IN MEMORIAM

A GREAT LOSS TO OUR SUPREME COURT

By Paul T. Kinner

Do all the good you can
By all the means you can
In all the ways you can
At all the times you can
To all the people you can
As long as ever you can.

The time has come when we all must remember and mourn the two men who have lived this motto every day of their lives. But unlike most of us their memory and goodness will last far into the future.

The Supreme Court of the United States was saddened at the announcement of the retirement of Justice Hugo L. Black and John M. Harlan. Combined, Justices Black and Harlan have devoted over 50 years of their lives to the Supreme Court of the United States.

Their lives were great examples of justice personified. Their deaths since the law is "color-blind," DeFunis was being discriminated against and ordered the school to admit him.

According to Dean Roddis of the Minority Students Law Association, DeFunis was not "more qualified" than the minority students and the trial judge failed to take into account factors other than grades and LSAT scores which would change the matter significantly.

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COLOR BLINDNESS

MINORITY RECRUITMENT AND THE CONSTITUTION

Reprint from Pro Se

In a recent decision, DeFunis v. Odegard, a Washington state trial court held that preferential treatment of minority students in law school admissions policies violates the equal protection clause of the Fourteenth Amendment.

Marco DeFunis, a white applicant, claimed that he was "more qualified" than 60 of the 31 minority students who were admitted and sought a court order to admit him on this basis. Judge Shorett added up grades and LSAT scores of DeFunis and the minority students, and found that

Justice Hugo L. Black and Harlan will be remembered as defenders of the constitution; and although we may not agree totally with their decisions, we must all agree that their contribution to the field of law is nothing less than monumental. Their efforts and achievements have made their mark and shall forever be inscribed above the pilers of the law—EQUAL JUSTICE UNDER LAW.

No man can doubt the fact that Justices Black and Harlan's hard and diligent tenure on the Supreme Court will last forever. For this is the fullness of pride in their efforts to keep America free.

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CSU GROWTH

CLEVELAND—In a report prepared for delivery to the Cleveland State University Board of Trustees December 22, CSU President Harold L. Enanson points to the general growth in enrollment this year, and a startling rise in numbers of students in some areas.

Overall, President Enanson noted, enrollment at CSU has increased 5.3 per cent over fall, 1970. CSU now has 13,211 students.

The largest increases were in graduate school enrollment, which is 50 per cent more than last year. This reflects the growing number of master's degree programs at CSU.

Another huge gain was noted in the education college, up 41 per cent over last fall. Enrollment also increased in the College of Arts and Sciences (up 7.7 per cent) and the law college (up four per cent). Small declines were registered in the engineering college (down two per cent) and the business college (down one per cent).

The number of undergraduate taking courses during the day at the main campus jumped 10.4 per cent over last year. Day students downtown are now 55 per cent of CSU's total enrollment, while evening students are 36 per cent and academic center students nine percent of the total.

The academic centers, which are scheduled to close after this school year, dropped 20 per cent in enrollment from last fall. Evening undergraduate enrollment at the central campus remained the same as last year.

The largest college in the University continues to be arts and sciences, with more than 40 per cent of CSU's students. The second largest college is business administration, with 24.5 per cent of the total.

Each year the Alumni Association honors one of its outstanding graduates as Alumnus of the Year. The Committee will be considering suggestions for the recipient of this year's award.

Paul Granzier, Chairman of this Committee, invites all to submit recommendations to him of alumni who warrant consideration for this award.

Recommendations, together with a brief explanation as to why you feel the person you nominate merits consideration, should be sent to Paul Granzier, Legal Dept., Midland Ross Co., 55 Public Square Bldg., Cleveland, Ohio 44113.

LAW SCHOOL UP 4%

ALUMNI - Look
for the next issue
of The Gavel for
informative details of
great importance to you
and your alma mater.
SBA LEGISLATION NEEDS STUDENT SUPPORT
SPRING FINAL EXAMS

This month the Student Bar Association will be considering the recommendation of establishing an Honor Code at CSU Law School. The proposed code realizes that students should be treated as responsible adults, rather than allowing the administration to impose rules without consideration of how they will be enforced. The assumption that the student body will be dishonest whenever possible is a fallacy. Everyone has been exposed to the Law School's police patrol. Every ten minutes, the officers proceed around the room checking that all students together and at times two proctors may be overlooking your every move.

One can't help but feel uncomfortable and one student envisioned Nazi Germany. And all along you thought someone was denying you a "right" without due process. I grant you that you were not given an open hearing to discuss the matter with the administration. Even at the faculty meeting alternative suggestions were made and two, by the Dean and the Columbus day Phase I became the January 3rd Phase II. Phase III is Memorial day. Now you may ask why the administration didn't have an open forum to discuss some alternatives for the problem. The answer to this is very simple too: There is no problem, ergo, no answer needed.

The fact being that the Dean has made up his mind to schedule classes for the traditional holidays, not to defect the purpose of a holiday per se, but to have all classes scheduled at 10 full weeks. While the American Association of Law Schools (AALS) permits certain holidays to cut into the 10 full weeks of a semester, the Dean felt that 10 full weeks means 50 days and no less than 50. In fact he has clamped down on nights classes to the point that there are no longer any 4 hour classes scheduled.

The administration knows that very few professors keep classes for 200 full minutes. So 3 hour classes have been set up and all night professors have been expressly directed that 3 hours means 150 full minutes and no less than 150 minutes per week. The Dean has dismissed the possibility of making up the lost time by scheduling a double class on the next class, that would have been missed by the scheduled holiday. Let the administration put some deep thought in the very idea which will be presented to the SBA. We can have every scheduled holiday each quarter without the loss of 1 minute of time. It's so simple and yet the solution is the standing policy of many colleges and universities in Penna. (This solution will be presented to the Student Bar Association and will appear in the Gavel next week.)

The same program can be effectively utilized to prevent the scheduling of 27 hours of final exams in the already scheduled 5 day period. Yes, didn't you know: June 5-9 is the final exam period in which you will have a contracts exam, a Civil Procedure exam, A Real Property exam and a Criminal Law exam. If the student body, administration, or faculty of the College of Law or The Cleveland State University wishes to act, it will act. The student body, administration, or faculty of the College of Law or The Cleveland State University will make their movement heard the same way that the student body, administration, or faculty of the College of Law or The Cleveland State University made their movement heard last year. And all along you thought someone was denying you a "right" without due process.

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ENVIRONMENTAL RESEARCH

SAVING LAKE ERIE

CLEVELAND—A $70,000 grant from the federal government will enable the Cleveland State University educational program to greatly expand its studies of Lake Erie. The grant was approved December 28 by the government.

The grant comes from the U.S. Environmental Protection Agency through the City of Cleveland and represents CSU's share of the grant which has enabled an Environmental Research Consortium to form here, including CSU, John Carroll University, Case Western Reserve University and city government.

That research is to be conducted on CSU's campus which will be coordinated by Dr. Robert G. Rolan, associate director for environmental sciences of the Institute of Urban Studies, in two parts.

The first, involving a grant of $40,000, will be a research effort, to be conducted by a co-investigator. Dr. John H. Morrison, chairman of the biology department.

The second research part, involving a grant of $30,000, will be in the area of environmental science, including the rights of the authors of that "prior inept administration." Rolan said. "The number of these organisms is important, and it is affecting the water quality," Rolan said. "And the role of photosynthesis is an indicator of the amount of pollution."

A total of $29,695 was granted to Dr. Paul Olynyk's project in which he studies Lake Erie sediments. Olynyk and his co-investigator, Dr. Roger Binkley, are associate professors of chemistry.

"The sediments are a storehouse of materials that could get back in the water; a lake should be cleaned up," Rolan said. "Dr. Olynyk is looking for things in the sediments that could repel those water."

Both Rolan and Olynyk have been working on their projects on a smaller scale before the grants came through, using the facilities of the biology department.

The grant will enable them, Rolan said, to enlarge their scope and acquire needed equipment. He expects funds to last through July of the next year, with a prospect of renewal.

The grant will also pay the salary of two environmental researchers, Jim Whitney and Nancy Zaeck, whose employment was also approved by the Board of Trustees.

Both are graduates of CSU and both have worked as research assistants elsewhere.


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HELP!!!

The Editors of THE GAUVE are currently assembling all previous editions of the newspaper for the purpose of permanently binding them. To facilitate a complete history of the law school as described by the school's newspaper.

But, we need our reader's help. Certain early editions cannot be located in the school's files. We are particularly interested in volumes, number, and most probable publication date of editions which we do not have. We would appreciate your assistance in locating these missing issues so that we might have copies of them made. If you are able to help, please get in touch with the newspaper.

Letters to the Editor

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A STANDARD TO LIVE BY — OR UNDER

During the Faculty Meetings of November 12 and November 29 and during all the free minute in between the issue of standards for faculty tenure and promotion was discussed (putting it mildly). But final action on the issue was failed and our faculty becomes one of the first to adopt self regulating standards in tenure and promotion. These standards can best be described as guidelines. They were drafted with the intention of pointing to specific areas and saying “We’d better professions if...”

The Faculty Committee of Professional Standards who introduced this motion believe that in no way will this motion be used to directly attack a professor. The standards attempt clearly show that the fact that these are the guidelines the faculty should use.

“As chairman of the committee that proposed these guidelines,” said Professor Howard L. Obleck, “we feel five members of the faculty on the committee, and a student member, thought that they were necessary or we would not have recommended them. I hope that they will indicate what the faculty generally deems to be good conduct or bad conduct in a faculty member. I hope that they will be helpful guides and never will have to be invoked against any faculty member.”

The guidelines or standards as presented to and passed by the faculty are:

Promotion and Tenure Standards

PREAMBLE

In determining eligibility for promotion or grant of tenure, the following are some (but not all) of the standards by which a full-time faculty member should be judged; and failure to meet these standards also shall be grounds for proceedings to eliminate that faculty member from consideration for possible disciplinary or dismissal action according to due process...

1) Competence in teaching law should be judged by evidence such as record of experience, student evaluations, formal and informal, and reports by administrative and inspecting officials and personnel, and reports from committees and from other due process possible.
2) Dedication to law teaching and scholarship should be evident in a faculty member's devotion of substantial time at the law school.
3) Failure of a faculty member to be judged by evidence such as record of experience, student evaluations, formal and informal, and reports by administrative and inspecting officials and personnel, and reports from committees and from other due process possible.
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4) Failure of a faculty member to be judged by evidence such as record of experience, student evaluations, formal and informal, and reports by administrative and inspecting officials and personnel, and reports from committees and from other due process possible.
5) Devotion of any considerable amount of a faculty member’s time to outside employment is not acceptable and shall be grounds for proceedings to eliminate that faculty member from consideration for possible disciplinary or dismissal action according to due process.
6) Maintenance of an outside office for the practice of law or any other calling is prima facie a violation of professional standards of a full-time faculty member, and if persisted in after warning, which should be given by the Dean, is grounds for dismissal from the faculty. Exception of employment outside of the law school, such as legal services, work as legal aid, or neighborhood office or related work, should promptly be reported to the Dean and should receive written approval by the Dean. If such outside work is substantially more than an occasional activity, the approval of the Dean must also be conveyed to the rest of the faculty.
7) Persistent failure to meet classes, and persistent rescheduling and cutting short of classes is prima facie improper unless approved by the Dean and justified by special circumstances. The persistent failure of a faculty member to teach classes is subject to the same requirement of justification and decanal approval.
8) Faculty member evaluation of a student’s work should not be influenced by religion, race, sex, political views or other matters as well as to controversial matters within the discipline.
9) Any conduct that may seem to be exploitation of students for personal advantage is particularly intolerable.
10) Holding of outside public or business offices or specialties or directorships or the like is acceptable, but it can contribute to the effectiveness of the teacher as a scholar. Consulting work for government or industry or the profession, or officer in scholarly or professional societies may be valuable for increasing the accomplishments of a law or faculty research and reflect well upon the University. However, this must not interfere with the professional activities such as research and writing. Consulting work may be substantially more than an occasional activity, and the approval of the Dean must also be conveyed to the rest of the faculty.
11) Research and writing activities are deemed to be excellent indications of the better kind of conduct on the part of a law faculty member. The type and quality of writing and research work affect the evaluation of such work. Research and writing are self-evident indicia of at least an attempt on the part of the faculty member to make contributions to the profession and to society. Publications and writings are indications of intention to honor professional obligations.
12) Publications shall not be the sole standard of scholarly or professional contribution such as work for bar associations, pro bono publico work in government or public welfare organizations, and the like, may be viewed as evidence of good professionalism equal to the publication of a legal article.
13) Participation in and contribution to the law faculty’s decision-making processes is a part of the duty of a faculty member.

The case of Defunius v. Charles Odegard will be the topic of Professor Browne’s APPELLATE ADVOCACY course this quarter.

The Gavel suggests that you check each grade with your professor for accuracy. The new 7 step plan leaves much room for error through transposition. 20-12 GAVEL will discuss the 7 step plan next week.

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Students reaction by Defunius' classmates toward him has been one of general disturbance at such a policy as the Defunius case would seem to indicate for the future. The SBA at the University of Washington Law School has issued a position paper in support of the minority students. Dean Roddis, however, was confident that the decision would be overruled. In the event that the decision is not overruled, the minority students plan to file suit against the University of Washington to entitle them to using the LSAT scores to determine qualifications for law school as it discriminates against minority students.

Any school, group or individual wishing to file an amicus curiae brief should contact Jerome Crawford, Minority Students Law Association, Condon Hall, University of Washington, Seattle, Washington 98105, for more information.

Defunius claims that he had no intention of affecting the admission policies of minority students, he just wanted to get into law school. However, Jerome Crawford Minority Students Law Association spokesman, claims that the issue was very clear as to whom the decision would affect and had he had good intentions he would have dropped the law suit. Crawford also had information to the effect that Defunius's letters of recommendation portrayed him as a person who would stop at nothing to gain his ends and this may have influenced the admissions committee in denying him admission originally.

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GRADING

Are you wondering why your grades have not been posted? Are you wondering why they are 2 weeks overdue? Don't bother putting pressure on your professors—they did their job. The bottleneck is located in the administration. They are using a new 7 step plan.

CAVEAT

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Return Requested