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Terry Burke Is Elected Student Council President

J. Terence Burke was elected 1968-69 president of Student Council in an election conducted at Cleveland-Marshall Law School Feb. 6-7.

He defeated fellow third year student Joseph Kodish. Jack Budd, who supervised the election, described the results as "close."

However, Budd said, both candidates decided that actual vote totals would not be announced.

Other officers will be selected by Student Council itself, after new class representatives are elected.

Burke has a list of ideas he would like to implement.

It includes: Student evaluations of their instructors, under Student Council auspices.

Closer coordination between students and faculty committees, hopefully through the faculty's Student Activities Committee. Burke feels the administration might better be able to make decisions if Student Council has the opportunity to discuss them first.

A privately run used book store at the school. "The Student Bar book exchange has been a failure," Burke says.



President Burke, left, is congratulated by Joseph Kodish as election chairman Jack Budd looks on.

A permanent file of past examinations in the library. "A lot of other law schools have it, and I don't see why we can't," he explains. "If the exam is a good exam and an honest exam I see no reason why a professor shouldn't want it in the library. It would particularly be an aid to first and second year students."

An Inside Look at Legal Aid

By Glenn Billington

The availability of trained legal counsel is the only sure way to protect an individual's legal rights. The Legal Aid Society was founded over sixty years ago to provide that counsel to those unable to afford private attorneys. Since 1906 Legal Aid attorneys, practicing in two downtown offices, have developed an excellent reputation as advocates of the poor. In 1964, Congress became aware that existing efforts to break the cycle of poverty was barely scratching the surface of the real need. Beginning in 1965, the Office of Economic Opportunity has provided funds to Legal Aid to establish Neighborhood Law Centers located in the areas most in need of legal services for the poor. These offices (now 7) have been operating for two years and it is estimated that 20,000 clients will seek advice at Legal Aid Offices during 1968.

It has been said that frustration and hopelessness are the greatest enemies of the slum dweller. Often this frustration has developed because people with problems have not known how to assert their legal rights. People with problems such as poor housing, non-supporting fathers, lack of public services, harassment by creditors, discrimination, and many have been unable to see any hope of improvement and have succumbed to apathy. It is the goal of the Legal Aid Society to attack that apathy and frustration by encouraging any individual or group who feels that he has a problem to come to Legal Aid and discuss the matter.

If there is a legal approach to

solving the problem, and if the client cannot afford to retain a private lawyer, then the Legal Aid attorney will handle the case. If the problem does not present an immediate legal issue the client is advised of various other agencies or approaches which may be useful in effecting a solution. If the client's problem reflects a basic inequity common to poor people as a class than the Legal Aid Society is equipped to prepare and advocate whatever law reform may be necessary. Law reform may take place through negotiation, test cases, legislation, or similar legal action.

Presently several Cleveland Marshall students are working for Legal Aid in various capacities. Some are assigned to a Neighborhood Law Center to interview clients, run docket, research issues and generally be helpful around the office. Others are assigned to the Downtown Office where they work on special in-depth research projects.

Cleveland Marshall alumni make up the backbone of the Legal Aid staff; including the Civil Director, the Defender Director, several attorneys-in-charge of Neighborhood offices and several staff attorneys in both the Civil and Defender branches. Truly Cleveland Marshall has a proud position in Cleveland's growing Legal Aid project.

During the next few weeks this column will explore some interesting areas of work being done at Legal Aid with the hope of encouraging other Cleveland Marshall students to take an active interest in Legal Aid issues.



Gerald Wochna

Court Appointments to Halliday and Wochna

Fourth year students Nancy Halliday and Gerald M. Wochna have been appointed law clerks with the Cuyahoga County Court of Appeals. Nancy will assist Judge Sumner Canary while Gerry labors for Judge Joseph Artl.

Nancy, who has several years experience as a legal secretary with a top Cleveland law firm, was Editor-in-Chief of the January, 1968 edition of the *Cleveland-Marshall Law Review*. She is also carrying better than a B average in school. (And, she is camera-shy.)

Gerry, who has experience as a title examiner and as an insurance claims representative, was a member of the 1967 National Moot Court team from Cleveland-Marshall and has served as a Student Bar representative and as an officer of Ranney Senate of Delta Theta Phi.

Both students say they are enjoying their new positions tremendously and feel quite honored to have been selected from the large field of applicants.

JAG Applications Deadline Grows Near

Law students are reminded that direct commissions may be obtained from the various branches of the armed forces. The Naval JAG program will be open to a limited number of applicants this year and applications must be submitted between December 1, 1967 and March 1, 1968 and should be addressed to: The Department of the Navy; Bureau of Naval Personnel; Washington, D.C. 20370.

Application for the Army JAG program should be sent to: Department of the Army; Headquarters Third U.S. Army; Fort McPherson, Ga. 30330.

The *Gavel* needs writers and proofreaders. Any student with a desire to write and who has ideas is welcome. No credit of any kind is offered. However, the work will prove satisfying for anyone interested in writing and who would enjoy being on the inside when school news breaks. Students interested — please contact the editor.

Dean Oleck Answers Students' Questions During Long Session

Student Bar members and other interested students fired questions at Interim Dean Howard Oleck for more than two hours at a special meeting called by Dean Oleck, Thursday, February 8.

In response to students' questions, the Dean made the following comments:

The school year has been extended to comply with law school accrediting requirements as to number of classroom hours spent for each hour of credit. Other night law schools have four-hour night sessions, or go four nights per week, or have mandatory summer sessions, and the Cleveland-Marshall situation is still preferable to any of those alternatives. (In response to a proposal that the school year begin in August rather than end so late in June, the Dean pointed out that the faculty was against such a proposal, and, more important, most applications for night school are received in August and could not be processed in time for an earlier opening.)

Discussions regarding merger with Cleveland State University were in progress but no specific comment could be made as to their direction.

Rumors that part-time faculty members were to be phased out was utterly false, and that he considered many of the part time faculty the best available anywhere in the country. It was true, he added, that there were more part time

men added this year than before because of an initial shortage of full time men.

A faculty evaluation would probably be granted if the Student Bar would request it.

The number system used for testing purposes should be used to grade the papers objectively, but that once graded the professor may add or subtract from borderline cases according to classroom participation.

It was preferable to have a *Gavel* representative sit in on faculty meetings as opposed to a Student Bar member. There would be less feeling of pressure.

Gavel staff and Student Bar members will not in the future be awarded monetarily for their services. Law Review and National Moot Court course credits will be reduced by one hour.

Membership in the American Association of Law Schools was very desirable for both students and faculty, but especially for the students. Many of the administration's decisions are aimed at hastening such approval.

Third year students will receive three hours credit for Wills this trimester. They need only submit a proposal to this effect, and of course, pay for the additional hour.

Student Practice Proposed

By Ralph Kingzett

Cleveland-Marshall Law School is leading a campaign which may result in allowing students to practice, on limited terms, in the courts.

The League of Ohio Law Schools will consider, at a meeting in Dayton in March or April, formal wording of a request to the Ohio Supreme Court for that purpose.

Cleveland-Marshall presented its case to the league at a meeting last month in Columbus.

The presentation, by Prof. James Flaherty and third-year student Joseph Kodish, was the result of an intensive study conducted by members of Phi Alpha Delta Law Fraternity.

The members, at their own expense, conducted a telephone poll of law schools in 12 of the 18 states which allow limited law practice by students.

"Phi Alpha Delta's action prevented this thing from becoming stalemated in committee," Prof. Flaherty said.

"The study showed reaction overwhelmingly in favor of such practice—giving names, dates, persons involved and schools." It was enough to convince the league to endorse the plan.

If the Ohio Supreme Court approves, third year day students and third and fourth year night students would be permitted to

appear in court, limited by these guidelines:

There must be proper supervision, under the auspices of a legal aid bureau or an organization or clinic approved by the local bar or the law school.

Appearance is limited to civil actions or misdemeanors.

An admitted attorney must sign motions, pleading and all other court documents.

A student may also represent the state or one of its subdivisions in the prosecution of criminal misdemeanors.

He must obtain permission of the judge hearing the matter, after presenting him with a certificate from the dean of his school and the agency he represents.

Librarian Helen Garee would like to offer a refresher course in Legal Bibliography for third and fourth year students. She proposes about four sessions, each lasting two hours on Saturday mornings. Areas covered would include Shepardizing, the key number system and the A.L.R.s. Those interested should contact Miss Garee.

Many years ago in the land of Clevemar there lived a kind and benevolent King. After serving his subjects well for many decades it was decided that the King would abdicate, to be succeeded by a wealthy young prince from a western province. However, before the Western Prince could gain control there was a revolt by the subjects which caused the Western Prince to depart, taking with him many of his knights.

The fighting spread, causing the breakup of the shaky alliance between the land of Clevemar and the Kingdom of Baldwin. To make matters worse, while the land was in an uproar, a terrible plague descended. The plague struck at night. One stormy, gloomy morning the Kind King's first assistant, Prince Oleron, awoke to find people calling him "Interim King."

The Kind King had gone, leaving Prince Oleron in charge. He tried to sign his name "King Oleron," and even "Prince Oleron," but no matter how hard he tried, it always came out "Interim King Oleron."

Not many days later, one of the leading knights arose to find himself renamed "Acting Knight." Everyone called him "Acting" and no matter how hard he tried, he could not sign his name without prefixing it with "Acting." He tried as hard as he might, but the supernatural powers that controlled him forced him to sign, "Acting."

Now, it was well known in the kingdom that the only beings capable of such a dread curse were the Gods of Trustee, who dwelled near, but were ever far away. It was also an open secret that the Gods of Trustee were carefully scrutinizing King candidates from among several Princes. They searched far to the East and far to the South, examining Princes carefully.

Meanwhile, however, frustration mounted in the Land of Clevemar. The subjects didn't know the value of the "Interim" King's Writs. Would they be overthrown by the new ruler? Would there ever be a new ruler? Was the Plague of the Interim to never be lifted from the shoulders of Oleron?

Subjects wonder out loud, "What are the Gods of Trustee doing? Oleron is highly qualified, probably the best qualified of the princes. Why isn't the Curse of the Interim lifted?"

* * *

We sincerely hope that the students enjoyed the last edition of the *Gavel*. We feel that a law school newspaper should not only cover student and faculty news, but should also serve to stimulate, through feature articles, special columns and editorials, thought and debate among its readers. Lawyers are social architects. Law students should begin, while students, to realize this, and to begin to analyze the problems with which they will later be called upon to solve. Air pollution, death on the highway, urban renewal—these are all the problems of the lawyer. We should not sit back, allowing journalists and social workers to solve problems best suited to us.

Students at Cleveland-Marshall have long been referred to as "mature." Perhaps this is just a euphemism for "old." Let's forget for a moment how "mature" we are. It is the students who can make a school great. They can only do it by being activists. "Student Power" is a reality. Law students cannot afford to fear anyone. If we must take on the hierarchy, we must. We should protest poor instructors, and bad administrative policies. There should not be fear of retaliation for voicing disapproval, if warranted.

The students should demand such things as tours of state and federal prisons, courtroom sessions, and the like. In the total makeup of the educational system, it is the students who have the greatest power to provide excellence. It is up to them to use this power.

The Gavel

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

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Combing Through Hairy Cases

By J. Norman Stark

Babies haven't any hair;
Old men's heads are just as bare;
Between the cradle and the grave
Lies a haircut and a shave.

(Samuel Hoffenstein, *Songs of Faith in the Year After Next*, VIII)

The American Civil Liberties Union, in Ohio, is currently defending the longhirsutes of a fourteen year old North Olmsted schoolboy suspended from classes for disobeying the rules of the board to wit: "good grooming, reasonableness of dress, all good propriety." The boy, a British subject, was first suspended September 19, 1967, then expelled from school, and charged by the board's Director of Personnel with truancy, delinquency, and failure to obey school authorities. The boy's father, on inadequate advice, and without understanding the implications of the action, waived counsel and tried the case himself before the Cuyahoga County Juvenile Court, Judge John J. Toner. The defendant minor was adjudged a delinquent on the evidence there presented, and confined to the Juvenile Detention Home for examination, and custody, pending disposition of the matter. In redress of the boy's denied rights, the ACLU was requested to represent Carl Towner and his father, and successfully argued for release of the defendant to his father pending hearing on November 20, 1967. To preclude any further confinement of his son, the senior Towner sent the boy, his mother, and a younger (even longer haired) son out of the country, while the case is being prepared for appeal on procedural grounds of improper notice.

The Towner boy continues his education and growth in the relative freedom of England—a switch on our historic forbearers who took to the sea, etc. for American freedom and preservation of beards, hair, and often, entire heads.

The "hairy problem" may be attributed to recent derivation among musical longhairs, cubeniks, or flowerists, but this reporter has gone to great lengths, and practically no expense at all, in reviewing the history and public impact of beards, hairs, and related growths on the legal dockets.

An historic English citation, often attributed to Bacon, in Error, *IN RE: Ado v. Nothing*, 1598, discloses the advocate's argument:

He that hath a beard is more than a youth, and he that hath no beard is less than a man.

In a more liberal contemporary view, a California District Court of Appeals affirmed a writ of mandamus requiring the City of San Francisco to restore to office one bearded probation officer who refused to shave. (*Forstner v. City and County of San Francisco*, 52 Cal. Repr. 621). The chief probation officer, in dismissing the respondent for insubordination on refusal to shave, felt the beard identified the officer with "Beatnikism." (The evidence showed respondent's beard was always neat and well trimmed.) In a successful defense, the probation officer paraded a number of his bearded brethren before the trial judge, including a lawyer and a doctor. The court noted for the record that "an unkempt beard, like uncut hair, would offend against the neatness which is expected of public officer."

(Author's note: See also: Lincoln, Grant, Jackson, Hayes, Garfield, etc.)

All the world's a stage . . . full of strange oaths, and bearded like the Pard . . . with eyes severe and beard of formal cut.—Shakespeare, *As You Like It*, Act II

Not far from Commons, a Mass. Supreme Judicial Court upheld the decision by a school committee to bar a seventeen year old student with hair "in extenso" from attendance. (*Leonard v. School Committee of Attleboro*, 212 NE 2d 468). The well-behaved and well dressed student was a professional musician who had performed at the Newport Jazz Festival. Several school committee members, at a hearing of the student and his parents, showed up with barber's clippers and wigs, prepared for a "Shearing Night." Conceding that "the length and appearance of the plaintiff's hair are essential to his image as a performer," the Court nevertheless refused to pass on the wisdom or desirability of the school regulation, stating that acceptable haircuts fore a reasonable connection with the successful operation of the schools and that an unusual hair style "could disrupt and impede the maintenance of proper classroom atmosphere or decorum."



There is no indication that the number of specific nature of hairsutes is diminishing. Looking backward on the just-passed holiday, one might muse on a shorn Santa and behold. Nude Nick! Adversaries and worthy judges might enjoy a simple treatise on basic anatomy:

I'd rather have Fingers than
Toes,
I'd rather have Eyes than a
Nose;
And as for my Hair
I'm glad it's all there,
I'll be awfully sad when it
goes.

Nonsense Verses
Gelett Burgess

Phi Alpha Delta

By Ralph Kingzett

With its membership swelled by 35 new members, Phi Alpha Delta Law Fraternity is planning a dinner dance Saturday, Feb. 24, for installation of its new officers.

The event will be at the Roundtable, 242 Superior Ave. It begins with cocktails at 7:30 p.m. and dinner at 8:30 p.m. Hay Chapter, of Case Western Reserve University, has been invited.

To be installed are Justice Pierre Grieselhuber, Vice Justice Jeffrey Rich, Clerk Ralph Kingzett, Treasurer Barry Trattner and Marshall Carlton Thomasy.

Outgoing officers are Justice Kenneth Haber, Vice Justice William Powers, Clerk Thomas Demeter, Treasurer Marvin Plasco and Marshall Thomas Champion.

The new officers were elected Jan. 24.

Three faculty members, Profs. James Flaherty, John Winters and Hyman Cohen, were initiated into PAD in addition to 35 students.

Phi Alpha Delta is also sponsoring the third in a series tour of governmental facilities in Cleveland, Feb. 24. Cleveland-Marshall Law School students will tour the Cuyahoga County Administration Building at Lakeside and Ontario, beginning at 9:30 a.m.

Previous tours were Feb. 3, Cuyahoga County Courthouse, and Feb. 17, Cuyahoga County Juvenile Court.

In the planning stages are tours of the Criminal Courts and Federal buildings, both scheduled for next month.

Delta Theta Phi

By Ron Swencki

Ranney Senate of DELTA THETA PHI began the new year with the initiation of the officers for 1968. They are: Richard Walsh, DEAN; Richard Fiordalisi, VICE DEAN; Ronald Swencki, TRIBUNE; Timothy Gauntner, BAILIFF; Joseph Picardini, CLERK OF EXCHEQUER; Charles Cassaro, CLERK OF ROLLS; Ronald Gogul, MASTER OF RITUAL.

Ranney Senate has unanimously extended Honorary Membership to Professor Theodore Dyke and Judge Herbert R. Whiting. Professor Dyke, a graduate of N.Y.U. School of Law and an Arbitrator with the American Arbitration Association and Federal Mediation and Conciliation Service, is an instructor of Criminal Law, Torts, Trusts and Labor Law for Cleveland-Marshall. Judge Whiting, a graduate of Michigan Law School and past editor of the Michigan Law Review, is currently on the Common Pleas Bench of Cuyahoga County.

On January 20, the Cleveland Alumni Senate of DELTA THETA PHI held its annual Tom and Jerry party at the law school. The party was open to members of the Student Senate, and provided an opportunity for those brothers of each Senate to become better acquainted.

On February 17, Ranney Senate will initiate 38 new brothers in a ceremony at the court of appeals in the Cuyahoga County Court House. Immediately after the initiation, a luncheon will be held in honor of the new brothers.

On March 9, Ranney Senate will hold its annual dinner-dance at the well-known Roundtable Restaurant, just off Public Square.