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Cleveland-Marshall College of Law

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## ALSA Adopts Resolution Asking Discrimination Be Discontinued

By Ken Hoffman

Following this summer's annual American Bar Association convention in Honolulu, a Honolulu *Advertiser* reporter interviewed a Negro attorney who said: "If the ABA is not prepared to go on record and insist that every locality enforce the 1954 (Supreme Court) decision, then the black America should turn a deaf ear to everything the ABA says. Either they enforce the law, or we are going to burn America down, and I'm not waiting for next year. I'm prepared to light a torch and die for my freedom."

At the American Law Student Association (ALSA) meeting, held in Honolulu in August, a resolution was adopted to "encourage discontinuance" of discrimination in any aspect of the legal profession. During debate of the measure, one delegate from a Southern law school said that in his state Negroes were not allowed to join the bar association.

Of course, the attitude of one Negro attorney and the necessity for an anti-discrimination resolution by a law students organization, do not alone demonstrate a lack of concern among lawyers toward minority groups.

### Crossing Color Lines

However, it is certainly appalling that in the profession dedicated to justice, there has been and continues to be, extreme prejudice in the hiring of Negro and other minority-group attorneys.

Cleveland is relatively fortunate in this regard in that we have a higher number of Negro attorneys than most other metropolitan areas. Unfortunately, until the last four to five years crossing of color lines (and religious lines) was nearly nonexistent. Although a slow and painful process, a few of the good firms are beginning to open their doors.

Again, unfortunately, it appears that there will be fewer young Negro attorneys knocking at those doors. U. S. Attorney General Ramsey Clark told the American Bar Association's House of Delegates in Honolulu that only between one and two per cent of the nation's law students are Negroes, a figure which has been declining over the past few years as Negroes are accepted into other fields of employment. Mr. Clark added: "I hope very much that this bar . . . will help find ways to bring more Negro citizens of the United States to this profession. This country needs them."

### Night School's Role

The Cleveland-Marshall School of Law is in an extraordinarily good position to fulfill this need. Since the Negro student is often from an environment at the lower end of the economic ladder, his completion of an undergraduate curriculum often leaves him in debt. The road to graduate education is paved with high costs, leav-

ing night school the only alternative. And, highly accredited night professional schools are few and far between.

Moreover, today's law students will be tomorrow's delegates to the policy making conventions of that extremely powerful national body, the American Bar Association. If that organization remains as lily-white as it has to date, and as adamantly conservative, the law cannot expect to find answers to the current social unrest and the "Black Revolution." (e.g.—There were no Negro voting delegates to the ABA convention this year. A resolution backing a federal bill against jury discrimination was the first civil rights legislation backed by the ABA in 90 years.)

### ABA Concerned

Several speakers at the ABA convention spoke to this issue, and the warning was made that unless the lawyers, as social architects, really pitch in, they will find themselves in the position of the doctors, with growing government control.

It would appear that the challenge is before the law schools and the students to train well, so that revolution can be carried on in the legislature, not in the streets.

## Police Torts Covered In Sept. Law Review

There is perhaps no better gauge of a law school's calibre than its Law Review. C-M is fortunate in having a Law Review that is circulated internationally and praised from every quarter.

Reflecting the pragmatic nature of the school, C-M's Law Review is noted for its practicality. It is, for example, one of the few law reviews referred to by *Shepard's Citations*. Typically, the September, 1967, issue deals with police torts, and Editor-in-Chief David H. Hines did a masterful job in collecting articles focusing on that rather obscure body of law. Workmen's Compensation will be the prime subject of Nancy Halliday's January issue, followed by Bernard Mandel's May issue on Humanities.

For the first time, C-M's day students will be exposed to Law Review. Dean Oleck, Faculty Advisor, sees no radical shift in the production of Law Review with the influx of day school. Generally, the day student will have more time to devote to this very time-consuming activity. However, the structure of Law Review will remain as is and gradually (after the first year) the day students will feed into the program.

Unlike many law schools which restrict participation in Law Review to only the top strata of students, C-M requires only a 2.5 average, an ability to write and a capacity for work.

## Dean Oleck: 'Let Us Continue'

By David Lowe

Thoughtfully fingering a U. S. Army experimental tank model on his desk top, Interim Dean Howard L. Oleck reflected on the many changes since his World War II days with the Third and Fourth Armored Divisions. He pointed to an opening on the squad model's machine gun turret. "Remember how the hot shell casings used to eject right inside the tank? Not on this one—it throws them out altogether."

A man with a lot of work to do, Dean Oleck doesn't have time to fight with hot shell casings. With phones buzzing like cicadas, legions of people parading in and out of his office, and another school year about to topple into reality, the only volleys he wants to hear are those upstirs in his refurbished classrooms.

"Let us continue" has been the shibboleth of another administration, and C-M's chief has taken up the cry. "Continue," in this case, means running like hell just to stay even. The Dean's chores, in addition to taking the reins of an already busy night law school, now involve a full-blown day school. The administrative detail that follows in the wake of such an innovation is titanic.

"This stuff is not for me," he says, waving at mounds of paperwork, "but it has to be done and we'll do it." A tough-minded, no-nonsense man's man, the Dean gives the impression that he'll do it going away. Deeply interested in a smooth-flowing fusion of the night and day sections, he has directed a great part of his energy toward making that possible. He sees no preference toward either

day or night sections, evidenced by the fact that the same professors will teach both sessions, and that the entrance standards are identical.

At no small personal sacrifice, Dean Oleck is sidelining his first



Dean Oleck

love—teaching and writing. But even as "secondary" passions now, he will continue to teach by his famed adversary method, and has somehow found time to continue with his writing.

Readers of the *Sunday Plain Dealer* have enjoyed Dean Oleck's "Law for Living" column for years. This fall, the Professional Book Company of Dayton will publish a collection of those readable essays.

In the spring of 1968, Cleveland's World Publishing Company will publish Dean Oleck's first

## Would You Believe? Lawyers Can Be Replaced

By Ken Hoffman

So you thought attorneys were so highly intelligent they couldn't be replaced by computers? Better not throw away that union card yet. A recent report to the American Bar Association indicates that computers may make very good lawyers.

The head of the committee which investigated the computer's possibilities indicated that information might be fed into a computer in such a way that the machine would be able to give legal opinions, if ordered to do so.

And from Geneva comes an Associated Press story which begins with the lead paragraph: "Judges and lawyers from more than 100 nations have agreed to go ahead with a unique dial-the-law computer project that will put the world's laws at the fingertips of jurists everywhere."

The story goes on to say that

novel. Several years ago, a TV series featured "Sam Benedict" as a hotshot trial lawyer. That serial was a glamorized take-off on some of J. W. ("Jake") Ehrlich's celebrated murder cases. Picking up that thread, Dean Oleck's novel is likewise based on actual cases of the incredible San Franciscan. Ehrlich has 100 in the "win" column defending murder cases—no defeats. *A Singular Fury*, title of the first of what hopefully will be a series of novels, has as its murder victim a tall, white-haired law professor by the name of (are you ready?)—Kevin! Kevin is done in by his wife (but his ghost is marching on, if you'll notice). Sam Benedict (as a character he'll be an Ehrlich—Oleck blend) could very well come thundering upon the American scene with the success of a James Bond—sans the hyperbolic indestructibility of that character. Writer Oleck feels that the reading public is ready for a more realistic, yet still exciting figure.

If he's right, Cleveland-Marshall will be a household word.

## C-M Welcomes Largest Class In Its History

Swelled by a first-year day school enrollment of 80, a record 710 students are enrolled this year for Cleveland-Marshall Law School classes. The figure is not yet official because of last-minute registrations.

First-year total is 290. There are 180 returning second-year students, 120 in the third year and 120 in the fourth year.

The last figure includes "part-time" night students, who carry less than 21 hours a year and are taking longer than four years to complete work on their law degrees.

The classes they will take include at least seven newly offered.

New at the first level is brief writing.

New at the second year is oral advocacy, an expanded version of which has been offered to graduate students.

In spring trimester of the second year, offered this year only as the school phases into semesters, are a series of seminars which presumably would fill the requirement of a summer seminar previously taken by third year students.

In the third year, newly offered is legal writing. For moot court members, its emphasis will be on appellate advocacy.

New electives offered in the fourth year include admiralty law, estate and gift taxation, international law, tax practice and procedures and mortgages.

This is the beginning of a new school year. Cleveland-Marshall is welcoming a new dean, several new professors, many new students, and quite possibly, better student-faculty relations.

A faculty committee called the Student Activities Committee has been formed. The committee members include Messrs. Dyke, Roper, and Cohen. Mr. Dyke will chair the committee.

## Students' Obligation to Participate

The committee has been created to foster better faculty-student relations. As of now, however, the committee has no plans to implement its purpose, but hopes to formulate a program early in the school year. Also, the committee members seem to be most willing to listen to the students' opinions in formulating their program.

This committee poses a great challenge to the Student Bar Association. As representatives of all the students, they are in the best position to talk to the committee's members, to represent the students' views, and to make sure that the students have a voice in running their school. And, the students are entitled to having their say as to how the school is run. After all, without the students there would be no school. Further, the students are on the receiving end of policies formulated in faculty meetings and are thus in the best position to evaluate their practical impact.

Specifically, students should be given joint control along with faculty and administration of over issues such as student discipline, curriculum, facilities such as the lounge and library, admissions policies, and hiring and firing of faculty members.

Critics will probably contend that any student control over such policies will breed confusion and disorganization. But, let it be remembered that this is a graduate school. Every student at Cleveland-Marshall is here to acquire enough knowledge to enable him to pass the Bar and to practice law competently. Just graduating from Cleveland-Marshall is not enough for most students. Thus these students have the right to demand the proper curriculum taught by competent professors. These students also have the right to demand that the school maintain, and if possible, upgrade its status. And if they have the right to demand, they have the obligation to participate. It is now up to the Student Bar to start the ball rolling to insure that Cleveland-Marshall students' demands are heard and that their obligations are met.

## First Year Students Welcome

The Gavel would like to congratulate all first year students for surviving the toughest screening program in the history of Cleveland-Marshall. Thirty per cent of the applications filed for both day and evening sessions were rejected. And, this figure does not include the countless number of persons who were discouraged from filing an application.

You have survived a rigorous test, first year students, and you are welcome.

## The Gavel

The Gavel is a publication of the students of Cleveland-Marshall Law School of Baldwin-Wallace College. Published twice a month during the school year.

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# The Razor's Edge

By NANCY SCHUSTER

And so another summer ends. As I have each year for the last three, I promised myself that I would completely review the years work before fall. As always, I began by pushing the books to the remotest reaches of the shelf and the law to the farthest corner of my mind. Now school begins again, and I barely remember the names of the courses.

The entering night students, I hear, will be spared this trauma as they will be students all the year. I hope they appreciate my finding a silver lining for them.

As to the day students: They are either too smart to work all day and study all night or too lazy. They are johnnie-come-lately's. A new experience, scabs. They are the new people in the neighborhood and we old timers never thought we would live next to any of them. They're welcome, of course, as such people always are, and to prove it we offer, with quivering hand, the following—a sort of "Marshall made simple."

The first day is most important. It is necessary to enter class smiling slightly so that the professor will see that you are eager. The smile should not be too broad, however, or he will think you are happy—which he can't abide. You must appear suitably weighed down by the burden of your new responsibility. The appropriate state is that of a marine landing well equipped, but without his pants, in a field of saw grass somewhere near the Chinese border.

Entrance effected, sit in the front one-third of the classroom but not in the first two rows. This will prove that you do not intend to sleep, read Marat-Sade, or write your grandmother and that you don't need to prove it.

When the roll is called, answer in a firm clear voice with just a bit of tremulo. Remember that you have been de-pantsed. If your name is mispronounced, apologize and correct the professor: "Sir, although you have properly read the name as 'Cane,' my parents, in their ignorance, have always used the East Indian, Cohen."

The professor will begin the first four classes by telling you that you were wise to choose Marshall over Harvard, that he has no intention of passing anyone, and that although Cleveland Marshall has been a diploma mill, he is about to change the image and he left a \$190,000 law practice to do it. He is a nice guy, however and if you have any problem at all he will be available without fail from 2:35-3:10 on alternate Fridays in each month having 31 days. Don't wait 'till exam time to call.

During the lecture you will hear many Latin phrases. If they roll roundly off the tongue you are in the presence of a genius—whom you could not possibly deserve. Treasure every elegant expression. They will haunt you. If the Latin words run together, nod. The professor doesn't know what they mean either. And if you are exquisitely grounded in the matter involved, clench your teeth and remember "equitatis despisat volun-

terum"—equity hates a volunteer.

After class, stop by the desk and announce that (1) your father is F. Lee Bailey, (2) your father died several years before your birth, (3) you are the father of 12 and have worked 10 years, (a) in a coal mine, (b) as president of General Motors. If you are female, (1) don't admit it; wear dark clothes. A gray babushka, and a cane, (2) slink; wear (a) a sheer blouse and mini skirt, (b) nothing. Sit in the first two rows. Should none of the above be fea-

ible, sit in back and sleep. It won't matter.

Though entirely irrelevant, I will mention here, that I am writing on the beach in San Diego. The sun is bright, the sky solid blue, surf about four feet in slow swells; temperature 78°. I leave for Cleveland tomorrow.

I will also mention, although I'm sure the old gal is strong enough to take a little gaff, that Cleveland Marshall is O.K.

That still doesn't make me glad to be back.

## Public Ranks Lawyers Low In Their 'Concern for Society'

By Ken Hoffman

Recently, Associate Justice of the U. S. Supreme Court made the statement that the poor "hate lawyers, and they have every reason to, because, in their experience, the lawyer has been the agent, the tool of the oppressor."

At the 1967 American Law Student Association convention held in Hawaii, a U. S. Congressman told the student representatives that a recent public opinion poll in a mid-western state showed lawyers ranking last among professionals, along with chiropractors, for their "concern for society."

James Kilpatrick, a nationally syndicated columnist recently wrote that "perhaps half of the country's 5000 trial judges for one reason or another are unfit to serve."

In addition, even the shortest memory cannot forget the recent headlines in Cleveland concerning Probate Court.

Why do lawyers get such bad press? What can be done about it? These problems were touched only in part at the recent ABA convention. Since lawyers are usually community leaders, it is not surprising that illegal activities on the part of a few will cre-

ate a bad image for all. The ABA's panel on bar discipline, meeting in Honolulu, not surprising, found money as the source of evil. Panel members said the desire for a "fast buck" tempts weak-willed lawyers to sometimes improperly divert client's funds, to take money and do nothing in return, to charge excessively, to bribe, and to "ambulance chase" or solicit business unethically.

Panel members agreed that these things must be stopped by the Bar, and not merely left to police and criminal courts. Discussion was held as to current disciplinary proceedings by the Bar, usually supervised by the courts of the state. The biggest roadblock to these proceedings, panel members agreed, was delay. Proceedings are usually handled by unpaid attorneys who meet only weekly or monthly, with the result that some proceedings drag out for years. In the meantime, the attorney who will eventually be disbarred often can repeat his offenses.

J. B. Walsh, executive secretary of the Bar Association in Erie County, N. Y. said some lawyers have held back from recommending disbarment of colleagues because they see that doctors are almost never disbarred. He added that in his area of the country internal self-discipline is both important and successful.

At another ABA session, E. Smythe Bambrell of Atlanta, Georgia, former president of the ABA, told members that lawyers must continue to upgrade their profession if they do not want to be replaced by laymen.

Gambrell said lawyers enjoy "a monopoly on the right to practice law, to give legal advice and to appear in court." He added, "Whether we as an exclusive profession shall be able to continue our existence in the face of imaginative and aggressive rivalry of lay practitioners depends upon what we as the organized Bar of America do about it."

It seems evident that if we are to enter law practice without a personal public relations man, and if we are not to be replaced, we must begin to upgrade the moral standards, ethics, and competency of all, not most, attorneys.

## Students Enter on Semester System

An estimated 290 students are beginning their first year at Cleveland-Marshall, the largest class in the school's history. They are also the first to go into the two-semester program.

Eighty of these make up the law school's first day classes; the remainder are night students.

All will take 18 hours of standard first-year classes: six hours of contracts, five of torts, three of criminal law, two of introduction to law and one of legal bibliography.

Rounding out the common schedule is a new one-hour course, brief writing.

In addition, day students will take six hours of property, two hours of domestic relations and two hours of criminal procedure, for a total of 28 hours.