Faculty Appointments Made for January

By Ralph Kingsett

Appointment of two faculty members with outstanding national reputations has been announced by Acting Dean Howard L. Oleck.

They are Frank D. Emerson, a national authority on corporations, as professor of law, and Ann Aldrich, author of the first authoritative piece on space communications, as associate professor of law.

Both begin duties at Cleveland-Marshall Law School in January. Dean Oleck described both as "tremendous assets" and "great acquisitions."

A primary reason will teach corporations and administrative law. He spent 10 years, from 1941 to 1954, as an interpretive attorney with the Securities and Exchange Commission.

A graduate of the University of California, Mr. Emerson was in the International Legal Fellowship from 1955 to 1957 at NYU Law School. He held the Kennesson Fellowship at the University of California, Berkeley in 1958.

He was admitted to the Ohio bar, 1940, Kentucky bar, 1963.

Mr. Rotatori: I haven't experienced any difficulties, particularly.

Interviewer: Do you think that the recent decisions of the Supreme Court, with regard to criminal procedure, make it more difficult for a prosecutor to obtain a conviction?

Mr. Rotatori: I haven't experienced any difficulties, particularly.

Of course, most of my experience has been in the federal courts. It seems to me that the effect of the recent decisions has been to apply the standards that have always applied in the federal system to the state systems. Really, I don't think that the application of these decisions has hindered the prosecutor. What they have done is to require that the prosecutor makes sure that he has a sound case. The decisions on right to counsel, search and seizure, arrest, etc., were the result of the Supreme Court identifying what the Court would consider the minimum practices not consistent with the American system of fair play.

Probably the weakest case a prosecutor has anything to fear in is a case in which he is relying on a confession, while the strongest case he can have is where much of his evidence — and in some instances all of his evidence — is derived from the factual setting in which the defendant is placed. Facts, figures and records don't lie, and people recognize this.

Interviewer: Do you think that the Supreme Court decisions aid anyone?

Mr. Rotatori: If they aid anyone, they aid the average man on the streets — the individual who has never been exposed to legal processes. The hardened criminal or the member of organized crime is constantly informed and are very aware of their rights. And this is the type of individual who would have difficulty in understanding very much of what this is about, under any circumstances.

Interviewer: Do you think that the decisions aid a defense attorney — perhaps even to the point of helping to "get his client off"?

Mr. Rotatori: I don't think so. The Supreme Court, as a matter of practice, is "getting off" is the exception rather than the rule.

Interviewer: In those rare occasions where a prosecutor can do in the course of a trial to head off the possibility of a defense lawyer getting his client off?

Mr. Rotatori: Probably not. If you accept the proposition that a good defense lawyer can get a client off, I don't think you can do anything about it except try your damnedest to make the judge and the jury aware that the accused isn't innocent.

But I really don't think that it's the lawyer who gets the man off — it's the facts. Perhaps the defense lawyer has used greater ingenuity to discover the facts, but it's not the lawyer who gets the accused off. A corollary to this is that I do believe that there are some defense lawyers who could cause a different result than another lawyer handling the same case. But in my opinion, it's not because the defense lawyer is glib and sharp enough to get a man off. It's because he's worked harder — he's gone out and prepared the paper — he's discovered witnesses, and so forth.

And, again, it's the facts.

Interviewer: Do you think that a defense lawyer has any advantage over a prosecutor?

Mr. Rotatori: No, I don't think so. It's a matter of having the facts. Now, it depends on the individual. One lawyer might be better equipped, or he might have a greater desire to win his case than another. But he still has to have the facts on his side.

Interviewer: You mentioned that one lawyer might have a greater desire to win his case than another. Now, in the case of a salaried public prosecutor — or a U.S. Attorney — their salary doesn't vary. On the other hand, a good defense lawyer could make $50,000 a year. Is it possible that the monetary reward that a defense lawyer might have could give him that "greater desire" to win his case, even to the point of trying to "get his client off"?

Mr. Rotatori: That's a difficult question to answer. It all depends on the individual involved. There is no question that if a defense lawyer would receive $50,000 a year, he would have a great desire to win. On the other hand, I have found that it is the character of all lawyers — particularly those who work in the courtroom — that they don't like to lose. So no matter if it's a prosecutor who is making $10,000 a year or a defense lawyer who is making $100,000 a year, both are going to work equally hard because of the adversary system.

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

Nov. 17, 1967

Editorial

Two Cleveland State University trustees, Alvin J. Krenzler and Probate Judge Joseph W. Bartunek, have made a formal proposal to the trustees of Cleveland State proposing in effect that Cleveland-Marshall be asked to join the University.

The affiliation between the two schools, if accomplished, will not be a loose one. As this writing, no information is available. But, when Fenn College was taken over by the state, Fenn kept their funds and put them in an endowment fund which is being used for the benefit of the school in such areas as scholarships for professors' salaries. It would, thus, be plausible to assume that if Cleveland-Marshall affiliates, too, we will keep our endowment fund which will be used for the benefit of the law school.

Joining up with Cleveland State University is an exciting idea. The school is young. It has grown since its inception and shows no sign of slowing down. Cleveland State could well become one of the country's leading universities, and Cleveland-Marshall one of the country's leading law schools.

Cleveland State has an excellent night school as well as day school. So, we need worry little about Cleveland-Marshall turning into a day school only. Further, Cleveland-Marshall serves the community's needs greatly through its night school.

"The Cleveland" Press pointed out in an editorial on Oct. 28, "As a night law school, Marshall performs a unique and valued service in this urban community, and it must continue to do so. More than ever it is needed for bright young minds in quest of an opportunity and a useful career."

Both schools stand to gain much from affiliation. Practically speaking, Cleveland-Marshall will be able to keep tuition costs reasonable and still increase the quality of its educational facilities. Last year, state law schools received a $150,000 subsidy for each student. Other important advantages include accreditation, better faculty, and the status of being associated with Cleveland State University.

And, Cleveland-Marshall can bring much to Cleveland State. We are a genuinely matured school of distinction. Our alumni has distinguished itself in its service to the community, to the state, and to the country. We have a prominent faculty and we hold a respected position in legal circles nationally as well as locally.

Separately, both schools have accomplished much. Together, there is no limit to what can be accomplished. The fusion rests with the trustees of Cleveland State University and Cleveland-Marshall Law School. We can only hope that these men view the union of their respective schools with the same excitement that the students at Cleveland-Marshall do. The Plain Dealer" expressed the feeling well in an editorial on Nov. 1.

"... the picture of CSU with its own ready-made law school — near the campus now and (hopefully) on it in the future — is exciting enough to give hope to the University. But, at CSU and Cleveland-Marshall will feel the enthusiasm for such a project and put the wheels in motion to make it a reality."

The Gavel

By Bill Summers and Jim Monagle

The following is a reasonable illustration of what the general trend of the conversation will be at the next Trustees Meeting, with Dean Oleck and Dean Stapleton.

DEAN OLECK: What do you think we should affiliate with next?

DEAN STAPLETON: Why don't we affiliate with Western Reserve Law School? If they need us, we'll try them. After all, I read in the paper last week that we want affiliation with them. Not only that, I am a very good Republican.

DEAN OLECK: All you Republicans seem to have no way to think ways I couldn't ever think of giving the Governor an Honorary degree.

DEAN STAPLETON: So, what is the name of the school?


DEAN STAPLETON: What are we going to make it an Honorary degree.

DEAN OLECK: Yes, but Dean, you know that our endowment is too small for that.

TRUSTEE No. 1: Well, why don't we affiliate with Western Reserve Law School? You could make them hard up for cash and maybe they could name a new dean for us. Furthermore, the name of a Western Reserve will fit more easily over the current Baldwin-Wallace sign that is on our building.

TRUSTEE No. 2: I am sorry to disagree with you fellows, but I feel that we should affiliate with Westinghouse.

DEAN OLECK: Yes, but Dean, you know that our endowment is too small for that.

TRUSTEE No. 1: I hope that my confidence is not misplaced.

DEAN OLECK: But, what about the AALS, what would they say?

TRUSTIEES (in concert): The why not.

ADD NAUSHEM: Rumor has it that some student is running a football pool at school. In Ohio, we must have football. But, what about raffles and betting? They are just as serious. We are aware that football pools are illegal. All our football fans are legal. (Continued from Page 17)

The Cleveland-Marshall Law Wives began their year with an informal and instructive mixer, held on October 21 at the school. It was with great pleasure that the officers, wives, and students greeted many faces both old and new. We extend again our invitation to those girls whom it was our pleasure to meet not only to our meetings but to our many future activities as well.

This is a tragedy of the Supreme Court's decisions on criminal responsibility make it easier to get conviction himself than it is for a defense lawyer to prove innocence as well as to con-"
Cleveland-Marshall Law School, in the process of disaffiliating from Baldwin-Wallace College and possibly merging with Cleveland State University, must do some serious thinking and soul-searching.

The ultimate decision to be made is whether we should remain independent, or whether we should merge with Cleveland State University. There are compelling arguments on both sides. To be considered are the questions of accreditation, tuition fees, faculty recruiting, selection of a dean, administrative trends and requirements in legal education, to name but a few.

Throughout all this, the law school's Board of Trustees cannot afford the luxury of being overly deliberate. It must take advantage of the fact that we are in, to make our move, to solidify our administrative structure, and to attract new personnel. It will make considerable difference to a law teacher or dean whether he goes with an independent school that is looking for final accreditation and without the fringe benefits offered by a state school.

It will make a great deal of difference whether or not we can remain an evening law school as well as a day school (although informal assurances in this respect have been given recently).

It will make a difference if we lose our identity entirely, since nostalgia is a powerful force as an alumnus grows older.

But all the questions must submerge themselves to the final question of which path offers the best possible legal education to the law students of today and tomorrow.

Throughout all this, the Cleveland-Marshall law school will be faced with all sorts of questions and problems, and it will be to their credit if they keep in mind that they have an ultimate responsibility to the students and alumni of this law school. After all, it must be remembered that the future of the law school is in large part dependent upon tuition fees charged to the students, and if the accounts show a plus in this respect, it can only mean that the students in the past—the present and the future—have helped to fund their own education.

For now, however, the next step is to thoroughly and quickly explore the possibilities on both sides of the question. Certainly, there is value in beginning dialogues immediately.

Alumni Sponsors Pre-Practice Course

The Cleveland-Marshall Alumni Association has announced plans for an annual two-month-seminar to be taken by law school graduates following the July Bar Examination each year. It will be designed to prepare the new lawyer for the practical problems he will encounter in a law practice.

The course will be offered during two evenings a week, plus Saturday mornings, for a period of seven weeks, in the intermin period between the taking of the bar examination and the announcement of the results.

The graduate will devote two evening lectures to subjects most frequently encountered by new lawyers, with the Saturday morning of that week devoted to the filing of a practice pleading or appropriate document in the court or administrative office involved, with the officials who will confer with the graduate in the actual practice of law.

The final week will be spent on a full time basis, in the offices of the Legal Aid Society, where the graduate will interview clients, work on actual cases under the supervision of a staff attorney, whom he will accompany on his rounds of the courts. In this process, the graduate will meet virtually every court system in Cuyahoga County, including suburban municipal, Cleveland municipal, Common Pleas, and bankruptcy courts.

Upon passing the bar, the graduate will take over the seminar he has been working on, on a voluntary basis (Continued on Page 1)

Bread & Butter Seminars Popular

The Alumni Association's "Bread & Butter" Seminars, which were so well attended last year, are once again proving to be popular with local lawyers, measured by the attendance at recent sessions.

The first session, on Motion Practice, in Federal Court and in Common Pleas Court, will be held on Tuesday, October 11, respectively. Approximately 80 persons attended each lecture.

Scheduled in the late afternoons, from 4 to 6 p.m., to accommodate the practicing attorney, the seminar series concentrates on those subjects of interest to the solo practitioner as well as to the man practicing with a large firm.

This year, in addition, the seminars will address themselves to topics of interest not only to attorneys, to those alumni who have their law degrees, but are interested in the practice of law, such as Workers' Compensation, Business Planning, and Labor Law-Mediation-Arbitration.

Other seminars to be offered include Domestic Relations, Court Rules (for the lawyer and his secretary), and Shearplaining.

Alumni Director Peter Roper, "Here's a tip to all alumni who haven't paid-up members: pay your dues and your membership card will entitle you to all the other benefits of membership, including the excellent Law Review, and use of the Library."

For non-members is only $2.00 per meeting, said Roper.

Continuing Legal Education (Graduate Program) 1967-8 COURSES

Cleveland-Marshall Law School

1240 Ontario Street

Cleveland, Ohio, 44113

Phone: 781-6612

1968 WINTER TRIMESTER

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New Faculty...
(Continued from Page 1)
the United States in 1966. A 1961 graduate of the University of Chicago, she was also a Ford Foundation Scholar at NYU. She joined the Cleveland-Marshall faculty in 1966.

Miss Aldrich was drafter of the report, Reardon, for the American Bar Association, who remarked that the report is aimed at stopping the denial of certain pretrial information to the press by prosecutors, saying that, "The Reardon Report is aimed at stopping the suppression of information about an arrested party would be dangerous when the community was already gripped by the threat of a wave of violent crime."

In an article published in the September, 1967 issue of the Quill, CBS vice-president Theodore F. Schutz was quoted as saying the Reardon Report would "put the present system of checks and balances."

According to this editor, "The Reardon Report is the only one to believe the Reardon Report by news media representatives. Koop quoted as saying that, "The Reardon Report would be used to the advantage of the press.

Koop also quoted W. Theodore Pierson, general counsel of the Radio-TV News Directors Association, who remarked that the actions of the press were not the press, but the public's right to know. "They think they can fool the public and become an authority on the press."

Also in the journalists magazine, but of greater significance because of the"cause of the editor's lack of knowledge of the work of Judge Robert Gardner of the Superior Court, San Jose, California, in 1968 Quill, Gardner proposed that censorship already exists in the news coverage of trials. His examples of censorship included, "The denial of certain pretrial information to the press by prosecutors is an open encouragement of judicial action."

"For example," he wrote, "the current denial of the press to the press". His examples included, "The denial of certain pretrial information sounds fine when one thinks of the right to have a free press."

Gardner believes that the press must be in the educational system. His suggestion to solve this dilemma was that, "...the print media must include the teacher in the educational system."

February, 1968 will be the month of decision for the House of Delegates of the American Bar Association, who will vote on the report. The duty of these lecturers would be to vivdly in the minds of those young women who are going to be the lawyers and judges of the future. The full importance of the concept of a free press is to make clear crystal clear that free press is compatible with a free trial in this most literate and informed educational system.

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