Moot Court: A Full Time Job

Some Cleveland-Marshall students feel that attending night school is like working another full-time job. If that is true, being a member of the school's moot court team is like working three—and maybe three and a half—full time jobs.

Nine Cleveland-Marshall squares are deeply embroiled in preparation for the annual competition which will pit them against the best law students in the nation.

They are all that are left of a group of some 30 who last year indicated their desire to participate in moot court competition.

"In intramural" competition last year, the volunteers were trimmed to 10. Eight of these six, will be selected to represent Cleveland-Marshall at the district competition to be held Nov. 7 and 8, in Detroit.

Outsiders judging will listen to all arguments, the decision of which has been selected for this year's national competition.

Ordinarily, the case, which generally involves a stockholder suit, is handled by the major firms which have been selected for the last year's national competition.

In the Cleveland-Marshall national competition, the case, which generally involves a stockholder suit, is handled by the major firms which have been selected for the last year's national competition.

According to the rules, the cases are decided by the members who have been selected.

The members face in deciding whether it's a lot of work for three hours of monotonous activity, four if you make the team going to district competition.

It's also a lot of prestige, Thompson comments, and he's not half kidding, "It's great. We love it.

Most of the court members are married, which puts a little more strain on their time. In the district competition, the six Cleveland-Marshall men will be divided into two teams—three for the principals and three for the respondents—but each of them must also be prepared to argue both sides of the case.

Advisors for most court this year are professors Hyman Cohen and Wilton Sogg.

Vindicate the Innocent or Get the Guilty Off?

By David Lowe

Like an orchestra—beating tempi one never notices, the next—Jay B. White's voice traversed a series of questions on the criminal bar with his customary candor and spontaneity. After twenty-two years of criminal defense work, nattily-dressed White argued to the bar and to gain the bench, "I plan to run," he says with conviction.

This third interview is directed to one of the series—the criminal lawyer himself. Do criminal lawyers win their cases, or do they just accept the free lunch?

Expressive, knowledgeable and direct, Mr. White takes the bar.

Interviewer: A substantial portion of the American public seems to think that a defense attorney doesn't really win his cases. He 'gets his clients off.' What is your general feeling on that subject?

Mr. White: Naturally, I think the hypothesis is just about correct. As far as the general public is concerned, they don't realize that there is a responsibility upon the part of the courts and the lawyers to do more or less that which the Constitution says that they have to do.

And in the past several years, beginning with perhaps Mapp v. Ohio in 1961 which was the beginning of the rights of the defendant, the defense lawyer now has a greater opportunity to protect the right of the defendant.

You must also consider that the Constitution is more concerned with the individual than it is with groups, and the general public does not have the right that the individual has, and you might hear a lot of talk about protecting poor defendants. But you've got to realize that a defendant is only a defendant and is not a felon until such a time that he is convicted of a felony.

"On other arguments I've ever heard, particularly with respect to Miranda v. Arizona, it was exemplified by Professor Yale Kamisar of University of Michigan Law School), when a close friend of his posed this question to him: "Let's suppose that you were a defendant and you had been viciously raped by the most despicable character imaginable, and that a suspect was being held. Would you be willing to have that suspect afforded all the constitutional guarantees that Miranda v. Arizona said he must necessarily have?" Professor Kamisar paused and thought for a moment, then said: "My dear and learned friend... let's suppose that suspect was your son."

Interviewer: Regarding the Supreme Court decision of the 1960's, is the defendant in fact being given rights which he should have had almost 200 years ago?

Mr. White: I would say that the Supreme Court has been giving persons rights that they should have had years ago. You might think of this—it was not fashionable to espouse the rights of the criminal defendant, and there were a lot of people who were not interested in protecting their rights.

Mr. White: This is the case, that the police are the buffer between the haves and the have-nots. Without the police, the have-nots would go over and take what they have.

I remember the "Mutt and Jeff" situation. It was something that happened to a large policeman and a real small policeman. The large policeman would walk out of the room and then the small policeman would tell the accused—"you know, you may as well tell me the truth about what you have here for, because he's so big that I can't stop him if he begins hitting you." But of course the professional criminal is never even interrogated—because he knows his rights. It's only the criminal offenders, like Escobedo, who could understand the "Mutt and Jeff" situation.

Interviewer: The Connaught of Professional Escobedo admonished the defense attorney to present every defense that the law of the land permits. It seems, however, that the general public attaches a stigma to the attorney who uses "every defense" too successfully.

Mr. White: I would like to comment on that.

Mr. White: Well, that's something that should have been a part of the requirements of the defense attorney. After all, it's his job to do all he can to try to get a defendant off.

Interviewer: Do you think that the recent Supreme Court decisions give the defense man a certain advantage over the prosecutor in the daily litigations, while Reserve deals mainly with theoretical or conceptual approaches to problems that are not as often encountered in litigation?

In comparing the faculty of each school, the Marshall reputation came out better than expected. Even though Marshall has a number of full-time faculty, it was these men who impressed the students most. Reserve students, however, had all of their part-time faculty and they were more conscious of their names and the respect that they command.

First of all, the students who transferred were surprised by the size of the Reserve library. It was announced that Reserve charged at least Fifteen Dollars ($15.00) more per credit hour, but with approximately the same facilities. Sure, the library was more complete at Reserve, but the close proximity of the Court House library might offset any edge that the Reserve library gave to its law school.

Secondly, there was a misconception about the degree that one receives when graduating from Marshall. Reserve gives out a Juris Doctor degree, while Marshall gives out a Bachelor of Law degree. Also, Marshall only gave J.D. to graduating seniors, but according to administration sources, Marshall may be the first law school in the state to begin such a practice.

The curriculum at Marshall is excellent, and the Reserve defense that the law of the land reserves courses while Reserve offers more ancillary courses. Evidence of this fact is shown by a comparison of the programs and the asking of a question of the students.

"Bar courses" while Reserve offers more ancillary courses. Evidence of this fact is shown by a comparison of the programs and the asking of a question of the students.

Finally, when questioned about the future of Reserve, the students were not in as good a position to move into a large law firm as the students at Marshall as from Reserve. But on the other hand, not one of the men questioned had any intention of going into a large firm, so, in actuality, they had everything from part-time to full time faculty.

The summary then, this writer feels that the students who have transferred from Reserve are impressed by the quality of education offered at this night school and are definitely more satisfied here.

Student Bar On Participation

Stymied by an apparent lack of communication between student leaders and faculty representatives, the Student Bar voted unanimously on the idea of a two hour student leaders' meeting devoted to discussion of plans for student representation issues. The major conclusion was that only Student Bar members should sit on such committees since they were the elected representatives of their cases.

A complaint was also raised at the meeting that due to the administration's negligence those students entitled to G.I. Bill financial aid would be about three months behind in receiving their checks. However, the actual effects of the delay are minimal, since the school will hold off on collection of checks from these students until the checks arrive.

Larry Gray announced that the new student directory will be cut in about one month.
The Gavel

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

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Letters to the Editor

Vindicate the Innocent...

Dear Mrs. Schad:
Your editorial in this week’s issue of The Gavel and strong and direct does you credit. However, you should not forget that law school policy primarily is a matter that must be determined by the faculty, insofar as student participation in faculty affairs is concerned. The faculty, after discussion, decided that the students would have the right to be present at all faculty meetings, and that the students would have the right to speak on the same issues raised by the faculty. The students, however, agreed that they would not participate in the faculty's decision-making process.

Sincerely yours,

L. K. Interim Dean

Editor of Gavel:
Students at Cleveland-Marshall are known for their professionalism and dedication to the law. The school has a strong reputation for producing well-rounded lawyers who are committed to serving their communities.

Editorially, during this time, we have noticed a trend of increasing focus on individual cases and the personal lives of our fellow students. However, we believe that this focus is not only misplaced, but also detrimental to the overall well-being of our community. We urge faculty and staff to consider the impact of their actions on the entire student body and to strive to maintain a balance between individual cases and the broader community.

We look forward to hearing your comments and feedback on these issues.

The Gavel