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THE GAZETTE

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The Cleveland State University

College of Law

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THE SAROFIM FIASCO

by Ted Meckler and Alan Ross

At the most recent faculty meeting on September 28, a motion was introduced by the Graduate Students Committee, on behalf of Farag T. Sarofim, a candidate for the degree of Master of Laws. In substance, that motion requested that the faculty waive the requirement that each L.L.M. candidate submit and have approved an essay of publishable quality and, as such, certify Mr. Sarofim for the L.L.M. degree. This motion was denied by virtue of a ten-to-nine vote.

At first glance this vote does not seem particularly significant. But in order to more fully appreciate what this decision means it is necessary to delve into the unusual circumstances surrounding Mr. Sarofim's case.

Mr. Sarofim, a native Egyptian, entered the L.L.M. program in September of 1971, after having spent less than a year in this country. Prior to that time he had attended and graduated from an Egyptian law school and had practiced law in Egypt for several years. He was admitted to the L.L.M. program based solely upon the existence of his law school transcript (written in Arabic) and his law degree. Upon subsequent analysis of Mr. Sarofim's credentials, the Graduate Committee determined that he should never have been admitted. This conclusion was buttressed by three basic facts: 1) Mr. Sarofim could hardly speak English (and even at this point in time his command of the language is inadequate) 2) he had no prior training in the common law and 3) he finished law school near the bottom of his class.

At any rate, Mr. Sarofim completed his required course work in the program with a grade point average of better than 3.5. Also, in keeping with that program he submitted a thesis entitled "Student Transportation and Busing: An Analysis of Conflicting Views". The controversy in this matter revolves around this thesis. After having worked on this 150-page thesis for seven to eight months and having reorganized, rewritten and retyped it three times (mostly to improve the English grammar), he finally gained the necessary approval of his faculty advisor, Professor James T. Flaherty on May 20, 1973.

However, this matter does not end here, for, pursuant to an April, 1973 faculty resolution all theses now have to be read and approved by a three-member faculty committee. In the past the practice had been that the candidate's advisor alone passed judgment on the acceptability of the thesis. Mr. Sarofim's paper was then read by Professors Sheard and Landever who both found it to be unacceptable.

So, after two years of what seemed to Mr. Sarofim to be highly acceptable work and seven to eight months of intensive struggle on his thesis, and with the subsequent approval of his faculty advisor, Mr. Sarofim is left with two choices: 1) He can go back to Egypt empty-handed or 2) he can try again to write an acceptable thesis, a task which seems highly unlikely considering his understandable difficulty in writing and thinking in English.

Why should Sarofim be granted an L.L.M. degree anyhow? Of those who have read his paper all concur that it was not of publishable quality and lacked scholarly attributes. Furthermore, people all over Cleveland and Cairo know that Cleveland-Marshall College of Law has granted a degree to one who does not deserve it. As Assistant Dean Werber has stated, "Such an action would decimate all of the things that those of us at Cleveland-Marshall have been working towards in the last three years". In addition, we now find out, Sarofim's 3.5 G.P.A. is not an accurate appraisal of his work because of his choice of professors, most of whom were unduly generous. Most important, granting this degree will forever establish a dangerous precedent for future Sarofims.

The above assertions are clearly outweighed by the overwhelming and (human) equitable consideration of this case. This school accepted a foreign student who was unqualified academically, unschooled in the Common Law and who spoke, at best, only broken English. Now that some illustrious body has decided that Sarofim must bear the brunt of the responsibility for their gross mismanagement, negligence and error. He is being denied his degree because this law school has failed to meet its responsibilities. Cleveland State University has a very successful program in the Special Studies department which teaches the English language to foreign students on an individual basis. This program was not offered to Sarofim. In fact, the law school was not even aware of its existence; apparently no one bothered to check.

As for the faculty's argument that granting this degree will do permanent damage to Cleveland-Marshall's newly gained, hard-earned and long-sought prestige, the reality of the situation seems quite the opposite.

The reality is that Sarofim has been left with no choice but to take his case before the courts. What could possibly be more harmful to Marshall's shining image than a lawsuit of this nature. Not only will the administrative ineptness of Cleveland-Marshall be aired publicly but also to be aired will be the allegations that the faculty considers the grades handed out by some of its members as meaningless and worthless. Furthermore, the fact that an Egyptian student is being denied his degree after two years of intensive study by a law school faculty that includes a large number of Jewish professors is not likely to go unnoticed.

With respect to the so-called dangerous precedent that the granting of this degree might cause it is perhaps, worthwhile to know that the Faculty has adopted a resolution which would bar the admission of non-English speaking, non-Common law trained foreign students into the L.L.M. program unless special reasons for their admission exist. This resolution was passed precisely to prevent future fiascos like the present. Presumably, if the Graduate Studies Committee does its job properly in the future there will be no similar situations to which this precedent may apply.

Mr. Sarofim has struggled through the L.L.M. program for more than two years now. He spent a considerable amount of time and expended a great deal of money in the preparation of this thesis. Its major shortcoming is that its author is unable to think or write in English. This is something over which he has no control. He longs to return to his native Egypt. Granting this degree, by waiving the paper requirement would hurt no one. As the matter now stands all of the time, efforts, and money that Sarofim has spent here have gone for naught. We strongly urge that the faculty reconsider their decision, grant Sarofim his degree and allow him to return to Egypt.

REPERCUSSIONS OF WATERGATE HIT MARSHALL
NEW REQUIREMENT ADDED
by Dale Markowitz

Should students pass through this newspaper of ours with only Watergate and the Saga of Sarofim in mind, let them not forget about the necessity of forming a more perfect system of entering the legal profession (also known as going through the motions of attending a law school). It is my duty to inform the student body that the Curriculum Committee has passed a resolution requiring all students presently enrolled to take a course in Legal Ethics. The course will not be graded and students will receive no credit hours for enrollment in the course (at least for this academic year). The course will consist of lectures by members of the bar and if necessary, by professors professing to have some degree of sophistication in the area. Seniors, who will be graduating this year, will also be required to take the course and the most likely projection for imple-

menting the course would be Winter Quarter of 1974. Obviously, anyone graduating Fall Quarter will be exempt and anyone who wishes to take the course this year may fulfill the requirement by attending the lectures. Knowing that this will put an undue burden on night students, it was understood that these lectures will be video-taped and made available through the library for individual viewing.

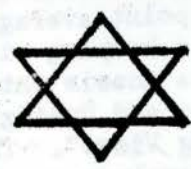
From time to time, this author will be reporting to the student body, through the Gavel, on proposals made to the Curriculum Committee. After getting some view of the administration of the law school, it seems that this committee is one place where student interests can be voiced and preserved. But, unless I or the other student member of the committee, Art Hildebrandt, can get some response from the student on what will make Marshall a better place to leave your needs may go unfilled. Any suggestions can be given to either student member, put in the SBA mailbox, or even by way of letters to the editor of the Gavel.

Other action taken by the committee approved the creation of a new course in Suretyship for two hours of credit. A proposal to increase Real Estate Practice from three to four credit hours was tabled, pending some information concerning scheduling of the night school. Any opinion concerning that course will be appreciated.

ISRAEL NEEDS MONEY

FOR EMERGENCY MEDICAL SUPPLIES

ISRAEL
EMERGENCY
FUND



Cleveland-Marshall students concerned with the recent flare-up in the Middle East should contact Burton Hirsch or Michael Goldstein for further information on the C.S.U. chapter of the Israel Emergency Fund.



Lt. to Rt. LEE CHIARA, ART HILDEBRANDT, DOUG JENKINS, JOHN CHINDLUND, TOM DOWNEY AND ROGER KATZ

MOOT COURT

by Russ McLaughlin and Ken Caldwell

Undoubtedly you were just wondering what has been happening with our law school's Moot Court Team. If, somehow, you've not heard of the Team or know nothing of its activities, this blurb and the law school catalog will provide you with a few clues as to what it does, and maybe some ideas about getting involved. Yes, you!

Last Spring, team members in their first year of Moot court activity individually briefed a hypothetical criminal procedure case. These individuals then argued their side of the case in elimination rounds until the best advocates were selected. The result was the "National Team" for 1973, consisting of LEE CHIARA, JOHN CHINDLUND, TOM DOWNEY, ART HILDEBRANDT, DOUG JENKINS, and ROGER KATZ.

This select group displayed their skills as advocates before a distinguished panel of jurists last spring at the 4th Annual Moot Court Night. The Hugo Black Award went to Doug Jenkins as the outstanding advocate and the Dean's Moot Court Spring Competition award for advocacy and brief writing went to Doug Jenkins, Art Hildebrandt, and John Chindlund respectively.

The "National Team" will represent our school in the 24th Annual Moot Court Competition. The regional rounds for our district will be held November 8th and 9th in Toledo, Ohio. Regional winners will compete for the National title in New York City in December.

This year's National Problem involves a controversy between members of a low income housing project, consisting primarily of black and spanish-speaking people, and the village of Bucolia. The village has refused to grant an extension of its water sewage service to the housing development, which is outside the village limits. However, it has granted such access to such facilities to other industrial and commercial users similarly situated outside the village. The plaintiff's sought a declaratory judgment that pertinent ordinance prohibiting such an extension is unconstitutional, and for a mandatory injunction.. Plaintiff bases its suit on right guaranteed in the 14th Amendment, the Civil Rights Act of 1871, and the Fair Housing Act of 1968.

The trial court granted Defendant's village's motion for summary judgment and

Plaintiff appealed the order. The Court of Appeals reversed the trial court, finding that there were questions of fact as to defendants claim of a "compelling interest" to justify its ordinance and withholding of its water and sewage facilities. The Supreme Court granted certari.

The National Team has been busily researching and preparing briefs on the issues in the case, both pro and con, since mid July. The briefs are nearing completion and practice round for oral arguments begin next week. Anyone interested in listening to these arguments may contact Coletta in 1091 to learn where they will be held.

This year, the team is conducting a Fall Exercise, open to all students who have taken Brief Writing/Oral Advocacy, and who wish to sharpen up their oral advocacy skills. No special problem is used, and Brief Writing briefs are suggested, since the student can argue a case most effectively if he has done the in-depth research required for a good brief. There are flyers out giving the particulars. See them for the details. All students are urged to participate. Believe me, you have nothing to lose. The experience can only make you better in your chosen profession. Notices will be posted when dates are set for the oral arguments.

Well, that's what the Moot Court Team is doin' at this moment. Moot Court Night will be coming up again this year, and team members will continue to judge arguments and help Brief Writing/Oral Advocacy students with their arguments. Our program has expanded dramatically in the last two years, and we welcome ambitious students to stop by Room 1002, say "hi," and see what we've got to offer. Moot Court participation can be quite exciting, and Team members to receive credit, but even if this activity only sounds like more work for you, think of the reason why you are attending law school (to become a lawyer, isn't it?). I have no doubt that you can be a better lawyer for the experience.



FACULTY MEETING REPORT

The first faculty meeting of the quarter was Friday, September 28. Administrative announcements included a report on the status of the new Law School building (not this building, the new one). There are hopes of a groundbreaking next summer or fall. In regards to this year's First-year class the dean noted that the average LSAT score is 605 and undergraduate GPA of 2.93. It was noted that this profile could have been higher if not for the assistance programs. I am not exactly sure what this comment indicates, however, let us thank the Law School for its benevolence and pass it by.

The next point of business to come up for discussion was Dean Christensen's recommendation to establish a Dean's List for the Law School. The original proposal was to the effect that if an individual possessed a 3.0 GPA for a given quarter which was earned in a minimum of 8 credit hours he would achieve distinction by placement on the Dean's List. After a brief study it was found that these standards would achieve an undesired result. To wit, approximately 30% of the student body would have attained the status and perhaps by the dubious means of taking only one course. This was quickly remedied and the resolution that acquired faculty approval is thus:

RESOLVED: That effective immediately there is established in the College of Law a Dean's List to recognize excellence in academic achievement as evidenced by the attainment of a 3.25 or higher grade average in any academic quarter, provided that no student shall be designated on the Dean's List for any quarter in which he or she did not complete courses totaling at least nine credit hours or did not receive final grades for all courses scheduled to be completed during the quarter.

The remainder of the faculty meeting concerned matters that were either directly or indirectly related to the dilemma of Farag Sarofim (see article this newspaper-page one.)

THE DEMISE OF INTERNATIONAL LAW

I sat there dumbfounded as we were told by one of our able administrators that the course in International Law would have to be dropped from the Fall quarter curriculum. The story goes something like this. Professor Emerson had taken ill and could not continue as the instructor. The search for a replacement proved fruitless. Forty-one students looked at each other in dismay as the realization unravelled before us; 1) It was the second week of the quarter. 2) Some students were graduating seniors. 3) All of us were taking three hours less.

Dean Sierk asked for suggestions. A number of students showed interest in continuing the course on a seminar basis and other

suggestions ranged from independent study work to dropping the course work completely and just having the required research paper. However, any suggestion fell upon deaf ears. Rumors prevailed until the next class meeting at which we were to be told the disposition of the course. The solution was simple and to most of us no surprise, "International Law is now cancelled, if any of you want (or are insane enough) to add a course come forward for an add slip. We will waive the charges for add-drop."

One virtue of a good administration is its ability to deal with problems--even those unforeseen sneaky ones. The request for suggestions was a nice gesture, however, I have serious doubts that any suggestion propounded was given consideration. This lackluster approach coupled with an inability to be imaginative has put forty-one students out in the cold. They have, in effect, been coerced into a course which they have no desire to take this quarter along with the added pleasure of catching up on two weeks work.

PUBLIC SPEAKING

Professor Sheard has offered his assistance to any students interested in improving their public speaking skills. Depending on the student interest and desire of the group it could affiliate with Toastmasters or some other group. Professor Sheard's intentions are that the group would meet for the purpose of improvement, not credit and grade. Anyone interested may see Professor Sheard or drop him a note.

LOOKING FOR A JOB

Law Placement- Final Year Students

Monday October 15th 10:00-6:00 Room 2024
Federal Bureau of Investigation meeting to explain work of lawyer in F.B.I. and outline application procedures. (Mr. Mullen)

Room 1037 15th and 16th
Ohio Attorney General- Legal positions, primarily in Columbus, Ohio (Dwight Pettay)

Tuesday October 16th 9:30-8:00 Room 1037
Hahn, Loeser, Freedheim, Dean & Wellman (Harry Mercer)

1974 Summer Programs- Second Year Student Interviews

Monday October 15th 12:00 noon Room 2060
Federal Bureau of Investigation. Meeting about the work of the F.B.I., legal positions with F.B.I., and application procedures, etc.

Tuesday October 16th 9:30-6:00 Room 2060
Hahn, Loeser, Freedheim, Dean & Wellman



This article is an introduction to the CSU chapter of the National Lawyer's Guild, which is presently being organized. The best way to start is to describe the Guild nationally and locally and then outline some of the projects which the CSU chapter can be involved in.

The National Lawyer's Guild (NLG) is a group of lawyers, law students, legal worker, etc. who work actively to legally defend and promote radical causes. The Guild in the past has done such radical legal work as defend labor organizers, civil rights worker, draft resisters, etc., and organize legal challenges to jury arrays and the grand jury system as it exists today. Presently the NLG is involved in coordinating the legal defense efforts at Attica and Wounded Knee, and in writing and in organizing a People's lawsuit to set aside the 1972 elections (see adjoining article).

The Cleveland Chapter of the National Lawyer's Guild organizes around these national projects, (which entails doing research, organizing political support, and assuming part of the workload by having lawyers and legal workers go to Attica etc.) and also conducts various local projects such as a challenge of the jury array of Cuyahoga County and defending students arrested under HB1219. (The Cleveland Chapter is located at 2108 Payne Ave, 600 A Film Bldg., 687-1838).

The first meeting of the CSU chapter of the Guild is tentatively scheduled for 8 p.m. Oct. 17. Some of the projects which have been suggested is attacking the constitutionality of HB1219, setting up a plan whereby when radical lawyers need help we can get it done, etc. All interested people are urged to come. For more information see Gary Kelder, Chris Stanley or Ted Meckler.

A PEOPLE'S LAWSUIT TO SET ASIDE THE 1972 ELECTIONS

The National Lawyer's Guild is presently writing and organizing a lawsuit aimed at giving the people a medium from which to attack the policies of Nixon et al which resulted in Watergate et al, which effectively denied the people of the United States the right to vote.

Basically, the suit is based on the theory that the American people did not have a free choice in the 1972 elections thus denying our constitutional right. The suit charges that Nixon, Agnew, Dean, Erlichman, Haldeman, etc. deprived us of this constitutional right by their burglaries, wiretapping, misuse of the judicial process, forged letters and other illegal campaign tricks and the misuse of government agencies (FBI, CIA, IRS, Dept. of Justice, etc). This deprivation by our government of free and honest elections "damaged" the American people. Because there is no adequate remedy at law, the case is being filed in equity, asking for the only adequate relief - the setting aside of the 1972 elections.

This is of course a very simplistic description of a suit which involves such complex legal issues as where to bring the suit, how to obtain service of process on all defendants, how to gain jurisdiction over all defendants, etc. For more information contact the Cleveland Guild Chapter at 687-1838 or see Chris Stanley or Ted Meckler.

The reason for bringing this suit is to give the American people a medium through which to control their own destiny. This method is preferable to depending on Senator Sam and his committee, who have too much at stake in the system to conduct an effective investigation.

PEOPLE'S LAWSUIT TO SET ASIDE THE 1972 ELECTION		Authorization of Legal Counsel.	
<input type="checkbox"/> I want to be a plaintiff	I hereby authorize the Committee to Set Aside the 1972 Election to act on my behalf by doing all things necessary or desirable to carry through this suit including retaining attorneys and receiving any and all notices. This authorization is valid only in connection with this suit. I understand the Committee will assume all expenses and will not require me to make any reimbursement.		
Signature of Plaintiff		Enclosed is a contribution to help defray legal expenses.	
<input type="checkbox"/> I will help organize support for the lawsuit.		NAME (please print)	
<input type="checkbox"/> Enclosed is a contribution to help defray legal expenses.		ADDRESS	
CITY		STATE	
ZIP		RETURN TO: Committee to Set Aside the 1972 Election c/o National Lawyers Guild 23 Cornelia Street, New York, N.Y. 10014	
Telephone: (212) 255-8028			

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