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Cleveland-Marshall College of Law

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THE GAVEL

"The Voice of Cleveland-Marshall"

CLEVELAND-MARSHALL LAW SCHOOL

1240 Ontario Street

Cleveland, Ohio 44113

Vol. 17 — No. 6

June 3, 1969

COMMENCEMENT SET FOR SATURDAY, JUNE 14th

The Seventieth annual commencement program of Cleveland-Marshall Law School is set for Saturday evening, June 14th, at the Music Hall of the Public Auditorium.

Ninety-five graduates will hear Frederick Bernays Wiener, Washington lawyer, give the Commencement address. Wiener served in the Judge Advocate General's Department during World War II and was present during the invasion of Okinawa. Following his retirement from the armed services in 1945, he was appointed Assistant to the Solicitor General's office, engaging in its matters before the United States Supreme Court. He subsequently resigned from that post to enter the private practice of law, where he is a recognized authority on Constitutional law.

Wiener will receive an honorary Doctor of Laws degree from the law school. Other recipients of the honorary degree are, according to Dean James K. Gaynor, Cleveland Bar Association President S. Burns

Weston; Rabbi Armond E. Cohen, spiritual leader of the Park Synagogue; and Auxiliary Bishop William M. Cosgrove of the Diocese of Cleveland.

J. Terence Burke, senior class president, will give the address for the students. Heading the class scholastically this year are two students, James W. Adams, Jr., and Carol Mosher, both earning *summa cum laude* honors.

Cum laude honors were won by Norman T. Baxter, Jr., William A. Beck, John D. Campbell, Neal Conger, Richard E. Hendricks, Thomas Hermann, Neal Hubbard, Thomas Miller, William A. Mullee, and Kenneth P. Rothgery.

Continued on page 6

C-M CHANGES TO QUARTER SYSTEM

by Sheila Kahoe

In September 1969, Cleveland-Marshall will change to the quarter system. The change has been under study for some time, and it is the opinion of the faculty and administration that this system offers the most advantageous use of both the law student's time and the facilities of the school. The change will take effect at the same time as the merger with Cleveland State University, but the fact that Cleveland State is also on a quarter system is, in the words of Assistant Dean Flaherty, merely "a happy coincidence."

Both Day and Evening Sessions will be under the new quarter system. The academic year is divided into four quarters. Evening students will notice that, in the future, Research and Writing courses often will be scheduled for the 4th or summer quarter. This will give the student a better opportunity to learn and practise research skills at a time when he is free from the pressure of regular course work.

The schedule of day classes will be the same under the new system, except that course work will be divided into three quarters instead of two semesters. Night school classes, however, are noticeably affected.

Continued on page 8



Frederick Bernays Wiener, Washington, D.C. attorney and specialist in constitutional law, will give the 1969 Commencement address and also receive the honorary degree of Doctor of Laws at the Saturday evening ceremony.

THE GAVEL

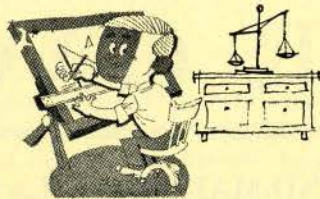
Sheila Kahoe
Issue Editor

Avery Friedman
Asst. Issue Editor

J. Norman Stark
Editor-in-Chief

C. Ellen Connally
Associate Editor

Howard L. Oleck, D.P.L.
Faculty Advisor



Bar Examinations—An Editorial

Bar examinations, unlike wine, have *not* mellowed with age, nor does it appear likely that they will, despite the "clear and apparent danger" that portends the consequences of stagnation.

The mandate for modernizing bar examinations and law school curricula, to parallel the needs of contemporary society, has been more apparent in recent years than ever before. While the pace of industry and commerce have forced the executive back to the books, in a struggle to remain abreast of new developments and techniques, the legal profession (to its own detriment) has ignored continuous opportunities to prepare its practitioners for our brave new world. The sad commentary is that we have *not* "gone forward together." While the law schools, recognizing the need, have already begun to offer studies in Administrative Law, Non-Profit Organizations, Tax, Poverty Law, Urban Development, and the like, bar examiners have continued to ignore these subjects, perhaps trusting that these, like poverty and other urban problems, may just go away or resolve themselves, if ignored.

Bar examinations remain little changed, in most states, over a period of many years. To the almost total exclusion of modern subjects, the traditional standbys of Contracts, Torts, Criminal Law, etc., continue to dominate both the substantive and the weighted aspects of bar examinations. The shortage of competent criminal defense counsellors becomes greater each year, for example, and the argument in favor of more emphasis on criminal law grows ever more reasonable.

The persistent refusal of the bar examiners, (and of many law school faculties), to stray from tradition, and to face the new problems of a technological and mobile society, invites disaster. Few lawyers today, and probably fewer tomorrow, are truly prepared to cope with a practice couched in a *modern* setting, with all its delicate complexities, without training in at least the essentials of current techniques, social and economic ideas, and extra-legal procedures and remedies. (See "New Curriculum," *The Gavel*, Vol. 17, No. 4, Feb. 20, 1969, pp. 1, 7.)

Fifteen years ago, and then as recently as five years ago, the League of Ohio Law Schools and the Joint Conference of Bar Examiners met and discussed these problems at length. A foundation grant produced exhaustive studies on the subject, authored by prominent educators and practitioners. Still, no affirmative or apparent implementation *in fact* can be observed in either Ohio's curricula or bar examinations. Not long ago, the A.B.A. again gravely discussed the matter—and did nothing. A new "study" now is being proposed—to what end, considering the past history?

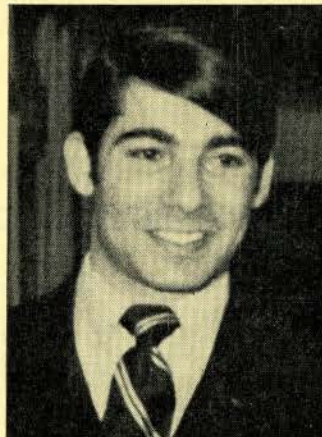
A sense of utmost urgency had better stir the Bar to action. Otherwise, the legal profession may find itself overridden by other groups, which *will* provide what society needs and wants—modern expertise in modern problems, and contemporary techniques of problem solving . . . in a hurry.

EDITORIAL STAFF, '69-'70 . . .



Miss C. Ellen Connally, new Editor-in-Chief of *The Gavel*, is a graduate of Bowling Green State University, and was a teacher for the Cleveland Board of Education prior to enrollment in the Day Session. Miss Connally was a law clerk for the City of Cleveland last summer. She is currently working as a law clerk for the firm, Stokes, Character, Terry & Perry.

Avery S. Friedman, a first year evening student, received his A.B. from the University of Louisville. He presently serves as Secretary of the Student Bar Association, Alumni Director of Phi Alpha Delta, and is C-M's Law Student Division Representative to the American Bar Association. He is a delegate to the annual ABA convention to be held this August in Dallas.



Sheila Maura Kahoe, a first year student, received her A.B. from Ursuline College and M.A. from John Carroll University. Before entering law school, she was an editor at Reardon, Baer & Company, Cleveland. Miss Kahoe is currently working as a clerk at Probate Court.

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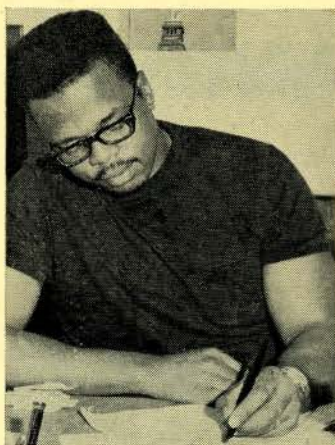
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A VALUABLE MAN—HARVEY SHORT

by Sheila Kahoe



One of the most personable people at C-M is Mr. Harvey Short, Head of Building Services. Mr. Short, who was born and raised in Cleveland, has been keeping C-M's physical plant under control since April, 1958.

Mr. Short's duties are many and varied. He is responsible for the supervision of the five maintenance employees who work for him. He must keep time and performance records for all the people in his department.

Emergency repair work falls into Mr. Short's domain. He and his staff make minor electrical and plumbing repairs, and make preliminary arrangements for major repair work.

The building services department is responsible for purchasing all supplies used for building maintenance and other non-academic supplies. In addition to the actual purchasing, detailed inventories must be kept for all supplies on hand.

Besides the work of building maintenance, Mr. Short assists in planning and scheduling building facilities for non-curricular activities.

Mr. Short enjoys his work and C-M. He says he has a very good rapport with students and faculty. He finds the day students especially friendly and less pre-occupied than most evening students.

On the personal side, Mr. Short is married and has four children.

A Note About Summer School

For students who register late, a late registration fee will be charged. Students are asked to notice that several courses have been added to the summer schedule. One change should also be noted, that is *Labor Law 242* is no longer a seminar course. This means that there will be openings for 40 students. Students who have already had *Labor Law* may not take this course.

The office also requests that attention be given to the policy governing tuition payment. Students who submitted a registration form and did not withdraw before May 16 will be liable for the charges whether they attend class or not. There will be no adjustments of refunds.

June 13 is the last day to pay tuition. After that time a late fee of \$5.00 will be added.

ELECTRONIC LEGAL RESEARCH

by Helen L. Garee

Law Librarian and Asst. Prof.

Electronic legal research has been widely discussed for the past several years. For example, at a meeting of the Ohio Association of Law Libraries in the fall of 1967, interesting speeches were given by Julius J. Marke, Law Librarian of New York University, and by Kate Wallach, Law Librarian of Louisiana State University and then president of the American Association of Law Libraries, as to the potentialities of this type of research. They were both in favor of the system.

This new approach, with automation and computers as principal cornerstones, has been termed the "Second Industrial Revolution" and is now here. It will, of course, create new problems, and may be expected to bring about many changes in the practice of law and the administration of justice.

Approximately 2 $\frac{1}{4}$ million decisions of courts of record were on the shelves of law libraries in 1962, and it has been reliably reported that from 1879 to 1968 the reported American cases numbered 407,000. Prof. V. Fiordalisi, Rutgers University Law Librarian, estimated that this inventory increases annually by 25,000 new opinions. Expansion has been just as rapid in legal literature such as treatises, digests, statutes, periodicals, opinions, and administrative regulations. The problems of manual research become more difficult each year.

Endeavoring to ease this problem, an organization called Lawyers' Center for Electronic Research has been founded in Albany, N. Y. As a result of conferences by some of the Trustees of this Center with representatives of bar associations of states other than New York, new committees have been formed in several states. The State Bar of California recently formed a special committee to cooperate with the Lawyers' Center. This committee will keep the Center informed concerning the development of a retrieval system known as "DIALOG" by the Lockheed Missile and Space Company.

In September, 1968, the Executive Director of the Center visited the Dayton, Ohio plant of Data Corporation (now a subsidiary of the Mead Corporation). The software, called "Data Central," is the basis for the information retrieval system adapted for the OBAR program. It is said to be, as of now, the only full text, "on line" English language processing system operating today on third generation computers.

Soon OBAR will have in its data bank 50 million characters (about 65 volumes) of the Ohio official decisions. This is believed to be a sufficiently broad base to permit satisfactory testing. If the results are satisfactory, all of the Ohio statutes and court decisions will be entered into the system over the next six or seven months, at an average rate of 50 million characters per month.

ALUMNI NEWS . . . ANNUAL



Dr. Samuel R. Gerber receives award plaque from Paul S. Sanislo, Alumni Association president.



Paul S. Sanislo, president of the Alumni Association, hands award to honoree George F. Karch.

ALUMNI HONOR TWO

A banker and a doctor were chosen as Outstanding Alumni of the Year, by the C-M Alumni Association, and were honored at a luncheon on Wednesday, April 30th at the Sheraton-Cleveland Hotel.

More than 800 friends and business associates gathered to honor Dr. Samuel R. Gerber ('49) and George F. Karch ('30), who have successfully combined their respective talents in business, law, and medicine.

Gerber has been Cuyahoga County Coroner for 33 years, is an expert in the medico-legal field, and is responsible for many changes made in the administration of the office of coroner.

President and Chairman of the Board of the Cleveland Trust Company, Ohio's largest bank, Karch rose to this position from a clerk in the trust department, while using his legal and academic training.



Some of the many friends who were present to honor this year's Outstanding Alumni.

HIGHLIGHTS OF LUNCHEON



Family and friends of George F. Karch, including his son and daughters.

Open House Slated for Friday, June 13th

The annual *Open House* of the Alumni Association will be held at the law school on Friday, June 13th, beginning at 4:30 p.m.

Leo Rossmann ('29), chairman, promises a gourmet buffet of hot and cold foods, following our long-standing tradition and, of course, other refreshments. There will be door prizes galore and prizes for those alumni traveling the farthest to be present.

Members of the 1969 graduating class are invited to be there and mingle with the "old grads." Just take advantage of the offer to join the Alumni Association for a mere \$5.00, an offer made each year to the current graduating class.

Dues in the Association are payable now, so send in your check and be eligible to attend the Open House.

WHAT'S HAPPENING TO ALUMNI

JAMES A. SMITH ('60) is now supervising patent attorney for the Kodak Apparatus Division of Eastman Kodak Company, and is concerned with motion picture apparatus. . . . ANDREW R. FIELD ('58) of the law department of National Life Insurance Company, recently directed a two-day seminar on real estate equity investments for his company. . . . THOMAS H. FAR-ELLO ('50) has been named controller of the Electronic Products Division of Sonotone Corporation. . . . BEVERLY SYLVESTER ('66) was appointed referee in charge of adoptions for Cuyahoga County Probate Court. . . . FEDERAL JUDGE THOMAS D. LAMBROS ('52) was recently chosen by Delta Theta Phi as their "Man of the Year." . . . JUDGE A. J. GAGLIARDO ('51) was named by Gov. Rhodes to the Ohio State Commission on Children and Youth. . . . PETER MUSSELMAN ('57) has joined Case Western Reserve University as Vice-President in charge of Administration. . . . CAROL EMERLING ('55), Acting Judge in Shaker Heights in absence of Judge Manuel E. Rocker. . . . EDNA SHALALA ('52) recently appointed to the Cleveland Board of Education. . . . PIETER J. HOETS ('64), will soon be relocating to Ashstead, Surrey, England. . . .



Mr. and Mrs. George F. Karch receive congratulations following the award luncheon.

ABA-LSD... "Time For Action"

by Avery Friedman

ABA-LSD Representative

The American Bar Association Law Student Division looks forward to its annual national convention in Dallas this summer. After a successful circuit conference hosted by Cleveland-Marshall in March, delegates to the convention have been properly oriented to the major issues facing law schools today as well as the role the law student plays within the community.

Since its birth within the American Bar Association two years ago, the Law Student Division has primarily been concerned with internal organization. Having established itself, it must now face the problems relevant to legal education and the role of the law school. Moreover, a minority of delegates at last year's convention in Philadelphia sought to have the Law Student Division take further issue with other problems facing the national law student body. Referred to as the "Progressive Coalition," this minority submitted resolutions for the purpose of having the LSD take a stand on such topics as the legalization of marijuana, the draft, and urban problems. Indications are that this segment of the LSD will grow in influence and size.

Law students who are affiliated with the Law Student Division now have the advantage of expressing their opinions through their representatives with the assurance that such expression will be heard and considered by the American Bar Association. In addition, students are eligible to join sections within the ABA in the area of any specialized interest and receive valuable publications. Any affiliates desirous of this benefit can contact the Law Student Division Representative for assistance.

As an affiliate of the LSD, a member has an additional opportunity to take advantage of the Student Lawyer Placement Information Service which offers summer and full-time job opportunities in the legal field. Through the work of the American Bar Association, jobs in law firms, corporations, and government agencies are available. When an affiliate applies to the ABA, positions are matched with openings. Information in applying for such positions is available through your representative.

The effectiveness of the Law Student Division is as potent as its membership. Increased affiliation on the part of Cleveland-Marshall law students as a body indicates a legitimate concern for expression on the part of the school. The advantages of joining the LSD are many with respect to the affiliate's individual situation as well as his role as a law student confronting the many socio-legal problems of our society. Any student interested in participating in LSD activities can contact Avery Friedman through the Student Bar Association office.

GRADUATION...

Continued from page 1

Two LL.M. Degrees also are being awarded, to Frank F. Bonaiuto and Trevor Robert Johns.

Following is a list of the graduating seniors on whom the J.D. degree will be conferred:

James W. Adams	Kenneth L. McArtor
Richard C. Andrews	James Maher
Norman T. Baxter, Jr.	James M. Mancini
William A. Beck	Stewart I. Mandel
Rudolf F. Binder	Jeffrey Mars
Marc J. Bloch	Bernard B. Masterson
John Terence Burke	John P. Maxey
Dennis F. Butler	Donald Mazzotta
Vincent Campanella	Milosh Milenkovich
John D. Campbell	Thomas E. Miller
Charles T. Cassaro	Robert J. Moravick
Edward Christie	Carol Mosher
Warren C. Comiskey	William A. Mullee
Neal A. Conger	Donald R. Niles
Lawrence W. Corman	Timothy F. O'Brien
C. Carol Dakin	Alex J. Orban, Jr.
Thomas P. Demeter	William W. Owens
Robert M. Didrick	Myron Palay
John J. Donnelly	Lawrence E. Perczak
Donald J. Elardo	Brian W. Phillips
Edwin Evans	Marvin R. Plasco
Jerome Ferstman	Sheldon S. Polish
Gaylord Finch	Harold Polster
Robert Finke	David J. Portmann
Richard Fiordalisi	Thomas J. Puette
John Fisher	Patrick R. Rocco
John P. Fox	Kenneth P. Rothgery
Allan J. Fried	Gregory Lee Rutman
William C. Garguilo	Ronald Schatmeyer
William Goldstein	Myron S. Schlacter
Alan I. Goodman	Albert Schneider
Jay Green	John A. Shimko
Lawrence A. Grey	James Spitz
Pierre A. Grieselhuber	Robert W. Stern
Jacques A. Griesmar, Jr.	William Summers
James W. Guest	Ronald Clement Swencki
Richard Hendricks	Joseph H. Taddeo, Jr.
Thomas Hermann	Roger D. Tibbets
Kenneth Hoffman	Terry M. Troy
Edward T. Holzheimer	Charles Tuley
Earle C. Horton	William A. Vidmar
Paul A. Hrisko	Donald E. Welsh
Neal A. Hubbard	George C. Wick, Jr.
Kenneth S. Kabb	Jerry P. Widman
Gabrielle Kinkela	Michael D. Wieder
Robert V. Kinkela	Wendel E. Willmann
Joseph S. Kodish	Hugh Riley Wilson
John E. Kohler	Thomas J. Wilson
Herbert E. Kronenberg	Robert A. Wood
Gerrit C. Kuechle	Robert Zelvy
Martin R. Loftus	Donald J. Zinner
William H. Lukens	Joseph Zolich
Leonard Lurie	

RICH MAN'S JUSTICE?

by Hon. Lloyd A. Brown
Judge, Cleveland Municipal Court

The question often arises in the urban courts: Can a poor man receive a fair trial?

The question can be answered quite simply, depending upon which end of society is presented with the problem.

The White, Anglo-Saxon community readily says that all provisions of government are available so that the poor will receive adequate representation and a fair trial. "The Constitution has provided these safeguards." The opposite end of that pole is the Black, culturally deprived, or the poor Appalachian White who feels that under no circumstances can he ever have a fair trial in the so-called Urban Courts.

One might ask why, in this day of modern court trials, of demands for rights of the individuals, and of promulgation in mass media of these rights to all persons, that some feel that they cannot get a fair trial.

Based on my personal observations from being a trial lawyer for the indigent, Prosecutor for the State, and now Judge of them both, there is a natural distrust of the "establishment." The two classes previously mentioned have, according to history, not been given a fair trial in any geographic location.

Is this fear of denial of a fair trial real or fantasy?

Sometimes this fear is real. Let's see when it's real. The best way I know is to take a case of the culturally deprived, and paint a picture of the accusation and past experience of the individual to determine whether or not he can receive a fair trial in our Courts. An example would be a man charged with armed robbery of an established house of business in any local urban community. Let's further handicap the individual so accused, with a past criminal record of the same offense; paint him Black, and have him apprehended by eager, zealous, ambitious officers of the law. Can this man receive a fair trial?

According to all of the standards set by the Courts of the nation, and safeguards placed upon pre-trial interrogation and the assigning of counsel, this man *will* receive a procedurally fair trial. The question goes much deeper, will he receive a fair *trial*; will he be *objectively* tried according to the evidence. Experience says "no." He will not receive a fair trial, in his mind, because he feels that he will be tried by men, not by the law.

In actual fact, such a man will get *more* than a fair trial, because he will be given greater advantages than any middle class American. This is because Americans are basically more than fair to the underdog. He will be given counsel, not "a Court hanger on", "political hack", or "young fledgling" attorney. Judges attempt in every case to appoint competent counsel. The pay is not high, but attorneys are proud of a good job, well done.



Attractive new accessories with the Cleveland-Marshall seal now available for your home or office. These items are lustrous black with the gold seal, and are for sale in the Alumni Office.

COFFEE MUG—\$2.50

BEER MUG—\$3.50

ASHTRAY—\$3.85

When ordering by mail, please make your check payable to **The Cleveland-Marshall Alumni Association, 1240 Ontario Street, Cleveland, Ohio 44113.**

Prof. Sheard Contributes To Two New Encyclopedias

Professor Kevin Sheard has been commissioned by the Macmillan Company to write an article of about 3,000 words on the subject of academic regalia. The article is for the revised edition of the *Encyclopedia of Education*.

Professor Sheard has also been an active contributor to World Publishing Company's new *Jefferson Encyclopedia*. He has written more than 50 short entry items on law-related topics. The professor's subject matter has ranged from standard items such as "Torts", "Estates", "Liens", and "Garnishment", to articles on subjects as varied as "Scotland Yard", "Sing-Sing", "the American Bar Association", and "Secret Police".

The *Jefferson Encyclopedia* is a general encyclopedia which is geared primarily to junior high and high school students. It is scheduled for publication soon.



A.B.A. Special Committee On Law School Standards Meets

The A.B.A. Special Committee, chaired by Cleveland-Marshall's Distinguished Professor Oleck, to review, and advise the Section of Legal Education on the new Standards of Legal Education, met on May 20th and 21st in Washington, D. C. The Committee consists of Chairman Howard L. Oleck (Cleveland-Marshall), John Allison (Tampa), Judge Walter Craig (Phoenix), William P. Daniel (Flint, Michigan), Chancellor Russell Niles (N.Y.U.), Judge William Hastie (Philadelphia), Franklin Latham (San Francisco), Dean William Zacharias (Chicago), and Dean Thomas Christopher (Albuquerque). Professor Kevin Sheard (Cleveland-Marshall) has been and continues assisting Professor Oleck in the complex details involved, and attended the Washington meeting.

At the meeting, the Special Committee heard discussions of proposals and various recommendations, from George Neff Stevens (Professor, U. of Washington; drafter of the original proposed standards), Robert McD. Smith (Present A.B.A. Section Chairman), Harold G. Reuschlein (Villanova U.; Chairman-elect of the Council of the Section), Millard H. Ruud (U. of Texas; Advisor to the A.B.A. Section of Legal Education), the student designated by the Law Student Division of the A.B.A. (David Howard of Memphis State U.), and John Donohue (A.B.A. Administrative Staff, Chicago).

Final voting on the proposed new Standards is expected to be held at the A.B.A. Convention in Dallas in August.

A WORD ABOUT WORK-STUDY

The response to C-M's work-study program has been good. Applications are still being accepted. In order to qualify, students must show some evidence of financial need. Applications are reviewed by the faculty members administering the program, and no student may be placed in a job until his application is approved.

The jobs in which students are placed are law-related and are with public or non-profit organizations. Under the work-study program, jobs are available at the following: Consumer Protection Department, Department of Law, City of Cleveland; Legal Aid Society; Cleveland Bar Association; Cleveland Law Library; the A.C.L.U.; and various government agencies, including Defense Supply, Veterans Administration, and Internal Revenue Service.

Students interested in work-study may contact either Professor Hyman Cohen or Professor Carroll Sierk.

QUARTER SYSTEM . . .

Continued from page 1

After much time and study, the faculty and administration have adjusted the evening schedule to contain one 4-hour course and two 3-hour courses. The time spent in class will necessarily be different. As it stands now, evening school students will attend class from 6:10 to 8:55 on two nights, and 6:10 to 9:45 one night. Thus, most students will have two short nights and one long night each week. The plan has advantages and disadvantages which were carefully weighed before the final decision was reached.

There will be no change in attendance or grade requirements. A total weighted average of 2.0 credit points is still required for graduation.

The credit hours required for graduation have been scaled in order that no hardship will be put on students already in their last years. Credits needed for graduation in June, 1970 are 120 quarter credit hours; in 1972, 124 quarter hours; and from 1973 on the graduation requirement will be 126 quarter credit hours. In order to translate the credits you have received to date into quarter credit hours, multiply your total semester hours by $1\frac{1}{2}$. Thus a first year evening student who has followed the regular schedule would have 22 semester hours or 33 quarter hours.

Courses required for graduation are as follows: Agency and Partnership, Brief Writing, Civil Procedure, Commercial Law I and II, Constitutional Law, Contracts, Corporations, Criminal Law, Equity, Evidence, History and Methods, Legal Bibliography, Legal Writing, Personal Property, Real Property, Tax, Torts, Trusts, and Wills. The Seminar requirement has not been changed. It should be noted that students beyond their first year will not be required to take History and Methods, and Brief Writing, in the event that these courses were missed.

The 1969-70 Curriculum is posted in various locations around the school, along with elective sheets for both Day and Evening Sessions.

Prof. Boskey Gets Fellowship

James B. Boskey has been awarded a fellowship to attend the Hague Academy of International Law as a summer student.

The program, to be directed by outstanding international scholars, will cover Private International Law and Public International Law.

Professor Boskey has been one of the Fellows chosen to take the Academy's diploma examination, an honor which is given to relatively few of those attending the seminars.

PROCEDURE DESK QUICKBOOK-P.D.Q.

(Formerly "Law Clerk's Handbook")

By Brian W. Phillips and J. Norman Stark

NOTICE TO COMMENCE SUIT ON MECHANIC'S LIEN

O.R.C. 1311.11 (Effective 10-26-67, Replaces earlier Section 1311.11)

Filing Procedure, Common Pleas Court, Civil Branch, Cuyahoga County, Ohio.

The owner, part owner, or any person with an interest in real property upon which a lien has been taken may notify the lienholder to commence suit thereon.¹ This lien is usually in the form of an Affidavit to Obtain a Mechanic's Lien, recorded at the Recorder's Office of the County where the land is situated. A Mechanic's Lien, by statute, *must be recorded within 60 days* after the date of the last labor performed by the lienholder.²

REQUISITES

1. Draft the Notice to Commence Suit on Mechanic's Lien, (hereafter called Notice), directing it to the lienholder at his address. The Notice must state the dollar amount, volume and page where the Mechanic's Lien is recorded, and the place of recording. A legal description of the land or property at issue must also be included. The Notice requests that the lienholder commence suit within 60 days after service or the lien shall be void.³

2. Supply the Sheriff's Office with an original and one copy of the Notice. The Sheriff will make his return of service on one copy; the other copy will be left with the party served.

3. Upon completion of service the Sheriff's Office will make the appropriate charges for the service and mileage.

Note—The statute provides for various types of service if personal service cannot be effected.

PROCEDURE

1. Take all copies of the Notice to the Sheriff's Office, County Court House, and present to the Clerk at the Summons Counter. As soon as service is perfected, the Sheriff's Office will telephone the party (or attorney) filing the Notice and advise as to the costs.

2. Go to the Sheriff's Office, pay the necessary charges and retrieve the Notice.

3. It is next required, by statute,⁴ to record the Notice. (Recorder's Office, County Administration Building, Room #211.) A recording fee for each page will be required at the time of recording.

The statute further provides that *before the time to commence suit*, (60 days), a party may file Application For Approval of Bond To Discharge Mechanic's Lien, (hereafter called Application), together with a bond in twice the amount of the claim.⁵ See particulars of the statute for filing application *after suit is commenced*.

REQUISITES

1. Prepare the Application and secure a bond in *twice the amount of the claim*. It is proper to mail a copy of the Application to the lienholder, or his attorney, thereby eliminating the cost of service by the Sheriff.

2. Costs: \$20.00 cash, certified check, or money order. Cost of bond should be obtained from the surety company.

PROCEDURE

1. Take the Application and bond to Court Room #1, Common Pleas Court, and obtain a date for hearing. The only issue at the hearing will be the sufficiency of the bond. If the bond is sufficient, it will take the place of security for the lien, freeing the property for possible sale.⁶

2. Take all documents to the Cashier's Counter, Window #8, and pay the \$20.00 filing fee.

3. File all documents with the Filing Clerk at Window #5. It is advisable to wait for the case number assigned and to give this case number to the Clerk in Court Room #1 for his records.

The Procedure remaining is to wait for the hearing day, and to appear (in Court Room #1) to ascertain if the bond will be sufficient to replace the lien.

¹ 1311.11A

² 1311.06

³ 1311.11A

⁴ 1311.11B

⁵ 1311.11C

⁶ 1311.11C

SOGG, ROSSEN REVISE REVIEW SERIES

by Sheila Kahoe

Wilton S. Sogg, Adjunct Professor at C-M, and Howard M. Rossen, 1964 graduate of C-M and former pupil of Professor Sogg, have joined efforts to co-author a Revised Edition of the Smith's Review Series for West Publishing Company.

The co-authors explain that their revision is based on several specific objectives. They have attempted to give the student an over-all view of the subject being reviewed, by incorporating case law, statutory law, opinions of treatise writers, etc. They have also attempted to point out, when applicable, interrelationships between various subjects. Professor Sogg explained that he and Mr. Rossen have studied current pedagogical thinking on legal education, and have tried to make their books truly useful tools for the law student.

Another aim of this literary team was to improve the quality of review notes and perhaps the image of these study guides in general. In this area they seemed to have succeeded admirably. West Publishing Company sent examination copies of their first volume (Constitutional Law) to professors and practitioners throughout the country. The response thus far has been very favorable. The volume has been called "of hornbook quality," and it does in fact resemble a mini-hornbook.

Some notable changes in the series include a detailed, well-organized outline following the general Table of Contents, the addition of full case cites, and specific sub-headings following each "legal gem." The series will retain its basic form, but the new revisions are far better organized and much more reliable than the original series.

SCHOOL CALENDAR 1969-1970

Fall Quarter

Classes Begin	October 1
Thanksgiving Holidays	November 27-30
Last Day of Instruction	December 12
Final Examinations	December 15-19
End of Fall Quarter	December 19
Christmas Holidays	December 20-January 4

Winter Quarter

Classes Begin	January 6
Last Day of Instruction	March 13
Final Examinations	March 16-20
End of Winter Quarter	March 20
Spring Holidays	March 21-29

Spring Quarter

Classes Begin	March 31
Memorial Day, No Classes	May 30
Last Day of Instruction	June 5
Final Examinations	June 8-10
End of Spring Quarter	June 12
Commencement	June 14

Professor Sogg and Mr. Rossen are under contract to revise the entire Smith Series. In addition to the *Constitutional Law* book which is already out, *Torts* and *Contracts* will be available in late summer and early fall respectively. The scheduled completion date for the whole series is 1970.



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