jump in the state of Ohio, according to Assistant Dean of Admissions Margaret McNally.

"For the first time since 1983 we had 1,000 applicants," McNally said. "That's a substantial increase."

The next highest increase in the state was Akron University with 15 percent. Ohio State University had the highest number of applicants with 1207. Case Western Reserve University had 1100, while Akron University attracted 1039 applications. C-M was fourth in the state, followed by:

- Ohio Northern University, 974;
- Dayton University, 835;
- the University of Cincinnati, 830;
- Toledo University, 704; and
- Capital University, 650.

"We used a lot of different ways to reach people, and they were all proven methods," McNally said. "We were actively and aggressively trying to get more applicants."

C-M approached many first year students through direct mailing. Using computer lists supplied by the Law School Admission Service, McNally and her staff target a select group of students. Students, who according to McNally, are likely to choose C-M. Many of the mailings consist of invitations to attend open houses at the school. According to McNally, these invitations are very important tools.

"We had over 400 people in to see the school last summer," McNally said. "Even if they don't come to an open house, we get them to start thinking about Cleveland-Marshall."

Of the 1,000 applicants 550 were offered admission to C-M. McNally was hoping for a class of 300 and 307 accepted.

"You have to be careful of making too many offers," McNally said. "The most important thing is to maintain the quality of the class."

To increase the acceptance rate of the upper third of the applicant pool, an admissions telethon was used. Second and third year students made calls to applicants in that third to help influence their decisions.

This year's entering class has an average undergraduate GPA of 3.02 and an average LSAT score of 31 compared to last year's entering class, which had an average GPA of 2.96 and an average LSAT score of 29. The national average LSAT score is 28.

According to McNally, next year's recruiting has already begun. She already has plans to visit 50 universities, go to career fairs, hold a minority law day at C-M, and even do some limited advertising. The catalog has been redesigned and invitations to open houses are ready to be mailed.

"We'd like to attract more minority students, so we are targeting schools which produce minority students likely to go to law school, as well as minority professionals in the community," McNally said.

(continues on page 11)
C-M Student Holds National ABA Post

Involved In Student Concerns As A Division Delegate To The ABA-LSD

Charlotte Wereb, a third-year student here at C-M, is a key connection to C-M's involvement with this national organization. Wereb is a Division Delegate. This means that she is one of the two law students in the country, chosen from the approximately 36,000 LSD members, to hold this position.

There are 17 schools in the circuit in which C-M sits. "Our circuit includes schools from Ohio, Kentucky, and Michigan. They [fellow circuit members] all encouraged me to run for the Division Delegate position and I got support from all the schools in the circuit," said Wereb.

To be qualified to be a Division Delegate, Charlotte had to meet some preliminary qualifications. She first had to be a LSD member, be in good academic standing at C-M law school, and have at least one academic year of law school to complete.

The final vote for the two Division Delegates came after numerous Round-Robins by the candidates. "The Assembly of ABA representatives and Student Bar Association (SBA) presidents made the final vote for the Division Delegates," said Wereb.

The term for a Division Delegate is for one year.

In her position as a Division Delegate, Wereb is a member of the Board of Governors, the governing body of the LSD. There are 23 members on the Board of Governors: 15 Circuit Governors (one Governor from each of the 15 Circuits), the two Division Delegates, three National Officers, and three Ex-Officio members.

The function of the Board of Governors, as a policy making body, is to develop methods and specific plans for making the Association and its activities useful to the members in their professional work.

Also, in the capacity as a Division Delegate, she is a member of the House of Delegates. This is a body of the Senior Bar with 485 members, plus the two Division Delegates. "We [the Division Delegates] have all the powers granted to the other House of Delegate members," Wereb said.

The House is also a policy making body. Here Wereb and the other Division Delegate present orally the Resolutions that the law students have taken a stand on and what they [the law students] want to be done. "I'm like a politician, regardless of my own beliefs, who represent the students' views on particular subjects and policies. What the other delegate and I do reaches back not only to the LSD members but to all non-members as well," Wereb pointed out.

Wereb credits her undergraduate, and almost-complete graduate work, in Music and Speech Communication with helping her to sharpen her advocacy skills.

"I did a great deal of learning to argue and think on my feet," Wereb recalled. "As an undergraduate at Indiana University at Bloomington, I debated on their National Debate Team. The preparation for such a program was researching, briefing, and arguing an issue. It's very similar to Moot Court, but on the Debate Team we had to argue an affirmative case for a few rounds and then turn around and rebut the other side for a few rounds."

"These academic activities regularly placed me before critical audiences that I sought to entertain, persuade, and educate," Wereb explained.

Wereb expects to be graduating in May 1988, and then what does she see for herself in the future? Wereb says she anticipates she will take a more active role in our government; either in Colorado or Washington D.C. "I can even see myself as a Representative one day," she concluded.
BORK!

By Richard Loiseau

Judge Robert Bork's nomination to the Supreme Court has triggered what may very well be the political showdown of the decade. Never has a nomination stirred so much passion from both left and right. Only hours after the nomination, Senator Ted Kennedy lashed out "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police would break down citizens' doors in midnight raids, school children could not be taught about evolution, writers and artists would be censored at the whim of the government." The call for arms was quickly responded by various organizations. Approximately 20 women's organizations have voiced their oppositions to Bork's appointment to the Supreme Court. It would be "a particular threat to women" according to the National Women's Law Center. The nation's largest union organization, the AFL-CIO, accused Bork of having shown the "least concern for working people, minorities, the poor, or for individuals seeking the protection of law to vindicate their political and civil rights." Pro-Bork conservatives, on the other hand, laud him for his intellect and his strong belief in judicial restraint. President Reagan said of Bork "no man in America and few in history have been as qualified." The battle lines are drawn according to the fears of some and the expectations of others. Bork's presence on the Supreme Court could give the court the kind of make-up that would almost certainly guarantee the continuation of Reagan's social agenda well after he leaves office. The liberals believe that judge Bork's reading of the Constitution is so constricted as to threaten the basic principles of civil liberties and social justice they have fought for and that the country has not taken for granted.

In 1973 the Supreme Court struck down laws prohibiting abortions, Roe v. Wade, 410 U.S. 113, (1973). The decision was based on the right of privacy. Millions of Americans since then have taken advantage of this ruling to choose to have an abortion. Most Americans believe it is a personal choice. Judge Bork believes that the decision was "unconstitutional" and "unprincipled." In a testimony before the Senate Judiciary Subcommittee in 1981 he criticized the decision as an "unjustifiable usurpation of state legislative authority." Since the right to privacy is not in the Bill of Rights, it was not the intent of the Framers to create one. The principle upon which Roe was decided was a classic example of "judicial activism," according to Bork. If Bork were to be confirmed he would quickly be put to the test through Hartigan v. Zbaras. There, an Illinois statute restricting minors freedom to have abortions was struck down. Oral arguments before the Supreme Court are scheduled for November 3.

The NAACP has vowed to fight Bork's nomination "all the way until hell freezes over." The organization sincerely believes that Bork's presence on the Supreme Court would mark the gradual erosion of gains made by blacks and other minorities in the area of racial discrimination. In a 1963 article published in the New Republic, Bork criticized Public accommodation laws for being of "unsurpassed ugliness," "an extraordinary incursion into individual freedom (of white shop keepers)." He believed that the Act infringed the freedom of shop keepers to deny service to black "persons with whom they do not wish to associate." However he recanted that view in 1973. It should also be said that Bork is for the landmark Brown v. Board of Education school desegregation because the idea of protecting blacks from government discrimination is consistent with the intent of the 14th Amendment.

Bork's views on various other issues that touch our everyday lives remain controversial. Hence, while he agrees that the equal protection clause of the 14th Amendment applies to blacks, he sees no such protection for women. Nor does he see any right of privacy...
in the Constitution. Thus, rulings like Roe and Griswold v. Connecticut, 381 U.S. 479 (1965) which struck down a state law forbidding the use of contraceptives even by married couples may be reviewed. When it comes to freedom of speech, Bork expressed his view in a 1961 law review article in the Indiana Law Journal. He believed that constitutional protection should be granted only to "political" speech. "There is no basis for judicial intervention to protect any other form of expression, be it scientific, literary or the variety of expression we call obscene or pornography" according to Bork. He also said in that same article "...there should be no constitutional protection for the violation of any law." If that view had prevailed in the 60's, today, America would be quite a different place: those whom we revere as heroes and statesmen would have been put in the same basket with villains and criminals.

Bork insists that original intent is...the only legitimate basis for constitutional decisions. While the concept is appealing, one needs to be cautious before subscribing to it entirely. What was the original intent? And who can claim to know it better than anybody else? History reports that the Framers themselves were engaged in bitter feud over the meaning of the Constitution. Only a few years after the convention, James Madison and Alexander Hamilton, who played a leading role in that Convention, were fighting each other over constitutional allocation of power over domestic and foreign policy. As we doubt the preachers who claim 'God told me so' we should be just as skeptical of the Justice who purports to have an inside track on original intent. Conceptually, a judge's grasp on original intent will prevent bias in his or her decision. But Bork's records show bias: he has consistently ruled for the Executive over Congress, the majoritarian government over civil liberties, and for business over regulatory government, women, minorities and consumers. Finally, while the Constitution is clear and precise on some points, it shows some flexibility on others. Was it not an invitation by the Framers to future generations to scale up applications according to temporary norms and values?

The greatest danger to religion and racial minority as well as to women does not emanate from extremists such as overzealous fundamentalists; it comes from highly intelligent, rational and logical persons in positions of power, who would return us to the 18th century.

Steve Werber

It is not surprising that an administration which has demonstrated its flagrant disregard for federal law and constitutional rights guarantees would present this nominee. It is equally fitting that anyone with a clear head and a strong moral sense will actively voice their opposition.

National Lawyer's Guild

Judge Bork has shown himself in these confirmation hearings to be an opportunistic academician at best, and at worst intellectually dishonest in his reasonings. Recantations or changes of heart and mind seem to on... Judge Bork if confirmed would exclude with his 17th century mind's conception of "reasonableness" all but the privileged few from the courthouse door. Besides his judicial dishonesty, Bork has shown nothing but contempt for minority interest using a footnote of the Carolene Products case as a ceiling rather than a floor. He deserves to be roundly defeated in his bid for Senate confirmation if the concept of justice for all remains meaningful.

Schuyler M. Cook, J.D.,
Desk Assistant C-M Library

P.S. The Gavel would like to thank all those who volunteered their opinions.
Debate Packs Moot Court Room

By Rick Smith

The National Bar Association-Law School Division recently sponsored a debate on the potential appointment of Judge Robert H. Bork.

Professor David Forte, associate dean at Cleveland-Marshall represented the pro-Bork stand while Kent Markus, a Cleveland area attorney represented the anti-Bork stand.

Both speakers made opening statements on their positions with Forte beginning his words mentioning three kinds of opposition that Bork faces. He said that there is political opposition which is "seven years opposition building up from the Reagan administration." There is also opposition to Bork's judicial philosophy, said Forte. And finally there is a character attack on Bork from a study of his opinions against his supposed result oriented jurisprudence. Forte went on to say that Bork's judicial philosophy has been consistent and he has shown the ingenuity needed to be a judge on the highest court in the land.

Markus countered with his belief that the nomination should go beyond an inquiry into the goodness of Bork as "a man and a lawyer." He said we should look to see how he perpetuates the president's views and philosophies and how that will alter the way the court system operates in the future. Markus also mentioned the "Saturday Night Massacre", where during the Nixon administration the attorney general and the deputy attorney general both refused to fire Archibald Cox. Bork was the next official in line with the power to do so and he followed the orders. Markus had two comments on this incident. First he said that the "firing was illegal and immoral." (As later determined by a federal district court.) Second, he said it implies that in Bork's views the presidential power takes precedent over others.

Following the opening statements both participants fielded questions from a panel of C-M organization leaders and other interested persons.

By Richard Loiseau

Recognition from peers and colleagues is the most gratifying thing. So, it has been somewhat damaging to Bork's nomination to the U.S. Supreme Court when four members of the 15-member ABA Standing Committee on the Federal Judiciary found Bork "unqualified" to sit on the U.S. Supreme Court. The ABA committee rates nominees for judgeship upon request by the Justice Department and the Senate Judiciary Committee. It was an unusually large number of negative votes against a Supreme Court nominee. The dissenting members qualified their votes by saying that Bork lacks "...compassion, open-mindedness,... sensitivity to the rights of women and minority persons or groups". The panel, however, did vote to recommend Bork with 10 members finding him "well-qualified"; 4 finding him "not qualified" and 1 "not opposed". A poll conducted for the ABA Journal found that lawyers in general are split over Bork's nomination: 45 percent did not have any opinion. In spite of his intellectual capabilities, 69 percent did not think he should be confirmed to the Supreme Court and 37 percent thought he should not.

A more recent poll conducted for the Wall Street Journal/NBC News revealed that more Americans oppose Bork's nomination than support it. When asked the question "Do you think the Senate should confirm President Reagan's nomination of Robert Bork to the Supreme Court, or don't you think so?", 42 percent responded No, 34 percent said Yes and 24 percent said they were not sure.

Eager to feel the pulse at C-M, the Gavel conducted its own survey on Bork's nomination to the Supreme Court. Survey samples were distributed to C-M Professors, Staff and Organizations. The results are shown in the table below. Although unscientific, the results reflect the current mood of the American people as expressed in other polls. Forty six (46) percent of those who responded believed that Bork was qualified to sit on the U.S Supreme Court. 31 percent believed that he was not and 23 percent did not have any opinion. In spite of his intellectual capabilities, 69 percent did not think he should be confirmed to the U.S. Supreme Court. When asked to explain their positions, an overwhelming majority said that Bork's presence on the U.S. Supreme Court would threaten past rulings on Women's rights (69%), Privacy rights (77%), Affirmative action (77%).

Editor's Note: This survey was one of the major undertakings by the Gavel this year. Response factor (over 30%) was very encouraging. The Gavel thanks all C-M Professors, Staff and Organizations that participated.

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**THE GAVEL SURVEY**

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<th>NO %</th>
<th>UNDECIDED %</th>
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<td>30.7</td>
<td>23.2</td>
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<td>23.1</td>
<td>69.2</td>
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<td>Do you think Bork's presence on the U.S. Supreme Court would threaten past rulings on:</td>
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<td>a) Women's rights</td>
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<td>b) Privacy rights</td>
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<td>c) Affirmative action</td>
<td>76.9</td>
<td>7.7</td>
<td>15.4</td>
</tr>
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Survey conducted by Richard Loiseau, Editor, The Gavel, Cleveland-Marshall, College of Law.

(remained on page 3)
Violent Crime Down
(cont. from page 3)

Campus escorts are an easy and effective way to deter crime. Ostroske says the police department has worked very hard to make the escort service work. He has a special interest since he was one of the first escorts hired into the program. Escorts are on duty from 5:30 p.m. to 11 p.m. Even after 11 p.m., Ostroske said the police department will provide an escort.

No one with a criminal record is hired as an escort, Ostroske said. Escorts do a complete job or else they are fired. He said escorts have been fired for trying to become too friendly with patrons. "We view that as harassment," he said. Any escort who is harassing a patron should be reported to the police department. Because of the tight restrictions, the escort service has been a success, Ostroske said.

All escorts have a police radio which connects them to the police department. In addition, they walk. Ostroske said a patron should not offer tips or rides to escorts since they cannot accept them.

To get an escort or report a non-violent crime or to get help with a frozen car door or a flat tire, call 2020 on any campus telephone. The 2111 line is reserved for major thefts, violent crimes and medical emergencies (such as a heart attack). The blue light telephones automatically connect the caller with the police department, but they do not locate the caller. Anyone using the 2111 number or the blue light telephones must tell the dispatcher where the call is coming from. Otherwise, the police must search the campus at high rates of speed trying to find the emergency, Ostroske said.

Escorts should be used more frequently in the winter, Ostroske said. If an escort is used, he can radio in a frozen door, dead battery or flat tire from the parking lot. He'll stay with the patron until help arrives. It is part of the escort's job, he said.

POLICE 2020
ESCORT 2020
THE GAVEL

Courtroom Psychology Experts Offer Strategy

By Lisa A. Long

A new class offered this semester is, for the first time, teaching students the finer points of using psychological studies in the courtroom. Professor Steven Landsman and Professor Richard Rakos, a teacher in the psychology department at Cleveland State University, have joined together to show students how social scientists and attorneys can work together in order to make our judicial system more effective.

As an added advantage, a lecture series featuring an outstanding selection of speakers is being offered for the students of Cleveland-Marshall College of Law and the legal community in general. Included in the lecture series are Dr. Jay Schulman, Dr. Elizabeth Loftus, Robert Hanley, Esq., Professor Michael Saks and Professor Neil Vidmar.

Dr. Schulman is considered to be the "father" of scientific jury selection. In his speech on the eighth of September, Dr. Schulman gave his views on the needed changes in the judicial system and the need for attorneys to better understand and associate with their juries. Dr. Schulman believes that there are four passwords which every attorney should follow. These four passwords are strategy, persuasion, management of tension, and emergent rolls. In the process of voir dire, an attorney needs to use these passwords to convince the potential jurors that he is highly competent and trustworthy.

Dr. Schulman is a firm believer in the defendant's rights to the fairest trial possible, which would include the changing of venue or individual voir dire in popular and highly publicized cases. In the last several years, he has worked on the cases of Claus von Bulow, General William C. Westmoreland, Larry Flynt and Al Goldstein, as well as cases involving battered women, robbery, and murder.

Dr. Elizabeth Loftus came to us from the University of Washington in Seattle where she is a professor of psychology and an adjunct professor of law. Dr. Loftus is most famous for her studies of eyewitness testimony and the use of expert witnesses during the trial to show flaws in eyewitness testimony. She has refuted the long-held belief that the stress and tension experienced during a particularly traumatic event helps a person to better remember the details of the event. Through her extensive studies and experiments, Dr. Loftus has shown that the exact opposite holds true and that traumatic events lead to the impairment of memory.

Dr. Loftus has also studied the effect of the phrasing of questions on eyewitnesses. When asked a question which states a fact that may or may not be true, the eyewitness during a later question will believe this fact to be true. During her lecture, after showing a series of slides, she asked a participant in the audience whether he had seen the car stop at a stop sign. When asked later if he remembered seeing the stop sign, the participant answered "yes." There was, in fact, a yield sign on the slide. This is merely a small example of the work Dr. Loftus has done.

Robert Hanley, the third lecturer in the series, is a partner at Morrison and Foerster in Denver and a member of the Inside Litigation Editorial Advisory Board. Mr. Hanley believes that to better understand the potential jurors, the use of behavioral science consultants before the voir dire process is essential. Although stereotypes and demographic generalizations are no longer useful, as in the past, consultants have been able to help attorneys become more aware of the bias of the potential jurors.

[cont. on page 11]
Nike Strikes Up A Revolution

By David E. Long

The Beatles are suing to keep Nike Inc., from walking all over them by attempting to prevent Nike from playing one of their songs in a television commercial. After Reebok entered and captured a significant portion of the sneaker market, Nike became more aggressive in its advertising and marketing. Nike began playing the Beatles song "Revolution" in their television commercials. This is the first time that an original Beatles recording has been used in a commercial according to a July 29, 1987 article in the Washington Post.

The suit filed by the Beatles, Apple Record, and Apple Corp. LTD names Nike, the advertising agency hired by Nike, Capitol Records, Inc., and EMI Records, Inc. as defendants. The advertising campaign began in March and the suit was filed on July 28, 1987 in New York State Court.

From examining a July 30, 1987 article in the Daily News Record it appears that Apple, one of the Beatles' companies, is pleading in the alternative. First Apple alleges that Capitol Records and EMI have no right to license Beatles' songs in commercials. Apple further alleges that it has not received royalties that it was entitled to from the $250,000 plus that Nike paid Capitol and EMI Records for the right to use "Revolution" in their campaign. In the suit Apple also accuses Nike of deliberately exploiting the good name and good will of the Beatles in the advertising campaign entitled "Revolution in Motion." Nike representatives argue that Nike purchased the license to use "Revolution" legally from Capitol and EMI and Michael Jackson who owns the company handling John Lennon and Paul McCartney songs.

Apple wants to end the campaign and seeks $10 million in damages and $5 million in punitive damages from the defendants according to the article in the Daily News Record. There are conflicting statements in regard to Capitol's obtaining consent to license "Revolution" to Nike. A Capitol representative states that Yoko Ono, a director of Apple, gave Capitol her consent for the company to license the song to Nike even though that consent is not mandated by the law.

Psychological Experts
(cont. from page 10)

Mr. Hanley believes that the voir dire process is an unsuccessful way to determine anything about the potential jurors and that the process is merely a way for attorneys to "brainwash" these potential jurors toward their clients. Through questionnaires and mock trials, attorneys have been better able to predict the biases brought into the trial by the jurors and how they can be circumvented and exploited.

Although Mr. Hanley believes in the use of behavioral science consultants, an attorney's intuition should not be ignored. In a recent case, he disagreed with the consultant about a particular juror, but he did not remove the juror. This decision proved costly. The last lecturer Professor Vidmar, will speak on November 3.
NIGHT COURT!

AT BECKY'S.

Sun.  
Schnapps Night
Mon. 10¢ Buffalo Wings
Tues. Draft Beer Blowout
Wed. Taco Night
Thurs. Draft Beer Blowout
Fri. Dance Night
Sat. 50¢ Burger Night

HALLOWEEN PARTY
SATURDAY OCT. 31ST

* LOW BEER PRICES
* 50¢ SHOT SPECIALS
* FOOD SPECIALS
* COSTUME CONTEST
* LIVE D.J.

Becky's
DOWNTOWN

1762 E. 18th St.
621-0055