Dear Colleagues:

faculty on January 14, 1972.

judgment it is not in. the best interests
of the Law College and its students or
of the University, of which law is an
integral part. The motion cannot be
permitted to take effect.

In

the utmost sadness and regret, for two reasons: first, members of the faculty whose judgment I respect and
understood at law schools throughout the nation, would that so long as the two circumstances which led to my
case because the office of dean, as that term is traditionally w hose friendship I cherish. However, I have concluded
control of the law faculty had finally been sized by a rever s e them s elv es, I have told the Pres iden t I would
have been shared by me and those who have supported

I await the verdict of the members of the Law College
me these past months. community.

" S t eering Committee " resolution; and second, because r em a in in offi c e. S h o uld th ose ci r cum s t ance s someho w

The President has asked me to reconsider and with-

I have analyzed the likely con-

consultation with the dean and individual members of the
faculty with respect to preferences,

3) To represent and be spokesman for the faculty in
matters of institutional and educational policy, subject to the
approval of the faculty,

4) To perform those functions for the law school faculty
which the University Faculty Academic Steering Committee
performs for the University Council.

DAY FOUR-MONDAY

THE BIRTH OF THE UNHOLY ELEVEN

by The Majority

It is moved that there be created a law faculty Steering
Committee of five members, elected by the faculty, to serve
for the calendar year 1972 with the following powers, func-
tions and duties:

1) To schedule regular meetings of the law school faculty
and establish the agenda therefore: to call special meetings of
the faculty at the request of the dean or of any three mem-
bers of the equal power faculty.

2) To select the membership of all faculty committees after
draw my resignation. I am gratified by his confidence
and by the expressions of support I have received in the
interim since last Friday from numerous students and
members of the faculty whose judgment I respect and
whose friendship I cherish. However, I have concluded
that so long as the two circumstances which led to my
resignation continue to obtain, it would be futile for me to
remain in office. Should those circumstances somehow
reverse themselves, I have told the President I would
reconsider my decision. However, I will make no threats
or promises to achieve that end.

I await the verdict of the members of the Law College

Craig W. Christensen
Dean

DEAN CRAIG W. CHRISTENSEN

DAY ONE-FRIDAY

"SEVEN DAYS IN JANUARY"

DAY FOUR- ET TU, BRUTE?

by The Dean, Craig Christensen

To the Students and Faculty of the College of Law:

On Friday evening I submitted my resignation as Dean
of the College of Law to President Enarson. I did so, with
the utmost sadness and regret, for two reasons: first, members of the faculty whose judgment I respect and
understood at law schools throughout the nation, would that so long as the two circumstances which led to my
case because the office of dean, as that term is traditionally w hose friendship I cherish. However, I have concluded
control of the law faculty had finally been sized by a rever s e them s elv es, I have told the Pres iden t I would
have been shared by me and those who have supported

The President has asked me to reconsider and with-

DAY FOUR-MONDAY

I HAVE COME TO PRAISE...

by The President, Harold Enarson

Dear Colleagues:

I have analyzed the likely con-

consequences of the motion passed (by the
vote of 11:10) by the Law College
faculty on January 14, 1972. In my
judgment it is not in the best interests
of the Law College and its students or
of the University, of which law is an
integral part. The motion cannot be
permitted to take effect.

TOKENISM

Briefly, the motion establishes a so-
called "Law Faculty Steering
Committee" purportedly analogous to
the Steering Committee of the University-wide Faculty Council. It is
not at all analogous. In the overall
administration of the University, the
President is not displaced from
effective participation in educational
policy-making. He is not reduced to a
figurehead. The office of dean is not
a faculty position. This is unacceptable to me; it
cannot be permitted to take effect.

HAROLD L. ENARSON

PRES. HAROLD L. ENARSON

I refuse to speculate about the
motives of the authors of the
resolution. It is to the predictable
consequences that we must look in
examining such a radical restruc-
turing of the leadership system.

In this instance—and I draw upon
twenty years of experience in
academic administration, including
six years as Academic Vice President
in a University with a Law College—
the unintended consequences of
shifting many of the duties of a Dean
and his associates to a faculty-
dominated governing body with be-
eating confusion, drift in decision-
making, and an over-emphasis on
faculty prerogative to the neglect of
student and public concern. The
proposed "system" is a caricature of

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CIVIL CASE NO. 1984

EDWARD CHITLIK, ET. AL. v. CRAIG CHRISTENSEN, DEAN PLAINITFF, DEFENDANT

MEMORANDUM OF OPINION

by Marvin E. Sable

Action: Plaintiffs in this action sought to invoke the equitable powers of the Discrete Court to enforce a resolution of a majority of the Cleveland State Law School Faculty. The case is here on an appeal from a judgment of the Discrete Court granting defendant's motion for summary judgment on Rule 56, Ohio Rules of Civil Procedure.

Facts: On January 14, 1972, the Cleveland State University law faculty, at a regularly scheduled meeting, passed a resolution by an 11-10 vote. The resolution provided for the creation of a law faculty steering committee, comprised of five members, to be elected by the faculty. The functions and duties of the "steering committee" were to be consistent with the scheduling of regular meetings of the law faculty and the establishment of the agenda therefor, the selection of all member for faculty committees, and to represent and be spokesman for the faculty, inter alia. The situation body filed a motion under Ohio Rules of Civil Procedure, Rule 24, (A) claiming intervention of right based upon an interest in the subject of this suit such that a disposition without the presence of the intervenor might impair or impede its ability to protect that interest. Such motion was well brought and was therefore granted.

Plaintiffs' Case: The plaintiffs contend that their unusual action was justified due to a refusal on the part of defendant to listen to their various opinions and ideas concerning the operation of the law college. Plaintiffs assert that their action was consonant with the democratic ideals of a legal environment and a necessity for the successful administration of the law college.

Defendant's Case: The defendant asserts that the action of the faculty was ultra vires as well as without justification therefor. There is support for this view in defendant's brief, citing letter of January 16, 1972 from President Emerson. The defendant also raised the clean hands doctrine as an affirmative defense, contending that in substance the plaintiffs' pleadings are a sham. Defendant contends that the true complaint of the plaintiffs is not that their views are not listened to, but rather that they are not heeded. Testimony at trial was thus based upon an interest in the subject of this suit such that a disposition without the presence of the intervenor might impair or impede its ability to protect that interest. Such motion was well brought and therefore granted.

Intervener's Case: The intervenors came forward and attached to their motion to intervene as defendants, an answer to defendant's affidavit set forth the duties of necessity and hypocrisy. The intervenors contend that this is an absolute necessity for the Dean of the law school to have the powers of a Dean in their natural and unwatered form. It was further asserted that such powers were necessary in order to halt the adhesion to the repressive and archaic policies of past years.

The defense of hypocrisy, unique to the County of Confusion, is essentially that while the faculty consists of a lack of communication, it passes a resolution squarely bent on "imposition.

Opinion: This court finds that the Discrete Court did not abuse its discretion in granting the motion for summary judgment and that there was no showing that the failure to so do does not justify a total usurpation of its powers. We do not say that there is not an appropriate remedy for an administrative deal ear—we hold only that the power set forth the defenses of necessity and hypocrisy. The intervenors contend that this is an absolute necessity for the Dean of the law school to have the powers of a Dean in their natural and unwatered form. It was further asserted that such powers were necessary in order to halt the adhesion to the repressive and archaic policies of past years.

Order: The Discrete Court was manifestly correct in its ruling and should be and hereby affirmed.

The Cleveland school faculty complains that the law school administration has not and will not listen to faculty opinions and where as a response to this apparently valid complaint the faculty passes a motion whose undertaking is to the detriment of the ability to communicate and duties, such resolution goes beyond the alleged complaint and could logically and correctly be enforced.

As difficult it may be for some to see, I believe that what occurred at the Faculty meeting on January 14, 1972 will improve the quality and quantity of communications between faculty and administration. This in turn will serve to improve the standard of education all students will derive in the future at CSU. I say this because if the entire body was made apparent at the faculty meeting it was that the intentions of most faculty members is to improve the law school. The means by which both factions seek to do this are obvious. Those who supported the motion felt most sincerely (I hope) that they had been denied a meaningful voice in the school, and how it was going to get there. They wanted to be heard as they felt they had a right to be. I believe it was a "last resort by the proponents of the motion. They obviously felt that every other means of communication was explored and failed. They appeared to be most adamant about their convictions and not "closed" when it came to an important policy or administrative matter. They obviously believe that the "entire faculty" should have an equal voice in the matters that most vitally affect the law school community. Whether or not they are correct is not for me to say. I don't think it fair to impute bad intentions. Hopefully they are doing their job, and not heeding my advice of each other, only what I think is their ultimate objective. That is, to improve the standard of education in the law school. I say this because I believe that if everyone who wins, makes every reasonable effort to guide the school along the path of constructive and few compliments. One thing becomes apparent in the aftermath. We all faculty and students wish to contribute our share to the school.

It is unreasonable to expect all our ideas to receive a "stamp of approval". What the cries of "lack of communication" indicate are the willingness and desire to play a meaningful part in the decision making process. What our ideas are discarded they are done so in good faith. Hopefully they are listened to and not heeded. Whether or not they are correct is not for me to say. I don't think it fair to impute bad intentions. Hopefully they are doing their job, and not heeding my advice of each other, only what I think is their ultimate objective. That is, to improve the standard of education in the law school. I say this because I believe that if everyone who wins, makes every reasonable effort to guide the school along the path of constructive and few compliments. One thing becomes apparent in the aftermath. We all faculty and students wish to contribute our share to the school.

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SAYETH THE SOOTHSAYERS
by The Minority Oleck, Werber, Leiser, & Slerk

We request that a special meeting of the faculty be called for Thursday, January 29, 1972, at 3:00 p.m. in the Faculty Lounge, to withdraw the resolution of the faculty meeting adopted by eleven to ten vote on January 14, 1972.

The basis for the request is the belief that the faculty and administration both desire full communication and cooperation between them, and that we need to have improved communication and cooperation shared by practically all.

It is our belief that institution of a committee for the purpose of faculty-decanal communication is ill-advised and contrary to the principles and the principles that was put into faculty members' hands at a late time before the meeting-discussion went far beyond what most faculty had in mind.

It is further our belief that the momentum of the meeting was such that many members voted for the principle of full communication without quite appreciating the serious nature of the resolution. It also is our belief that the Dean will make certain that communication between faculty and administration is improved.

Therefore, we move that the faculty rescind the resolution dated January 14, 1972 because that resolution as it now reads in effect usurps a small part of the faculty the powers reposed by the faculty status and University rules in the Law College administration.

TOWN MEETING

"NOT THAT I LOVED CAESAR LESS...
by Lila Daum

The students had discussed the issue vigorously among themselves, they had listened to SRA President Larry Smith read them President Enerson's letter to the law school faculty, they had heard Dean Christensen read a prepared statement and had the opportunity to direct questions and comments to him.

By 12:45 p.m. they felt ready to hear the arguments of the opposing side: the eleven faculty members who had voted in favor of the motion to create a five-man steering committee to aid in the administrative affairs of the law college at the January 14th meeting.

At first there was doubt as to whether any of the proponents of the motion would agree to address the students assembled in the basement lounge, but Professor Alan Miles Ruben promptly responded to the invitation and was downstairs by 1:00 p.m.

Professor Ruben began by stating that the motion passed by the faculty would bring about a radical and upsetting change in the administration of the law school but that the standards supporting this change parallelized those laid down by the AALS convention. Although it is possible that the desire to have an institution to be governed efficiently and effectively by an authoritarian form of administration, the standards set down by AALS need not be paralleled which guide most great law schools are weighted in favor of this kind of administration. He pointed out that the democratic faculty participation in the decision-making process of all major issues. In order to insure democratic participation in major decisions affecting the law school, the eleven faculty members voted to create a five-man steering committee to assist the Dean in keeping the channels of communication open between the administration and the whole faculty.

Professor Ruben specified issues of major importance in the decision-making process to be the areas of the granting of tenure status, the annual budget, and the determination of the new building and facilities of the law school on the Cleveland State University campus. He explained that since August most of the faculty had been shut out from participating in the determination of these matters and of many others, by an administration which had chosen to rely instead, on the word of only a few. He cited as a particular example, the recent move of the Koe Building at CSU as the site of the new law school, a decision on which only Professor Browne had been consulted and only in his capacity as director of the library. Nevertheless, Professor Ruben made it clear that the motion for the five-man steering committee was not meant to be an action to oust the Dean nor to strip him of his power but merely a means of securing the right of democratic participation in administration for the whole faculty.

Second year student, Alan Hirth, then posed the question to Professor Ruben that if the major concern of the eleven faculty members was the need for some kind of administrative change in the law school wouldn't student participation mentioned in the motion, and also in the University's yearbook and consulted on the formulation of the motion and asked to support it? Professor Ruben answered questions from the assembled students by first year SRL Professor Carl Noll, spoke mainly about the quality of the faculty, the integrity underlying the action taken by some of the faculty. He talked about working with the students who having been treated shoddily and ignored by the present administration and feels that such action would not to indicate the granting of tenure to several faculty members for whom it amounted a great deal.

Both Professors Chitlik and Sonenfield are from the floor with patience and good nature. They did not appear to be ruffled by questions concerning their motivation or by charges that they were making a power play.

Professor Chitlik said that the students had the right to question his intentions. He pointed out that students also had the right to be wrong—just as he and every other faculty member has that same right.
BEWARE THE IDEES OF JANUARY

by Barry Laine

The answers to the following poll were provided by a cross section of the students at the law school out of a law school enrollment of 760, the survey polled 150 day and night students.

1. Do you find those in favor of the resolution more creditable than those opposed?
   - Yes (120) No (30) Undecided (10)
   - 67% (YES) 33% (NO)

2. Do you find those opposed to the resolution more creditable than those in favor?
   - Yes (100) No (40) Undecided (10)
   - 71% (YES) 29% (NO)

3. Do you believe the resolution as passed is in the best interest of the law school?
   - Yes (130) No (20) Undecided (10)
   - 87% (YES) 13% (NO)

4. Is the main issue one of the failure of the administration to hear the voice of the faculty?
   - Yes (110) No (25) Undecided (10)
   - 81% (YES) 19% (NO)

5. Do you believe the faculty should rescind its resolution?
   - Yes (100) No (40) Undecided (10)
   - 71% (YES) 29% (NO)

6. Do you think that the breach among the administration, faculty, and student body can be healed?
   - Yes (120) No (20) Undecided (10)
   - 83% (YES) 17% (NO)

7. Should the autonomy of the dean prior to the resolution be reinstated?
   - Yes (140) No (10) Undecided (10)
   - 87% (YES) 13% (NO)

8. Do you think that the resolution as passed is the most appropriate method for opening better lines of communication?
   - Yes (90) No (25) Undecided (15)
   - 75% (YES) 25% (NO)

9. Do students need more voice in the decision making process?
   - Yes (145) No (15) Undecided (10)
   - 90% (YES) 10% (NO)

THE CITIZENS SPEAK FOR CAESAR

by the Students

THE ANWERS TO THE FOLLOWING POLL WERE PROVIDED BY A CROSS SECTION OF THE STUDENTS AT THE LAW SCHOOL OUT OF A LAW SCHOOL ENROLLMENT OF 760, THE SURVEY POLLED 150 DAY AND NIGHT STUDENTS.

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