I've always conceded to myself that many of my preconceptions and attitudes towards certain institutions have germinated out of overly broad comparisons, rash generalizations, half truths and other paradoxes of that engaging paradox, "keep an open mind, but only when you want to." I suppose to some degree or another I'm not alone in this shortcoming, especially when you're searching for some rhyme or reason to Con. Law. However, it has become increasingly evident, at least to me, that as we plod unbelievingly through the moors of legal education, that such a course of handy if not deliberate rationalization is not a bad way to keep a grip on one's sanity.

Case in point: The appearance last Friday of Chesterfield Smith at the Chesterfield Lecture Centre (otherwise known as CB 101—the one with the impressive podium). While listening to his ramblings I found myself hoping he would somehow cast at least a scintilla of doubt upon my erstwhile dubious opinion of the ABA godhead (nothing personal, of course) and the organization he represents. Even though I found him entertaining—holding his audience in trance while relaying a characterization of Watergate vis-à-vis the relative qualities of horse manure, a bird, and a compassionate cowboy (I thought they only dug hifie-fers)—he left that desperate plea from my alter-ego unanswered. This is not to be taken as an affront to his abilities as a trial lawyer. Undoubtedly—he's one of the best. I can envision many a venire person going along with him on the issue of damages (six figures!) everytime. Good trial lawyers are always fun to watch. Jimmy Stewart is hell on the Sunday Movie, and he's not even a member of the bar. And Mr. Smith, like the cowboy in his little story, appreciates the advantages of a good does of horse's ass—has two sides. When stressing the importance of Watergate, he would say: "A judge can yank the chain on a oppressive governmental act."

But didn't they all get there because of a certain expertise facilitated by being a member of the bar? Doesn't the ABA cloak itself with a stuffy system of ethics, something called the "Code of Professional Responsibility?" (You may find it in the front of Black's Law Dictionary, 4th ed. Revised, if it hasn't been ripped out yet.) Do you have trouble relating to the word "ethics" as contained in the word "ethic" transcends any rigid and ambivalent format, and that indeed Watergate is an ethical question, upon which the ABA should take a stand, and not just a "political" question?

If your answer is "yes" to all of the above questions, go ahead and have fun. If not, may I suggest a hedge in the finest tradition of a Down-Home-Down-Of-A-Sharecropper-Country-Lawyer—Who-happens-To-Read-The-Biggest-Firm-In-The-Fifth-Circuit? Just paraphrase Dickens and drivel, "The law's like a horse's ass—has two alders."

Our encounter with Mr. Smith on Friday seemed, for me at least, to reinforce my opinion, however bogotten, that the ABA is a farce. If you want to be entertained, catch Chesterfield, Smith, or Mel Belli, or Warren Burger, or even Jimmy Stewart, who's not even a member of the bar. If you want answers, don't ask the President of the American Bar Association. Just bring your boots.
He reads to them the facts of the case. The professor appoints one student counsel for the plaintiff, already familiar. Plaintiff opens the case. Another for the defendant. They stand.

The proper classroom technique is its directness. It bears out the principle that the principles of law employed in the casebook cases, on the one hand. On the other hand, it is one of the most effective educational techniques imaginable. Does our business here involve anything besides law and education? In the adversary technique, law and education are both served to the maximum.

The technique cuts out distracting professorial wandering, it stresses student preparedness, it requires performance (as do the final, the bar, the conversation). Each argument reinforces the student's learning not only in the course at hand, but also in other courses that may have a bearing on the matter..student make his statement of the rules of law as accurate as possible, and use them properly in the syllogistic analysis of the facts of the case. For the professor, it's a very easy thing to do. Once the student is on his feet, rightly, the rest is self-evident.

The case study method, taught via the adversary classroom technique stressing a syllogistic reasoning, would yield the law student the power to reason and generalize, to consistently use an easier technique than that they may have ever seen. "I once agree."

Case study is part of it. We are all familiar with case study and its advantages. It remains an essential part of law school education. It affords comprehensive understanding of the law that could only be gained otherwise by years of actual practice. It broadens the student's awareness of legal realities, the nature of law and the legal system. The net result is that they may have a thorough understanding at this point in basic, skeletal, and unsophisticated. But retention is more certain.

At present, in the absence of the adversary technique, it is too easy to lose a case in the court of law. The technique, on the contrary, necessitates pre-use, use, and re-use of all the principles involved. The net result is that the principles or rules of law employed in the cases in the casebook are best highlighted. Thus, over the course of three or four years that a student is at C-M, the contents of the various courses of study. The net result is considerable. In a real sense he is better prepared for the bar exam. In other words, the education and the preparation of each student is more certain.

The following letter is a reply to Mr. Cobley of the Cleveland State University. We hope you will find it helpful in continuing your legal education.

Dear Mr. Waldeck:

I hope this letter will help clarify the record.

I have I think, left you with some misconceptions. We will attempt to clear away any misunderstanding. The following letter is a reply to Mr. Gervelis of Cockley & Reavis. The Schools participation in the legal internship program, as you understand it, is not as great as you may have heard. The schools are making substantial contributions to our program. This past year two of our lawyers spent a total of three man-days recruiting top quality students at all schools. We have hired at least one full-time student and two part-time students each year in the past three years. We have hired one permanent lawyer and one summer associate, and the past year we have enjoyed the capable assistance of one CSU part-time law clerk. We look forward to greater recruiting efforts at your law school in the future. This past year one of our partners spent two man-days interviewing students at CSU.

JONES, DAY AND INTERNSHIPS

In the last issue of the CAVEV a letter by Mark Gervelis was published and expressed his dismay over an article that appeared in Student Lawyer. The article concerned a internship program initiated by Jones, Day, Cockley and Reavis. The authors of the article are: Harvard, Cornell, Penn. and Yale. Mr. Gervelis was upset that Cleveland-Marshall was not included in the program.

Jack Waldeck shared Mr. Gervelis's views and others. The following letter is a reply to Mr. Waldeck's inquiry.

Dear Mr. Waldeck:

Thank you for your letter of February 16, 1974 concerning our firm's Internship Program and our general recruiting practices, particularly with respect to local Cleveland law schools. I certainly appreciate your interest and your taking the time to communicate to me your concerns about our recruiting program, as you understand it to the current situation.

Unfortunately, however, I am afraid that the views expressed are not currently at Cleveland State University, with respect to the hiring practices of our firm are factually inaccurate. The article in the Student Lawyer regarding our internship program has, I think, left you with some misconceptions. I hope this letter will help clarify the record.

In the first place, Jones Day is, and always has been, vitally interested in the legal education programs of both Cleveland-Marshall and Case-Western Reserve. As you point out, graduates of our firm make substantial contributions to our program. In the past several years we have aggressively recruited top quality students at all schools. We have hired at least one full-time student and two part-time students each year in the past three years. We have hired one permanent lawyer and one summer associate, and the past year we have enjoyed the capable assistance of one CSU part-time law clerk. We look forward to greater recruiting efforts at your law school in the future.

SBA ELECTIONS

Elections of all SBA offices (President, Vice President, Treasurer and Secretary) will be held on April 16 and 17, 1974.

By virtue of a recently enacted amendment to the Student Law Journal, all presently enrolled law students are eligible to run for any of the SBA offices.

All students who are interested in taking an active role in shaping the policies of this law school are encouraged to run for an office. Details as to filling procedures and deadlines will be published in the very near future.
One day, one of the bearded professors, who was supposed to be wiser than the others, went down to the squash courts with Jonathan. Jonathan showed off all his shots—the screw-crosseven, the volleys, the ones he had invented but hadn't made up names for yet. They played all afternoon, and Jonathan won every game. The professor was very impressed with Jonathan's skill, and he told Jonatha that he was better than any of the Harvard lawyers, and there was nothing more that he could learn from the professors at the law school about squash.

Jonathan was ecstatic. To be better than the Harvard lawyers! Why, that was what every law student wanted, and he had already achieved it, before he even graduated. He sank into the middle of the court, unconscious. At first they thought he was dead, but eventually he still alive, and he was taken to the hospital.

But Jonathan's euphoria didn't last. After he had come back from the hospital for a while, he realized that there wasn't anything left in his life, nothing more for him to achieve. He sank into a depression from which he had no purpose, no goal. For weeks, he stayed on the courts, not bothering to go to classes. He just practiced his shots, over and over again. He never missed, never made a mistake, seemed never to get tired. People stopped to watch him as they went by, and he agreed that he was the best, the very best. Jonathan didn't even realize they were there, nor did he know how often they had gone on, and had left him alone.

One morning the people came by to watch him play, and Jonathan shouted at them, "What happened to my arm?" She was scared by his shout, and she went to get the doctor.

The doctor came into the room, and Jonathan shouted at him, "What happened to my arm?" And the doctor, in understanding tones, told him that he must have fallen on his right elbow when he collapsed, and had lain on top of it all night. He could never use his elbow again, and he wouldn't be able to play squash again.

Jonathan didn't know what to say. Never to be able to play squash again? Squash was his whole life. He didn't want to live if he couldn't play squash again.

But Jonathan went on living. He went back to school, and in the weeks a tragic figure shuffled through the halls, talking to nobody, looking at nobody. Poor Jonathan, they said.

Then Jonathan disappeared. Suddenly he no longer walked the hallowed halls, no longer attended his classes. Nobody knew where he was, or what had happened to him.

LEGAL EDUCATION DIFFERENCES TRACED TO HISTORY
BY STANLEY MUSZYNSKI

In Europe legal education begins with a four-year program, which embraces public and private law, theory and practice, which delves into the broader meaning of these concepts. This is a large-scale study as opposed to the smaller scale of American education. The students are exposed to the broad horizons of the science of law and its jurisprudence. They are taught the theory and philosophy of law and emerge as more the legal scientists than the practitioners. Upon graduation from law school, they receive a master's degree in law.

After graduation from law school the further continuation of legal education gives one a choice of two professional roads to follow. One leads to the judgeship, the other to the practice of law. Both, however, share the common road of a period of three years of courtroom apprenticeship, and may then apply to take the exam for the judgeship. If he passes, he becomes an associate with the judiciary and pursues his judgeship career.

Those who choose to follow an advocacy career are required to undergo a two-year period of apprenticeship in an attorney's office in addition to the previous three-year court apprenticeship. After the two-year period in the law office, an oral and written bar examination is required, and, after successful completion, he becomes a lawyer, highly qualified in the profession of advocacy. His service to the community, society and the nation is the profoundest among the professions.

In summary, the requirements to become an advocate in continental Europe are four years of legal education, three years of courtroom apprenticeship, and two years of practice in the law office. It is really too long a period for the pragmatic American approach of becoming a full-fledged attorney after three years of law studies.

The European system produces a breed of lawyer-scientists while the American system produces a breed of pragmatic lawyer-technicians who have a keen practical approach to law. Both systems produce legal minds which are a great deal of social thinkers and their application in practice; however, the European system has depth while the American system has breadth. A mixture of both methods would be the best compromise for the future of legal education.

The difference in the legal educations for the two countries is large. The eleventh and twelfth centuries saw a blossoming of Roman law in the universities of Padua and Bologna, both of which founded and sponsored the Justianus and Gaius Codes. At the same time William the Conqueror (1066) of England ignored the canons of Roman law by introducing Common law, a law created by the judges. According to tradition the Anglo-American system developed on a case-by-case basis, without any philosophical doctrines, based on empiricism. As a result of history, Great Britain evaded the need to create European-type law schools.

In the past American legal education was inadequate; the organized "Legal Inn" never equaling European law schools; therefore, an inferiority of legal theory was obvious. As a result, substituting experience for theory, the American lawyer became a better practitioner while the European lawyer became a better master in theory. Both had the same aim, but their approaches were different. The European attorneys were trained on codes, the products of the legislation of a particular nation. The American attorneys were educated on case law, created by the judge on a case-by-case basis. Now, however, legislative enactments are replacing the case law.

Nowadays the intercourse between the two legal systems make possible a complete fusion of concepts and ideas as the gravamen about shortcomings disappear. This is illustrated in the Panorama of World Legal Systems, written by the late legal scholar John Wigmore.

The organization of the international legal fraternity, under the auspices of the United Nations, makes possible a broadening of legal concepts throughout the world. The diversification of law is a skillfully formulated by the late Justice Oliver W. Holmes in the "Path of the Law":

Happiness, I am sure, from having known many successful men, cannot be won simply by being counsel for great corporations and having an income of fifty thousand dollars. An intellect great enough to win prizes needs other food besides success. The remotest and general aspects of law that those who practice it can universally interest it is through them that you not only become a great master of your calling, but connect your subject with Universal and catch an echo of the infinite a glimpse of its unfathomable profundity, a hint of the Universal Law.
HASKELL ARTICLE SUMMARIZED
BY BRUCE ROSE
(Paul Haskell has written an article entitled Legal Education On The Academic Plantation. It is almost 2,000 words long. This is a summary of that article.)

"No one of good will questions the moral duty and social desirability of affording educational opportunity to the victims of two centuries of enslavement and a century of discrimination akin to a caste system."

I will now do so.

We as white professional people have had a problem dealing with blacks concerning law school.

We did something, albeit minimal and late. We let them in. They, for some reason which I will not discuss here, did not do well.

This seems to me to be a good reason for getting rid of them.

One need be naive to assume a few remedial courses could budge the enormous gap between the races. Especially concerning law school. Glory to be law school.

THE GOOD PART IS COMING
Do you think that black students enjoy being singled out for benefits after all these years? This is just another reinforcement. The feelings blacks have which are the natural results of centuries of subjugation. We must stop being good as that is just another way of being bad. Being an academic sort I must end with a proposal no matter how unscientific as it is patronizing. It is an open attack on the long delayed compensatory efforts by colleges and law schools to offset three centuries of slavery and racial oppression. These efforts should be applauded and expanded. An apology from Professor Haskell is mandated, even before the question of his continued presence at Case Western Reserve Law School is reconsidered by the community.

It is too late in the struggle to achieve equality of opportunity for Black Americans for anyone, for any reason, to become patronizing and racist. It is insulting for the professor, who admits that as a white man he cannot know the feelings of Blacks, to suggest that they are degraded by equal opportunity.

The law school community and the legal profession must be vigilant—those that oppose equality for Blacks use doubles which appear sincere on their face, but are nothing but brutal racism. That is the meaning of the Haskell article.

The National Lawyer's Guild demands corrective, community action. We ask that a convocation of the entire student body of the two Cleveland law schools be convened. We call for a debate with Professor Haskell, who must answer the obvious charge that he is a racist.

NLG ASSAILS HASKELL ARTICLE

STATEMENT OF THE NATIONAL LAWYER'S GUILD:
Professor Haskell's article in the American Bar Journal (60 ABA Journal 203 Feb., 1974) is an unscientific as it is patronizing. It is an open attack on the long delayed compensatory efforts by colleges and law schools to offset three centuries of slavery and racial oppression. These efforts should be applauded and expanded. An apology from Professor Haskell is mandated, even before the question of his continued presence at Case Western Reserve Law School is reconsidered by the community.

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