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1973 Vol. 22 No. 5

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Cleveland-Marshall College of Law, "1973 Vol. 22 No. 5" (1973). 1970s. 69.
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THE GAZETTE

CLEVELAND STATE UNIVERSITY
COLLEGE OF LAW

"AWARDS ARE THE BADGES
OF MEDIOCRITY"
-Charles Ives

DECEMBER, 1973

VOLUME 22 NUMBER 45

MOOT COURT BRIEFS WIN IN TOLEDO by Kenneth W. Caldwell

EDITORIAL

by Richard Musat

The Law School's entries in the National Moot Court Competition competed in the regional rounds for the sixth circuit in Toledo, Ohio last November 8th and 9th. CSU was fortunate to have two fine teams to send to this year's competition. Roger Katz, Thomas Downey and Lee Chiara represented the Respondent in this year's problem, and Art Hildebrandt, Douglas Jenkins, and John Chindlund represented the Petitioner.

Teams in the National Competition are scored on the brief they enter and on each oral argument they present. The determination of which team won the argument is made by combining the scores for the brief and the oral argument. The team with the higher combined score advances. Although a team enters a brief only for Petitioner or Respondent, it must be prepared to argue either side of the argument.

Roger Katz and Tom Downey met Wayne State's Petitioner team in the first round while Art Hildebrandt and Doug Jenkins met the University of Akron's Respondent team. Both teams won their respective rounds and advanced into the second argument. The second round proved to be CSU's downfall as Roger and Tom were eliminated by Ohio State's Petitioner team, and Doug and John, arguing as Respondent's in the second round, were defeated by the University of Cincinnati's excellent Petitioner team. Case Western Reserve's Petitioner team and the University of Toledo's Respondent team were selected to represent the sixth circuit in New York. The final rounds in New York were completed this past week with the team from Boston College winning the competition and the team from Georgetown winning the best overall brief.

The many long hours of work and personal sacrifice made by CSU's National team members, however, did not go unrewarded. Petitioner's brief was judged to be the best Petitioner brief submitted to the sixth circuit, and Respondent's brief was judged second best. Respondent's brief trailed first place Toledo by only one-half of a point. The W.H. Anderson award for best Petitioner's brief will now change hands, and this plaque will soon be hung at CSU. Congratulations to Art, Doug, and John and to the entire national team.

* * * * *

Recently, the Chief Justice of the Supreme Court proposed that a new set of specialized standards should be established for those attorneys who engage in trial practice. Mr. Burger reflected the views of many judges across the country who have often ridiculed the inept practices and representation that attorneys foist upon their clients daily in our justice system. Calling the attorney's foibles, "trial and error at the client's expense", the Chief Justice proposed possible alternatives to our present system. One alternative-proposal places the law school and its curriculum in an important position of responsibility. The Chief Justice advocates that the law school course be reduced from three to two years and be labelled, "basic legal education". Specialized courtroom training would then be offered for those who are interested in trial practice. In attacking the view that present legal education is preparing trial lawyers, Mr. Burger charged that, "no other profession is as casual or heedless of reality as ours."

I agree with the Chief Justice in his view of alternatives in legal study and with this view I am appalled at the present debate over the Clinical program. The administration and faculty of the law school is trying to limit the amount of practical experience one can gain while enrolled as a student. The Clinical program should be expanded rather than limited. Doesn't the Chief Justice suggest this? The law school should be emphasizing the core courses in a theoretical sense rather than the potpourri of technician-oriented gobbledy gook that is now being offered. With these courses a strong, well developed and enlarged Clinical Program should be provided with easy access to those who desire it.

* * *

CELEBREZZE ANNOUNCES CANDIDACY

James P. Celebrezze, Democratic State Representative from the 4th House District, announced his candidacy for the Democratic nomination to the 23rd Congressional District on November 22, 1973. The seat is presently held by William E. Minshall, a Republican.

See Celebrezze page 4

by Bruce Rose

Those people who manage to make it through the day without the NEW YORK TIMES have to settle for the Cleveland columnists. There are two types the lackey and the concerned lackey. The lackey does the story because his editor wants space filled the same way the other paper fills it. Bob Dolgan can fill as much space as Dick Feagler. Dolgan often mentions as part of his story that he is on an assignment from the boss. The concerned lackey has by gosh a point of view - Remember When Howard Presbn to Ask Not What Your Country Can Do For You Don Robertson.

There are others. And the itemizers don't really count.

I am writing a column because I like to see my name in print.

I have wanted to write an anthropological-type story about the new breed of Rock'n'Roll lawyers-te-be at the school. The prototype was Mik Who is no longer here but there are others. I have been told NYU Law School is offering a Rock Clinic this spring.

In the last issue of the GAVEL Jim Burge proposed in a round about way that everyone at the beginning of a course be required to buy Gilbert's. I thought novel. But of course doing away with hypocrisy is admirable. But should that be the direction we take then the thought process involved in such a move must go like this:

1. I find myself without direction and there is so much to do. I must find the way or else I won't know what to do.
2. Exams are my official insitutional goal. They are good for classifying me and everyone else. I need to be classified to compete.
3. Life is competition. Direction is a head start in the race. On your mark. Get set. Go.

Legitimize Gilbert's for what it is; a resource to use for holy exams. But don't get too serious about it. You wouldn't substitute literature classics for Monarch notes. Use it to get through exams as long as they force us to go along with those foolish, worthless, archaic, self-destructive tools of oneupmanship.

My choices for door decoration and door design go to: Gale Siegal for the wittiest, Arthur Landever for most organic and Harvey Leiser for most original.



* POLICE BRUTALITY HOTLINE IN CLEVELAND

- * The American Civil Liberties Union (ACLU of Greater Cleveland) and C.O.R.E. announced the opening of a police brutality hotline last month.
- * The new number is 621-8978. Purpose of the hotline is to assure that the police department, civil service commission and the Department of Justice review all valid police complaints which occur in the Cleveland area. Complaints will also be forwarded to the Area Council Association, which is already in the process of establishing a voluntary review board. Finally, ACLU will consider lliigation in appropriate cases,

The line will be serviced by volunteers. They will assist a caller in filing a police complaint. The Congress of Racial Equality (C.O.R.E.) first announced the hotline at the third police brutality public hearing at Black Unity House. Bishop A.E. Ward, Chairman of the local chapter "urged all people having valid pol complaints against the police to utilize the hotline service."

Gordon Beggs, ACLU Executive Director, noted that the police complaint line will give the A.C.L.U. and C.O.R.E. an oppurtunity to assess the adequacy of government response to police complaints then determine what reforms may be necessary. The hotline will be in operation between 9 a.m. and 5 p.m. week days.

It is about this time of year that I feel that insurgence of nausea; ad nauseum. It starts at the beginning of the winter seisin when I awake after a restless night in bed, faucets dripping, radiators majestically keeping tune with the crackling of ice on the windeows and my own muttered moans of legalese: "Whether or not..." No, no... "The question arises..." ICH! C'mon! Snap out of this neurosis- I feel a bit better after scarfing a bowl of oatmeal and a vast quantity of coffee- but-the feeling occurs again as I gather the days books into my torn and weary sack.

A bleak drive in town allowing myself a brief minute to ponder the morning paper headlines and coupled with the usual utterances of the insensibilities of it all and I again realize that it is a beginning of a new day in the life of Law School intrigue. Perhaps, this will be the day when I will achieve the much sought for ability of detaching myself from this pain-stakingly serious reality. My thoughts run off in former admiration of those who could sit back and reflect on their daily work with this wonderful ability to detach. Sort of reminds me of that bizarre, if not inane person who I occassioned upon during my undergraduate years who used to tell the story about how he could talk to himself. It was not in an ordinary manner. As he related it to me it went something like this; being a law student, and in fact from the upper half of his class, he would be able to release his body in such a nature as to produce two from one. By this I mean-two distinct physical



entities. He (or they....if you like) would then be able to discuss the intricacies of a legal problem with a very probing perplexity. Socratic dialogue would unfold that would far surpass those of any classroom situation. Actually, I never could understand this all- either in substance or in form- for by detaching himself from what he felt was a reality that he wanted to put into perspective he would actually double his real life situation and thus reality! Nevertheless, he marvelled at its therapeutic qualities.

But, the quarter is almost over and these damn exams are really on my mind! All this talk of what to study-Zionitz, Gilberts, Hornbooks, Smiths, class notes, canned briefs, casebooks... What's the use, if I studied one, sure enough the others would have been better. Maybe I'll do nothing and just write alot. After all, one purpose of the damn thing is supposed to be whether or not I can analyze. All you have to do is set up a bunch of issues and play around with them. I'll bet that's it!

I think I'm getting sick again. Never fails to happen when I hear of those ole Law School Exams. That's all I hear about at school these days. Sure wish I could detach. Nausea; ad Nauseum.

* * *

TWELVE YEARS AFTER

by B. Rose

I love Richard Nixon and I am not ashamed to admit it. He is my favorite president. Its easy to believe him. Its easy to disbelieve him. I think that is so because both believing and disbelieving are the same.

There is an underlying assumption to every thing that he states. That he is not giving the whole story. Accept that and he is believable. Ignore it and he's lying.



I have just read SIX CRISES. His 1961 account of his reactions and sides of his six most serious crises. Its funny and I recommend it strongly. The book is full of Seriousness Honesty Integrity and Truth.

There is a way to understand Nixon. Just remember;

- 1) He needs to identify strongly with the common man.- not uncommon man. He is homely and learns from his mistakes.
- 2) He cannot appear to be cynical, calculating or devious.
- 3) He needs to go to the extreme no matter what he says or does.

For instance, if he does hold one extreme view but does not want anyone to know it, he does not merely temper his words. No! He does not omit the talk. No! He feels he must go to the other extreme (his words) so that no one will guess his true opinion.

He does this over and over again. His position on Castro, Civil Rights, his political positions and ambitions and his thoughts about Ike. He gives documented soundreasons for things which he knows are not true. One example I will recount. It shows that this is not just a political tactic. It goes to his core, this marvelous sense of duplicity.

Celebrezze in a prepared statement said, "The present administration with the unquestioning support of the 23rd District Congressman, has given us the worst of two worlds, the highest rate of inflation combined with the highest rate of unemployment since World War II." Celebrezze added, "The administration's inept handling of the current energy crisis has resulted in record high profits to the oil industry, relaxation of the hard won environmental control standards, together with the unprecedented threat to consumers of winter heating-fuel shortages, gas rationing and a proposed \$0.40 per gallon tax on automobile gasoline. The present Congressman has taken his customary no position stand on the present fuel crisis, his only statement being that he wishes to escape any blame."

"The current Republican administration," Celebrezze said, "has lost the trust and confidence of the American people by becoming embroiled in a major political scandal which threatens our system of government." He added, "A major issue in this campaign will be the restoration of trust in those elected to office, charged with the duty of vigorous representation of their electorate. The time has come to replace those responsible for this condition, with a young man of unquestioned integrity who knows how to promote public interest legislation." He is a man of moderate means who will win the election by hard work and not buy it, as the incumbent did in 1972.

Mr. Celebrezze, who is presently serving his 10th year in the Ohio General Assembly is a Chairman of the House Transportation Committee, and is a leading authority on public mass transit. He has authored and sponsored more legislation into law than any member of the current Ohio General Assembly.

Mr. Celebrezze is a Cleveland-Marshall Law graduate. For information about a Law Student Committee to support the campaign see Michael Occhionero, or Jim Shannon.

-this information is from
a news release from the
Office of State Representative
James P. Celebrezze

* * *

As a student who was enrolled in the Sex Discrimination Clinic last year, worked for the Women's Law Fund this past summer and expects to be enrolled in the Civil Clinic for the Winter and Spring quarters, I am writing this article in support of Ms. Irvin's position.

It is interesting to note that as far as I am aware, no restrictions have been placed in any other area of the law school curriculum on the number of hours one may take in a particular field. For example, if a student availed herself of all the tax courses offered, she would graduate with 18 hours in tax. (Tax I - 6 hours; Tax II - 4 hours; Estate and Gift Taxation - 4 hours; and Tax Problems Institute - 4 hours.) Of course an argument can be made that these courses, being "academic", are distinguishable from the type of approach to the law which a clinical program takes. Having completed two years of law school, I do not doubt that such academic courses are necessary to acquaint a student with the law and appropriate legal tools in a particular area. However, too many students are graduating from law school with just that - and no practical experience. It is for this reason that clinical programs have become so popular, and vital to a law school curriculum.

The present policy of the law school, as Ms. Irvin points out, prohibits a student from taking the Sex Discrimination Clinic as a second year student and the Civil or Criminal Clinic in the third year. In effect, this forces a student to make an unwarranted choice.

The Sex Discrimination Clinic and the Civil and Criminal Clinics offer worthwhile but not altogether similar experiences. Since litigation in the Sex Discrimination Clinic proceeds in the main under federal legislation - i.e., Title VII of the 1964 Civil Rights Act - cases are tried in Federal Court. Because of the nature of the wrong, class actions are often brought. Many of the clients of the Women's Law Fund who are alleging discrimination are employed (or recently have been); many are professionals. On the other hand, the Civil and Criminal Clinics provide opportunities to participate in the workings of the Municipal and Common Pleas Courts of the City of Cleveland. This work is performed under

the guidance of attorneys of the Legal Aid Society. Such an organization handles cases brought to it by impoverished residents of the urban areas of Cleveland.

Each program offers the student a unique opportunity which, as an "average practitioner" she may rarely have the chance to experience again: Civil Rights litigation in Federal Court and legal counseling to the poor of our city. That is why a choice cannot be made and should not be made between enrolling in the Sex Discrimination Clinic or the Civil and Criminal Clinics

DEAR EDITOR

Dear Mr. Musat:

I am sitting here in disbelief and disgust reading for the 20th time your paper's plea for Israel relief. I am hurt and shocked that the GAVEL, which I support has chosen to take sides in a inhuman war.

In my three year's at Marshall I have never seen an advertisement in the GAVEL, nor are any necessary. Now, however we have an ad to solicit help for one side in a disgusting war.

I believe that you and the GAVEL owe an apology to all Arab and Arab-descent student and community members. The law school is the ideal of peaceful resolution of conflict, not support of war. If you are on the side of Israel, fine, editorialize at will with my blessing, but apologize for the disgusting ad.

If you do choose to honor my request, at least print this letter so that those of ethnic and religious backgrounds diverse from Jews and Israelis in the hearing of the GAVEL will realize that it does not speak for all of us here at Marshall.

/s/ Robert W. McIntyre

All war is inhuman. The GAVEL had not "chosen" to take sides with the war effort on either side. I apologize if it has appeared otherwise.

-Editor



Nixon tells us how he ran himself silly to win the '60 election. The last 72 hours prior to balloting he campaigned without sleep. At 4:30 a.m. following election day he went to sleep practically convinced that he lost. Two hours later his eight year old daughter shakes him. She was told of defeat, couldn't comprehend and wanted reassurance from her daddy that things were ok. Instead he gave her a four paragraph lecture on OUR Political System that I needn't repeat as you've seen it in an eighth grade civics book.

And so little Julie says, "I think I understand." (by now the reader is crying with sympathy for this little girl with such a mechanical father) "Well maybe we didn't win the election but we won in the hearts of the people."

Now frankly, I doubt it if this really happened but it doesn't matter see because if its not true he made it up. Anyhow, Richard Nixon hears this from his baby and cries. Red tears. But remember, must not let her think that I am emotional and unfit to govern. "I told Julie that my hayfever was bothering me."



So here is the lesson. Whatever he says, that's not it. Does he mean what he is saying? That depends on how strong he doesn't say it.

Some examples.

"I've got what it takes." - I see this as a strong indication that he has his doubts.

"Let others wallow in Watergate, we are going to do our job." - Did anyone here mistake this wish for an actual command?

"I am not a crook." - What do you think???

* * *

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