



CSU
College of Law Library

Cleveland State University
EngagedScholarship@CSU

1960s

The Gavel

11-17-1967

1967 Volume 16 No. 5

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1960s
How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1967 Volume 16 No. 5" (1967). 1960s. 50.
https://engagedscholarship.csuohio.edu/lawpublications_gavel1960s/50

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1960s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.



Faculty Appointments Made for January

By Ralph Kingzett

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.”

Prof. Emerson will teach corporations and administrative law. He spent 10 years, from 1944 to 1954, as an interpretive attorney with the Securities and Exchange Commission.

A graduate of the University of Akron, he received his LL.B. in 1940 from Western Reserve and his LL.M. in 1957 from New York University. He held the Kenneson Fellowship from 1955 to 1957 at NYU and was in the International Legal Studies program at University of California (Berkeley) in 1958.

He was admitted to the Ohio bar,

Help Wanted

An unusual opportunity is being offered to a second or third year student—that of Administrative Assistant to the Director of the Legal Aid Society. Mr. Burt Griffin, Cleveland's director, is in charge of the directors at the seven field offices. The position open is a full time one. Salary is negotiable. Contact Mr. Burt Griffin at Legal Aid.

1940, Kentucky bar, 1963.

He also was admitted into federal practice in U.S. District Courts in 1962 and to the Supreme Court of the United States in 1965.

His affiliation with the Securities and Exchange Commission began after four years of private practice in Cleveland, from 1940 to 1944.

During his federal service, he was a lecturer in law at Western Reserve from 1951 to 1954. Then he became a professor of law at University of Cincinnati, serving from 1954 to 1966.

He is the author, with Latham, of “Shareholder Democracy: A Broader Outlook for Corporations,” and of many law review articles.

Memberships include American, Federal and Kentucky Bar Associations and Lawyers Club of Cincinnati.

Miss Aldrich served as an attorney on the general counsel's staff, Federal Communications Commission, from 1953 to 1960.

A Columbia University graduate, she received the LL.B. in 1950, the LL.M. in 1964 and the J.S.D. in 1967, all from N.Y.U.

She was admitted to practice in New York and the District of Columbia in 1952, Connecticut in 1965 and before the Supreme Court of

(Continued on Page 4)

C-M and CSU Link Proposed

The affiliation of Cleveland-Marshall Law School and Cleveland State University was proposed to the state school's trustees this week by two members of its board.

That proposal followed by less than three days the disaffiliation of Cleveland-Marshall from Baldwin-Wallace College.

Suggesting the link between Cleveland State and this Law School were Atty. Alvin I. Krenzler and Cuyahoga County Probate Judge Joseph W. Bartunek, a Cleveland-Marshall alumnus.

The decision to disaffiliate from Baldwin-Wallace, after slightly less than a four-year relationship, was announced Oct. 27.

It was made after a meeting of Cleveland-Marshall and Baldwin-Wallace trustees. The brief announcement a spokesman from each trustee board made to the press said the split would “become effective immediately.”

Only explanation in the statement was, “the action was taken in the interest of both schools.”

Dean Oleck Visits Other Campuses

Dean Oleck is scheduled for a busy month on college campuses.

On November 10th, the Dean judged the Homecoming Queen contest at Cleveland State University. The unrebuted presumption is that he thoroughly enjoyed the job.

On November 17, Dean Oleck will march in the academic procession dedicating the University of Georgia law school building in Athens, Georgia. Justice Black will deliver the dedication address.

Gavel to Cover Faculty Meetings

In a reversal from a decision at its October meeting, Cleveland-Marshall Law School's faculty voted last week to allow student representation at its meetings.

The faculty voted to allow one representative from the Gavel to attend its meetings.

In the October meeting, both Gavel and Student Council were denied representation, but the faculty did vote to allow Student Council representation on faculty committees—at the discretion of each committee chairman.

At least in part, the faculty decision to allow representation at its meetings was based on a Gavel editorial, one faculty member indicated.

Acting Dean Howard L. Oleck commented on the latest decision: “It is very healthy, in my opinion, for the students to be right there.”

“It will be salutary for the faculty. They will be thinking of what they should be thinking all the time.”

“Sometimes the faculty forgets that the whole purpose of this place is to serve students. But that's true of any school.”

There will be one limitation to

Gavel representation. The faculty has reserved its right to enter executive session, asking the press to leave, when it must discuss highly sensitive matters.

Student Bar Asks Faculty to Help

At its last meeting, the Student Bar voted to recommend to the faculty that one professor be available for consultative purposes to night students from 5 to 8 p.m. every night. The professor should be one who is not teaching on the night he is providing consultative services. It is hoped that in this way most problems arising during the night session can be disposed of immediately and that night students, who cannot get down to school during the day, can take care of or obtain the necessary information to deal with their problems.

The Student Bar also approved in principle the Model Rule on Student Practice. This rule deals with allowing law students to practice in the courts.

Also approved was a resolution requesting Miss Garee to place daily in the library a copy of the New York Times and the Chicago Tribune.

Who's Who at C-M

Cleveland-Marshall will have its students in “Who's Who Among Students In American Universities And Colleges” for the first time.

The following Cleveland-Marshall students will appear in the book: Edward Becker, John Budd Jr., Nancy Halliday, Stephen Laver, Bernard Mandel, Linn Raney, Nancy Schuster, and Robert Thomson.

Vindicate the Innocent or Get the Guilty Off?

By David Lowe

Iconoclastically young for his position (at 29, he heads the Criminal Division of the U. S. Attorney's Office for the Northern District of Ohio), Robert Rotatori responded neatly to this fourth in a series of interviews concerning the popularly-held notion that criminal defense attorneys don't win their cases—they “get their clients off.”

Robert Rotatori has been with the Cleveland-based U. S. Attorney's Office for three years. His previous experience, fresh out of Western Reserve Law School, was with Attorney General Kennedy's Office.

Deceptively casual (he shifts into a serious gear in a split second), Rotatori addressed himself to our question from the prosecutor's standpoint.

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 several states. 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, etcetera were the result of the Supreme Court identifying what the Court considers certain practices not consistent with the American system of fair play.

Probably the weakest case a prosecutor could have is where 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 are constantly informed and are very aware of their rights. And this is the type of individual who would not give a confession, for example, 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 case in which the client is “gotten off” is the exception rather than the rule.

Interviewer: In those rare occasions, is there anything that 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 damndest 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 pounded the pavement—he's discovered witnesses, and so forth. But, 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. I think 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 on one case. 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 individuals involved. There is no question that if a defense lawyer would receive \$50,000 for an acquittal, he would have a great desire to win. On the other hand, I have found that it's a characteristic 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 as hard because of the adversary system.

This pinpoints a flaw in the adversary system—that neither law-

(Continued on Page 2)

Editorial

Two Cleveland State University trustees, Alvin I. 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 of 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 and professors' salaries. It would thus be plausible to assume that if Cleveland-Marshall affiliates, we too will keep our endowment fund which will be used for the benefit of the law school.

school.

Joining up with Cleveland State University is an exciting idea. The school is young. It has grown greatly 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. As 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 \$1500 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 ready made graduate 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 decision 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 that responsible people 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

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

Editor: Mildred Schad

Staff:

David Lowe, Ralph Kingzett, Nancy Schuster, Ken Hoffman, Jim McMonagle, Bill Summers.

We gratefully acknowledge the help of the Student Council and administration, without whose support this publication would not be possible.

Vindicate the Innocent...

(Continued from Page 1)

yer wants to lose. You have, therefore, the atmosphere of a duel, and so often deception can enter into the trial, or the intentional withholding of information.

Interviewer: What is your impression of a lawyer like F. Lee Bailey, who seems to use to his great advantage that caveat of the *Cannons of Professional Ethics* — "present every defense that the law of the land permits"?

Mr. Rotatori: I hope that my opinion hasn't been tainted by the fact that just recently a federal court sustained a motion to suppress evidence in a case that I was handling, and in which F. Lee Bailey was defense counsel. I think that Bailey uses "every defense" quite effectively, and it's a fact that his investigative staff is excellent. Needless to say, there are many defense lawyers' staffs which are better than a lot of investigatorial and prosecutorial agencies around the country. But the average lawyer doesn't have the resources to maintain that type of staff.

Interviewer: Then there could be something to the belief that only those few defendants who can afford to retain a "Bailey-type" lawyer are really getting "every defense that the law of the land permits."

Mr. Rotatori: There is no question that people have come to realize in the last five to ten years that there is an inequality of representation on behalf of a person accused of a crime. I think that because of this reputation, a system such as the public defender system — where you have truly professional criminal lawyers — gives the indigent the same quality of representation that a person of means would have. But this presents another problem: What about the person of average means? He is quite often not represented by as good a defense as the other two categories. I think that this is a tragedy of our legal system today — that the person of average means now seems to be discriminated against.

Interviewer: Taking the reverse side of the topic we are dealing with in this interview, can a prosecutor convict an innocent person as often as a defense attorney can get a client off?

Mr. Rotatori: I think it's easier for a prosecutor to obtain a conviction than it is for a defense lawyer to get a guilty man off. I think that the courts have recognized this, and have now placed upon all prosecutors a dual responsibility to serve innocence as well as to convict. (Mr. Rotatori referred to Judge Hand's opinion in *Berger v. United States*.)

The accused has no obligation to convict himself — that's the whole basis of the Fifth Amendment. It is the prosecutor's duty to make available to the court any information he has which will tend to establish the *innocence* of a person accused of a crime.

Interviewer: Does this dual responsibility make it easier to get a client off?

Mr. Rotatori: My opinion is that it in no way hinders conviction. This responsibility, plus the Supreme Court's decisions on criminal procedures, requires the various investigatorial and prosecutorial agencies to be more certain that they have the right man. In effect, these agencies must now work harder.

Statistics show that the Supreme Court rulings have in no way decreased the number of convictions.

Double Jeopardy

By Bill Summers and Jim McMonagle

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

DEAN OLECK: Well, who do you think we should affiliate with next? **DEAN STAPLETON:** Why don't we try out Cleveland State and see if they want us. After all, I read in the paper last week that we want to affiliate with them. Not only that, I am a very good Republican. **DEAN OLECK:** All you Republicans think the same way and anyways I couldn't ever think of giving the Governor an Honorary degree. **DEAN STAPLETON:** So, what is wrong with giving the Governor an Honorary degree. After he was made an Alumnus, we could ask him for some donations.

DEAN OLECK: Yes, but Dean, you know that our endowment is too much for us to handle already. **TRUSTEE No. 1:** Well, why don't we affiliate with Western Reserve Law School. After all, they are hard up for cash and maybe they could name a new dean for us. Furthermore, the name-plate of 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 diversify more and affiliate with Dyke Business School. After all, look how close Pat Joyce's is to Dyke.

STUDENT REPRESENTATIVE: I am personally in favor of merging with St. John's Nursing School. After all, look at all the practical medical knowledge that would be available to Marshall students. Not only that, Marshall could start giving out an MRS Degree.

TRUSTEE No. 3: I am in favor of establishing a solid link with the American Welding School.

DEAN OLECK: Gentlemen, I feel

that this discussion is getting too far afield. My personal feeling is that we should get some professional help and give more serious thought before we make a move. **TRUSTEE No. 2:** Say, I know this broker at Merrill-Lynch who once told me that if he had Cleveland-Marshall's money, he would start a sort of educational conglomerate. **TRUSTEE No. 1:** You know, that is not a bad idea for everyone would be happy and rich.

DEAN OLECK: But, what about the ALSA, what would they say. **TRUSTEES (in concert):** The who?

ADD NAUSEUM — Rumor has it that some student is running a football pool at school. In Ohio, this is a crime. And, aiding and abetting can be just as serious. We are aware that football pools are widespread in Ohio and in the country. But, this is a law school and we are learning to be lawyers. We are charged with upholding the law. If you're still not convinced though, let us point out that any student participating in any illegal activity is jeopardizing his future. The Ohio Supreme Court and the Bar Associations are quite concerned with the law student's attitude towards obeying the law and can deny a student entrance to the Bar examination.

Congratulations to the survivors of the Moot Court team. Finalists are Al Thomas, Jack Budd, Bob Thomson, and Ed Becker. Alternates are Jim Hardiman and Gerald Wochna. The team will compete Nov. 17 and 18 in Detroit. Professor Hyman Cohen will go along as advisor.

A Successful Beginning: A Bright Year Ahead

The Cleveland-Marshall Law Wives began their year with an extremely successful Introduction Party 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.

The first formal meeting of Cleveland-Marshall Law Wives was held on Thursday, October 26, when Assistant Professor Charles Auerbach spoke to us on "Our Role As A Law Wife." Assistant Professor Auerbach has travelled extensively in Israel and the United States speaking on Israeli-Arab problems and has written many articles concerning Juvenile Delinquency. He has been chairman of the Juvenile Court Committee of the Cleveland Bar Association since 1965 and has served as Trial Counsel for the Cuyahoga County Common Pleas Court investigation into unauthorized practices of law. Professor Auerbach not only provided us with an entertaining and interesting evening but one in which we began to see more clearly our role in relation to our husbands future profession.

Our second meeting will be held on November 16, 1967, when Mr. John Price, founder and producer of Musicarnival, will speak to us

and answer questions on the many facets of his organization. Musicarnival began as Mr. Price's brainchild, a logical development in an outstanding theatre career that started while he was still in high school. He got his early dramatic training at Cain Park Theatre during the years of its creative heyday under the direction of Dr. Dina Rees Evans, and was graduated from Western Reserve University. With the exception of four years during World War II, when he served as a lieutenant in the Naval Amphibious Forces in Europe, he has earned his living as an actor, writer, and director in theatre, night clubs, radio and TV. Since opening Musicarnival in 1954, producer's duties have prevented him from making frequent stage appearances as an actor, but every evening at showtime he is on stage to welcome the audience.

Let us see you on November 16, for I am sure Mr. Price will provide us with a most worthwhile evening.

A reminder to not only the girls but the fellows as well, that it is time once again for one of Cleveland-Marshall Law Wives scrumptious Bake Sales. Bring your appetites and your dollars and dimes to the school on November 29 and 30, 1967, when you will have the opportunity to sample our delightful treats both upstairs and down.

Alumni to Receive J. D. Degrees

Editorial

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, and national 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 state of flux we are in, to make necessary changes, 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 still 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 tendered already).

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

But all of these questions together must subordinate 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 Trustees of the 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 financial strength of this institution was built almost solely upon tuition fees charged to the students, and if the account books show a plus in this respect, it can only mean that the students in the past—the present alumni—effectively funded today's prospects of growth.

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.

What's Happening To Alumni

D. G. "Dom" Dottre ('54), recently was promoted to the rank of Lt. Col. in the Army Reserves, culminating 23 years of service, including World War II. He has served as adjutant and C.O. of various reserve units. He is past president of the Cleveland Army Chapter of Reserve Officers Association, and is now president of the Cleveland Chapter of National Sojourners Inc., a military officers' Masonic group. He is past dean of the Ranney Senate and Cleveland Alumni Senate of Delta Theta Phi, and past president of the Alumni Association. . . . Andrew R. Field ('58) has been elected associate counsel of National Life Insurance Company of Vermont, and is living in beautiful Montpelier. . . . Gary M. Gron ('65) has joined Avco Corporation as a patent counsel in their Cincinnati office. He was formerly with the U.S. Patent Office, and later with GE's Flight Propulsion Division. . . . James E. Radcliffe ('59) has been appointed assistant professor of political science at Shippensburg State College (Pa.). He was formerly instructor at the Pennsylvania State University. . . . Harold F. Ellsworth ('37) was promoted to associate general sales manager of The Saturday Evening Post. With the Post since 1948, he has been director of planning for the past year, and the magazine's San Francisco manager for 10 years before that. . . . W. David Alderson ('65) is now practicing law in Portland, Oregon. . . . and Mike Frenkel ('65) is general counsel for Arbie's (roast beef specialty restaurants) in Youngstown.

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, were held on October 25 and November 1, respectively. Approximately 80 persons attended each lecture.

Scheduled in the late afternoon, 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 series delves into subjects of interest not only to attorneys, to those alumni who have their law degrees, but are not in the practice of law, such as Workmen's 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 Shepardizing.

Said Alumni Secretary Peter Roper, "Here's a tip to alumni who aren't paid-up members: pay your dues now—only \$10.00—and your membership card will admit you to the entire series, and will also provide you with all the other benefits of membership, including the excellent Law Review, and use of the Library."

Fee for non-members is only \$2.00 per meeting, said Roper.

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 to be encountered in a law practice.

The course will be offered two evenings a week, plus Saturday mornings, for a period of seven weeks, in the interim 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 he will confront when 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 the process, the graduate will cover 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 case he has been working on, on a voluntary (Continued on Page 4)

Faculty Move to Grant J. D. Degrees To Alumni—Subject to Trustees O.K.

The Faculty of Cleveland-Marshall Law School voted at its meeting on November 1, to recommend to the Trustees that they grant retroactive Juris Doctor degrees to all alumni, to replace the obsolescent LL.B. degree.

In the discussion, Interim Dean Howard L. Oleck said that Ohio State, Ohio Northern, and Western Reserve have all adopted a program of giving the J.D. degree to all their alumni, whether or not they held prior degrees.

The faculty had voted on the same subject several months before, but with the limitation that the J.D. degree go only to those who had prior undergraduate degrees. This resolution was then to be approved by the Trustees of Baldwin-Wallace College, as well as our own Trustees.

However, the matter was, in effect, tabled as the result of dialogues between the law school and the college over the selection of a dean, and the resulting disaffiliation of the two institutions.

When the matter came up again before the law school faculty, it decided to eliminate the limitation of granting the J.D. degrees to those with a prior undergraduate degree, so that now every alumnus will be eligible to receive the new J.D. degree.

The vote of the Faculty, of course, is only a recommendation. The Trustees must approve the granting of any degrees. Present conjecture is that the degrees might be presented at a special convocation of the law school, with the respective class representatives of past classes receiving the degrees of all members in the class, who

would be present in the audience.

The procedure would call for the replacement of the alumnus' present diploma by the new one. Fees for the new degree will be nominal, to cover the costs of the printing, handling, and other related matters, said Dean Oleck.

Alumni President, Fred Lick, said that the work of the alumni Dominic Dottore and Gordon Canning, in researching the matter for the Alumni Association, was very much appreciated and led to a resolution from the Alumni Association to the administration of the law school favoring the idea.

Lick, Rippner on Screening Committee

Alumni President Fred Lick, Jr., and Ellis Rippner have been named by I. F. Freiberger, Chairman of the law school's Board of Trustees, to the Committee for Screening of the Dean of the Law Faculty.

The committee is advisory to the Trustee's Executive Committee, of which Dr. Carl Wasmuth is chairman. The group is reviewing candidates for the position of dean, and will submit to the Executive Committee the name of a suitable (Continued on Page 4)

Continuing Legal Education (Graduate Program)

1967-8 COURSES

Cleveland-Marshall Law School

1240 Ontario Street

Cleveland, Ohio, 44113

Phone: 781-6612

(1) Individual Courses. Graduates of approved law schools may register for individual courses, not for degree credit. Other persons, if qualified, may be admitted to particular courses with the permission of the Dean.

(2) LL.M. Program. Graduates of approved law schools may register for the general LL.M. Degree, or for the LL.M. in Advocacy Degree. Both require 21 semester hours of courses plus thesis; the latter degree requires more specifically that at least 15 hours must be in practice and advocacy courses.

(3) Fees. \$34 per semester hour; \$100 Master's Essay fee (in degree program). \$10 Application fee for LL.M. Degree Program.

1968 WINTER TRIMESTER

	Hours		
ADMINISTRATIVE LAW	3	MONDAY	6:10 to 9:10 P.M. JAN. 8, 15, 22, 29; FEB. 5, 12, 19, 26; MAR. 4, 11, 18, 25; APR. 1, 8
			HYMAN COHEN
LABOR LAW	3	TUESDAY	6:10 to 9:10 P.M. JAN. 2, 9, 16, 23, 30; FEB. 6, 13, 20, 27; MAR. 5, 12, 19, 26; APR. 2, 9
			THEODORE DYKE
ESTATE PLANNING	3	TUESDAY	6:10 to 9:10 P.M. JAN. 2, 9, 16, 23, 30; FEB. 6, 13, 20, 27; MAR. 5, 12, 19, 26; APR. 2, 9
			(to be announced)
APPELLATE PRACTICE	2	WEDNESDAY	6:10 to 8:10 P.M. JAN. 3, 10, 17, 24, 31; FEB. 7, 14, 21, 28; MAR. 6, 13, 20, 27; APR. 3, 10
			OWEN C. NEFF
DAMAGES	2	WEDNESDAY	6:10 to 9:10 P.M. FEB. 7, 14, 21, 28; MAR. 6, 13, 20, 27; APR. 3, 10
			AVERY S. COHEN
GOVERNMENT REGULATION OF BUSINESS	3	THURSDAY	6:10 to 9:10 P.M. JAN. 4, 11, 18, 25; FEB. 1, 8, 15, 22, 29; MAR. 7, 14, 21, 28; APR. 11
			ARTHUR D. AUSTIN
CORPORATE FINANCE	2	FRIDAY	6:10 to 8:10 P.M. JAN. 5, 12, 19, 26; FEB. 2, 9, 16, 23; MAR. 1, 8, 15, 22, 29; APR. 5
			LEONARD LANE
MUNICIPAL CORPORATIONS	2	FRIDAY	6:10 to 8:10 P.M. JAN. 5, 12, 19, 26; FEB. 2, 9, 16, 23; MAR. 1, 8, 15, 22, 29; APR. 5
			PAUL H. TORBET

New Faculty...

(Continued from Page 1)

the United States in 1956.

A Florence Allen Scholar at NYU, she was also a Ford Foundation Fellow and a General Electric Co. Grant recipient. She was a U.S. delegate to the International Radio Conference in Geneva, Switzerland, in 1959, serving as the U.S. spokesman in the Main Conference Drafting Committee and on the U.S. steering committee.

Miss Aldrich was drafter of the first U.S. - U.S.S.R. outer-space treaty in 1954-56. She served as defense counsel in the United States Military Court in the Philippines in 1951-52.

An author of many law review articles, she was a research assistant at NYU from 1950 to 1953. She is a contributor to Cahn, "The Moral Decision"; Simpson & Atone, "Law and Society"; and Chaffee, Simpson & Maloney, "Cases on Equity."

Her thesis, "Law for Outer Space — Perspective Provided by International Regulation of Radio Communication," is now in press at Indiana University Press. She is a member of the Washington (D.C.), Connecticut, and Federal Bar Associations.

Mrs. Meck: An Exception

The stereotype image of the college registrar might perhaps be less than flattering to that profession — to the freshman, more often than not, the registrar is a cross between a sea monster and an IBM machine. But every now and then that "notable exception" appears to temper our tendency to generalize. One such departure from the average is Mrs. Alice B. Meck, Cleveland-Marshall's registrar since 1956.

Mrs. Meck's qualifications are enviable, both educationally and personally. An English-major graduate from Smith, she married Judge David Meck, Jr., then dean of the John Marshall Law School (later merged with Cleveland Law School, where her father-in-law, Judge David Meck, Sr., was dean. The 1946 merger spawned what is now Cleveland-Marshall Law School). Mrs. Meck attended a few courses taught by her husband, initially just to watch him in action. Four years later, in 1937, she received a law degree from John Marshall. Becky Hotes, Administrative Sec-

retary of C-M, is not totally convinced that the "A" Mrs. Meck received in her husband's Contracts course was earned by study alone!

With the death of her husband, Mrs. Meck joined C-M in her present capacity. A gentle, charming and humble woman, she recalls her beginning years with C-M with a touch of melancholy. "There has been a noticeable change in the caliber of student since 1956. They seem to be more alert, more intelligent nowadays." When Mrs. Meck joined the school, an undergraduate degree was not a requirement, and in general standards were not as rigid. She is excited about the new day school, and welcomes the activity during the daytime.

As registrar, Mrs. Meck is personally in touch with every student at one time or another. "People are the best part of this job." A member of the admissions committee, she calls herself the "yes man," reflecting her attitude that every applicant with the desire to go to law school should be given a chance, though she constrains

that sentiment with a great deal of realism.

For diversion, Mrs. Meck travels the U.S.A. and abroad. Hers is a demanding and exacting job, and travel provides the relaxation she both enjoys and deserves.

Pre-Practice Course...

(Continued from Page 3)

basis. The graduate must plan well in advance with his employer for a week of vacation time, to take advantage of the week with the Legal Aid Society. A choice of several different weeks will be available.

Subjects in the seminar will include: Probating the Small Estate, Handling a Real Estate Transaction, Collection Procedures and Remedies, Forming the Small Corporation, Trial of a Negligence Case, Divorce Practice and Procedure, and Defense of a Drunk Driving Charge.

Text will be the Ohio Lawyers' Practice Handbook, and there will be heavy exposure to standard form books and bar association materials.

Letters to the Editor

Dear Mrs. Schad:

I wish to take this means of expressing through your publication my very deep regret and disappointment at the termination of the affiliation between Cleveland-Marshall Law School and Baldwin-Wallace College.

I offer my best wishes to all of the students for their continued success and achievement. We at the College have enjoyed many aspects of our relationships with Cleveland-Marshall Law School and we wish for the Law School every success in the future.

Sincerely,

A. B. Bonds, Jr., President

Screening Committee...

(Continued from Page 3)

candidate or candidates with their recommendations.

The Executive Committee, in turn, shall review the qualifications of the recommended candidates, and shall refer the name of the ultimate candidate to the Faculty for consideration. The report of the Faculty will then be weighed by the Board of Trustees, and the successful candidate will be appointed as Professor of Law and Dean of the Faculty of Law.

Free Press v. Fair Trial: An Anomaly?

By Ken Hoffman

Is it an anomaly to have free press and fair trial? Is it a mistake to print such things as the criminal record of an accused? Does freedom of the press mean absolutely no prior restraint on publication? Should not the answer be, as the Cleveland *Plain Dealer* recently editorialized, "Free Press and fair trial?"

The American Bar Association has made clear its stand on the matter in its much publicized Reardon Report. This report, prepared by an ABA advisory committee on free press and fair trial, headed by Justice Paul C. Reardon of the Massachusetts Supreme Judicial Court, calls for the prevention of the release (by prosecutors, attorneys and police) of certain information to the news media in criminal cases before and during trial. Included in the matter not to be released would be confessions, criminal records, test results and opinions of officials as to guilt or innocence.

The Reardon Report was adopted in August by the National Conference of State Trial Judges, which met in conjunction with the annual ABA meeting in Honolulu. The chairman of the committee which recommended the adoption of the report, Bernard S. Meyer, Justice of the Supreme Court of New York, told newsmen the atti-

tude of the press wasn't consistent. "The argument we heard so often was that the bar should clean up its own house, control its own judges and attorneys and prevent leaks that might prejudice juries," said Meyer. "Now that we are trying to do this, the press is changing its position. They say they don't want their sources of information cut off."

According to Meyer the Reardon Report is aimed at stopping attorneys from giving out information that might lead to a mistrial, not to set up contempt powers against the news media.

That the problem is real, and not merely academic, was demonstrated in July of this year when a U.S. District Court judge in Tucson, Arizona ruled that a convicted murderer had been given a fair trial despite pre-trial and trial news coverage. Judge Carl Muecke said, in part: "No one wants a man to be tried for a crime on evidence other than that presented in a courtroom... Yet we all live in a world jammed by communications.

"Any attempt to stop all reporting of the crime by the press in advance of a trial would be a violation of the free speech-free press provisions of the First Amendment to the Constitution of the United States."

The news media have also addressed themselves to the problem.

The *Quill*, magazine of Sigma Delta Chi, professional journalistic society, has published several articles and guest opinions concerning free press — free trial.

In an article published in the September, 1967 issue of the *Quill*, CBS vice-president Theodore F. Koop reported strong opposition to the Reardon Report by news media representatives. Koop quoted one editor as saying the Reardon Report would "upset the present system of checks and balances."

According to this editor, "The Reardon restrictions literally bomb this equation. The police would be watching the police reporters, instead of vice versa. Counsel on both sides would be muzzled. The adversary system, which is already divorced from reality. Common sense factors in the equation would be cancelled by the detailed controls placed on police and press."

Koop also quoted W. Theodore Pierson, general counsel of the Radio-Television News Directors Association, who remarked that the suppression of information about an arrested party would be dangerous when the community was apprehensive about the whereabouts of a dangerous criminal. Pierson was quoted as saying: "To put it another way, how can the public relax unless it infers guilt from an arrest and charge and from the other information it receives?"

"The heart of this issue is whether the defendant has the right or ought to have the privilege of continuing the fear, the terror, the panic and the restricted activity in the community which the crime has created, in order that he may be sure at some later date that he will be accorded a fair trial."

In its February, 1966 issue the *Quill* printed an abridgement of a statement made by David N. Schutz, editor of the *Redwood City Tribune* in California. Schutz said, in part, that good editors were

ashamed of the coverage of the *Hauptmann* and *Sheppard* cases, and were embarrassed by the television coverage of the Kennedy assassination. He added, however, that the actions of the defense attorney in the Ruby case weren't very professional either, and "didn't contribute much to the citizen's faith in the American jury system."

Schutz stated his complete opposition to any suppression of news, saying that, "Those who would gag the press may not realize that they are also destroying the public's right to know. They think they can end error by removing the opportunity to err. Such methods are calculated to choke off democratic freedoms and democratic processes that are the very sinew of our society."

Also in the journalists magazine, but of even greater significance because of the writer's legal background, was a guest opinion by Judge Robert Gardner of the Superior Court, Santa Ana, California. Writing in the March, 1966 *Quill*, Gardner proposed that censorship already exists in the news coverage of trials. His examples of such censorship centered around the denial of certain pretrial information to the press by prosecutors and to some openly coercive judicial codes.

"For example," he wrote, "the current denial to the press by the prosecuting authorities of pretrial information sounds fine when one thinks of the friendless soul facing trial with public passions being whipped into frenzy by an intemperate press. But let's take the next step. Let's assume a corrupt local administration which wishes to cover up a legitimate story concerning itself or some of its personnel. Cannot use the same tool now being used — the power to deny to the public the right to know what is going on — be used in this situation also? On the one hand the motive was noble, on the other the motive is corrupt. But

once established, censorship can be used in either situation."

Gardner believes most lawyers distrust the press, and that the problem is acute because the judiciary is made up of lawyers. He noted that the true importance of a free press is not stressed anywhere in our educational system. His suggestion to solve this dilemma was that: "... the editors of this nation might well embark on a program to see that each law student be exposed to knowledgeable articulate lecturers from the ranks of the press. The duty of these lecturers would be to vividly implant in the minds of these young men and young women who are going to be the lawyers and judges of the future the vital importance of the concept of a free press and to make crystal clear that free press is compatible with a free trial in this most literate and informed society."

February, 1968 will be the month of decision for the House of Delegates of the American Bar Association as they vote whether or not to adopt the Reardon Report. The results might well lead to drastic changes in newspaper coverage, as summarized in poetry by Richard D. Smyser of Oak Ridge, Tenn., former chairman of the freedom of information committee of the Associated Press Managing Editors Association. First, Smyser quotes a famous verse from the Lizzie Borden murder trial:

Lizzie Borden Took an Axe
And gave her mother 40
whacks,
And when she saw what she
had done,
She gave her father 41.
and, as it might be in the future:
A terrible thing has come to
pass
At the Borden home in Fall
River, Mass.
Involved are father, mother,
child —
For further details, hear the
trial.

The Gavel

Cleveland-Marshall Law School
of Baldwin-Wallace College
1240 Ontario Street
Cleveland, Ohio 44113

RETURN REQUESTED