Carl E. Wasmuth, M.D., J.D.

Dr. Carl E. Wasmuth, Chairman of the Executive Committee of the Board of Trustees of Cleveland-Marshall Law School, is also Chairman of the Board of Governors, and Head of the Dept. of Anesthesiology, of the Cleveland Clinic, President of the American Society of Anesthesiologists, Fellow, American College of Anesthesiologists, Amer. College of Legal Medicine, Law-Science Academy, author of numerous articles on medicine and law, author of three books on medicine and law, now writing his fourth book, and conducting a full-time practice. Recently, he granted The Gavel a rare privilege of an interview.

The distinguished man we spoke with, honored by the medical profession, was recently accorded a place with the eminent of the world's contemporary great physicians as Chairman of the Board of Governors of the Cleveland Clinic. Measured by the standard of its counterparts like the Mayo Clinic and others, this adds up to a singular and momentous honor.

As Chairman of the Executive Committee, Dr.

Continued on page 6

New Curriculum Proposals Being Debated by Faculty
by J. Norman Stark

Among the subjects being suggested and discussed by the faculty are: a “Remedies-Group” program by Prof. Howard L. Oleck; “Law and Order,” by Prof. Edward Chitlik; and perhaps the boldest concept addressed to the problems peculiar to the midwestern area of the United States is one by Prof. Frank D. Emerson—a Mid-Continent Law Center.

Continued on page 7

House OK’s C-M—CSU Merger

The merger of Cleveland-Marshall Law School with Cleveland State University moved closer with an 87 to 8 House vote in favor on February 18, 1969.

Representatives of the boards of trustees of both institutions, CSU President Harold L. Enarson, and Cleveland-Marshall Dean James K. Gaynor, both testified at a hearing in favor of the legislation enabling the merger. The bill has been endorsed publicly by Gov. James A. Rhodes and the Ohio Board of Regents, and is sponsored by the entire Cuyahoga County delegation to the Ohio House. State Representative Mark C. Schinnerer, D-49, Cleveland, told the committees there were no plans to cut the number of evening classes presently being offered at C-M.

The complete text of Dean Gaynor’s address to the committee follows on page 4.

Loan Fund Increased

Prior to adoption of the National Defense Student Loan Program, Cleveland-Marshall conducted its own financial aid program, chiefly in the form of personal credit extensions or tuition waivers. These, in their day, were adequate. With continuing increases in the cost of tuition, coupled with the general increases in the cost of living, a typical student now no longer can afford to put aside as much toward his legal education as he could in the past. Neither can the Law School continue with the deferred tuition method without inviting financial disaster.

A number of years ago, the NDSL Program was started at CMLS with a mere $2000 federal allocation per year. Over a period of time, this amount was slightly increased. Even so, this program, coupled with repayments which are available for relending, kept the School’s allocation of funds in 1967-68 to slightly less than $4000. This provided 23 students with loans averaging $375, obviously an inadequate program.

Then, in December 1967 HEW notified us that our level again was cut to $2000.

Continued on page 17
We Get Letters—An Editorial

It is difficult to see things in proper perspective standing around a coffee machine in the Student Lounge. It's hard to understand the functions, dynamic movement of things and people through the "front office" with only a hurried glance at the bulletin board, or through the glass door of the School Office as you walk by quickly. But, we get letters to keep us informed. We receive mail that quickly and soberly informs us that things are happening at Cleveland-Marshall. It comes from those who care to take the time, and interest to let us know they value what we, collectively, are doing here, and that they would like more of the same fine work that distinguishes this institution.

Each day, letters arrive from other periodicals, and other law schools, (never from our faculty or student body), requesting permission to reprint articles from C-M Law Review, and copies of The Gavel. With the exception of articles by outside contributors and C-M Alumni, these are some of the recent requests:


Gabrielle and Robert Kinkela, supra, by Cleveland Metropolitan General Hospital; and also Greater Cleveland Nurses' Association.


The list should include many others. . . . It should also include the requests from California and Alabama and Texas to be placed on the mailing list for The Gavel. Other letters request prior issues to complete the collection in their libraries.

The road to Hell is still paved with (damned, but seemingly) good intentions, whether viewed from a slouched position in a (Student Lounge) chair, or in a break-time lineup at the coffee machine. Mumbling dissatisfaction is admittedly easier than doing something about it—in print (here), in the oral advocacy of the Moot Court, or within the strict disciplines demanded in a law review, where others can, and will measure and test you for what you are made of.

We are judged by what others hear about us, and most particularly by what they read of our work. We are privileged, being a small, closely knit School to try new ideas, and to express them in formal and informal articles for public use. By these yardsticks (of type) we are measured, and by these must we continue to strive for excellence—in our attitudes, our work, our writing, and our School.

Attendance Policy

The Bulletin of Cleveland-Marshall Law School (1968-69) reads as follows in regard to class attendance:

"Students are required to attend classes with substantial regularity. Unsatisfactory attendance in any course may be deemed cause for withholding credit for that course, except by special permission of the instructor in charge."

Editor's note: It would seem therefore, that attendance is required, tempered by the individual instructor's understanding of "substantial regularity."

Marvin Plasco (4th yr. Evening), supra, by Practising Law Institute.


Gabrielle and Robert Kinkela, supra, by Cleveland Metropolitan General Hospital; and also Greater Cleveland Nurses' Association.


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C-M Student Serves on Bar Committee

First Year Student, Marilyn Zack, has been appointed by the president of the Cleveland Bar Association, Mr. Burns Weston, to the Modern Judicial Systems Committee. The purpose of the Committee is to prepare a plan to modernize the county Judicial system and to consider such questions as the need for a metropolitan court system, the appointive-elective system of selecting judges, and improvement of the administration of the courts.

The Committee is composed of eight laymen and nine attorneys, headed by Harley F. McNeal. This is the first time laymen have been included on a major study committee of the Bar Association.

Mrs. Zack was chosen as a representative of the League of Women Voters of Cuyahoga County, of which she is past president.

Goshien Consultant to I.R.S.

Assoc. Prof. David B. Goshien has been retained by the Internal Revenue Service in Washington, D.C. as a consultant. Prof. Goshien has been asked by the Service to consult on a proposed nationwide test to measure the overall tax competence of those seeking admission to practice before the I.R.S.

This is the second federal consulting job held by Prof. Goshien. He is currently serving in an advisory capacity to the Conciliations Branch of the Compliance Division of the Equal Employment Opportunity Commission.

When asked about his new appointment, Prof. Goshien commented, "I am pleased to have been chosen to serve since it is my belief that teaching may become stale without some form of practical application. I enjoy the working relationship between academia and the federal government's work, and hope some day to be able to use some of my experience in consulting for a good purpose in the classroom."

For the Record...

STUDENT MAIL keeps piling up and gathering dust on the counter of the School Office. Students are urged to check mail weekly, and claim their miscellany. Ask at the Office.

Second Year student KEVIN Duffy has been offered a clerkship with the Ohio Supreme Court—the result of his article in the C-M Law Review. Justice Paul W. Brown noted the article, entitled "Depreciation Damages in Eminent Domain Proceedings," 18 C-M L. Rev. 106, and wrote to Duffy commenting on the Court's referenced decision and Duffy's views. Justice Brown's letter of December 10, 1968 concluded with the offer of a one-year clerkship after graduation.

Consultant to the Dean, HON. SAMUEL H. SILBERT, Chief Justice Emeritus of the Court of Common Pleas (Cuyahoga), has recently begun to share an office in the School building. Since his retirement from the Bench most recently, Judge Silbert not content to relax, reports to his office regularly each day, with his office associate, "Gard"—(the affectionate name given by his colleagues)—PROF. WILLIAM K. GARDNER, Professor of Law, Emeritus.

DEAN JAMES K. GAYNOR gave two talks to the cadet corps of John Carroll University on Military Law on February 7, 1969. The following day, he attended the convocation commemorating the one hundredth anniversary of the Notre Dame Law School, and participated in the academic procession at which retroactive Juris Doctor degrees were given to Notre Dame graduates.

U. S. District Judge Timothy S. Hogan has appointed PROF. FRANK EMERSON as an umpire for the United States District Court.

Among the varied professions of C-M Students there is one practicing Chiropractor. He is, first year day student, TOM HAYES.

In its ever-increasing attempts to broaden the horizons of Cleveland-Marshall, THE GAVEL has added a foreign correspondent to its staff. Former full time staff member MARVIN SABLE, (now of the United States Army), will cover the United States Army installation at Jackson, South Carolina at present, but is anticipating a new assignment, possibly in a tropical climate.

Three C-M students are participating as guests on "Open Forum," the Sidney Andorn Show, Radio Station WGAR, from 8:05 to 9:00 P.M., to answer questions about Federal Income Tax. The threesome, Internal Revenue Agents with the Cleveland District Office, are, in order of appearance:

Jan. 28, 1969 (Tuesday) Sheldon Polish (4th yr.) and Jeff Weiler (3rd yr.)

Mar. 18, 1969 (Tuesday) Leonard Kleinman (3rd yr.)

Apr. 14, 1969 (Monday) Leonard Kleinman and Jeff Weiler
Statement of Dean James K. Gaynor of Cleveland-Marshall Law School with respect to House Bill 20, to permit the Cleveland State University to acquire Cleveland-Marshall Law School.

Mr. Chairman and members of the (House Education) committee:

My name is James K. Gaynor. I have been Dean of Cleveland-Marshall Law School since July 12, 1968. I am here to urge the enactment of House Bill 20 which would permit The Cleveland State University to acquire Cleveland-Marshall Law School. I very much appreciate this opportunity to appear before the committee. I propose to tell you briefly about Cleveland-Marshall Law School and give my reasons for favoring a merger of it with The Cleveland State University.

History. Cleveland-Marshall Law School was established by the merger in 1946 of The Cleveland Law School, which had been founded in 1897, and The John Marshall School of Law, which had been founded in 1916. Both of these predecessor schools had been proprietary in nature, but from the beginning, Cleveland-Marshall has been operated by a non-profit corporation established under the laws of the State of Ohio.

There are ten members of the corporation who select twelve trustees but there presently is a vacancy on the Board of Trustees due to the death of Judge Lee E. Skeel. The trustees are responsible for policy determinations in the actual operation of the school.

Cleveland-Marshall was affiliated with Baldwin-Wallace College for four years but the affiliation terminated in October 1967 because of a disagreement in the selection of a dean to replace Dean Emeritus Wilson G. Stapleton upon his retirement at sixty-seven years of age. Cleveland-Marshall since has operated independently.

Purposes. Cleveland-Marshall grants the basic degree in law, Doctor of Jurisprudence (the equivalent of Bachelor of Laws in some law schools), after the successful completion of four years of study in evening courses or three years of study in day courses. The day program began in September 1967 and the first graduating class of day students is scheduled for June 1970.

The school also offers graduate courses leading to the degree of Master of Laws, and members of the bar may enroll in individual courses for continuing legal education in specialized subjects.

Accreditation. Cleveland-Marshall is a member of the League of Ohio Law Schools which is the accrediting arm of the Supreme Court of Ohio. It is accredited by the American Bar Association, and its graduates are eligible for the bar examinations of all fifty states and the District of Columbia.

An application for membership in the Association of American Law Schools, which in effect is the most prestigious accrediting agency in the country, was submitted in 1964 but was deferred by the Association. It was resubmitted in 1968 and a preliminary inspection by the Association concluded that the school meets all of the standards for membership. Formal committee inspection by the Association is expected in March 1969, with final action anticipated in December 1969.

Faculty. The actual operation of the school is by the Dean, two assistant deans (one who also acts as Bursar, and one for academic affairs, although the latter position has not at this time been filled), and fourteen additional full-time faculty members. The Dean and Assistant Dean presently are teaching courses. Another full-time faculty member is to be added in September 1969 when the day classes will be in their third year. There are twenty-six part-time faculty members, almost all of them prominent practicing attorneys. Not more than ten of these teach in any term since accrediting requirements demand that at least eighty per cent of the class hours be taught by full-time faculty members.

Enrollment. The enrollment of the school as of October 1, 1968 was 590, of which eighty-four were enrolled in day courses and 506 in evening courses. This did not include fourteen attorneys taking work toward the degree of Master of Laws and thirty enrolled in continuing legal education. This enrollment represented a nine per cent decrease from the 1967-68 enrollment of 646.

The decrease in entering students from 1967-68 was twenty-three per cent among evening students and forty-four per cent among day students. Much of the decrease may be attributed to the military draft since at least sixty applicants were known to have been drafted after acceptance.

Merger. Shortly after the disaffiliation from Baldwin-Wallace, the trustees of Cleveland-Marshall and the trustees of The Cleveland State University began consideration of a merger by which Cleveland-Marshall would become a graduate school of the University. The trustees of the two institutions reached complete agreement, and in November 1968, the Ohio Board of Regents gave its approval subject to legislative authorization by the Ohio General Assembly.

Under the merger plan, the Law School would become “Cleveland-Marshall College of Law of The Cleveland State University,” and the assets of Cleveland-Marshall other than investments, would be a gift to the State of Ohio.

These assets include a building and furnishings. The accountant's book value of the building is $700,000. The replacement value of the building, as accepted for insurance purposes, is $1,200,000. The furnishings are valued at over $50,000 and in addition, the library of more than 73,000 volumes is valued, according to the usual conservative law-library valuation of $10 per volume, at $730,000.

The investments are valued at approximately $1,200,000. Under the merger agreement, these would provide...
"a trust fund for the enrichment of the law program at CSU as the Trustees of CSU may determine, through the use of the income therefrom without invasion of the principal for any cause, for the establishment of professional chairs by way of additions or supplements to the basic salaries paid by CSU to the faculty of Cleveland-Marshall College of Law of the Cleveland State University; for the improvement of the library; for the offering of scholarships; and for other law education enrichment programs."

Cleveland-Marshall Law School has no mortgage encumbrances and has no liabilities other than current ones and the commitment "to fund, or to make other provisions for the continuation of pension payments already contracted by Cleveland-Marshall with deserving members of its staff."

Six persons presently retired are receiving payments under this commitment and another is expected to retire in about 1971. The total annual payments to these persons will be $19,100 per year. The youngest person involved is now sixty-one years old.

The Cleveland State University will offer employment to all present employees of Cleveland-Marshall, including faculty under tenure arrangements in existence at the law school.

As Dean of Cleveland-Marshall, I have publicly stated that in the event of merger, it will be the prerogative of Cleveland State to name the dean of the law school, and I shall have no objection to reverting to professorial status if a change is deemed desirable.

Financial Position. For several years ending with the 1967-68 school year, the tuition was $34 per semester hour. In that year, the operational loss was $142,532, which was reduced by investment income of $63,858. For the current school year, the tuition has been increased to $42 per semester hour, but the operational loss is expected to be about $152,000 which can only be partly offset by investment income.

In order to avoid a loss in the school year 1969-70, tuition will have to be increased to $53 per semester hour, which would be even greater without expected investment income. Such an increase in tuition has been authorized by the trustees of Cleveland-Marshall in case the merger with The Cleveland State University is not effected.

The faculty salaries amounted to $211,116 in 1967-68 and are expected to be $280,040 during the current school year. By comparison with the 130 law schools which reported to the American Bar Association in October 1968, Cleveland-Marshall ranked eighty-second in average faculty salaries paid. A substantial increase in faculty salaries must be made for the school year 1969-70, whether the merger is effected or not, and even the expected increase will find Cleveland-Marshall well down in the lowest third, in average faculty salaries paid, compared with other law schools in the country.

Alumni. Cleveland-Marshall has one of the most active alumni bodies of any law school in the country. Of about 3,000 alumni living in Northern Ohio, almost half are dues-paying members of the Alumni Association. The annual luncheon of the Alumni Association usually is attended by well over a thousand persons.

Alumni who have expressed their views to me are overwhelmingly in favor of the merger, and this is the official position of the Cleveland-Marshall Alumni Association providing the "Cleveland-Marshall" name is retained and evening classes are continued as a major part of the school's objective.

Conclusions. It is my opinion that:

(1) The merger would provide The Cleveland State University with a graduate school which is one of the best in the Midwest.

(2) The merger would provide the educational enrichment for students of Cleveland-Marshall and for its faculty which would come from affiliation with a university of high stature.

(3) Since the tuition for Ohio residents would likely be limited, the merger would provide legal education for many deserving residents of Ohio who otherwise would be deprived of it by reason of the necessary and foreseeable tuition increases.

I appreciate this opportunity to present my views to the committee, and I shall be happy to answer any questions which may be posed by members of the committee.

New Faculty Appointments

The newest member of the Cleveland-Marshall faculty is Associate Professor Edward Chitlik, who joined the full-time faculty in January after having been a part-time member of the faculty last year. He brings many years of experience to the faculty, having been a partner in the firm of Mandel, Chitlik, Simon and Goldsmith. Professor Chitlik will devote full time to the faculty as he phases out his firm connection.

Adjunct Professor Charles Auerbach, a practicing attorney in Cleveland for many years and a part-time faculty member of Cleveland-Marshall for more than a decade, will become a full-time member of the faculty in September, 1969.

William L. Tabac, Esquire, law clerk to the Honorable Anthony J. Celebrezze of the United States Court of Appeals, became a lecturer in law at Cleveland-Marshall in January. He is teaching courses in Property.

ACADEMIC CALENDAR 1969
OF THE LAW SCHOOL

March 31 - April 4 Spring Semester Vacation
April 4 No Classes—Good Friday
April 11 - 18 Second Trimester Examinations
April 21 Third Trimester begins
May 19 - 29 Second Semester Examinations
May 30 No classes—Memorial Day
June 9 - 13 Third Trimester Examinations
June Commencement (date to be announced)
Dr. Wasmuth contd. from page 1

Wasmuth serves Cleveland-Marshall Law School, along with nine other Trustees—a group of devoted, community leaders in commerce, industry, and professions, unified in their efforts and purpose for the betterment of the School and its future.

During the interview, Dr. Wasmuth carefully explained the Trustees' reason for the disaffiliation from Baldwin-Wallace: "A graduate professional school should never be a division of an undergraduate institution."

His comments about the Trustee team and their search for a new and proper affiliation: "Frei—meaning I. F. Freiberger, Chairman of the Board of Trustees, now 89 years old—took on a seemingly insurmountable task. He's a perfectionist, and one of God's beautiful creations, in mind and spirit. He set the goal and the pace, we merely followed his lead. And it took time, an awful lot of time. We literally spent a year of weekends during the summers of 1967 and 1968, meeting at our homes, interviewing students, faculty, and everyone we felt could help us understand better the needs of the School. It was mandatory in our goal that we strive to make C-M a good school academically, to permit it to offer a good legal education, to give the faculty some further benefits, and foremost, to preserve the School. We all implicitly believe C-M is an institution that can offer both day and evening studies in law at a level of excellence. In the thick of it all, Frei guided us, at times gently, at others more forcibly, as a kind and firm leader."

His own views on the past and present: "It was a quasi-proprietary school. Now it has come a long way and in doing it, accomplishing what we set out to do, we've alienated very few people. That was as important to us as the goals we set for ourselves."

Asked about the early discussions with Cleveland State University, Dr. Wasmuth explained: "Our cooperation with CSU has been excellent, never arguing points, merely how to state it. We were in complete accord and agreement from the very beginning. And, Mr. Dwight B. Buss, our Legal Counsel, has done an outstanding job, sensing the spirit we wanted to impart to the merger, an open frankness and welcome, in his art of selecting the right words and phrases to frame the entire accord."

Questioned as to why the great amount of effort, in view of the already heavy burden of practice and business each of the Trustees already were obligated to, Dr. Wasmuth added: "We were pleased to learn during our travels that the fame of our School has preceded our coming. Leaders in the sciences, arts, medicine, and commerce, as well as the law have heard of us (C-M). Recently, the Hon. Justice Freeman, Chief Justice of the Federal District Court in Detroit, conveyed to me his favorable comments on the C-M Law Review. That's a gratifying comment to hear, and it's among the most recent of many we're hearing lately. We are pleased to be associated, first (for myself), with a dedicated Board of Trustees, a dedicated Alumni organization, a dedicated Administration, a dedicated Faculty, and a cohesive, intent Student Body. We have preserved C-M and look to its greater future as the Cleveland-Marshall College of Law of Cleveland State University. It's been a lot of work, but worth every minute of it."

Ed. Note: To Dr. Wasmuth and our Board of Trustees, jointly and severally, this Student Body and those to follow gratefully acknowledge your efforts, each and every one.

Oleck Named to ABA Committee

Howard L. Oleck, Distinguished Professor of Law at Cleveland-Marshall Law School, has been named by the American Bar Association to their special committee on the proposed standards for law schools.

The Council of the Section of Legal Education and Admissions to the Bar of the ABA has formed a special committee made up of nationally prominent educators to review and advise on the proposed standards for legal education in this country.

Oleck, who served Cleveland-Marshall as interim dean, has been an instructor at the school since 1956, is the author of many legal texts, and a former president of the League of Ohio Law Schools.

Stencilled sign on the side of a carton of recently arrived law textbooks: "KEEP DRY!"

PAD to Hold Dinner-Dance

by Jeffrey A. Rich

On Saturday, February 22, 1969, the David C. Meck Chapter of Phi Alpha Delta Legal Fraternity will hold its annual installation dinner dance at the Hollenden House Hotel.

Dean James K. Gaynor and Dr. Harold L. Enarson, President of Cleveland State University, will be the honored guests and will address the group.

The reception, with cocktails, will begin at 7:30 P.M. Dinner will be served at 8:15 P.M. All faculty members are cordially invited to attend.

The new officers to be installed are Justice, Russell B. Turell; Vice-Justice, Kenneth A. Bossin; Clerk, Sal D. DeFelice; Treasurer, John Goodman and Marshal, Fred A. Mosely.

Twelve new initiates in the Fraternity will receive their pins at the Dinner-Dance. The new members are: Kenet E. Chareau, Gerald DeMarco, John Fox, Avery S. Friedman, Arthur L. Kraut, Robert Leiken, Harold N. Liggens, Jeffrey E. Lichtman, John E. Shoop, David Sheriff, and Paul A. Study.
New Curriculum contd. from page 1

Professor Oleck has suggested to the faculty a revolutionary course or plan for development. He explained: "It is based on the idea that law schools primarily teach substantive law thoroughly, plus adjective law procedure in the courts. Few law schools, however, teach courses in damages at all, administrative law being only an elective, with equity courses abolished in many law schools, while equity relief orders (specific injunction, for example), are poorly understood by most law students. In brief, law students are thoroughly taught theory of substantive decision-making, (e.g., "Judgment for the plaintiff," and why). But then, the question arises, what next?"

Today, even a course in damages, plus one in equity; plus one in administrative law (some of which are either absent or elective in many schools), even if all were mandatory, are quite inadequate.

After a lawyer knows who wins today, when he is thoroughly experienced in practice, he may or may not then decide to use a claim for money damages (which he may or may not be able to collect), or, he may or may not ask for an equity injunction, which may be futile too. But today there are many other avenues of remedies and relief, which have developed in this century, and which the law schools hardly seem to mention, much less teach, to law students.

For example, administrative relief has many forms, and includes many agencies on all levels of government—from the SEC, to the local Fine Arts Commission as to the design of a building, or an alteration. Church organizations can and do apply tremendous, effective pressure to resolve family problems, where a court order might arouse only bitter resistance. A professional society or association or labor union can "persuade" a member to do or not do something, as no court ever could do. There are many private welfare organizations that can provide invaluable help (or pressure) if invoked, and so on and on," he concluded.

D. P. L. Oleck is suggesting, therefore, creation of a new course or program, probably involving advisory experts from several disciplines, in commission or committee form, with the lawyer as the leader. Such a "Remedies Group" might consist of the lawyer, plus advisory welfare worker, clergyman, engineer, architect, physician, etc.

In effect, this system would teach students how to use all of the modern avenues available, and usually so little known to him until he hears of them over the years, gradually, while in practice. At the same time, the group itself sometimes might be an ideal remedy, akin to an "arbitration—court." There would be both a method and a means. But the lawyer would remain the dominant, guiding and deciding figure.

These dramatic proposals might well start an entirely new direction of legal education and practice, specifically attuned to contemporary needs, placing the practitioner once again in the role of responsible leadership and initiative with the community he serves.

Lawyer Placement Information
Extended to Include Students

The Lawyer Placement Information Service in 1968 extended its scope to include members of the Association's Law Student Division.

The new development has proved valuable to both students and employers. The latter find the competition for new legal talent has increased because of decreased draft deferments for law students.

In all, the service made more than 20,000 individual introductions of Association members to prospective employers during 1968. Two updated brochures were published—Recruiting, Training and Keeping the New Associate and Where to Locate?

The latter includes the latest economic information on a state-by-state basis as well as information on corporate and government salary scales. Copies of Where to Locate? are available at $2.50 per copy through Lawyer Placement Information Service, American Bar Association, 1155 East 60th St., Chicago Ill. 60637.

My Lawyer

When grappled in the law's embrace,
Who first betrayed an anxious face.
And pain should shield me from disgrace,

MY LAWYER.

Who told me I should not confess,
That he would all my wrongs redress,
And set me free from all distress?

MY LAWYER.

Who, in court, with peerless pride,
And swore the State's Attorney lied?

MY LAWYER.

And when twelve men, in one compound,
For me a guilty verdict found,

MY LAWYER.

Who said my time within the wall,
Would exceedingly be brief and small,

The minimum, or none at all?

MY LAWYER.

And when the judge my doom proclaimed,
And 150 long years of exile named,

Who looked unquiet and ashamed.

MY LAWYER.

When at the sheriff's stern command,
Who first betrayed an anxious face.

MY LAWYER.

Who, when of prison clothes I'm stripped,
And from these walls on homeward shipped,

And fain should shield me from disgrace,

MY LAWYER.

And when twelve men, in one compound,
For me a guilty verdict found,

MY LAWYER.

Who said my time within the wall,
Would exceedingly be brief and small,

The minimum, or none at all?

MY LAWYER.

And when the judge my doom proclaimed,
And 150 long years of exile named,

Who looked unquiet and ashamed.

MY LAWYER.

When at the sheriff's stern command,
I, for the chain, was told to stand,

Who longest shook and squeezed my hand;

MY LAWYER.

Who, when of prison clothes I'm stripped,
And from these walls on homeward shipped,

Lest prowling thieves on me should prey?

MY LAWYER.

Who to my wealth tenacious clung,
And for me wagged his oily tongue,

MY LAWYER.

Who told me was dreadful smart,
And always took his client's part?

MY LAWYER.

Who told me I should not confess,
That he would all my wrongs redress,
And set me free from all distress?

MY LAWYER.

When sick in jail I senseless lay,
Who took my watch and ring away,

Lest prowling thieves on me should prey?

MY LAWYER.

Who to my wealth tenacious clung,
And for me wagged his oily tongue,

MY LAWYER.

Who told me was dreadful smart,
And always took his client's part?

MY LAWYER.

Who, in court, with peerless pride,
And swore the State's Attorney lied?

MY LAWYER.

And when twelve men, in one compound,
For me a guilty verdict found,

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Would exceedingly be brief and small,

The minimum, or none at all?

MY LAWYER.

And when the judge my doom proclaimed,
And 150 long years of exile named,

Who looked unquiet and ashamed.

MY LAWYER.
Legal Education—

A Challenge for Progress

(A Student’s Viewpoint)

by J. Timothy McCormack

The hottest places in Hell are reserved for those who, in a time of great moral crisis, maintain their neutrality.

Dante

Cleveland-Marshall Law School has a major responsibility it is not fulfilling. We are the inner city law school of the City of Cleveland. We share a unique relationship with the City. Cleveland and its sister cities throughout the United States are presently engaged in a battle for their lives. We have come to recognize urban decay as the single most pressing domestic matter that confronts us. The late Senator Robert F. Kennedy stated that not since this country suffered under the war between the states has there been a more critical issue facing our people. Cleveland-Marshall has an important part to play in this domestic crusade. Solving the urban problem will require bold, courageous, and imaginative use of our policy-making organizations. The legal profession can be and should be the leader of this project. Teamed with other interested groups, the profession could make great progress in solving the more basic problems that confront the city. Our Law School has traditionally provided many of our Civic Leaders. Competent, knowledgeable, and respected men have held and continue to hold positions of great responsibility throughout Cuyahoga County. These men have reflected well upon Cleveland-Marshall. It is because of this fine tradition of public service that we maintain the hope that the School is now prepared to once again accept its challenge.

Cleveland-Marshall has had the responsibility thrust upon it of producing far-sighted leaders to fill the great need that exists throughout the city and county. Why should Mayor Carl Stokes be forced to look everywhere but in his own backyard to fill his cabinet? We are indeed fortunate that we have this important role to play, but as yet we have not embraced this challenge.

I suggest an addition to our designated long term goals. Such an addition will require that we alter our primary philosophy of educating the law student. We have been heard to say that our primary goal is to produce good practical lawyers. We do that well. The everyday business of the Courts requires such a course of study. I do not believe, though, that we can any longer be satisfied with producing good practical lawyers only. The year 1969 is unlike any other period in American History. This is a complex time. It is a time of crisis. The time calls out for bold and courageous initiative. Most of all it calls out for new ideas from creative minds. Can it be said that we have done our part to furnish this aid? Is more asked, nay demanded of us? We have the opportunity, the obligation, to surpass all previous efforts.

In researching the bulletins of other inner city law schools throughout the country, I discovered that almost all of the schools had revised their programs to meet the demands of the times. The University of Detroit Law School has initiated a complete program in the area of Urban Problems. The Yale Law School has numerous course offerings mixed with field experience in problems of the poor and urban problems. Some law schools have made or are making courses in Urban Problems and Problems of the Poor required courses, an example of this being the Indianapolis Law School of Indiana University. I found that Cleveland-Marshall Law School remains with a small minority of rural oriented and very traditional law schools that do not offer these timely programs of study. The recent report of Dean Charles W. Joiner, made after his visit to our Law School regarding membership in the American Association of Law Schools, illustrates the basic weakness. The seventh requirement for membership in the AALS provides that each member school have a “Comprehensive curriculum and a sound educational program.” It was in this area that the most solid criticism of the functioning of the School was voiced. The report read: “Conclusion: The curriculum is standard and traditional. It should be enriched with courses in Jurisprudence, comparative law, international law, and such currently popular courses as law and property, law and urban renewal, international trade, etc.” Although the report did state that minimum association requirements are complied with. I believe that Dean Joiner’s comments expose only the visible portion of the iceberg. This reluctance to change that is evident to outsiders, should be all the more evident to those of us who witness it on a daily basis. The times have changed and left our institution outdated.

We are entering a new era with the merger with Cleveland State imminent. Now is the time for us to re-evaluate our course. We are a good Law School. With a concentrated effort on the part of the Administration, faculty, and student body we can be a great Law School. Let this not be the time that we maintain our neutrality.
Recap of Housing Laws

"Housing Laws: Basic Provisions," is a $5.46 page wrap-up of the nation's housing acts from 1934-1968, which will explain what 37 sections of national housing acts are available to the nation in the areas of financial aid, technical assistance and counseling.

Financing by loan, grant or mortgage insurance is covered in the report for urban-rural rehab or new residential construction programs. Available from Social Planning Associates, 33 W. Dearborn St., Chicago, Ill. 60602.

U.S. Land Doubles Value in 10 Years

The taxable value of U.S. land and structures leaped from $897 billion to $1,261 billion from 1956-1966, with land alone rising from $269 billion to $523 billion while assessed valuations increased 90 percent, according to "Three Land Research Studies," available from GPO, Washington, D.C. 20402 at 70 cents.

This new report states the average vacant lot rose 86 percent in value during this period and that one-fifth of the areas of cities over 100,000 population are vacant. The study urges an increase in local taxes on idle land and a decrease in taxes on improvements as a means of raising more tax dollars.

While these ideas are by no means new, they came as a rising swarm of comments about real estate engulfed the nation's Capital prior to the pending change in administrations. (See URBAN PROBLEMS, SBA, etc.)

BPR Reports on Air Rights

The Bureau of Public Roads has published "A Study of Airspace Utilization," which takes a national look at use of airspace around freeways.

The study investigates the social and economic impacts of such use and suggests economic feasibility guidelines for development of air rights. Copies are 75 cents from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

ABA Law Essay Contest

The Henry C. Morris International Law Essay Contest is being conducted by the ABA Law Student Division, with the cooperation of the ABA Section of International and Comparative Law, and with funds provided for in the will of the late Henry C. Morris of the Chicago bar. The purpose of the contest is to create a greater interest in international law among law students.

Eligibility: All law student members of the American Bar Association are eligible to compete, except for executive officers of the Law Student Division and employees of the American Bar Association and the American Bar Foundation.

Cash Awards: Members of the ABA Section of International and Comparative Law, who will serve as judges, will select the two best essays submitted. A first place cash award of $500 will be presented to the most outstanding essay, with the runner-up receiving a cash award of $300. The winners will be announced and the prizes awarded during the ABA's August 11-13, 1969 annual meeting in Dallas, Texas. The awards will not be made if the judges determine there are no worthy entries.

How to Enter the Contest: Law student members of the American Bar Association considering entering the contest should write immediately to the Law Student Division of the American Bar Association (1155 East 60th Street, Chicago, Illinois 60637) to request an entry form. This entry form, when returned to the contestant, will contain a contest number to be placed on his essay so that his identity will not be known to the judges. The entry form must be completed and returned to the Law Student Division with the essay being submitted for award consideration.

In Re: Gavel Ask Not When, But How?

by Ellen Connally, Associate Editor

Since the last issue of the Gavel was published, November 26, 1968, I would estimate that one question has been asked of me at least 1,982,316 times and that question is, "When is the next issue of the paper coming out?"

Around the first of December, I could easily explain that due to finals for the night school and Christmas vacation, the next issue would be out sometime around the end of January. As mid-December approached I continued to give the same answer, but added that finals for the day school were fast approaching, so the situation was questionable.

As the New Year came in, the question increased.

My patience was growing thin and my paper for legal writing was to be turned in. I found that popular opinion around C-M was that I slept in the Gavel Office (I do not) and I also found that an extra curricular activity I attend classes.

I recall dragging myself out of my tax exam in a state of total exhaustion. The first person I met asked: supra. Shortly before this issue went to press I vaguely recall meeting a tall, white haired gentleman (I think he said his name was Kevin). He asked the inevitable question: Ibid. All I recall after that was picking up the figure of justice and . . .

To all those who ask "when"—did you ever consider "how"?
With this issue, we take pleasure in introducing more of the men who, by their continued interest and effort, ability and counsel, have guided Cleveland-Marshall Law School in its growth. We gratefully acknowledge the continued impetus they have added to the work of their predecessors in helping to make this institution a vital part of the Cleveland, and Ohio community for present and future generations.

The Gavel Editorial Staff

Edward F. Meyers was graduated from John Marshall School of Law in 1929 and received his LL.D. from Cleveland-Marshall Law School in 1962. He is Executive vice-president of The Union Commerce Bank, Trustee of the Cleveland Hospital Council, a trustee of the Greater Cleveland Growth Association and member of both the Cleveland and Ohio State Bar Associations.

His wife, Ann, is also a graduate of this law school.

Errata

In our prior issue, Vol. 17, No. 3, page 5, EDWARD T. CUNNEEN, SR. was incorrectly identified as "Former V.P. Fahey, Clark & Co., Investments." Mr. Cunneen, Trustee of C-M, is still V.P. of Fahey, Clark & Co., an incorporated division of Ball, Burge & Kraus, Investment Bankers. He is not V.P. of Ball, Burge & Kraus, which is a partnership. Our apologies for the error.

A doting mother, answering a letter from the camp director who had written that her son needed discipline, wrote back: "Dear Director, Please don't slap my son Irving. He is very sensitive. Hit the kid next to him. That will scare Irving."

The Gavel: This is a newspaper published by the students, containing news of the School and of members of the School community. The Gavel has a reporter present at Faculty meetings, for example. It has achieved recognition as being of prize-winning quality in the national competitions annually conducted by the American Law Student Association.

Fraternities and Sororities: The following professional legal fraternities and sororities are represented by chapters which are active at the School: Meck Delta Delta; and Ranney Pi Phi national fraternity. A Reminder

Student Bar Association: All students in attendance at the Law School are members of the Student Bar Association, which is an affiliate of the Law Student Division of the American Bar Association. The Association is administered by the Student Congress, members of which are elected annually by the students. Students serve also on many Faculty Committees. Its objectives are:

To promote the interests of the Law School and its students; to cultivate social acquaintance and cooperation among the students, faculty and alumni; to encourage high scholastic achievement within the student body; to coordinate the activities of the Law School community; to secure the association and good will of the members of the Bar; and to foster among the student body the high standards of integrity and honor of the legal profession.

Student Directory: Each year the Student Congress publishes an annual directory setting forth the names, home and business addresses, and telephone numbers, of all students. Free distribution is made to students, faculty and staff.

Student Open House: Each fall the student body, as its principal social event of the year, conducts an Open House, or Ball, for the introduction of new students (and their wives or escorts) to the rest of the students. This event is conducted at the law school or at a city hotel ballroom. Other informal and formal social events are sponsored by various private student groups.

The Cricket Club: During the season, students meet weekly for informal matches of the British sport of cricket. All are invited to participate.

Edward F. Freiberger, a long-time member of the Board of Trustees, was named Board Chairman in December 1966, replacing the Honorable Samuel H. Silbert. Freiberger, 89 years old, is the former Chairman of the Board of the Cleveland Trust Company. He is an inveterate Browns' booster and until recently managed to attend their home games. He is a 1964 graduate of this law school.

Thomas L. Fawick is a well-known industrialist, manufacturer of violins, and an art connoisseur. He holds many patents in the automotive field as well as innovations for the sports world. His hobby is golf.

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The Honorable Samuel H. Silbert, Chief Justice Emeritus of the Court of Common Pleas, graduated from this law school in 1907. Upon his recent retirement he came back to the law school he once attended, and is now Consultant to the Dean on academic matters.

John E. Kusik, vice chairman of the Board of Directors of the C & O Railroad, and Senior Vice-President of the B & O Railroad, has been a member of the Board of Trustees of C-M Law School since 1963. He is a graduate of the University of Virginia and holds an honorary doctorate from Case Western Reserve University.

February 20, 1969 • The Gavel

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Law Wives Club: The wives of students at the School have formed a social club that carries on a program of social and legal-cultural activities both at the Law School and at other sites in the community. Wives of all students are invited to join.

Cricket Club: During the season, students meet weekly for informal matches of the British sport of cricket. All are invited to participate.
Junk Mail—An Experiment
by Alan Jay Rom

Do many of us ever stop to think about the voluminous amount of junk mail that reaches our homes each year? I’ve heard neighbors beg the mailman not to deliver it. One thoughtful neighbor of mine leaves a garbage can near the mailbox for the mailman’s convenience. I wonder how much consideration the public has given to the plight of the poor guy who has to tote all the junk on his shoulders every day! Will the day ever come when the mailman can bring action against the senders of the junk for, let’s say, sagging shoulders or a sore back?

The question boils down to, “what can we, as patriotic citizens, do about this terrible situation?” Let’s examine the alternatives available. We can require that all mail be sent first class. That would make it too expensive for some to continue sending the trash. But the real problem wouldn’t be solved. We could let the Post Office, in all its worldly wisdom, throw out the junk for us. That would solve the mailman’s problems, but it still wouldn’t stop the sender from continuing his efforts to poison our minds. The possibilities are endless. Since no one has come up with a foolproof solution, we should then analyze what we can do with the junk once we receive it.

We can either throw the junk out immediately, read it and then throw it out, etc.; or as I did last year, collect it. Some people collect stamps, others coins, and still others vacuum cleaners; I, being a little weird anyway, collected junk mail. That’s when I ended my experiment and threw ALL the junk away! I did more than that! I filed it. I classified each piece of incoming junk in one of several categories. By far the largest category was advertising. I was forced to divide this category into subdivisions, etc. For example, advertising was broken down into advertising for goods, which was further broken down into clothing, furniture, gimmicks, etc. There was also a subdivision for advertising for services. As the summer neared, I received “golden opportunities” to visit the mountain and seashore resorts, and of course, the standard “come-on down” to Florida inducements.

The most interesting file, of course, was the SMUT file; that is, the pornography and other “obscene” material that got past the Ginsburg decision-enforcers-of-morality. While this file was not as weighty as the gimmick file, it had quality. And I have always maintained that quality is much more important than quantity; or, one dirty picture is worth a thousand words!

Soon this new hobby became an obsession with me. I’d run to the mailbox bright and early each morning (it was an incentive to get up before noon) to see what new material I could add to my file. I was depressed when only the newspaper came, because anyone can buy one at the corner store, but quality junk—AH! I soon became a connoisseur. I kept a special notebook, carefully recording each new item in striking detail. I noted the category first and then made other entries as to the imaginativeness (I used the standard grading scale—A, B, C, D, & F), catch phrases, and the like, plus length, temptation to buy, etc.

At the conclusion of my experiment I had accumulated quite a bit of junk—some junk from sources you wouldn’t believe! I won’t bore you with the actual statistics of the weight of the individual categories, total weight, etc. For fun, conduct your own experiment! I will say, however, in warning, that there was one category that did not impress me at all. That was the junk that offered special deals if you joined their club or organization. There was one organization in particular which had an unusual offer. These quacks (probably subversives) proffered me the title of 1-A as a special inducement. That’s when I ended my experiment and threw ALL the junk away!
Meet C-M’s Johnson
by Barry Schonberg

Roland H. Johnson is a soft-spoken man with a ready smile and a hard dedication to community service. Cleveland-Marshall’s Mr. Johnson enjoys no exalted public office, works with a limited budget, but speaks of great strides in his goals as the first Community Relations Specialist for the Cleveland Public Schools, under a grant from The Martha Holden Jennings Foundation.

An Associate of the Greater Cleveland Associated Foundations, Johnson, 30, began work on March 1, 1968 with a restrictive budgetary grant of $15,000.00 for a one year Cleveland School-Community Relation Plan. The plan placed a specialist in each Cleveland high school, set up a system of advisory councils in each school, and area advisory councils under an encompassing city-wide council.

With the help of Glenville High School’s former principal, Mr. John F. Stafford, and others, they created a working system which included twenty-one schools in the Glenville area. By the end of the year the system began to function with even greater ease, through the creation of ad hoc committees and a better line of communications among the schools. This improved rapport allowed for greater adjustment in the transition of elementary school pupils into the junior high schools, and among all of the students generally.

Arbitration Practice Seminar
by Gerard D. DiMarco

This year, for the first time at Cleveland-Marshall Law School, an Arbitration Practice Seminar is being presented by Prof. Emerson. It also marks the first time that such a seminar has been presented in a law school outside of New York City in which a “clinical approach” has been taken. This approach will allow each student to participate in arbitration clerkships in two of three actual American Arbitration Association cases. In addition, each student will be required to prepare a research paper, covering a research topic to be selected by the student.

The purpose of the Seminar is to provide both actual observation and experience, and evaluation of the arbitration process, and to stimulate preparation of a research paper suitable for publishing in a future issue of the Cleveland-Marshall Law Review.

Such a seminar should prove to be an interesting and rewarding experience for participants. It is hoped that more seminars of this type will be brought to Cleveland-Marshall in the future.

Cleveland Public School Supt., Dr. Paul W. Briggs, greatly encouraged by the success of the program, has revived and reinforced it on a greater basis, meeting with the area committees and the principals of participating schools once each month to discuss specific problems. Not content with this achievement, Roland Johnson, a graduate of Cleveland’s Glenville High School and Lincoln University, still wishes that the program had gone further toward community involvement. He hopes that with the increased involvement of the schools in the program, the community will begin to participate more fully towards achieving the mutual understanding necessary to resolve their mutual problems. Community Relations Specialists, like C-M’s lean and agile Johnson, are being chosen from the areas in which they will work.

Parent-Teacher Associations of the various schools were encouraged to serve as the nuclei of community support groups, and in involving each of them he persevered in convincing them that they could, by their joint efforts, affect what occurred in the classrooms to the benefit of all school children. He attended many meetings of other groups as well, trying in each to obtain a “community unity” behind his program, with the firm conviction that members of a total community, with varying opinions and interests, were vital in a balanced program to represent a proper cross-section of the parenthood.

Continued, persistent work, and effort will be required by all before this program is fully effective. Modestly understating his dedication to his profession, and his undertaking, Roland H. Johnson added: “Getting the community to participate meaningfully is a longer process than one thinks.”

IRS Rules on Points

A loan charge, points or loan placement fee charged a residence seller for arranging FHA financing for the buyer is not deductible as interest, according to the Internal Revenue Service. Since the dollars are borrowed by the buyer and not the taxpayer seller, such a charge is a selling expense that reduces the amount realized and cannot be considered part of interest costs.

SONGS AND COMMENTS, FROM THE MIND OF SHELLY KATZ

“As Long As He Needs Me”—Reversion? Or possibility of reverter?
“Fiddler On the Roof”—Nuisance or Trespass?
“They Can’t Take That Away from Me”—Replevin?
“Someone to Watch Over Me”—Third Party Beneficiary?, Next Friend?
“Who Cares”—Nonfeasor
“Try to Remember”—Finals Week
Student Bar Meeting
by James A. Lowe, Student Bar Reporter
Photos by J. Norman Stark, Gavel Editor

Student Bar Representatives, in their meetings of December 9, 1968, and more recently on January 31, 1969, considered, reviewed, and discussed a full agenda of matters of current concern to their constituents.


At the December meeting, representatives considered last year’s highly controversial program of faculty evaluation, and in a move to streamline the procedural aspects of student government at Cleveland-Marshall, heard the first draft of proposed revisions to the Student Bar Constitution. A misconception was clarified to the effect that each student enrolled at C-M, and in good standing, is a member of the Student Bar.

There was strong support among the representatives for continuing the program of faculty evaluation begun last year on a trial basis. President Terrence Burke reported that he found the faculty as a group, during a recent Faculty Meeting, divided in opinion as to the advisability of continuing the study. Faculty members opposed to the continuation of the study indicated it had led to disharmony among the faculty, adding that they would not wish it to affect C-M’s pending merger with Cleveland State University.

To preclude any further conflict or disharmony, Joe Kodish (Rep. 4th yr. Evening Div.), moved to continue the Faculty Evaluation with the provision that it be performed entirely by members of the Student Bar, on their own time, and that the results of the tabulation be presented to the Student Bar Officers and Representatives, for disposition of the results as they deemed fitting and proper, in view of the School’s pending merger with CSU.

IRS Calling . . .
San Francisco’s call girls get more callers—IRS agents. Following tips from police, the agents are tracking down girls with long arrest records for prostitution and asking if they’ve been paying their income taxes. One investigator says most girls aren’t aware they’re supposed to pay taxes on their take.

STUDENT BAR. Pres. Terence J. Burke and Treas. Richard A. Sherman preside over meeting and discussion of business.

Gavel Editor, J. Norman Stark, decried the lack of participation by students in the functions of the School newspaper, and invited any students interested to assist in this function of the student activities. Aside from the consequences of a drastically reduced paper and content, or less frequent publication should no substantial assistance be realized, Stark added that the newspaper might cease publication altogether if there were not enough interest in participation by both students and faculty in contributing timely news and articles suitable for publication.

The Constitutional Revisions Committee, headed by Al Purola, delivered its report, the first in a series, on the vital issues of major revisions to the governing articles. Many of the new provisions involve expanded freedoms and responsibilities for the representatives and the entire student body, Purola reported. A final decision on the revisions was tabled until after election of new representatives, scheduled for this Spring. During the interim, further discussion and committee work, with reports to the Bar, will identify areas of difficulty and disagreement which will require greater concentration of effort to a mutually satisfactory resolution.

The meeting concluded with Rep. John Lombardo’s motion for adjournment, which won rapid second and passage at that late hour.

ABA-LSD Invites Membership
ABA Law Student Division members are now eligible to join any of the 21 Sections of the Association at reduced rates following action by the Association’s Board of Governors.

Student memberships will be limited to three Sections each year at a rate of $3 per Section.

Treasurer Rick Sherman reported the Student Bar balance at $2,094.00, with outstanding debts in the amount of $400.00.
New Cleveland-Marshall Work-Study Program

Historically, financial aid to graduate students from private sources has been limited primarily to science, business and engineering schools. Philanthropic organizations generally provide funds in the social sciences and humanities. The Department of Health, Education and Welfare provides funds in the areas of health, education and welfare—but not in the area of legal education. Horatio Alger would be funded today for his B.S., M.E., M.B.A., M.D., and Ph.D., but not for his J.D. or LL.B.

The only financial aid hitherto available to law students has been in the form of school tuition waivers, or loans, such as the National Defense Student Loan, the American Bar Association Student Loan Funds Program, United Student Aid Fund, and more recently, the State Guaranteed Loan Programs.

The American tradition has been to look with favor and pride on the youth who has the ability, courage, and stamina to earn his own way through college, and especially on the youth who is able to achieve higher academic degrees in the same fashion. However, this tradition does not meet with favor in the governing circles of the academic community. Curriculum and class scheduling at professional day schools of law and medicine are in fact designed to prevent outside employment (and its income). This dislike of any diversion from full-time study is one of the major factors that is contributing to the decline in the number of professional evening schools.

Limit

Eventually, a legal education may be available only to the socio-economic elite with a consequent application of the laws of supply and demand.

So far, two problems facing the law student have been mentioned: (1) the inadequate financial aid program, and; (2) the virtual prohibition against working. A third problem facing law graduates is the lack of adequate familiarity with the realities of legal practice. This problem has been discussed by scholars and practitioners for years. Various suggestions have been made over the last half century, and no solution has ever been generally accepted, inasmuch as any solution required the student to use a portion of his time on clinical work rather than on academic studies. This latter diversion has always been considered to be detrimental to the student's academic success.

Over the past few years, the Office of Education (OEO) has funded a few limited programs at law schools, where students could engage in clinical activity in the areas of civil rights, legal aid, and problems of the poor. Interestingly, the participating students encountered no academic difficulties, but rather, were more enthusiastic about their legal education as a whole.

Evidently, experience gained in these few programs was sufficiently convincing, in that both the ABA and AALS joined forces to co-sponsor a recent Congressional enactment which authorized $6,000,000 for law schools to engage in a series of studies designed to introduce clinical experience programs into legal education. This grant, however, is not available until 1970, and further, has no student financial aid aspect.

In many undergraduate colleges there is in existence an HEW program known as the College-Work Study Program, which, in essence, is a financial aid program. Jobs are provided for needy students in non-profit organizations, whereby they can earn money to assist with the cost of their education. HEW assumes 80% of the program cost.

During 1968, Asst. Dean Flaherty was intrigued with the possibility of combining the theory of the College Work-Study Program (CWSP) with the theory of the legal clinical experience program. In November 1968, he submitted a proposal to HEW, combining the above problems and theories, for funding a CWSP at Cleveland-Marshall. The proposal incorporated that employment would be limited to law-related positions at the rate of $3.00 per hour. Students would be limited to work 15 hours per week during the school year, and 40 hours per week during the summer months. Thus, the participating student may earn as much as $3,500 per year.

In January 1969, Dean Flaherty was advised that HEW had approved a grant of $139,000 to cover 80% of the cost of such a project, commencing July 1, 1969. The actual dollar value is subject to congressional appropriation, and eventually may be from 10% - 20% less than authorized.

According to the terms of the grant, the student must be "needy." A prospective applicant will be able to discuss his particular problem and qualification with whoever is assigned to administer the project.

It is proposed the various Faculty members will be engaged in soliciting legal-work positions for students under this program between now and March 1. So far, commitments have been obtained from the American Civil Liberties Union, the Probate Court, the Veterans Administration, Cleveland City Hall, the Legal Aid Society, the Criminal Court, and the Common Pleas Court. It is anticipated that both day and evening students may make applications for these positions sometime during the month of April 1969.

This project is a "first," in the sense that this is the first such funded program in any law school in the country.

It is hoped that Cleveland-Marshall may obtain a similar grant next year, in order to develop a clinical program to serve all students in any type of an organization. The project is funded to accommodate 50 students now, and is planned to not only continue, but to increase aid to about 100 students over the next five years.
PROCEDURE DESK QUICKBOOK-P.D.Q.
(Formerly “Law Clerk’s Handbook”)
By Brian W. Phillips and J. Norman Stark

PETITION BASED UPON COGNOVIT NOTE
WITH SUBSEQUENT JUDGMENT LIEN

Filing Procedure, Common Pleas Court, Cuyahoga County, Ohio

I. COGNOVIT NOTE ACTION.

REQUISITES

1. Petition—Use the form petitions.1 (Cuyahoga County practitioners use the form with the Petition, Affidavit and Answer on the same side.) If more than two defendants are involved, or more than one note is involved, it is advisable to have the petition typed out as an ordinary petition. If the latter is the case, each note would be styled as a cause of action in the petition. Thus, if nine notes are involved, nine causes of action are alleged in the petition.

Ohio law provides that on a Cognovit Petition any authorized attorney can sign for the defendant as long as such attorney is a disinterested party. (Note: At the time of the writing of this article a change was being proposed to the effect that the defendant attorney must now appear in Court Room #1 and confess judgment for the defendant in open court. There is no official word as to whether this new procedure is already in effect.)

A relatively recent change in the law2 requires the petition contain the allegation: “that to best of my knowledge the last known address of the defendant is stated above in the caption.” Most of the form petitions available have this allegation incorporated in them. Check to be certain.

2. Note(s)—It is necessary to possess the original note(s) when filing the case. The original, presented to the Clerk in Court Room #1 for exhibiting, will be stamped on the original note(s) and returned to you. The Clerk must be supplied with a copy of the note(s) or the petition cannot be processed. A copy of the note(s) should be attached to the petition and marked as Exhibit(s) thereto.

3. Costs—Cash, Certified Check or Money Order in the amount of $10.00.

PROCEDURE

1. Take petition, the original note(s) and copy (copies) thereof to Cashier’s Counter, Window #8, and pay $10.00 filing fee.

2. Take all papers to Clerk, Court Room #1. The original note(s) will be stamped and the Court will send notice to the defendant(s) that a judgment has been taken against him. The action is now commenced and judgment will be part of the court’s record when put on the docket.

Collecting on the judgment may be a difficult task, and one way to assure perhaps partial satisfaction is to obtain a lien on the defendant’s real property.

II. JUDGMENT LIEN ACTION.

REQUISITES

1. Judgment—In order to place a lien on any real property of the defendant’s in Cuyahoga County, one must have a judgment of record. For example, in the above Cognovit Petition, the judgment must be on the docket and journalized. Generally if one files the petition one day, judgment can be rendered the next day.

2. Costs—Cash, Certified Check or Money Order for $1.25.

PROCEDURE

1. If the judgment is not docketed or journalized, obtain the docket page and the journal entry from the respective departments. (If the journal entry is posted on the docket then only the docket page is needed to obtain the judgment lien.)

2. Take the docket page and the journal entry to the Judgment Lien Counter, Window #7, pay $1.25 and obtain a receipt. The Clerk will enter on the docket page that a Certificate of Judgment for Lien has been issued. The Judgment Lien will have a docket and page number of its own for future reference. Note these for future reference.

The effect of this action secures a lien on any real property of the defendant(s) in Cuyahoga County, and acts as a cloud on title should he attempt to sell, or otherwise convey such real property.

1 Form No. 77, Revised, illustrated, courtesy of Ohio Legal Blank Co., Cleveland, Ohio.
Loan Fund Contd. from page 1

In 1967, Prof. James Flaherty was named Bursar by the Trustees, and Miss Carole Hinson was put in charge of student financial aid by then Interim Dean Oleck, in which positions both were continued by Dean Gaynor.

Both Miss Hinson and Professor Flaherty began attending financial aid conferences and workshops, and soon learned of the serious inadequacies of our overall financial aid program.

In February 1968, an NDSL expert was retained to evaluate our program. As a result of this study, an appeal was sent to the Department of Health, Education and Welfare, Office of Education, for a reevaluation of a reduction of federal funds. In addition, a new Lending Level of $20,000 was requested. No action was taken by HEW on this request.

In April 1968 the HEW Regional Program Officer visited the C-M Law School to review the entire

THE STATE OF OHIO

County, ss.

Plaintiff

PETITION

Defendant

There is due plaintiff, from defendant, on a certain promissory note, together with a warrant of attorney dated , a copy of which, with all credits and endorsements thereon, is hereto attached, marked "Exhibit A" and made part of this petition, the sum of , dollars and cents, which said plaintiff, claims with interest at the rate of per cent per annum from the day of , 19 ,

Plaintiff further says that the Defendant resides (or signed said warrant) in County, Ohio, and that to the best of knowledge last known address of Defendant is stated above in caption.

That Defendant has failed to pay said note according to its terms and conditions, by reason whereof, this Plaintiff, deems it to, and does hereby declare the entire remaining unpaid balance, together with all accumulated interest, due and payable forthwith, demand having been duly made.

Wherefore, Plaintiff prays judgment against said defendant for the sum of dollars and cents with interest thereon at the rate of per cent per annum from the day of , 19 , and for costs of suit.

THE STATE OF OHIO

Plaintiff's Attorney

County, ss.

AFFIDAVIT

being duly sworn, says that he is the attorney of said plaintiff; that the foregoing petition is founded upon an instrument in writing for the payment of money; that said instrument in writing is in his possession, and that he verily believes the statements contained in the foregoing petition are true.

Sworn to before me by said and by him subscribed in my presence, this day of , 19.

THE STATE OF OHIO

County, ss.

Court of

ANSWER

Defendant

By virtue of the warrant of attorney annexed to and mentioned in the foregoing petition, I, an attorney at law in the several courts of record of this state, do hereby enter as appearance for said defendant, in this suit who reside (or signed said warrant of attorney) in County, Ohio, and waive the serving and service of process thereon, and confer a judgment in favor of said plaintiff against said defendant on said note for the sum of dollars and cents, being the amount appearing due from principal and interest on said note, and also for costs of suit, taxed and to be taxed, and I do hereby release and waive all exceptions, errors, and right of appeal in the premises.

Attorney for Defendant

NDSL program. He consulted with Bursar Flaherty, Miss Hinson, and Dean Oleck, and agreed as to the inadequacy of the $20,000 Lending Level, and offered to assist.

Miss Hinson, who worked with loan applicants, was disturbed over the inadequate $4,000 level, and felt that the proposed $20,000 would not sufficiently cover the existing student requests. Prof. Flaherty, in the meantime, received the reports from the local banks on the proposed limitation and possible abandonment of the Ohio State Guaranteed Loan Program, which eventually put a severe strain on the already limited NDSL funds. At the time of this writing, some banks actually have entirely cancelled their student Loan programs.

It was therefore decided to approach the problem from the point of view of what we would need to run a truly adequate program, and to completely ignore the low limitations of the prior program.

After attending a Financial Aid Officers Workshop at Indiana University in June 1968, Miss Hinson designed a completely new student loan application form (which is now being used in this entire region as a model). She also computed a set of reasonable-need-criteria for graduate law students, rather than using the traditional levels set for minimum subsistence at undergraduate colleges. Application of these revised need levels allows a more realistic loan for NDSL applicants.

Bursar Flaherty prepared the important narrative to accompany the '69-'70 Application for Review of our NDSL Program, and decided to go all the way in requesting over $72,500, which would allow realistic loans to approximately 125 students. The request was based on this school's determined need (average $560/year), rather than based on regulations designed for undergraduates.

The HEW officials agreed with the new proposal, and the Regional Panel (consisting of College Financial Aid Officers), which met in Chicago this January also recommended 100% funding of the C-M proposal. However, this allocation is subject to Congressional appropriation, and the final amount may reasonably be expected to be about 10% less when the state allotment formula is applied.

In short, effective July 1, 1969, our NDSL Lending Level will increase from $4,000 per year to approximately $75,000 (including the school's own contribution of 1/9th of the amount). Cleveland-Marshall is now in a position to grant NDSL loans to students based on their real needs rather than on merely the availability of inadequate minimum funds.

Students wishing to utilize this expanded new service should contact Miss Hinson for appropriate application forms and information.
The Juvenile Court of Cuyahoga County

by Avery Friedman

For the purpose of recognizing their contribution to the community and in the administration of Justice, we take this opportunity to introduce the Judiciary of the Juvenile Court of Cuyahoga County. Despite new approaches and concepts of the law toward juveniles, these gentlemen have maintained transitional order during these evolutionary stages and stand out nationally prominent in the field. We acknowledge the vital role these judges play in the direction and rehabilitation of youth.

HON. WALTER G. WHITLATCH

Judge Walter G. Whitlatch received his A.B. degree in 1931 and his LL.B. degree in 1933 from Western Reserve University. He was admitted to the Ohio Bar in 1933.

For twenty-four years prior to his appointment as Judge in 1960, he was a member of the Juvenile Court staff, serving as an administrator and legal consultant.

He has lectured and written extensively on the law relating to the Juvenile Court and child welfare. He is the Immediate Past President of the Ohio Association of Juvenile Court Judges and is presently a member of the Executive Committee of the National Council of Juvenile Court Judges. He serves on the Board of Trustees of several schools for delinquent children, and is generally active in welfare agencies and the bar associations.

HON. JOHN J. TONER

Born—Cleveland, Ohio; Schooling—John Carroll University, Ph.B.; Western Reserve Univ.; School of Applied Social Science, M.S.S.A.; Cleveland-Marshall Law School, LL.B. Employed—County Child Welfare Board, 1937-1942; Psychiatric Consultant, Municipal and Common Pleas Court, 1942-1953; Lecturer, John Carroll Univ., Law and Sociology, 1950-1954; Private Practice of Law, 1950-1960; Appointed Juvenile Court Judge, 12-5-60; Elected 11-62 to unexpired term; Re-elected 11-64 to full 6 year term. Member—Executive Committee Ohio Judicial Conference; Community Planning Committee, Welfare Federation; Cleveland, Cuyahoga, Ohio Bar Associations; National Council, and Ohio Association of Juvenile Court Judges.

HON. ANGELO J. GAGLIARDO

Adelbert College, WRU—A.B. (Magna Cum Laude—Phi Beta Kappa)
School of Applied Social Sciences, WRU, 1939 M.A.
Cleveland-Marshall Law School, J.D. (Cum Laude)
Instructor, WRU Law-Medicine Center, 1958 to date
Associate Professor of Law, 1952-1958, Cleveland-Marshall Law School
General Practice of Law, 1951 to December 31, 1962
Judge of Cuyahoga County Juvenile Court since 1963; re-elected November, 1968
Trustee of Cleveland-Marshall Law School since October, 1967

HON. JOHN F. CORRIGAN

John Carroll University—BA
University of Detroit LLB (1951)
Former Probation Officer and Referee for the Juvenile Court
Two terms in Ohio Legislature (1963-67) included service on the Judiciary Committee and Ohio Code Revision Study Committee.
Dr. Loegler, Long-Time Trustee, is Dead

Dr. David Loegler, Class of '25, former dean of Trinity Cathedral and for many years a trustee of this law school, passed away last month while on a tour of South America.

Dr. Loegler will be remembered for his many appearances at graduation exercises and Alumni Association luncheons where he gave the benediction.

Although he entered the ministry after earning his law degree, he did maintain an avid interest in the law and was admitted to practice before the U.S. Supreme Court in 1956.

J.D. Extended Contd. from page 20

The Juris Doctor degree has permitted persons who are in the government service to advance to a higher grade and a larger income and it has meant a salary increase to those in many other areas.

The U.S. Air Force recently announced that it was raising the rating of its judge-advocates with the J.D. degree to the doctorate level.

Phyllis Senegal (C-M '66) Appointed Law Director of Gary, Indiana

Mayor Richard Gordon Hatcher announced the appointment of Mrs. Charles (Phyllis) Senegal as City Attorney for the City of Gary, Indiana.

Mrs. Senegal took the post of City Attorney after serving as Gary's Assistant City Attorney since April 1, 1967. She is a 1966 graduate of Cleveland-Marshall Law School, also attended Western Reserve University, and was in the general practice of law in Gary.

Mrs. Senegal is a member of the Gary, Indiana, and American Bar Associations, and of the American Association of University Women.

“I am extremely pleased to announce the appointment of this outstanding lawyer and citizen,” Mayor Hatcher said. “Our search for the best qualified person to fill the vitally important post of City Attorney has been thorough, and we are satisfied that Mrs. Senegal’s appointment will be of great benefit to our city. She is widely respected, both in her profession and in the community generally, and brings a dedication of excellence to her new post in this administration.”

Placement Office Activity

For the benefit of the students there is now a bulletin board outside of the Placement Office on which all current job openings, both part-time and full-time, are posted. We hope to soon have summer employment opportunities posted, so don’t forget to check the board regularly.

Quite a few fourth-year students have reported to this office regarding their post-graduation commitments but we are still waiting to hear from the majority of the class.

A few judicial clerkships are still open to 1969 graduation candidates.

The Placement Office would also like to hear from the Alumni, we have job opportunities for new members of the Bar, and need your resumes.

Also, to those Alumni who may be looking for fresh legal talent for their law firms or corporations, don’t forget to check with the Placement Office—we may have just the person you’re looking for.

ATTENTION ALUMNI!!!

We will soon be mailing a card to you asking for up-to-date information for our alumni records. After you receive the card, please return it to us promptly.
Alumni Briefs

FRED LICK, JR., '61, past president of the Alumni Association, has fully recovered from a broken leg sustained while skiing in November (he breaks his leg, skiing, almost every year) . . . FRED JOSEPH, '30, specialist in the real estate and title field, has been named a vice-president of Ohio Title Corp. . . . ROBERT KAVULLA, '59, is new President and Board Chairman of Orleans Federal Savings & Loan Ass'n . . . ROBERT L. TUMA, '63, and ALGIS SIRVATIS, '66, have formed a partnership for the general practice of law . . . ROBERT F. DONELLY, '51, new Director of Contracts for Sperry Rand's Univac Division . . . GEORGE A. ALEXANDER, '55, has been made manager of Employee Benefits and Insurance at Glidden-Durkee Division of SCM . . . ROBERT A. WEBER, '64, is the new Industrial Relations Manager of the Celanese Plastic plant at Belvidere, N. J. . . .

ROBERT S. TUROFF, '63, with Internal Revenue from 1961 to 1965, has left the U. S. Attorney's office, Cleveland, to join with his brother Jack in the general practice of law. Turoff & Turoff are located in the Leader Building, Cleveland.

J.D. Program Extended

More than 1,500 graduates of Cleveland Law School, John Marshall Law School, and Cleveland-Marshall Law School have applied for their Juris Doctor degree since this was made retroactively available to them in March, 1968.

Because of the continuing interest in this program, it has been extended to June 1st, 1969 to allow any alumnus who has not yet applied for his J.D. to do so by requesting an application from the law school.

Continued on page 19

3 C-M Grads Appointed to Bench

Three Cleveland-Marshall graduates have been appointed by Gov. James Rhodes to serve in area municipal courts.

MRS. LILLIAN BURKE, '51, has the distinction of being the first Negro woman judge in the State of Ohio and will preside in the Cleveland Municipal Court. Before her appointment Mrs. Burke was a member of the Ohio Industrial Commission and commuted between Columbus and her home here at 829 East Boulevard. Prior to that she was on the staff of the State attorney general.

ROBERT W. CHAMBERLIN, '26, was also appointed to the Municipal Court. In recent years Chamberlin has been in private practice, with offices in the Hanna Bldg., but had at one time served as assistant safety director under the late Eliot Ness. During World War II he attained the rank of brigadier-general before his retirement.

ROBERT NICCUM, '56, former Euclid prosecutor, was named to fill a vacancy in Euclid Municipal Court. From 1959 to 1964 Niccum served the court as deputy clerk and in 1965 he became an assistant law director and then police prosecutor in 1968.

Ezra Shapiro, '23, Honored

Ezra Shapiro, '23, and his wife, Sylvia, were honored recently at the 31st annual dinner of the Cleveland Council of the Jewish National Fund.

The Shapiroes have been active for many years in both Jewish and Community affairs and Mr. Shapiro is a vice-president of the Cleveland Community Relations Board.

A part of the tribute to the Shapiroes is the planting and naming of a forest for them in Israel.