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Cleveland-Marshall College of Law

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COUNTY SAYS

MOVE, OR ELSE

Dear Mr. Bartunek:

We are making an urgent appeal to the Board of Trustees of Cleveland State University to do everything within their power to avoid any delay in the construction of the Justice Center which is vital to the safety and welfare of our community and to the proper administration of justice.

The Cleveland Marshall Law School of Cleveland State University occupies a strategic location vis-a-vis the demolition and construction plans for the North High School. Since we anticipate no problem regarding agreement on a fair purchase price for the property, we must all do everything possible to expedite vacation of the premises by the earliest possible date.

We have already completed purchase of all the remaining properties needed for the Justice Center. Most of the properties have been vacated with the rest scheduled for vacation at an early date. We have advertised for bids on the demolition with said bids to be received by the Board of Commissioners on March 23. Demolition is expected to begin on or about April 5. Demolition of all buildings is scheduled for completion July 1, so that construction can proceed promptly thereafter. Demolition near the Law School building undoubtedly will generate much noise and traffic, none of which will be conducive to the teaching efforts and the operation and well-being of the faculty, employees and students of the Law School.

A further, important consideration is that any delay in construction of the Justice Center can only result in increased costs to the taxpayers.

Commissioners Pokornyi, Taft, and I are determined to avoid any unnecessary additional costs to the people of Cuyahoga County. We again urge your cooperation.

Thank you very much.

Very truly yours,

BOURD OF COUNTY COMMISSIONERS

Hugh A. Corrigan
President, Board of County Commissioners

SAKS ELECTED DISTRICT REP.

By JAMES WALTERS

The National Law Students Civil Rights Research Council annual meeting was held in Albuquerque, New Mexico, the weekend of March 17, 18 and 19. Representing the Cleveland State University College of Law, Chapter were Bruce Elfvin, Susan Saks, and Jim Walters. Following all day registration on Friday there was a gathering of the members for an outlining of programs and workshops, followed by a film on the death of Chicago Black Panther leader Fred Hampton. On Saturday the workshops, (the real purpose for the meeting,) were held. CSU representatives attended workshops on Civil Rights and Public School Students, Women's Rights, Fund Raising, Summer Internships, Prison Reform Litigation, Legal Clinics and Organizing the Poor. Saturday evening there was a large dinner and party for the delegates from all over the country.

Sunday morning was spent electing delegates to the LSCRRC National Board of Directors and Susan Saks from CSU was elected as the representative from our district. Sunday afternoon was spent in final workshops followed by goodbyes and plane flights home.

In Albuquerque, delegates were guests in the homes of University of New Mexico law school students. Meetings were held in the new law school building of the University of New Mexico.

NEW FACULTY

Dean Carroll Sierk has announced the appointment of two new members to the part-time faculty staff of Cleveland State University College of Law. Marvin Kellner will teach Taxation II and Walter Morgan will teach Real Estate Practice during this spring quarter.

Mr. Kellner is a graduate of Cleveland-Marshall Law School and has published three articles concerning tax law in the Cleveland-Marshall Law Review. He has worked as an Internal Revenue Agent and has practiced corporate tax law with Lane, Krotinger and Santora. From 1963 to 1971 Mr. Kellner has been associated with the firm of Benesch, Friedlander, Mendelson and Coplan.

Walter Morgan returns to the law school this spring having taught Property courses here from 1946 through 1954. Until his retirement last summer he was Chief Title Officer of Land Title Guarantee and Trust Co. He was also chairman of the Real Property Section of the Ohio State Bar Association for fourteen years and a former president of Ohio Title Association.

Mr. Morgan is currently of counsel to Baker, Hostetler and Patterson.
WHERE DO WE GO FROM HERE?

Guidepost

Look for this guide post very soon. Next to it will be a little sign: "Welcome law students. You are now standing in the heart of our growing Main Campus Complex. There is plenty of room for our growing family. Welcome."

At one time there was a great dispute. Should our law school stay where it is and become the center of a new Justice Center, or should we move to the heart of the CSU Main Campus? As it looks today we will not be the heart of any complex. For a while we will be the Cleveland-Marshall. The Cleveland State College of Law, Law School and Annexes, et al.

STANTON DONATION

Congressman James V. Stanton, former President of the Cleveland City Council, has donated to our Law Library a complete set of the U.S. Code. The school acknowledges this gift and expresses sincere appreciation to our noted alumnus, James V. Stanton.

THE GOLDEN AGE AT CSU

The law students of the seventeenth century were under a curriculum based on Sir Edward Coke's theory of education: "Six hours in sleep, in law five plain hours and in our exercise six hours." As the seventeenth century entered the decade of the sixties it became increasingly apparent—change was inevitable.

Our post-revolutionary coup at CSU, though late, is a welcomed change from the seventeenth century. The clinical legal education program will at last put us in the mainstream of legal education. The newest curriculum changes will bring us into the twentieth century.

We have finally reached the Golden Age at our law school. Hopefully, we will reflect the necessary needs of the community, and break free of the chains of archaism. The faculty should be commended on their two quarters of effective bargaining. It is our hope that they will not cease to move further into the Golden Age of our law school this quarter. Let our curriculum mirror an Advanced Bargaining. It is our hope that they will not cease to move further into the Golden Age of our law school this quarter. Let our curriculum mirror an Advanced Curriculum that is based on three hundred years of experience and not hindered by curriculum that was effective in the seventeenth century.

GUEST EDITORIAL

FACULTY: DO YOUR JOB

The blame for grades not being promptly recorded and sent to CSU's computer falls entirely on the faculty. We, the students, are incensed by the lack of prompt submission of grades last fall quarter.

The faculty fails to realize that late posting of grades impede the students who must make instant feedback. All concur that a seven to ten week waiting period is unavailable.

The total active role of the educational process is being retarded further by late posting of grades. The faculty should be commended on their two quarters of effective bargaining. It is our hope that they will not cease to move further into the Golden Age of our law school this quarter. Let our curriculum mirror an Advanced Curriculum that is based on three hundred years of experience and not hindered by curriculum that was effective in the seventeenth century.

DESpite repeated efforts by President Enarson, Dean Christensen, and the members of the New Law Faculty Committee the County Commissioners have held fast on our moving as soon as possible. It was expected that we could remain at our present site until at least December, the date on which the McKee-Chester is scheduled to be ready for complete occupation. However, the remote possibility that demolition would not be scheduled has been given up for lost. Memos have been wired from the Administration office to the Main Campus and back to the County Commissioners with one result: buildings on the Ontario Street will begin to fall on April 3 and construction of the new Justice Center will begin thereafter.

The meeting on March 7 between the New Law Faculty Committee and President Enarson was rapturous with pleas from the Dean and the Committee that we be allowed to stay at our present location until the McKee-Chester Building is completed. But the pleas were for naught and the administration is now resigned to the fact that we will be moving shortly after final exams end this quarter.

The public sentiment and political pressure favors immediate construction of the new McKee-Chester. The City Council, the commissioners, and many other political figures and editorial writers share that sentiment.

The blame for grades not being promptly recorded and sent to CSU's main library is the library's. There is some consolation in that "our portion" of the library will be separate and distinct from the undergraduates. The faculty grades will probably be located on the ninth and tenth floors of the University Tower. Classrooms will hopefully be grouped into one area.

In other words, despite the unpleasant possibilities, every effort is being devoted to insuring maximum comfort and minimum disadvantage to all concerned. And we can be grateful that we are not required to vacate these premises before final exams. What will be demanded of us is that we tolerate and adjust as professionals to undesirable conditions for 3-6 months. We will have a full summer to familiarize ourselves with the Main Campus. Once McKee-Chester is finished we can resume normal living until the permanent law school building is ready five years hence. It goes without saying that the attitude we adopt will be the determining factor in regards to this temporary inconvenience. We can "whine and moan" but nothing will change. Better still, we can approach this undesirable situation with a positive and optimistic outlook to help ease our temporary dilemma.

GRADES

Now that the second quarter of the year is complete you might ask yourself, "How is my grade this quarter in (CSU)?" "What will the new (CSU) send out reports of our grades from last quarter from the Fall quarter?"

Believeable as it may seem, a combination of a inherently slow grading program, a slower recording process, a slower recording procedure, and a tied-up (mixed-up) computer has lead to a 100 day wait. Grades have been sent out, reports the administration.

Although we have received no official report from the University, we expect that if final exams are over on December 17th a waiting period until mid March or early April will become a usual practice. Since finals are over June 9th you'll have to wait until October to get the computer's okay to advance to another year of law school!
Dear Editor:
Firstly, I must say that receiving the Gavel, and keeping up with the trials and tribulations at the law school, has been an unexpected pleasure in my first year out in the brave new world. But that is not the reason for writing. I would like to comment on "A Letter to the Editor." On January 14, 1972, entitled "In Retrospect"—Robert C. Finke '72.

While I appreciate Mr. Finke's position which he has taken with regard to the "schism(s)" in the faculty (administration, but not per se) and his "sincere hope that Dean Christensen will resolve this schism; I feel obligated to point out that during my years at Cleveland-Marshall (Jecouse; Cleveland State University, College of Law), the dean took few stands on anything, let alone the school, has been an unexpected consolation for the student body and faculty.

Also, while agreeing that Prof. Flaherty did an efficient job of "managing" (I might add that he always 'did right by me...I need an interpretation), the new and going administrators will soon grow older and mellow; and the faculty may be capable of managing "efficiently." Mr. Finke refers to the "attorney's historic tools as "negotiation and compromise"; and suggests that these tools can bridge differences in the future. Mr. Finke further stated that if Dean Christensen is unable to resolve this "schism" with the help of these "historic tools" he should consider whether administration should be his chosen career: - at the law school.

HENN'S RULES OF PROCEDURE
By Robert B. Henn

It is clear, from a consideration of the decisions passed down by many courts over the past several years, that a considerable amount of time in needless litigation could be saved by the adoption of certain rules. These rules, set forth hereinbelow, were prompted primarily by student newspapers. They are called, modestly, Henn's Rules of Simplified Procedure, and are abbreviated H.R.—Where a conflict exists, the higher number takes precedence.

H.R.1(a): Whenever a large corporation is involved in litigation, it is conclusively presumed to be guilty, whether the action is civil or criminal.
(b) Whenever a small corporation is involved in litigation, it is rebuttably presumed to be guilty.

Vol. 20, No. 13, February 14, 1972,

In Retrospect

NEW POLICY

All in all, if we are to place blame for "schisms" or someones inability to mend them, as long as Mr. LaFond is gone, the burden might as well fall on the Dean. Thanks for my tongue and cheek time—Pax

Henry A. Gerstman

THE DEAN'S REPLY

An editorial that appeared in the last issue of the Gavel stated that the Financial Aid Work-Study program was being phased out. "Nothing could be further from the truth," stated Dean Christensen.

But truth is relative. When one compares it to logical inferences that have been taken from a narrow point of view, truth becomes obscure and equivocal. The source of the article was from a person who saw the facts without the light of reality. And in checking out this source with a more reliable and allegedly more knowledgable party, we have found his information also faulty.

Few first year students are now on Work-Study this year, not because the program is being phased out, but because the administration is enforcing a policy that first year students should not be discouraged from working. Taking the time to work during the first year usually makes the difference between success and failure. The Dean's statement that a full time student should devote all time to his studies will not be the law, it will be a strongly enforced guide for first year students and a good rule of thumb for the other students.

"If I could get my hands on the money, I'd be giving it away to allow students the financial means to travel." said the Dean.

"Unfortunately at this time stipends are not available, I haven't given up trying to get them. But until such time work-study will be a permanent part of this law school."

Alex Jamieson prepared a breakdown of gross amounts of work study grants for the past three years. His experience indicates that between 75 percent and 80 percent of the grant is actually utilized.

While I appreciate Mr. Finke's "schism" in the faculty (administration, but not per se) and his "sincere hope that Dean Christensen will resolve this schism; I suggest that administration should be his chosen career: - at the law school.

I earnestly urge its publication in the newspapers. They are called "historic tools"; he should consider whether administration should be his chosen career: - at the law school.

As you know it is the policy of the Gavel to publish only signed letters. Despite reasons given by the writer, we must demand that the writer get involved enough to put his name behind his words.
CLEVELAND P.A.D. HOSTS DISTRICT IX CONCLAVE

By MARGARET M. JAMBOR

Cleveland, Ohio was the site of this year's Phi Alpha Delta International Law Fraternity District IX Conclave. The Phi Chapter of Cleveland State University Law School co-hosted the weekend with Hay Chapter of Case-Western Reserve Law School. Among the honored guests were Webster Brewer, Supreme Tribune; James Broz, Secretary of the Cleveland P.A.D. Alumni Association; and James Bierce, District IX Justice.

All of the District IX Chapters sent representatives. They included the active chapters from the University of Michigan, the University of Toledo, Wayne State University, University of Akron, Detroit School of Law, Northern University, and the University of Windsor.

A "Welcoming Cocktail Reception", hosted by the P.A.D. Cleveland Alumni Association, opened the activities on Friday, February 25, 1972. General business workshops filled the following day's morning hours, while the afternoon held a tour of the newly constructed Thomas Backus Law School of Case-Western Reserve University. Saturday afternoon seminars included a talk by Edward Marek, Chief, Criminal Division, U.S. Attorney's Office, Cleveland, Ohio on the "U.S. Drug Abuse Laws", and a discussion with Roger Hurley, Public Defender's Office, Cleveland, Ohio, on the topic, "Representing the Indigent".

Highlighting the Conclave was the Saturday evening banquet at the Hollenden House. Following cocktails and dinner, introductory remarks were given by Thomas G. Longo, Student District Justice and Justice of Meck Chapter. Mr. Longo welcomed speech by Webster Brewer, Supreme Tribune. Hon. John M. Manos, Judge, Eighth District Court of Appeals for Ohio was the featured speaker, and also the recipient of the 1972 Meck Chapter P.A.D. "Man of the Year Award" for his contributions to the Cleveland P.A.D. Mr. Manos received appreciation for his efforts as a leader in the community. The evening concluded with a dance at Tootsies.
WERBER SPEAKS FOR CLEPR

By PROF. STEVEN WERBER

(EDITOR’S NOTE: The following article was written by Prof. Steven Werber, who has been in charge of the CLEPR for the past two years. He has asked me to clarify the one sided (half truth) article “Work-Study Blazes” in the last issue of THE GAVEL.)

Clarify the one sided (half truth) article been forth with.

The CLEPR program is an indication that we are becoming a collegiate machine. It is designed to be more efficient and to cut down the costs of education. The CLEPR program is a way to cut down the costs of education.

The inference that the clinical program which will be begun with the CLEPR assistance will remain narrow and eliminate other forms of clinical education.

There is little, if any, truth in any of the three points.

The Work-Study program is not being phased out. The current application for federal funds asks for more than the amount sought in any previous application. It is to determine how sympathetic the federal government is to our needs, but the fault for any decrease, if there is a decrease, will lie with the government and with an economy over which we assert no control. No decrease was planned due to the CLEPR assistance.

The current academic year the number of students is approximately 75 receiving $123,000. We hope this will continue next year and for the years thereafter.

(EDITOR’S NOTE: See companion article on page 1 entitled: WORK STUDY: THE DEAN’S REPLY.)

If the CLEPR is concerned with the fact that few first year students are in the Work-Study program at least this is true. The clear intent, in my opinion, is to emphasize work-study for students in their second and third years. Not only does this comply with the eligibility requirements, it assures that the participants are better qualified and will contribute more to the College of Law that they represent.

Participation in Work-Study during the first academic year is not a prerequisite to participation in later years.

The College of Law has, and continues to, recognize its obligation and responsibility to provide quality education to students of all economic levels. I do not believe that good credentials (paid for) are an economic elite. If economic difficulties do cause a weakening of credentials for any student, a service program is established at this College a Program which is not, and never will be, a glorified errand boy.

Furthermore, this year Miss Barbara Sper joined us to supervise financial aid to students. She has the specific function of directing financial aid to students. This is a far cry from the days when Mrs. Creek was asked to be a part time financial affairs director while also responsible for all duties of Secretary to the Dean. This does not appear to me to be a de-emphasis. The budget for next year will include a sum for financial aid sufficient to meet the needs of all students who qualify and file timely applications.

The financial aid program will continue to meet the needs of the entire student body, not the fault for any decrease, if there is a decrease, will lie with the government and with an economy over which we assert no control.

The CLEPR program may prove instrumental in attracting students who have been economically deprived as it will show the community at large one of the directions in which the College of Law is moving, a direction that will provide the benefits of legal training to the community while also indicating to individuals in that community that they can participate in the legal process. Certainly this will increase our ability to recruit minority students as it is one more indication of our concern with the most important goal of all, human dignity.

NEWSMAN TO ADDRESS LAW SCHOOL ALUMNI

Carl Stern ’66 will speak at the annual Law Alumni Recognition Luncheon honoring Judges Joseph Silbert and Daniel H. Wasserman of the Eighth District Court of Appeals of Ohio.

He will talk on “A Candid Look at the Supreme Court” during the noon luncheon April 25 in the Sheraton Cleveland Hotel Grand Ballroom.

Carl Stern serves as a national news correspondent with the NBC News Bureau in Washington, D.C. He previously served as a legal reporter for the NBC News Bureau in Cleveland from 1959 to 1967.

Stern, an attorney admitted to practice before the Supreme Court of Ohio, left WKYC-TV3 in January of 1967. His duties in Washington, D.C. include coverage of the Supreme Court of the United States, the federal judiciary, and the quasi-judicial proceedings of the federal agencies.

In addition, he is heard on the NBC Radio program “Emphasis” which discusses timely legal happenings.

In 1966, Stern received a Doctor of Jurisprudence degree. Time was spent with the legal firm of Taft, Stettinius & Hollins, from the Cleveland-Marshall Law School. Admitted to practice by the Supreme Court of Ohio, he is a member of the Ohio State and Cleveland Bar Associations.

His published works include “Compensability of Non-Traumatic Ulcer.” While attending law school, Mr. Stern was the first law student to take and part in the national moot court competition. He received the coveted American Jurist Award at Cleveland-Marshall for studies in Administrative Law. The following year, he was awarded a scholarship to attend classes at Western Reserve University Law School, for excellence in studies of Equity.

CARL STERN

Letters to the Editor

(from p. 3)

(c) Members of large law firms are queing and inept, and are to be ignored by the trial court.

(d) Young lawyers are brilliant and persuasive, and constitutionally incapable or error. It is mandatory to the trial court to regard them with awe, and to treat their every word as Holy Writ.

(e) Young lawyers are required to defend only those whom they love, regardless of the merits of the case.

It is respectfully submitted, and strenuously urged, that these Rules be adopted with a minimum of delay, in hopes that they will simplify litigation and help lessen the backlogs on crowded court calendars, by dispensing with the window dressing of evidence, burden of proof, and other dilatory legal impediments.

GOSHIEN APPOINTED IRS CONSULTANT

WASHINGTON—S.B. Wolfe, director of the Internal Revenue Service (Audit Division), announced last month that he will again ask David B. Goslien, Professor of Law at Cleveland State University to be the sole academic consultant to the I.R.S. He has been involved in an extensive study and research into current tax laws and policies. Goslien will advise the division on the content of a national examination that will be given spontaneously to candidates across the nation that are seeking admission to practice before the I.R.S.

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Finally, the projected clinical program that will commence this academic year, with the assistance of CLEPR funds is, admitted, limited in size. As an experimental beginning it should be noted that 96 students in their second and third years are provided for if such students can obtain a leave of absence from their employment.

Contrary to the inferences of the editorial that the clinical programs of the College of Law will remain limited (although the CLEPR project will not be expanded as this would violate any contract entered into with CLEPR), the clear intent, in my opinion, is to emphasize work-study for students in the community at large one of the directions in which the College of Law is moving, a direction that will provide the benefits of legal training to the community while also indicating to individuals in that community that they can participate in the legal process. Certainly this will increase our ability to recruit minority students as it is one more indication of our concern with the most important goal of all, human dignity.

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PROF. DAVID B. GOSHIEN
ON NATIONAL CONFERENCE

Distinguished Professor Oleck made a presentation entitled "Legal Writing With "Social Clout'" which was very well received by the audience. The speaker addressed the role of law reviews to act as the "conscience of the law," to be that scholarly, non-partisan institution which is able to stand back from the law as it is, and indicate to the legal profession what the law should be. The speakers emphasized, however, that law reviews, in exercising this "conscience" function, must deal with real world problems that confront society; problems that should find solutions in the law. The net impact of these addresses stressed the need for law reviews to fulfill their role in contemporary society, or risk being rendered irrelevant.

The 18th National Conference of Law Reviews was both informative and productive. At the very least, it made us aware that the problems and growing pains that we on the Review are experiencing are shared by others. More than this awareness of our mutual woes, the Conference provided the forum at which we could exchange the products of our experience with that of other reviews and pick out that information which will help us to solve our problems and continue to improve the quality of the Cleveland State Law Review.

The General Impression of the 18th National Conference of Law Reviews was made up of two categories, speakers and group seminars. The speakers, our own distinguished Professor Oleck, made a provocative presentation entitled "Legal Writing With “Social Clout'" which was very well received by the audience. The speaker addressed the role of law reviews to act as the "conscience of the law," to be that scholarly, non-partisan institution which is able to stand back from the law as it is, and indicate to the legal profession what the law should be. The speakers emphasized, however, that law reviews, in exercising this "conscience" function, must deal with real world problems that confront society; problems that should find solutions in the law. The net impact of these addresses stressed the need for law reviews to fulfill their role in contemporary society, or risk being rendered irrelevant.

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GROUP SEMINARS

The Group Seminars focused upon the operational aspects of law review. The subjects covered in particular included:

1. "Law Review and the Publisher"
2. "Article Solicitation and Development—Professional Authors"
3. "Methods of Staff Selection—Candidate Program"
4. "Internal Responsibility and the Editorial Process"
5. "Small and Developing Law Review"

Each seminar was chaired by two participating law reviews who were responsible for giving general direction to the discussion. The discussions that developed provided participants the opportunity to draw upon and profit from each other's experiences regarding various aspects of law review operations.

CHANGES IN THE CONFERENCE'S ROLE

Cleveland State, as a member of the ten school executive board of the Conference, had the opportunity to participate in fundamental policy changes in the future role of the Conference. These changes, manifested in the form of amendments to the Conference's Constitution, seek to reshape and redirect this organization from one that has operated on a year to year basis lying dormant between its annual meetings, to one with a viable interim existence; an organization capable of providing services to its members throughout the year. Such services will include supplying member reviews with information regarding the structures, practices, and policies of fellow member reviews (pros and cons), thus providing data which a particular law review could use; first, to evaluate its own status; second, to provide direction for change; and third, to substantiate its reasons for change to the powers that be. Other services will be provided as member reviews indicate the need for them.

GENERAL IMPRESSION

The 18th National Conference of Law Reviews was both informative and productive. At the very least, it made us aware that the problems and growing pains that we on the Review are experiencing are shared by others. More than this awareness of our mutual woes, the Conference provided the forum at which we could exchange the products of our experience with that of other reviews and pick out that information which will help us to solve our problems and continue to improve the quality of the Cleveland State Law Review.

All four of the Cleveland State delegates, Allan Goldner, Willard Bartel, Susan Silverman, and Gary Eisner, felt this year's Conference was most worthwhile, and recommended continued participation.