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THE GAZETTE

"the reasonable man adapts himself to the world; the unreasonable one persists in trying to adapt the world to himself. therefore, all progress depends upon the unreasonable man."

-george bernard shaw

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio

Volume 22 * Number 12 * April 26, 1974

CATCH SB-22

OR

THE TOILET PAPER CHASE

BY MONTAGEAU BEEFEYE

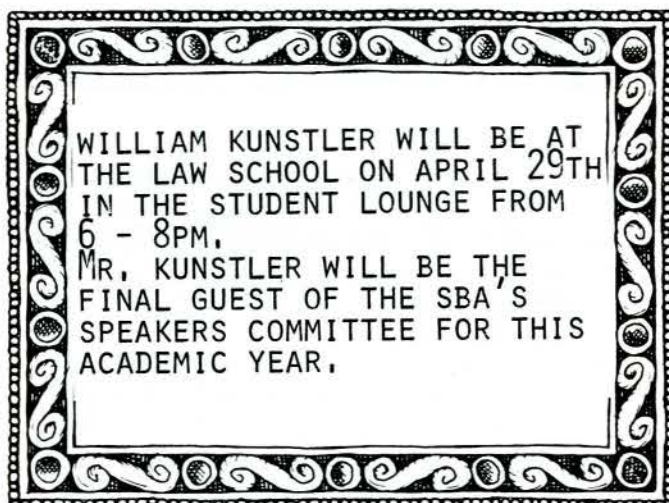
Yes, there had to be a catch. But Riparian couldn't quite figure out what it was. He had Dean Crystalclear's Modus Operandi down to a science; yet his cunning perception could not seem to negotiate the morass. Riparian knew, for example, that Dean Crystalclear's philosophy was that in order to get anywhere you have to be elsewhere. The beauty of it ever amazed Riparian. Whenever a pressing administrative problem needed to be solved, or a difficult academic situation needed to be ironed out, Dean Crystalclear was almost never there to solve it or iron it out. He always let on that he had more urgent, if-it-wasn't-for-me-out-busting-my-ass-where-would-this-school-be type business. His students could enter his office almost at their leisure, and he would almost always be unavailable. Riparian could just see Dean Crystalclear chortling at the thought that, by never being "in", he must always be "out", attending to more imperative matters, but always by the tenor of his pink "Sorry I missed you" notes, which cluttered his office, having the best intentions of returning to his students with all deliberate speed; which he never did.

Nor did the inherent beauty of the system cease here. It embodied the great Nixonian tenet-anything you don't know about, you can't be blamed for. He could thereby shift the burden to his incompetent subordinates-and he preferred them no other way-for any bungling which may have occurred while he was "away", which was, of course nearly all the time. Subordinates like Professor A. Fortiori and Professor Dean are two of the more current gems of Dean Crystalclear's process of appointment by whim. Dean Crystalclear was a remarkable judge of character, and Professor A. Fortiori's character embodied the perfect attitude for a law profession. Notwithstanding his own incompetence, he was convinced everyone else was incompetent. No one recognized Professor A. Fortiori's gift more than Dean Crystalclear; and he wanted to do everything in his power to keep him around. He decided to make him a Dean.

Professor Dean was a somewhat different story. His baptismal name was Dean Dean Dean. Dean Crystalclear appointed him Dean just on general principles. What other law school in either hemisphere, could boast a Dean Dean Dean Dean? The prospect was too irresistible to pass up. And Dean Crystalclear didn't have to worry about Dean Dean making any waves. He was hopelessly suffocating from a massive

inferiority complex as a result of the cruel joke his father played upon him at his baptism. All one had to do to shut Dean Dean Dean Dean up was to require him to say something beginning with "d", and he would lapse into an uncontrollable stuttering fit, and soon go away. Dean Dean would not have a d-desk in his office, but a bureau. He would not go to the fountain for d-drink, but for sip. He would not speak of d-damages in class, but relief.

Meanwhile, Riparian simply could not see the forest from this morass of trees. He decided to enlist the unique, intuitive talents of his closest friend, Obar. Obar was the type of student who could spout the elements of any crime or perceive the application of the Rule in Shelley's case vel non with ease while showering or defecating, but who became transformed into a blithering idiot when called upon to recite in class or write an exam. Obar was a diminutive yet likeable little fellow, with eyes that contin-



ually looked like they had just witnessed a FORCE MAJOR, and who was obsessed with the notion that the faculty was perpetrating an ongoing conspiracy to flunk him out of school. "Ya gotta help me Riparian," he would implore. They're all out to flunk me. I can tell." He was neurotic, schizophrenic, and probably dangerous. He was the only one Riparian could trust. Although he never questioned how Obar how Obar could "tell", Riparian respected his intuition enough to steer his little friend through school with an enviable 2.0000 GPA by recommending the right professors. Now for the sake of his own sanity, Riparian needed Obar to "tell" him the catch.

"The Catch?" responded Obar. "The catch is elementary, Riparian. It's quite a good one, too." "Well then tell me, for Chrissake!" demanded Riparian. "I'll tell you, if you tell me who to take for corporations."

Riparian reflected a moment and said, "Take Mooty. She's a cinch for a C. Now you tell me-what's the catch?"

"The Catch? You'll find it in SB-22." [Next: You guessed it-the catch.]



WOUNDED KNEE

BENEFIT

On Monday, April 29, at 8:00PM there will be a Wounded Knee Benefit at Fat Glenn's. William Kunstler, defense attorney at the conspiracy trials of Dennis Banks and Russel Means, will appear and give a presentation from 8:30-9:30. An admission charge of two dollars will be asked at the door of all students. This will cover the cost of all the beer you can consume. Proceeds will help to raise funds for the Wounded Knee Defense Fund and the National Lawyers Guild which is sponsoring the event.

SEMINAR

--A legal seminar on "Recent Legislation Affecting the General Practitioner" has been scheduled by The Cleveland State University Cleveland-Marshall Law Alumni Association for Friday, April 26.

The seminar, open to the public, is set for the Assembly Room of Cuyahoga County Court House, 1 Lakeside Avenue., from 4 to 6 p.m. Fee is \$3. Members of the alumni association will be admitted free.

The seminar will be conducted by State Representatives James P. Celebrezze (D-4) and Harry J. Le-man (D-16).

Included will be an up date of recently passed or pending legislation in no-fault insurance, divorce, probate, debtor-creditor, consumer law, and other areas.

There will be a question and answer period.

FACULTY MEETING

BY SHELDON JACOBS

Dean Christensen called the meeting to order at 3:00p.m. on Friday, April 19. He first announced that University-wide budget hearings would begin on April 25. The Dean has asked for one or two faculty members to represent the Law School at these hearings. The next item that the Dean discussed was the issue of a separate commencement for the Law School. Apparently, Dean Sierk with some other faculty and students had discussed the idea with President Waetjen. The result was that Waetjen said no separate commencement; but the Law School could have a convocation of its own, if the administration wanted it, so this issue will be discussed further.

There will be a community affair honoring Professors Oleck and Auerbach on May 20, announced the Dean, but precise details were not forthcoming. In reference to the growing graffiti on john walls, Professor Sheard said that he enjoyed most of the graffiti, except the ones that contained racial slurs. Professor Goshien introduced a resolution commending Carl Noll and Tom Harper on the excellent speakers program. The resolution was passed unanimously.



Sheldon Jacobs

Here is the list of courses and course hour changes approved by the faculty:

- (1) Approved: An institute on Custody and Adoption
- (2) Changed: Insurance Law from 3 to 4 credit hours.
- (3) Approved: An Insurance Law II course of 3 hours, to be taught by Professor Ruben.
- (4) Unchanged: Practice and Professional Responsibility will remain a graded course.

There was a further discussion of pass-fail, and although no further courses were brought under pass-fail, it was suggested by Dean Christensen that SBA President David Swain discuss further pass-fail courses with the students.

Finally, the faculty considered and voted on a list of six candidates for faculty appointments. This was conducted in executive session so the results of the secret ballot are not known to this reporter. The voting though, was only of an advisory nature because of the fact that more candidates are coming in this week for interviews. The Dean indicated that a total of four contracts will be awarded so it will be a while before final decisions on these candidates are made.

CATCHER IN THE FACULTY

BY HOLDING CAULFIELD

THE FOLLOWING ARTICLE WAS VOTED TO BE THE OUTSTANDING ARTICLE ON PAGE FOUR OF THE GAVEL, VOL 21 NUMBER 9. IT IS REPRINTED FOR YOUR READING PLEASURE.

There was one thing about law school that still bothers the hell out of me. The most madman sort of stuff that happened to me during law school always happened with one of the hot shot professors they had there. I swear, teachers are the craziest bunch of people I ever met. It's not that they're all phonies or queers, for God's sake, but if you don't watch out, they'll ruin you. They really will-especially in law school.

There were some teachers at our law school that tried to charm the hell out of you with the old "I'm only a couple of years older than you are" routine. Strictly phoney. I went to high school with guys that I knew would turn out to be "cool, young guy" type teachers: Always fifty times smarter than anybody else, always chairman of about eighty-three organizations, and always breaking their necks trying to be "just one of us guys." And then after school, they'd spend about two eternities shooting the breeze with some "cool young guy" type high school teacher. What crap!

It's not that those cool young guy type teachers are all really phoney-it's just that you can't trust them. I mean if I couldn't understand something we were taking in class or even if I were feeling really vomitt-y and depressed I just couldn't call up one of those guys on the phone and talk to him about it. I just-I couldn't, I get this madman feeling that they'd answer the phone and say something like, "I can't talk to you now, I'm practicing how to be Dean next year." If you want to know the truth, lots of young teachers are swell guys, they really are, and the good ones don't even bother to try and impress the hell out of you with how young they are.

Then there's another kind of law professor-the kind that never tries to impress the hell out of you, mostly because the lousy bastard is too damn busy being impressed with himself. You can just picture the guy standing in front of the mirror and smiling at his gold-filled teeth. Then he arranges his gorgeous locks with a god-damn electric comb while he recites the brief from his biggest case out loud for about the ninety-millionth time. I swear, those guys kill me, they really do. And whenever you make a mistake in class they always say, "Now look here, old chap" or "Just a moment, my good man." For God's sake, can't they tell I'm a law student and not David Niven?

Another type that hangs around law school faculties is the sarcastic slob who thinks that he's funnier than Ring Lardner and twice as smart and knows that every damn judge who has an opinion printed in the damn case book he happens to be forced into using until he writes his own, was the biggest damn moron in the field of law. I really wish guys like that would just go to the library for about three years and finish their lousy casebooks. Honest to God, I really wish they would. I mean, maybe they really are the most brilliant bastards that ever walked into a courtroom.

And then-there's always the kind you have to watch out for the most-the good guys, the ones trying to make it easy for you. Unless they're about sixty years old and it's obvious that they're good old teachers-they can really kill you. Teachers who always tell you how good and nice they want you to be to you have a really funny way of discovering how hurt they are because they have to be so hard on you because you turned out to be such a dummy. Anyhow, I only talked about the crummy, phoney kinds of teachers it's possible to get in law school. There's lots of other kinds that are really swell, but those are the kind of guys you don't need to write about because it always wrecks it to talk about stuff that really makes you feel good. I mean you like to keep it all to your own. Once you start to talk about it, it turns out lousy, not at all like it happened. Law school or not, you always have to watch it because talking can really ruin you. I swear, it really can.



NEWS BRIEFS

THE COLUMBIA LAW SCHOOL NEWS REPORTS+

Who says the legal profession isn't sexist? The Indiana State Bar Examination given on July 19, 1973 included a question in which the central figure is Clytemnestra Toris (combination of clitoris and the curse of Agamemnon's ghost "that woman defiled herself and all her sex, all women yet to come"-he was a bit piqued that his wife Clytemnestra succeeded in plotting his murder.) While pursuing a graduate degree in mind-bending Ms. Toris publishes a newspaper devoted to the elimination of all men" and titled "The Daily Dildo"...Prof. Ruth Ginsburg is investigating.

The Brooklyn Law School Justinian reported the change of the grading system from letters to numbers. Also, the law school approved a clinical program for Senior Citizens. Students will work with an attorney on consumer issues, Medicaid, and Medicare benefits, Social Security, landlord and tenant housing problems and family problems.

The Canons of Construction, student newspaper of the Faculty of Law University of Alberta had an article authored by Roger Davis where he noted that the average income of an Alberta law student's father is in excess of \$20,000. The average income in Alberta in 1973 was \$164.88 per week!

MAYBE WE SHOULD DO IT BY LOTTERY,
LIKE THE DRAFT...

BY STEVEN NOVAK

Although each of us who reads this has, presumably, filled out his law school application, recent developments call our attention to the question of what should the school that gets those applications do with them. Inasmuch as we have seen Cleveland-Marshall's minority recruitment program called "racist" by a candidate for SBA President, and in the light of the DeFunis case currently pending before the Supreme Court, it seems appropriate that we examine this subject.

I am going to avoid the "white man's burden" argument. Like many "liberal" or "radical" arguments, it impresses only those who are already convinced. To say that minority students (you may substitute "non-white, third-world" or any other term you like for a minority) should receive special consideration because--at least when we speak of black students--their ancestors were enslaved by our ancestors is fine. However, unless you are speaking to a WASP audience you invite a fairly typical and not unjustified response: "My great-grandfather came over on the boat from Germany, Poland, Italy, Ireland, other all of the above 20 years after the Civil War. What the hell did he have to do with enslaving black people?

Instead, let's look at the problem from another angle. Law School applications have grown at an incredible rate over the past 10 years. The number of schools and places has not grown anywhere near as fast. Obviously, then, more people are being rejected now than ever before, including many people who, had they been applying 10 years ago, would have been accepted with relative ease. We have all heard of people, and in some cases the people might be ourselves, who were rejected at 8 or 10 different schools, and some of whom may have had to wait an extra year and re-apply to "easier" schools; that is, schools which admit persons whose grades are lower or who, for one reason or another, do not meet the standards of the "prestige" schools.

The problem comes down to this: How should this school, or any school, make its choice? What criteria should be employed in the admissions procedure? Perhaps those who attack the current standards would prefer a system like that used at Louisiana State.

The LSU system, for those of you who never considered the place, works something like this. First, they take the applicant's undergraduate average and drop the decimal point. Thus a 2.75 becomes 275. To this, they add his LSAT score. If he is a Louisiana resident, and his total exceeds 850, he is accepted. For out of state students the limit is 950. These figures may have gone up in the past two years, but the basic premise remains the same.

This certainly appears to be a fair procedure. It does, in fact, tell us what you have to do to get in. But it also raises some problems. In the first place, they don't tell you at the outset how many of the people who are automatically accepted are going to have to be intentionally flunked out in the first year. The whole situation brings to mind the old Harvard orientation speech story, in which the

speaker says to the assembled freshmen: "Look at the man on your left. Look at the man on your right. One of you won't be here next fall." Probably the best thing that can be said about Cleveland-Marshall is that it lacks some of the cut-throat atmosphere which we had been led to expect in law school. I submit that the atmosphere would change if an LSU-type system, which forces the school to flunk people out, were to be adopted here. Flunking out of Harvard is one thing, but could your ego take a flunking out of Cleveland State?

I hear the counter-argument already; that we don't have to accept everyone above a certain numerical level, but that we can cut-off acceptances at whatever grade/board level we are at when the last available place is filled. This doesn't really help either. Does anyone really believe that a 3.0 undergraduate average from Cleveland State or Parsons is the equivalent of a 3.0 from Princeton or Michigan? For that matter, why kid ourselves: is there any validity in the assumption that two people who went to the same school and graduated with the same average are necessarily equally qualified?

None of us is so far removed from the undergraduate ranks to have forgotten the jock courses, the A-B courses, the no-work courses. Even now, many of us choose our courses based on the grading policies and



Steven Novak

classroom practices of the teacher. Those considerations were a lot more important in undergraduate school, where we didn't have the dubious protection of grading guidelines.

There is another point about grades. Think about the people in your high school or college class who graduated with 4.0 averages. There are exceptions of course, but how many if those people could you stand to be with for more than ninety minutes? My college graduating class was small enough that I knew most of its members (even though our class was larger than Cleveland-Marshall's entire enrollment), but those of you who went to schools of 12,000 or more can consider another question--How many people with 4.0 averages did you know? They were out there somewhere, but did you ever see them? There are, as I said, exceptions to this (some of my best friends had 4.0's), but basically the guys/girls who got the straight As were the ones who buried themselves in the library. Certainly there is nothing inherently wrong with getting A's, but if we are going to judge prospective law students--and, more importantly, prospective



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
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lawyers--solely on grades and test scores, we are going to wind up with law schools full of automations. A properly programmed computer can get a 4.0 and an 800 (maybe). Would you want to be represented in court by a computer?

(CONTINUED NEXT ISSUE)

\$\$ SCHOLARSHIPS \$\$

The Financial Aid Office has announced the following scholarships are available:

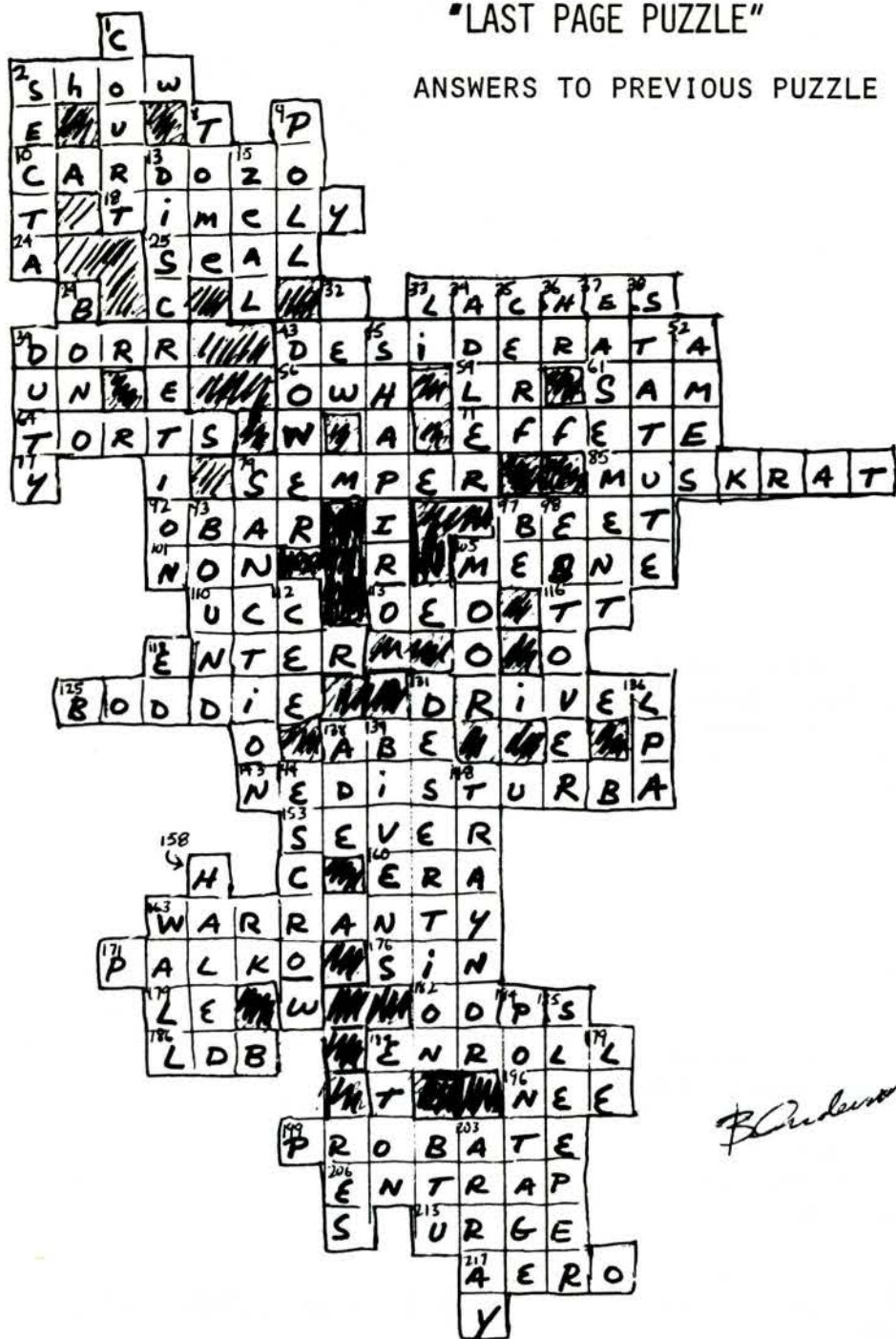
- (1) Phi Alpha Delta Law Fraternity international will be conferring ten \$500 minority scholarship awards for the 1974-75 school year to incoming minority students. Please contact Professor James Douglas, Extension 2532, for further information.
- (2) Phi Alpha Delta will also be conferring twenty \$500 scholarship grants for 1974-75 school year. Any member of the Cleveland State University Chapter, who will be a senior during 1974-75 school year, is eligible for competition. Application forms and further information are available from Professor James T. Flaherty, Extension 2535, and should be submitted to him no later than May 31, 1974.

The Mercer County (New Jersey) Bar Association again has made funds available for scholarships and loans to law school students residing in Mercer County. The amount available to each recipient is in the \$300 to \$1000 range. Loans are available to students who qualify on the basis of need and have maintained acceptable academic standards. Scholarships will be awarded to students on the basis of academic achievement, with consideration of need.

Applications should be made by June 1, 1974. Application forms and further information may be obtained by writing to the Mercer County Bar Association, c/o Robert M. Dix, Esquire 201 Nassau Street, Princeton, New Jersey.

THE GAVEL'S WORLD FAMOUS "LAST PAGE PUZZLE"

ANSWERS TO PREVIOUS PUZZLE



NORTHERN OHIO SCHOOLS TO CONVERGE HERE FOR SPIRG CONFERENCE

Student leaders from about twelve area colleges and universities interested in the formation of Student Public Interest Research Groups (SPIRG) in Ohio will converge on Cleveland State University Law School this Saturday, April 27, for a conference and workshops, beginning at 11:00 a.m. The conference is being sponsored by the Organizing Committee for the Cleveland Student Public Interest Research Group at C.S.U. and the Cleveland Citizen Action Group. In addition to representatives from such schools as Cuyahoga Community College, Case Western Reserve, Toledo and Kent State, professional staff members from the Michigan and New York Public Interest Research Groups will be in attendance. Inspired by Ralph Nader, students in 14 other states are presently supporting professional P.I.R.G. staffs to represent them on issues of public interest. The student groups at C.S.U. and C.C.C. are the first in Ohio to organize and petition for the establishment of such a student supported public interest group which will work on issues in such areas of the environment, consumer protection, human rights, and health care delivery. The C-SPIRG Organizing Committee office is located at CB 77 in the basement of the Law School.



ABA NEWS

Chicago--The American Bar Association has decided to stay with Hawaii as the site for its annual meeting in August after determining that transportation of members to the island state would not adversely affect the energy situation.

The ABA Board of Governors, which is responsible for picking meeting sites, announced the decision after giving "full consideration...to the question in light of the energy crisis." The board said its decision was "based upon the best information available to it at this time."

The board had made the Honolulu selection four years ago.

In announcing the board's decision, ABA President Chesterfield Smith said that unless conditions change drastically there will be adequate space for the members aboard regularly scheduled commercial flights. He pointed out that there are now more than 14,500 seats available daily on scheduled airlines flying from nine mainland cities to Honolulu.



DAVID SWAIN - THE PRESIDENT

The board also considered the effect on the island's economy. The ABA meeting represents 15 percent of the island's 1974 convention business. Much pre-meeting work has already been done for the August 12-16 meeting, including retention of a travel agency and bookings of more than 6,000 rooms at 24 Hawaii hotels.

Smith pointed out that Vice President Gerald R. Ford is on record as saying that travel "is an essential part of our national financial picture...For that reason, we must make every effort to protect it."

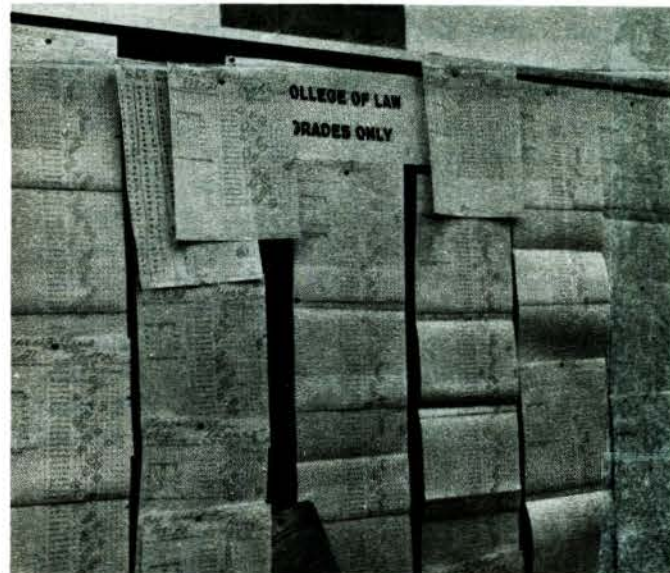
Dr. William A. Johnson, assistant administrator for policy analysis of

the Federal Energy Office, has assured state tourism directors and commissioners that "the tourist industry is deemed to be important to the economy and will not be ignored in the federal allocation program."

Dr. Johnson added: "Recognizing the contribution of tourism to our economy, we have attempted to allocate adequate supplies of fuel to the commercial transportation sector to permit nearly normal schedules for all carriers."

He said that, with only slight variations, the commercial airlines will receive 95 percent of their 1972 base demand.

Other organizations that have decided to honor their commitment to hold meetings in Hawaii this year and next include the American Bankers Association, Boy Scouts of America and American Medical Association.



CHESTER LAW CLUB FASHION SHOW

The Chester Law Club announces its annual Fashion Show and Luncheon to be held on Saturday, May 4, 1974 at 1:00 PM, at the Chesterfield Apartments Penthouse. Proceeds will be donated to the Law library. For further information and/or tickets call:

Nancy Lawrence	289-8273
Rita Gilmore	731-8162
Gloria Walzer	751-7454
Bev Goldstein	795-2757



Cleveland State University