Ohio Bar Admission
Rules To Change
Editor's note

Clean air at last? Let's hope so.
On September 8, 1988, the law school distributed the Cleveland State University Smoking Policy. Simply stated, smoking is now prohibited in most areas of the University. As it applies to the law school, the policy allows smoking only in the following areas:

- a. The second floor alcove - lounge area
- b. Staff lounge
- c. Student lounge - area of tables by the television.

Clean air at last? Let's hope so.

There are only a few things in life which are really bothersome. Smoke and inconsiderate smokers are among those things. Why do we hate smoke? The first reason is that many of us have a strong physical reaction to it. Within five minutes of exposure to cigarette smoke, sinuses swell to twice the normal size. It's difficult to breathe. Then nausea sets in. Not a fun feeling.

The second reason to dislike smoke is the obnoxious smell which lingers on clothing after being near a smoker. Wretched!

But more than anything, we despise the inconsiderate smoker: rudeness at its best (or is that worst?). It is inappropriate and socially distasteful to blow smoke or to burn cigarettes (or any other form of tobacco) in the presence of ANYONE, smoker or not. Frankly, we really don't care if anyone smokes. What we do care about is rudeness and lack of consideration of those few smokers who selfishly assert his or her “right” to smoke over our “right” to breath smokeless air.

Well, the “rights” of smokers and nonsmokers have finally been weighed at CSU. We nonsmokers have won the balance. According to Paragraph III of the CSU Smoking Policy, "In disputes arising under this policy, the rights of the nonsmoker shall be given preference." Bravo! That's great news.

Let's not, however, forget the bad news. The bad news is that this policy, which in effect prohibits rudeness, had to be established in the first place. Enforcement of the new smoking policy is the responsibility of each University department head, in our case the dean of the law school. Certainly the dean cannot be expected to go out on smoke patrol. The effectiveness of the new policy, therefore, ultimately depends upon voluntary compliance by smokers. If some reminding becomes necessary along the way, we urge smokers and nonsmokers alike must be assertive. Take a stand; tell an inconsiderate smoker where to go (to smoke).

Clean air at last? Let's hope so.
C-M Menforces same old policy

By David J. Przeracki

What's this? A professor taking attendance during the fourth week of classes? Things are changing at Cleveland-Marshall! Or are they?

Rumors were, and to some extent still are running throughout the law school about the "new" attendance policy at C-M. According to Dean Steven Smith, however, the class attendance policy at our law school has not changed. That policy is outlined in the law school's Academic Regulations and reads as follows:

1. Attendance:
   Students are required to attend classes with substantial regularity. Unsatisfactory attendance in any course, as defined by the course instructor with reasonable notice to students enrolled, shall be cause for lowering the final grade entered, involuntarily withdrawing a student from the course or withholding credit and entering the grade of F, as found appropriate by the course instructor.

...the bottom line is that an individual faculty member may use any policy he or she desires.

Bar Association and the Cleveland-Marshall College of Law require regular and punctual class attendance.

"Unsatisfactory attendance" will result in the student being excluded from remaining classes, and receiving a failing mark in the course. Unsatisfactory attendance in this course means more than three absences from class during the course of the semester...

...the bottom line is that an individual faculty member may use any policy he or she desires.

Does the American Bar Association require attendance at all but three classes? The simple answer is "not exactly." According to Frederick R. Franklin, Director of Legal Education and Admissions to the Bar, American Bar Association Standard 305(c) governs law school classroom attendance: "305(c). Regular and punctual classroom attendance is necessary to satisfy residence and class hours requirements." This sounds official (not to mention vague), but what does it mean?

In August, 1980, the American Bar Association published an interpretation of Standard 305(c):

It is the interpretation of the American Bar Association that regular and punctual class attendance is an important part of the learning process. The implementation of the rule is left to the good judgment of the various faculty and the administration of each law school. The law school has the burden to show that it has adopted and enforced policies relating to class attendance.

The bottom line, therefore, is that an individual faculty member may set any policy he or she desires. Is that fair, and just, and right? It doesn't make any difference! That's the way it is. The more important issue is whether the professors will enforce their respective attendance policies. At this time, it is probably too early to tell; some professors are and others are not. Like many things in life, I suppose we'll just have to wait to see what happens.

Film at eleven.

Letter:
Playing the interview game his own way

Editor:
Although I haven't received any invitations to interview this fall, I was informed by a 3rd-year student how to play the interviewing game. A dark suit, red tie, and a haircut (mine was too long and the wrong style). And then he told me to distinguish myself. I wanted to ask him, "If I look like everyone else, aren't I purposely avoiding distinguishing myself right from the start?" When I told him that I didn't really care if I got an interview with a firm that judged on the basis of a haircut, I was told in no uncertain terms that he was in it for the "big bucks" and those were the firms that gave the case. I politely dropped the subject, yielding to my inclination to tell him that he had a serious problem if all he cared about was money. But then again, he probably thinks I have a problem because I'm not in it for the cash. If in fact I do have a problem, I hope I never get over it.

Tom Goodwin
High Court reopens civil rights

By Philip Althouse

Last April in Patterson v. McLean Credit Union, No. 87-107, slip op. (U.S. April 25, 1988), the Supreme Court voted sua sponte to rehear arguments on whether Reconstruction Era civil rights statutes bar private acts of racial or ethnic discrimination.

Patterson involved a claim of racial harassment by a private employer, flows from cases in which the Court interpreted the Civil Rights Act of 1866, now codified at 42 U.S.C. section 1981, 1982. The 1866 Act was born of a radical Reconstruction Congress to implement the intent of the 13th amendment, i.e., to obliterate the badges and incidents of slavery, to "create a fundamental, national right to liberty, equality, and dignity for all within the jurisdiction of the United States." Brief Amici Curiae in Support of Petitioner at 10, 11, Patterson, No. 87-107, slip op. (U.S. April 25, 1988). A political "compromise" between Northern Republicans and Southern Democrats in the presidential election of 1877 marked the political end to Reconstruction. At a time when the country was wracked by economic depression and labor strife the Northern elite traded dominant southern whites political autonomy and on-intervention in matters of race policy for southern submission to a new economic order. The Supreme court followed with its "Great Betrayal" of the promise of racial freedom and equality when it decided the Civil Rights Cases of 1883.

Eight justices agreed that federal statutes enacted in 1874 and 1875 which prohibited racial discrimination in places of public accommodation fell outside the pale of the 14th amendment because it was applicable only to state action. Similarly, the Court so narrowly construed the 13th amendment as to take the statutes out of its reach. A remarkable dissent came from Justice Harlan, himself a former slave owner from Kentucky, who said there was constitutional justification for banning private discrimination. He urged a more expansive reading of the 13th amendment arguing that it involved "immunity from and protection against all (racial) discrimination." Amici Curiae at 20. After the Civil Rights Cases were decided, the 13th amendment was effectively buried along with the Civil Rights Act for the next 85 years. By the turn of the century, the southern states had all enacted Jim Crow laws, disenfranchising and segregating Blacks.

The 13th amendment was resurrected in the 1968 landmark case Jones v. Alfred Mayer Co., 392 U.S. 409, in which the Court declared, "Congress has the power—to rationally determine what are the badges and incidents of slavery, and the authority to translate that determination into effective legislation." Amici Curiae at 23, 24. The Jones court then held that 1982 was intended to prohibit private discrimination in housing sales and rentals. In another major decision in Runyon v. McCrary, 427 U.S. 160, the Court found 1981 applied to the making and enforcement of purely private contracts, relying heavily on legislative history and precedent cited in Jones. Since Jones and Runyon, 1981 and 1982 have been used to give remedies for acts of private racial and ethnic discrimination in more than 100 published cases.

Vietnamese fishermen sued the KKK under 1981 for intimidating them in their Texas coast business. Likewise, 1981 was the vehicle for a suit against anti-Semitic thugs who had defaced a synagogue. Section 1982 was used to prevent the refusal of a cemetery to sell a plot to the family of a deceased Black veteran. Last year a unanimous Court in Saint Francis College v. Al-Khazraji, 107 S.Ct. 2022 (1987), a suit involving denial of college tenure to an Iraqi-born U.S. citizen, said 1981 was "intended to protect from discrimination—persons subjected to intentional discrimination solely because of their ancestry or ethnic characteristics."

What is so startling about the Patterson vote? The crux of this case was whether the racial harassment alleged by the plaintiff, Brenda Patterson, was within the ambit of 1981. Neither party in the dispute raised any question about the statute acting as a bar to private racial discrimination in the making or enforcement of contracts. That had been decided in Runyon. Runyon, in fact, has remained undisturbed for 12 years. It has been upheld in numerous Supreme Court decisions and in more than 100 lower court rulings. Even in the Runyon dissent, Justice Powell was forced to admit that it was important to follow the precedent in Jones because it had become part of "the fabric of our laws" (cite omitted) as has Runyon. Congress has tacitly endorsed the proposition of Runyon by refusing to weaken 1981 by amendment and by authorizing attorneys fees for cases brought under the statute.

What of the unanimous decision in Al-Khazraji a seemingly expansive view of the civil rights statute?

Is it possible that Justice Stevens was correct when he accused the Patterson majority of charting a course of judicial activism—"casting (themselves) adrift from the constraints posed by the adversary process to fashion (their) own agenda?" Justice Rehnquist and Scalia are supporters of the Federalist Society, an intellectual, conservative group whose followers have often castigated liberal "activist" judges for straining the limits of the constitution and federal law.

More than likely, the addition of Anthony Kennedy to the Court has finally created a majority of ideological brethren. His appointment comes at a time when conservatives dominate the Executive Branch and the president has left an indelible influence on the federal courts by more than 300 appointments to Appeals and District seats and three appointment to the High Court. One suspects that most appointees are wed to conservatism not simply as a quid pro quo gesture but by choice; they share the president's vision for America. What does that vision mean for civil rights? Roger Wilkins, professor of history at George Mason University, writes in the October issue of Progressive Magazine, "The President and his chief advisors make no secret of their hostility to traditional civil rights activity. In recent years they have tried to restore tax-exempt status to private, segregated colleges, dilute the Voting Rights Act, and eviscerate affirmative action requirements." So it would seem that judicial activism by the Court would bode ill for civil rights. The court may well be poised to begin to remold the constitution to fit the Reagan agenda.

What could happen if Runyon is overturned? Section 1981 entitles a successful claimant to both equitable and legal relief including compensatory and sometimes punitive damages. Because of the shortcomings of other available federal statutes, 1981 is an indispensable yet potentially endangered remedy. Since the Runyon Court relied so much on Jones, overturning Runyon could jeopardize the Jones holding and weaken 1982., thus reducing the intended effect of the Reconstruction amendments and pursuant legislation to a mere paper guarantee. The clock would be rolled back on civil rights. In a nation still rife with prejudices, (cont. on page 11)
Steinglass wins Supreme case

With the conservative mood of the country affecting many political and legal decisions, Associate Professor Steven H. Steinglass helped buck the trend to score a victory for litigants suing under 42 U.S.C. section 1983 for civil rights violations. Steinglass argued before the Supreme Court during spring break last March in Felder v. Casey, 108 S.Ct. 2302 (1988).

Steinglass became involved in the civil rights case when Felder's first attorney asked for assistance. Steinglass is nationally known for his work with 1983 civil rights cases. Steinglass wrote the book *Section 1983 Litigation in State Courts*, published in 1987.

The plaintiff, Bobby Felder, claimed his civil rights were violated when he was beaten by Milwaukee police officers in 1981. The Milwaukee police claimed Felder pushed one of the officers who had stopped Felder for questioning about an armed suspect. Felder was then beaten and later charged with disorderly conduct. Felder, who is black, claimed an investigation of the incident was covered up by various police officers, all of whom were white. The disorderly conduct charge was later dropped.

Felder brought the suit in a Milwaukee state court nine months after the incident. Wisconsin has a notice-of-claim statute which requires the claimant to notify the agency involved within 120 days of the incident. If the claim is disallowed by the agency, the claimant would have six months to sue.

The police won in the lower courts with Wisconsin's Supreme Court holding that states could prescribe rules and procedures for dealing with federal claims in state courts.

The issue of the case was whether the state could do this; regulate how federal 1983 claims are brought in state courts.

In the opinion written by Justice Brennan, the Court held that Wisconsin's rules and procedures were in conflict with the remedial intent of the federal statute. "[W]here state courts entertain a federally-created cause of action, the "federal right cannot be defeated by the forms of local practice." Felder at 2306. Therefore, Felder's claim was not barred by the Wisconsin notice-of-claim statute.

This resulted in a major victory for 1983 plaintiffs. This case will establish guidelines for how state courts can handle federal 1983 claims. State courts may not apply procedural local law to a substantive federal claim if it is outcome-determinative. A plaintiff suing in state court under 1983 would have different requirements than if he sued in federal courts.

Steinglass said the case is a good indicator of how the Supreme Court will decide similar cases because of the 7 to 2 vote. Chief Justice Rehnquist and Justice O'Connor dissented. Technical, detailed opinions are indicative of how the Court will rule on other types of claims.

This was not the first time Steinglass appeared before the Court. He previously argued in defense of a fired Wisconsin state

(Cont. on page 11)
Ohio Supreme Court: the rules

By Doug Davis

Low bar pass rates have not satisfied the recently reconfigured Ohio Supreme Court. Reworked rules for admission to the Ohio Bar are aimed at keeping the numbers entering the profession down and keeping embarrassing cases such as Ohralik v. Ohio State Bar Association, 436 U.S. 447 (1978), from occurring.

These rules have not been adopted yet, but official comments on the proposed changes will be accepted just through October 12. Unless many comments are submitted to the Clerk of the Ohio Supreme Court, the rules likely will be adopted as published in the September 12 issue of the Ohio State Bar Association Report.

Some of the changes were purely mechanical or grammatical. Other changes, however, will substantively affect the admission policies of the Supreme Court. One item that remains the same is the age requirement. Ohio still requires someone to be at least 21 years old to be admitted to the Bar. Ohio is keeping good company though. New York requires its attorneys to be at least 21. Other states are not as threatened by youth. California and Florida, two additional states with reputations for tough admittance requirements (difficult bar examinations) allow people 18 years and older to be admitted to practice. In Florida's case, this is deceiving. The state now requires anyone taking the exam to have a four-year bachelor's degree; the same requirement as Ohio. This is not necessary in California. In California, to be admitted without a college degree, an applicant must be 25 years old and must have completed two years of college or show the maturity of someone who has completed two years of college.

In California, one does not even need to attend law school to be admitted to practice. If one chooses not to attend law school, other rules must be followed, such as a proficiency exam at the end of the first year. New York also allows anyone to complete a legal education outside of law school; the first year must be spent in school.

All lawyers licensed
for admission to the bar changing

in Ohio will have graduated from an ABA approved law school. This does not change from past practice.

The most abusive proposed change will affect those who fail to pass the bar in three consecutive attempts. Section 5(F) of the proposed rules requires anyone who does not pass the bar in three consecutive exams to complete an additional year of legal education. However, this extra year of legal education is not defined. It will be up to the Board of Bar Examiners to determine what an additional year of legal education will be.

Ohio would be unique among California, New York and Florida for imposing this burden on a prospective examinee. In effect, Ohio would be punishing someone for failing the test three times in a row, as if the failure was not a great enough burden. The struggle to become a lawyer often is an overbearing task. If a law school certifies a graduate as being competent to take the bar examination, additional education aimed at passing the bar exam would be pointless. It is a law school’s responsibility to graduate only those who would be competent professionals.

The Court also would like to eliminate the standard which makes the Multistate Bar Exam count for one third of the total Ohio bar exam. This standard is not replaced by an definite figure, allowing the Board of Bar Examiners more flexibility and subjectivity in grading exams.

Ohio, like Florida and California, will still require students who intend on practicing law in Ohio to register with the Supreme Court. Many states, such as New York, Colorado, North Carolina, Kentucky, South Carolina, Illinois, Tennessee, Vermont and Massachusetts do not require law students to register with their highest state courts.

The first change in registration requirements is that of five personal references, three must have known the candidate for at least five years and the remaining two must have known the candidate for at least three years. The rules were previously silent on this length of time, though in the past two years, the Court has been rejecting registration forms where the references knew the applicant for less than five years. No reasoning is offered for the specific time periods. Indeed, for “traditional” students, it will probably be difficult to find five non-related people who have known them for three to five years, other than personal friends. This may be the hidden agenda of the Court, to discover who law students’ friends are.

If the Court wants to know who a student’s friends are, it should ask. Will a typical 22-year old have typical references who have known them for five years? Typical references as used for resume purposes often include prominent public figures, former employers, members of the clergy, former teachers. Most of these references often know just one part of a person’s character, fitness and moral traits.

Registration forms must be filed along with $30 within 120 days of starting law school. If one waits until the bar examination application to file, it will be too late. Registration forms must be filed by March 1 for a July bar exam. Registering late will cost an extra $100. This undercuts a letter sent by Chief Justice Tom Moyer last winter, saying those who failed to register as law students within 120 days of starting school were prima facie incompetent to practice law in Ohio.

The character check provision required of all applicants registering as law students with the Court has been greatly expanded. Former section three of rule one has been deleted entirely and replaced with section 10. Five short paragraphs on character investigation have been expanded to three pages. The burden of proof is on the applicant to show he possesses the requisite character, fitness and moral qualifications. The rules do not define any of these traits.

At least the California rules make an attempt. “The term ‘good moral character’ includes qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, of the laws of the state and nation and respect for the rights of others and for the judicial process.” Cal. Bus. & Prof. Code foll. section 6068 Rule X (West 1974). The proposed rules attempt to define these same qualities except in a negative manner. “A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of admission to the practice of law.” Proposed Rule 1, 10 (D)(3). A laundry list of factors to be considered by the admissions reviewing committee is also included; whether the applicant has practiced law without authorization, evidence of chemical dependency, membership in an organization advocating the violent overthrow of the government, abuse of legal process, false statements including omissions. This leaves the real definitions up to the review committees and each committee’s subjective standards.

New section 11 provides an appeal process for applicants not passing the review committee’s standards for moral, character and fitness qualifications. At least this procedure will allow another chance of meeting the state’s stricter guidelines.

In the recent past, Ohio mandated studying the Code of Professional Responsibility for 10 classroom hours. The proposed rules maintain the 10 hours of classroom instruction and would also require an affidavit the bar exam applicant has read and studied the CPR as well as the Rules for the Government of the Bar of Ohio and the Code of Judicial Conduct adopted by the Court.

The Court is inconsistent with this provision. The thrust of the proposed rules is to try and admit more morally fit people as well as limiting the number of those admitted. Although most students consider the mandatory 10 hours of ethics a waste of time, the rule probably has some positive affect. It was almost ten years between Ohralik and Zauderer v. Office of Disciplinary Counsel, 471 U.S. 626 (1985). If the Court seriously wants applicants to have knowledge of the Ohio bar governance rules and judicial code, it should make the study mandatory as well.

Ohralik involved a lawyer’s person solicitation of an accident victim. Zauderer arose over Ohio’s Bar Association dissatisfaction with advertising methods used by Zauderer. The United States Supreme Court held that advertising by lawyers is permissible, including prices, as long as the advertising is not false, deceptive or misleading. Zauderer at 627. The first case, a questioning unethical practice; the second case, a dispute about generating lawyer fees. It is apparent the Ohio court is consciously trying to prevent cases such as these from occurring in the future. Though this is in everyone’s best interest, the court is misdirected in its attempts to disseminate information about the judicial code and rules for governance of the Ohio Bar. This information would be better relegated to a continuing legal education course once applicants have passed the bar. Requiring knowledge of specialized Ohio rules is unnecessary until one passes the bar exam.

The proposed rules will also effectively eliminate summer (cont. to page 11)
Hammons is Dreamgirl

By Doug Davis

Performing in a production analogous to Diana Ross and the Supremes mirrors the ambitions of second year day student Terri McNair Hammons.

Hammons is performing in Karamu House's production of "Dreamgirls," directed by Mike Malone. She had no intentions of auditioning for the play, but after talking with the director, he convinced her that she would have time to participate and keep up with school.

On stage performances are not new for Hammons. She has been involved with theater since she was able to walk. In "Dreamgirls," Hammons does more than walk. She is part of the chorus, dances, and sings with two of the show's groups, Les Styles and Step-sisters. Since Hammons is not a principle in the production, she still has time for school.

Hammons says she must be careful about which productions she acts in. The Cleveland Playhouse and Playhouse Square are both unionized, she said. Once someone acts in one of those productions, union dues automatically follow. That part is not distressing, however. The problem with being in the actors' union is that shows sometimes go on the road which would require Hammons to miss a great deal of school.

"Dreamgirls" runs through November 7, Thursdays through Sundays. The National Bar Association and the Student Bar Association are co-sponsoring a night with faculty and friends at the Karamu House on E. 89th and Quincy, October 16. Tickets for "Dreamgirls" are normally $12, but for the NBA and SBA event, they cost $10, with a reception immediately before the play in the law building atrium.

Hammons said the show is quite expensive to produce and none of the performers are being compensated. "Dreamgirls" is being produced to raise money for the Karamu House Community Theater, she said.

Terri McNair Hammons

Mom, Apple Pie, Superman, Uncle Sam, Rock 'N Roll & R. House Cafe destined to be included in the HALL of FAME!

Euclid & 21st. Opposite Cleveland State University Home of Rock 'N Roll Cleveland, Ohio
Gard briefs first amendment rights case

By Mark Cervello

Should the mayor of a city have unbridled discretion to permit or deny a newspaper publisher from placing its newsracks on public property? The United States Supreme Court, in City of Lakewood v. Plain Dealer, 108 S.Ct. 2138 (1988) does not think so. Cleveland-Marshall Professor Steven W. Gard played an important role in affecting the Court's decision.

This question arose when suburban Lakewood, bordering Cleveland's west side, passed an ordinance in 1984 giving its mayor absolute authority to grant or deny applications for annual newsrack permits. If the mayor decided to grant an application, an annual permit, for a fee, would then be issued by the city subject to, among other things, any "terms and conditions deemed necessary and reasonable by the mayor."

The Plain Dealer, Cleveland's only daily newspaper, took exception to this ordinance and made a facial challenge to this law. The Sixth Circuit Court of Appeals, reversing the District Court, found this ordinance unconstitutional. The city appealed.

In a 4 to 3 decision, the Court allowed the facial challenge and affirmed the Sixth Circuit's holding. Writing for the Court, Justice Brennan said placing no explicit limits on the mayor's discretion does not provide for a protection from censorship or even provide a sound basis for eventual judicial review since review may only occur after an application for a permit is denied. Thus, the mayor could stall and ignore an application brought before him. The newspaper would have no remedy except to petition for a writ of mandamus.

Gard played a significant role in this decision. Gard has vast experience in the area of First Amendment Rights and teaches a class on the subject as well as classes on torts, Con-law and commercial law. Because of his background, the Cleveland chapter of the American Civil Liberties Union asked Gard to write an amicus brief supporting the Plain Dealer.

"Since all drafts submitted to the ACLU must be approved by their national headquarters, my draft was really written on behalf of both the Cleveland and national ACLU," Gard said.

In his brief, he supported the publisher's claim that 1st amendment guarantees of freedom of expression were jeopardized by the ordinance.

"The Lakewood ordinance gave too much discretion to the mayor," Gard said, "We also claimed that the permit fee was unconstitutional, but the Court refused to decide that issue."

When asked if the case was interesting or even fun, Gard said, "It's always fun. Presenting new and exciting issues that have never been raised before the Court is always a fulfilling experience."

Flower addresses racism

By Christina M. Janice

Administrative reorganization, reaccreditation and racism were the topics addressed by University Interim President John A. Flower in his first major speech to the CSU community on Thursday, September 22 in the University Center Auditorium.

Flower outlined his plans for streamlining the channels of communication between the administration, faculty and bureaucracy. To the President's Cabinet, an advisory group consisting of the Vice Presidents and Provost, have been added the nine academic deans, including the Dean of the college of Law. "But I should add," Flower qualified, "that the President's Office will certainly not be involved in the
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Ohio Court amends rules

(Cont. from page 7)

The rules would require bar applicants to file a certificate from the law school confirming the applicant has received a law degree. That means a person finishing the last class by mid-July would be ineligible to sit for the exam. In addition, applicants must have satisfied the character, fitness and moral qualifications screening at least three weeks before the exam.

California, New York and Florida do not impose such restrictive time limitations. Ohio seems to be alone in denying students who graduate from law school in the summer from taking the July bar exam.

New C.S.U. president speaks

(Cont. from page 9)

Flower also announced that Affirmative Action and the much-scrutinized basketball program will report directly to his office. Further, he called for a review system of the University's bureaucracy "to make its members and especially its supervisors accountable."

The Interim President received his warmest response from the audience of mostly faculty and staff when he called for replacing the Faculty Council with a full Faculty Senate, governed by its own members.

Flower answered the charges of racism that have plagued the University by announcing that the University was found guilty "only of minor technical violations of reporting practice, at worst simply administrative inadequacies." He also read from a conciliation agreement between CSU and the Office of Federal Contract Compliance Programs, (OFCCP) in which the University "categorically denied" discrimination in clerical hiring practices, but agreed to eight stipulated remedies in order to avoid lengthy litigation. Further, a job evaluation study is underway, and due for completion by June 1.

Another study, headed by the University's Reaccreditation Steering Committee, will assess the University's programs and administration in light of the criteria presented by the North Central Association. This study will be presented to the University community in the spring for review, before the final report is submitted to the North Central Association.

Commenting on his view of the future of the College of Law, Flower expressed his desire that the college focus its attention on the issue of ethics in the law. He also called for the college to solidify its relationship with the legal community in Cleveland.

Flower urged that the University must present "a coherent image . . . that reinforces our development activities and that takes the initiative rather than simply reacting to needs and crises.

"We cannot allow external constituencies to push us into defensive postures," he said.

Stokes (Cont. from page 5)

Stokes practiced law for 14 years as the chief trial counsel for the firm of Stokes, Character, Perry, Whitehead, Young and Davidson. In 1968 he argued the landmark "stop and frisk" case of Terry v. Ohio in the Supreme Court.

"Over the years I have been proud to serve as a champion of education have been committed to providing educational opportunities for our disadvantaged minority students," Stokes said. "This scholarship fund will serve such students as a means to obtain an outstanding legal education. And in my case, it was the law profession that made possible my career in the United States Congress.

High Court rehearses case

(Cont. from page 4)

reversal would be a green light for hate groups to victimize historical and contemporary targets. The American dilemma - the paradox between our egalitarian creed and our history of racial oppression would be a memory.

Already amicus briefs opposing reconsideration of Runyon have been filed by 67 U.S. Senators, 119 Congressmen and 47 state Attorneys General. The National Lawyers Guild together with the Center for Constitutional Rights, the National Conference of Black Lawyers and other progressive organizations also filed a brief. Despite this impressive opposition, there is much more to be done. Patterson is a seminal battle against the Reagan agenda, not just a fight against racial discrimination.

Note: As part of the Guild's Mideast Regional Conference at Cleveland-Marshall October 28-30, there will be a major panel discussion on Patterson. Professor Arthur Kinoy from Rutgers Law School who co-authored the amicus brief for the Guild will be featured.
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