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THE GAMBEL

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio
Volume 22 * Number 10 * March 31, 1974

MOOT COURT PLACES FIRST AT NIAGRA

BY KEN CALDWELL

Recently the U.S., representing a European petroleum company, which is controlled by American shareholders, appeared before the International Court of Justice and asked that the world court order compensation be paid to the company for property appropriated during nationalization of the oil industry in Sudanian. The U.S. also sought to have the court order reinstatement of a 1953 treaty between Sudanian and the U.S., which was terminated recently, providing for a flow of Arab oil to the energy-starved U.S. The court decided for the U.S. position.

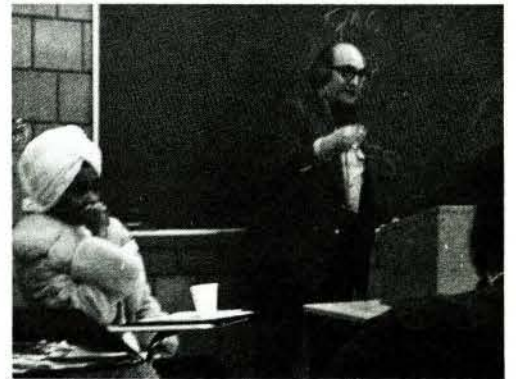
This seemingly actual case was the problem for the Niagra International Competition held February 22-23 at Wayne State in Detroit, Michigan. CSU was present for the first time. Representing our school were Jeff Olson and Mike Salling with Steve Mitchel as alternate. The five other schools taking part were Wayne State, University of Detroit, State University of New York at Buffalo, Osgood Hall, and the University of Toronto. CSU turned in a tremendous performance and won decisively after advancing through the preliminary rounds undefeated, finally winning against Wayne State in the final round, arguing as counsel for the U.S.

The CSU team was coached by Ann Aldrich, Professor of Law here at CSU. Mike, Jeff and Steve were persuaded by Prof. Aldrich to enter the competition upon short notice and in a little less than four weeks they all worked feverishly with the help of other interested students, to prepare their cases. One tremendous hurdle was the lack of adequate resource material. However, all obstacles were overcome and the victory was all the sweeter for it.

To the winner of the competition goes the privilege of hosting the following year's competition. Hence, CSU will be the host for next year's event and hopefully the entire school will rise to the challenge that is before us. We can all be proud of the honor and recognition that Mike, Jeff and Steve brought to themselves and CSU. Let's all keep up the good work.

CHESTER LAW CLUB

The next meeting of the Chester Law Club (previously the Cleveland-Marshall Law Wives) will be held at 7pm on April 10th at Mayfield High School. Chef Tibor will demonstrate the cooking of a gourmet meal. There will be a \$1.50 charge per person for the demonstration and dinner.



EUGENE BAYER

TENANTS RIGHTS WORKSHOP

BY TED MECKLER

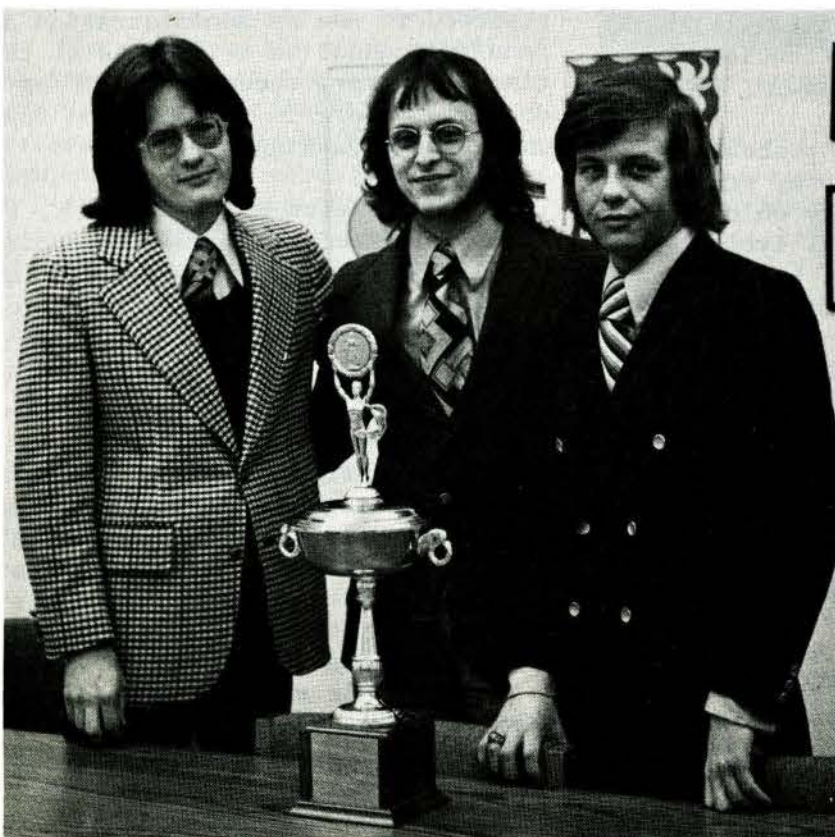
"Real Property Laws are based on medieval concepts of the lord of the manor, who got the manor from the king who got it from god. And down here on the bottom are the serfs." So spoke Eugene Bayer, attorney from the tenant council at the Cuyahoga Metropolitan Housing Authority, at a Tenant's Rights Workshop held at Cuyahoga Community College's Metro Campus on Saturday February 23. The workshop was sponsored by the Greater Cleveland Neighborhood Centers Association, and a long list of co-sponsors.



AVERY FRIEDMAN

The conference opened with several speeches including a classic one by John Hampton, a field director of the National Tenant Organization. He pointed out that N.T.O. has mass produced tenant pins which have been coated with a special kind of poison. If you poke a landlord with one of those pins he will understand what you are saying when you tell him that your toilet isn't working at least 100times faster than he would without the poison. Following the speeches, the conference broke up into 3 workshops: one, on present legal remedies, another, on tenant organization and the last on pending legislation.

After the workshops the group came together again in a plenary session, at which about 60 persons voted to give top priority to the creation of tenant's lobby. They also agreed to set up a county wide union of tenants and to form a coalition of lawyers to fight the battle for tenants rights in the courts. Cleveland-Marshall was well represented by around 10 students and one adjunct faculty member, Avery Friedman. A follow up workshop will be held in 2 months.



MIKE SALLING, STEVE MITCHEL AND JEFF OLSON OF THE WINNING MOOT COURT TEAM

FACULTY MEETING REPORT

(2 - 22 - 74)

The Faculty meeting began with administrative announcements by the dean which included: The Moot Court team had filed briefs in the Niagra International Moot Court Competition at Wayne State University. Also, the law school will receive additional funds for the Cleveland-Marshall Educational Foundation. The new money is the result of gifts and bequeaths from past C-M graduates and friends.

Next on the agenda was a presentation of the LCOP (Legal Careers Opportunity Program) Committee Report. This discussion was centered around the admission policy for next year's LCOP students. During committee discussion, a student member of the LCOP committee requested a minority increase to 25% to better reflect the community. This was rejected as unreasonable and the report, as presented by Prof. Douglas, asked for an increase from 10% to 15% enrollment under the LCOP program. Discussion followed and to a large amount centered on past experiences of the program and the criteria used for admittance. Dean Tabac noted, "I am opposed to increasing the percentage of LCOP students. This is due to the profound rise in the application rate. There is more of a demand for admission and LCOP applications are not increasing at the same rate of demand." Prof. Flaherty questioned the validity of various statistics that were presented. He referred to the LCOP program as part of his "dilemma" over affirmative action admission programs.

Professor Buckley commented on the past centuries of discrimination and stated, "We are dealing with a de minimus level of admission." Prof. Emerson agreed and called the question. The faculty (16 favor-4 against) adopted the LCOP committee report and thereby increased the program by 5%. Distinguished Professor Oleck noted for the record that C-M possesses one of the most expansive minority recruitment programs in the nation.

The next item was a report from the Cleveland-Marshall Fund Committee. The Fund is set up in a trust account (approximate \$1 million) as a result of the merger of the law school with CSU. The report, as presented and subsequently approved, allows for the disbursement of the trust income in a tripartite manner: 1) to provide for Visiting Professors and lecturers. 2) To provide for residence scholars to work with a law professor in teaching and writing. 3) Research by Faculty and students and public interest work.

Discussion evolved around the non-specificity of the report in regards to category 3 and the amount to be allocated each. These factors were largely unresolved except for a statement of intention that the monies would be allocated in substantially equal thirds.

The faculty meeting then went into executive session (press excluded) to discuss faculty appointments.

ABA GIVES NOD TO NEW LAW SCHOOLS

The American Bar Association has granted provisional approval to five new law schools.

Receiving the ABA nod were: J. Reuben Clark School of Law, Brigham Young University, Provo, Utah and the School of Law, University of Hawaii at Manoa, Honolulu, Hawaii; Southern Illinois University School of Law, Carbondale, Ill., Western New England College School of Law, Springfield, Mass., Franklin Pierce Law Center, Franklin Pierce College, Concord, N. H. (on condition that degree-granting authority is received from the New Hampshire State Legislature). The ABA action enables graduates of the five law schools to satisfy the legal education requirements for admission to the bar in all states.



THREE LAW STUDENTS CONSIDER GILLETTE
OFFER TO DO ADVERTISEMENT

" JOAN " - A REVIEW

BY AL S. B. TOKELESS

Faith is a touchy subject, especially when put in dramatic form. "Joan", a new musical making its Cleveland premier at The Dobama Theatre on Coventry, not only handles the subject well, but from the enthusiasm of the audience, seems to be truly uplifting.

Most of the credit should probably go to the director, for the play starts with a great deal of energy which never drops. The acting, singing, lyrics and staging are simply superb, but the greatest part of the experience was a sense of true joy on the part of the actors and their desire to share that feeling with the audience. The plot involves a modern day, bomb throwing Joan of Arc and her religious experience. She doesn't perform any miracles or save the country from ruin; she finds only faith to live and courage to die - and in the process makes her life meaningful.

The message is simple but beautifully told; the joy is infectious. This is one play that should not be missed.

NEW LAW SCHOOL FACILITY

BY BARBARA STERN

Rejoice! By June, 1976 the College of Law expects to emerge from its present "Yellow Submarine" and to relocate in a modern, three-story edifice on the corner of Euclid Avenue and E. 18 Street.

Throughout the past couple of months Dean Christensen, Professor Buckley (Chairman of the New Law School Facility Committee), and various campus administrators and architects have been visiting law schools in an effort to learn of their best features. Trips in the United States were made to Akron, Toledo, CWRU, Georgetown, Wayne State, Washington University, (St. Louis), and Chicago; in Canada, to York University and the University of Windsor. These schools were chosen because all have been featured in architectural publications, are considered "good schools," and are reasonably close to Cleveland.

At its meeting of February 8, the faculty was presented with a proposed model of the building. Classrooms are to be on all three floors, with faculty offices on the second and third. The library, too, covers all three floors. A tiered auditorium with seating capacity for 450-500 persons is anticipated from the use of movable partition walls in certain classrooms. Of three suggested layouts, the faculty indicated a preference for that which would have the length of the building facing Euclid Avenue, set back about 70 feet from the street.

No decision has been made yet as to the exterior of the structure. It is hoped that through the shape of the building and the materials with which it is constructed, the new law school will not only bring together the rest of the campus buildings but will also be an inviting presence for all of those downtown who wish to avail themselves of its services. How's that for an impossible dream?

Notably absent from the presentation was any information as to where parking for all those attending the law school would be. There will be a lot adjacent to the building, but whether that will be reserved for law school use (and, perhaps, further restricted to use by administration and faculty) cannot be determined at this time. However, there is one thing we do know: there is no provision for underground parking.

In the opinion of this writer, the space allocated to use by the entire student body--"support services" in architectural parlance; a lounge, cafeteria, and student offices to us--is pitifully small. Furthermore, no hot food service more comprehensive than that which we now have (if we now have anything) is contemplated. At the faculty meeting Dean Christiansen promised Carl Noll, SBA president, that the students would have a chance to meet the architects and present their needs and expectations regarding these areas. Any suggestions as to what you do and/or don't want in those spaces allotted to student use would be appreciated, and can be dropped off at the SBA office.

NOT CLOWNING, BUT DROWNING

BY TOM ATZBERGER

This series of essays on our legal education has stressed the fact that this education could be easily more efficient, were we just to adopt the threepart system employed by professor Oleck, that system being case study, adversary classroom technique and stress on syllogistic reasoning. The adversary Technique was explained in the last article. The role of the syllogism in legal thinking is presented here.

The syllogism is part of the body of knowledge known as logic. Logic is the study of how to eliminate error from thought, and the rules of Logic were once the cornerstone of every university education. These rules yielded certainty, when followed. A part of the thought of Aristotle, they were likewise a great part of the impetus behind the original rise of the universities of the Holy Roman Empire, and in the mind of Thomas Aquinas, gave shape to one of the greatest monuments to the human thought, the Summa Theologica. This work synthesized and clarified the theological foundation of the Roman Church 700 years ago, and today remains the major theological work of that church, waiting to be adequately challenged by a superior work. The strength of the Summa is due primarily to the strength of syllogism. The syllogism is likewise the strength of the legal mind.

The best way to view a syllogism is to dismantle it. First, we need a complete example of one. First premise: All women law students are too poor to afford foundation garments. Second premise: This person is a woman law student. Conclusion: This person is too poor to buy foundation garments.

While it may not be profound truth it is interesting to note that it may not even be truth at all that the conclusion of the syllogism presents. This is because the same principle applies to the syllogism as does to computer programming: garbage in, garbage out. If two premises of the syllogism are grated beforehand, then and only then is the conclusion incontrovertible.

The three parts of the syllogism have the names. The first part is the major premise. The second is the minor premise. The third is the conclusion.

The three parts of the syllogism also have very specific functions. If the premises are faulty, there is no syllogism, there is no certainty. There is just a thought process that looks logical but in fact is very wrong. This is very useful when you want someone to

lie, as any advertiser can tell you. But it doesn't help on the final, the bar, or in the office.

The specific fact of the major premise is to take an entire class of beings and associated them with a trait that is common to each. Thus: All dogs will bark.

The specific task of the minor premise is to take one creature in hand and identify it as a member of the class mentioned in the first premise. Thus: This creature is a dog. It must be noticed that the validity of this premise, just like that of the first, must be established before it can be used in this syllogism to yield a valid statement. Prior validity is essential to the premises of a syllogism.

Notice, too, the tendency to ask the minor premise to do what it cannot do, namely, to apply the trait of the first premise to the creature at hand. This is the function of the entire present syllogism, not the second premise. It is also tempting to put creatures into the class of the first premise that are close but really do not qualify. This too is easy to do, since we often can recognize the trait of a creature much more readily than the entire nature of that creature.

The conclusion of the syllogism requires little comment. It is as inevitable as it is incontrovertible.

It is evident from what has been said that the syllogism is a tool of very limited purpose. It requires precise formation, accurate application, and honest interpretation. Its function is to yield certainty of a very specific kind. It can do nothing more, but the service it renders is most useful.

To law students, the real significance of the syllogism is that the law proceeds in a syllogistic way. At the same time, the law solves one of the most difficult problems in dealing with a syllogism. Whenever the legislature, or the courts, pronounce a rule of law, they present to the whole world a universal "truth" by which the courts will be guided. The legislature is a factory of first premises. Their prior validity is established, for syllogistic purposes. For example, when a court says that "Whenever a corporate director uses the corporate entity to perpetuate a fraud, the entity will be disregarded and the director held personally liable," the court creates a universal statement, a certain statement. It is in the light of that definite statement of the law, and any other principle of law that the parties



DISTINGUISHED PROFESSOR OLECK

may employ, that the reasoning of the court proceeds. Already the first premise of what will be the court's decision is formed.

The court's second premise is the object of most courtroom struggles. The plaintiff is striving to place the defendant within the class or directors mentioned in the law. The defendant is striving to either redefine that class, or to characterize his actions in such a way as not to be within the class. It is a semantical-philosophical process of defining words and actions all in the light of the law, in the light of the first premise of the syllogism. The conclusion is inevitable, once the law and the facts are known. The trait of liability either attaches or does not attach, depending on whether the defendant succeeds in excluding himself and his actions from the class of the first premise.

The Gavel

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The views expressed herein are those of the newspaper or its by-lined reporters and contributors, and do not necessarily reflect the views of the student body, administration, faculty, or anyone at The College of Law or The Cleveland State University unless specifically stated.

THE GAVEL, COLLEGE OF LAW, CLEVELAND STATE UNIVERSITY, CLEVELAND, OHIO 44115

From what has been said, I return to my major premise: the syllogism is the essence of the courtroom battle. It is the essence of legal thinking and it should be the framework of our education. The principles of law are the first premises used in the legal syllogism. The ultimate decision of every court centers on deciding whether or not the defendant falls within or without the class of persons mentioned in the first premise. Thus, the principles of the law, known as clearly as possible and used as skillfully as possible, are the essence of legal power. They are the essence of useable legal education, and therefore should be overriding objective in every pedagogical effort made in any law school by anyone involved in the teaching/learning process. Mastery of the conclusive compulsion inherent in the syllogism is the key to a successful legal career. Everything else, however important, is secondary to knowing the law.

So why do we spend countless hours, reading countless words, memorizing countless facts of cases, and results of cases, and engage in countless "I think" discussion, without highlighting the syllogistic process of the court, without extracting the major premise of the court's decision, which is the principle of law that the case stands for, without putting that principle up in lights, and blazing it into our minds. Why is there such a lack of emphasis on the students' grasp and retention of the principle of law? Why is it that, practically speaking, in only one professor's classroom does the student actually

have to use the principles of law to survive? The problem is clear: much mastery of legal principles slips through our grasp because they are not highlighted and reinforced in our classroom work as much as they could be. The solution is clear. The solution is at hand. The solution is easy. The solution would give C-M students a superior legal education in terms of final exams, the bar exam and the daily "exams" of legal practice. The solution would put this college of law and per professors on the map. So I ask the SBA, I ask the administration, I ask the professors, I ask everyone why not? Why don't we adjust our pedagogy to a system that will make us more powerful competitors in every aspect of our education and our careers?

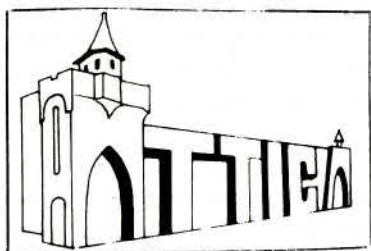
BOSTON, Tex. (UPI) - John Richard Anderson scribbled himself a "Writ of Habeus Escapus" and sawed his way out of jail.

Despite the fact he faced a 75 year prison term on an armed robbery conviction, Anderson, 47, of Oklahoma City, had wit and judicial flair.

Police said he sawed through the bars of his third floor cell and left behind a hand-written note that said:

" Come now John Richard (Dick) Anderson, petitioner in the above styled and numbered case, and hereby grants said 'Writ of Habeus Escapus' on the grounds that said Kangaroo Court of Bowie County would not allow him a fair and impartial trial, would not allow him the compulsory process of witnesses in his behalf, and using his prior convictions against him in violation of due process and equal protection of the law: to the end that justice be served, said petition for 'Writ of Habeus Escapus' is hereby accepted and granted."

Anderson, who was in jail awaiting formal sentencing also left behind some hacksaw blades he used to execute his writ.



ACLU NEEDS SUMMER WORKSTUDY STUDENTS

Pre-delinquency records are to be collected in a central computer file of youths having contact with federally funded social agencies in the Greater Cleveland area.

F.B.I. agents solicit perjured testimony in a tax fraud case against a Black man.

A blind man with all required academic credentials is denied the opportunity to apply for a civil service position as a social worker.

ACLU legal interns have assisted attorneys with these problems and many more. Two interns this year authored a pamphlet on the law of demonstrations in Ohio.

If you are eligible for the work-study program through the financial aid office or would care to volunteer, the ACLU will be happy to speak to you about the possibility of summer employment.

ACLU offices are at 2108 Payne Ave., Room 825. Phone 781-6276

NEW PAMPHLET ON DEMONSTRATION LAW

The American Civil Liberties Union of Greater Cleveland has announced the publication of a new public information pamphlet describing the rights of Ohioans in a wide range of political activities.

Entitled the Law of Demonstrations in Ohio, the seven page pamphlet deals with speeches, marches, picketing, leafletting, use of sound equipment, use of tables, segregation of demonstrators, and problems of arrest.

The text also treats the law governing first amendment activities in specialized places such as transportation terminals, parks, public buildings, schools and private places.

Single copies of the pamphlet may be purchased by sending Fifteen cents and a stamped, self-addressed envelope to the American Civil Liberties Union, 2108 Payne Ave., Room 825, Cleveland, Ohio 44114



ATTICA BROTHERS TO SPEAK AT CSU

On September 9, 1971, almost 1300 prisoners seized control of Attica Prison. In those four days a free society was created by the Brothers inside Attica. On the fourth day of negotiations, the State, through the use of a massive force of attackers, including the National Guard, State Police, the Sheriffs Department and Prison Guards, struck without warning. Within 12 minutes 39 human beings, including 10 guards were shot to death. A special Grand Jury has since handed down over 40 indictments against the Attica Brothers. Two Brothers, Ja Ja Kareem, and Big Black will be coming to Cleveland to speak throughout the community and help raise funds for the defense effort. They will be speaking at CSU, on Tuesday, April 2, at 2:00 PM in the Main Auditorium. Their appearance is being sponsored by the National Lawyers Guild.



Attica Brothers Legal Defense