What is a law professor?

A law professor is a successful law student who failed as a lawyer.

Is that a nice thing to say?

It depends, not all of the qualities required to be a successful lawyer are admirable. You have to know whether someone is 'qualified' because he/she was too lazy or too unethical.

Why would the law school hire someone like that to teach people to be lawyers?

(a) Because they have always done it. (b) Because they can't afford to hire a successful lawyer at those salaries. (c) Because law schools do not teach people to be lawyers. (d) All of the above. (e) None of the above.

Wait a minute! If law schools are not to teach people to be lawyers, what are they for?

An obstacle to the profession. In the early 1920's the law professors got together with the ABA and agreed to require all lawyers to go to law school and to cut down the number of law schools. This has helped to reduce supply and accounts for the six figure income that lawyers feel they can demand. At the same time it eliminates law schools and holds up the professor's salary.

You're kidding?

Not at all. It's in the history books for anyone who cares to look. Of course, the whole thing is done in the name of 'professional competence,' whatever that is supposed to mean.

So the purpose of legal education is to discourage people from becoming lawyers?

Precisely. That is not only the function, of course, the law schools are also operated so as to insure that the people who do survive are no threat to the interests of the organized bar and their wealthy clients.

Now I've got you! Everyone knows that law students in the new generation are idealistic, bright and eager to change the world. No way you can turn them into sycophants of the establishment.

Yeah. And most people who go to Farris Island are human beings. But they come out trained killers and can't imagine what it would be like to be anything else. The law schools use the same technique. Put people under stress and convince them that survival requires them to accept new...

cont'd, p.6

THE CAMBRIDGE CATECHISM

BY KEN GRAHAM

Ken is a law professor at UCLA.

"Man, after all, is a political, not a legal, animal."

—Lord Mansfield

THE STUDENT NEWSPAPER OF THE CLEVELAND STATE UNIVERSITY COLLEGE OF LAW • CLEVELAND, OHIO

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The most effective means through which any given institution of government may continue in existence is by rigorous adherence to the principles on which it was established. To act contrary to the will of the governed causes disrespect for the institution and fosters the development of ideas incompatible to its continued well-being.

If this is so, how, then, does a system, which holds as one of the cornerstones of its existence the proposition that all men are equal under the law, maintain its effectiveness when it continually acts in such a way as to cause prudent men to question whether or not there is in fact an equal application of the law irrespective of relative power and social status? The events of the last several months, particularly as they relate to those acts of the previous national administration which have become known to the general public as "Watergate" and the special type of justice that has been prevalent since, have created the closest view they have ever had—and are likely to get again—of the administration of justice in our society. The average American, as opposed to members of minority groups who have more contact with the system, has a high regard for the administration of justice.

It is felt that the primary reasons for this general confidence lie in the fact that: (1) there exists a basic respect for the judiciary; (2) most Americans never come in contact with the criminal justice system; (3) as long as the system had no direct effect on our lives we did not concern ourselves with what it was doing to other groups; and (4) public scrutiny of the system has been almost nonexistent. Therefore, the events of the past few months for which there is ample reason to believe that a criminal defendant has been treated leniently because of this power and/or position it is viewed by the public at large as an aberration. In addition, there are examples which may be pointed to of the poor and the powerless receiving leniency. While this is true it should be noted that the degree of leniency according to those of low socio-economic status groups is minuscule.

The handling of the Watergate prosecutions has shown the nation that the influential do receive gentler handling by our courts than does the ordinary citizen. With this knowledge has come dismay and disgust. Everywhere people may be heard to say that this must never happen again. Hopefully a consensus will form which will translate itself into genuine reform.

As a general rule Americans have been very unsophisticated about their political system. The activism of the last two decades which included the push for greater civil liberties, civil rights, and the anti-Vietnam war protest indicate that this is no longer the case. With the general political awareness has come the necessity that the government more scrupulously safeguard the concept of equality under the law. A failure to do so would cause the people to question the effectiveness and fairness of their government.

It appears to this writer that the key to the present attitude of the people may be traced directly to the widespread dissemination of information about this (Watergate) issue. Where there is no dissemination of information there can be no informed citizenry to make the crucial judgment as to whether or not the government is acting responsible.

The exposure of Watergate by the news media was unpleasant but necessary. It has served to further educate the people to inadequacies in the system. This should serve to speed needed reforms.

WATERGATE AS AN INSTRUCTIONAL MODEL
BY BERNARD THOMAS

The Watergate affair is perhaps the best model available for our inquiry because it involves wrongdoing at the very highest levels of government and the resulting widespread publicity has allowed ordinary citizens the closest view they have ever had—and are likely to get again—of the administration of justice in our society. The average American, as opposed to members of minority groups who have more contact with the system, has a high regard for the administration of justice.

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In athletics the old adage has it that a team is only as strong as the individuals it is comprised of. Similarly, this truism applies to teams in the scholastic world. This being so, the diligent achievements of the Moot Court members of 1974-1975 should be pointed to as an example of the kind of dedication it takes to make a team successful. Hopefully, this year's first year law students will be able to absorb the lessons learned and apply them to their own efforts.

The two principal architects of this successful program are Pat Blackman and Una Alfera. Their hard work and dedication has paid off in a most first year law students are most excellent.

The two principal architects of this successful program are Pat Blackman and Una Alfera. Their hard work and dedication has paid off in a most enjoyable experience.

Moot Court Briefs

First year student response although mixed, was in the main positive. One student explained that the Fall Exercise helped him "realize the skills a lawyer needs." Others found the terminology and procedures informative. Still others found the orientation exercise helpful in comparing themselves to the caliber of the participating advocate. Whatever the reason, most first year students found the exercise interesting and enjoyable.

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Keenan. During the summer these two Moot Court members spent a great deal of time helping to construct the problem as well as organizing the exercise itself. Pat as chairperson researched the Rickle brief and presented this program to Dean Christensen. Una, in addition to working on the problem was largely responsible for the reproduction of all associated material.

Unquestionably, the Fall Orientation Exercise helped Moot Court begin the new school year on a positive note. In the subsequent weeks Moot Court has become engaged in several other activities. The National Moot Court Team has been actively practicing for the National Competition for the last several weeks. Second year Moot Court members will be beginning the Fall competition in the last week of October.

Although much of our time and energy in Moot Court is devoted to inter-scholastic advocacy competition, our primary aim is to aid the beginning law student in acquiring the skills of advocacy. The Moot Court office is open to all law students. Pat Blackman summarized it best when she said "First year students in brief writing enter oral advocacy without any previous experience. We hope that Moot Court can be a teaching experience to help law students attain these skills."

Criminal Practitioners interested in raising issues of electronic-surveillance and learning how to do it, are encouraged to attend an educational seminar conducted by representatives of the National Lawyers Guild Electronic Surveillance Project.

The presentation will take place on Tuesday, November 5, 1974 at 1:00. It is anticipated that the seminar will last at least five hours. The location of the presentation will be on the campus of Cleveland State University in the new University Center, Room No. 6. The fee for members of the practicing bar will be $10.00, which will include the price of a detailed outline of the Law of Electronic Surveillance. Meals can be purchased in the cafeteria located on the 2nd floor of University Center.

The seminar will cover Electronic-Surveillance law in both criminal and civil areas. Among the subjects included are (1) discovery of the fact of electronic surveillance (and the adequacy of governmental denials); (2) Questions of surveillance legality, on statutory or national security grounds; and, (3) Proving "taint" of unlawful surveillance to a pending prosecution.

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.

Recognizing the inherent Hum in all of us and appreciating the role of EGO in law school, the GAVEL would like to take photographs of any by-liners who want them to accompany their articles. We also know a good source for 8 X 10 glossies of exciting and libertarian typing positions, the way you like them! But please, no sickies.

According to the Constitution of the GAVEL, one becomes a STAFF member after contributing more than one article to the newspaper. Immeasurable benefits, rights, and privileges accrue to staff members. So if you fell like being one, just write more than one article, i.e. 1-1/2, 1-1/3, 1-1/4, 1-1/6, 1-1/8, 1-1/16...
Every radical who has honestly attempted to study society, as one great student of society once remarked, not for the purpose of understanding it but for the purpose of changing it, knows that "there is nothing that does not contain contradiction; without contradiction there would be no world." (2)

It should not disturb us to discover that the role of a radical teacher of law, or a radical lawyer, plays itself out within the framework of a vast contradiction — it is itself a contradiction. One of the most honored teachers of all contemporary radicals, Friedrich Engels, wrote over a hundred years ago that "life consists just precisely in this — that a living thing is at each moment in danger and yet something else. Life is therefore also a contradiction which is present in things and processes themselves, and which constantly asserts and explains itself; and as soon as the contradiction ceases, life too comes to an end, and death steps in." (3)

Let me be very blunt. The role of the radical in the law is the same as the role of the radical in any arena of life. It is to study in depth and in precision the particularity of the contradictions he or she operates within in life — and which constant assertions of contradiction; without contradiction there would be no world." (2)

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which has been apparent for many years to most blacks in this country as well as to large numbers of working people that the instrumentalities of justice provide justice only for the rich and powerful. This has encouraged useful and helpful probing into the class nature of the system of justice. But this exposure cannot by itself substitute for a fully rounded definition of the role of a radical lawyer or teacher of law at this precise moment in our history. Blacks, browns and working people, the oppressed sections of society, who daily live with the clubs of the police and the callousness of the courts rarely need lessons in the demystification of the institutions of justice. Their crying need is quite different: what course of conduct will result in a favorable resolution of the fundamental contradiction they live in, a resolution which will once and for all eliminate the oppressive role of present police and courts of justice, and class rule itself.

In Part II, Kinoy lays the historic framework of fascism in America, sees SEVEN DAYS IN MAY as a reality, the fate of the American ruling class, and their effect on our institutionalized system of justice. Their contribution is that of a systematized; revolutionary, a reflexion of the political activity of C-SPIRG, and an appeal to开门.” (All of which characterize the invertebrate of the few faculty opposers to C-SPIRG) will note that it relies on student support in a different sense. It is essential to its functioning that the student body be tapped as an energetic source of involvement.

Well, this was C-SPIRG as it was envisioned by its organizers (Paul Hudson, Ed Heben, Bob Handelman——Law J Marie Fasko, Bob Bounds, Gary Eby——Undergrad, to name a few). Last Spring its nascent stage got a swindle effort which began transforming to reality, quite a different scenario developed. Many obstacles, both legal and political, had to be overcome. That can bring setbacks to the revolution or make a great mess of what originally could have been done well. (4)

Unless our examination of the institutions within which we operate proceeds upon the basis of a "concrete analysis of concrete conditions" (5) as they exist today in this country, at this moment in our history, we will continue to be subject to a rash of analyses about the role of radical lawyers and lawyers which are essentially one-sided and based upon sweeping generalizations about the oppressive nature of the legal superstructure which radicals, Marxist and non-Marxist alike, have written about and polemized against for many years. A number of graduates have recently clearly recognized the truth.

A brother in the second year class is negotiating law school without the benefit of sight. He needs the services of a reader from 7:00 p.m. to 10:00 p.m. Renomination: $1/hr, plus the benefit of a unique experience.

Interested? Call: 451-0242 or CSU ext. 2027

who does not wish to participate, the refund being disbursed at designated times and places, a few cases of loss of experience has shown that support exceeds 90% where this scheme has been employed, and on this basis we believe that the size of CSU cannot support a full-time staff of Public Interest advocates who feel secure in their knowledge of the issues developed from political or economic reprisal. They only have to answer to the students, who in the end govern the university. Steering will be done by an all-student Board of Directors, but to prevent alienating anyone, such a board composed of faculty members of the community will be provided for in Students who at this point are becoming suspicious of C-SPIRG’s in another exploitation scheme, a swindle, contrary to our cherished Democratic ways, "Pinko." (All of which characterized the invertebrate of the few faculty opposers to C-SPIRG) will note that it relies on student support in a different sense. It is essential to its functioning that the student body be tapped as an energetic source of involvement.

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STONE AGE

NOW WITHOUT FACT OF THE AGE

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values. They eat the official ideology like a starving man does a steak.

The law professor is like the Marine Corps drill instructor?

Yep. You either end up loving him or you quit.

Why is that?

Most students are bright enough to realize that the qualities they detest in the faculty are exactly the qualities that are essential to being a successful lawyer and they want to be successful lawyers. Or if they don't, they drop out.

That's not a very flattering picture. What kind of person would want to be a law professor?

A sadist. A fool. A desperate person with an immense capacity for self-delusion. A person who thinks the law school is the fulcrum to which the lever of humanity can be applied. Nuts and kooks.

How does one get to be a law professor?

No one is drafted, so the most important element is self-selection. But once you think the job appeals to you, you have to be approved by the faculty. It's like any other job interview -- they look for people just like themselves, using the same techniques. And, except for an occasional mistake, they succeed. So far as matters of any importance are concerned, if you have seen one law professor, you have seen them all.

Isn't that an exaggeration?

Not much. I once taught at a law school with a great reputation. I began to notice that events of current interest were never discussed until at least 48 hours after they took place. I finally figured out that it took that long for the New York Times to arrive so that the faculty knew what they were supposed to think.

OK, so politically they are all knee-jerk liberals. I don't see how that has anything to do with how they teach law?

You misunderstand me. Their political views are considerably more divergent than their notions of the law. To be a faculty member, you have to be an adherent of the Harvard Theology.

What is that?

The dogma that was set forth at Harvard in the 1870's and has been worshipped at all other law schools since. I can't state the whole thing here, but it starts out with the assumption that the purpose of the law is to protect the rich. It rejects the right half of the human brain, which controls non-linear thought, that the only kind of rationality is found in the left lobe. It believes that the law should be complex and expensive, that lawyers should be rich and that anything that leads to a contrary conclusion is illogical.

I don't believe you.

Look for yourself. The classes you take in the first year are the same courses that were offered at Harvard 100 years ago. They will be taught in the same way by the same kind of people. Everyone of those courses is designed to turn out corporation lawyers. In every course the same lawyers and the same judges will be held up as models -- Holmes, Frankfurter, Acheson, Story, Webster. You will never hear of Rantoul, Dorr or Darrow -- even Brandeis is treated with condescension.

ODE ON INTIMATIONS OF BECOMING A LAWYER, PART I

A lawyer is --

A of rights & merchant remedies

A champion of values & middleclass
giver of meaning to words & meaningless

A charlatan

An opportunist

A true of the capitalist human condition

who exacts a for price something & priceless

The most mine complicated

On the most stage animated

In the most theatre absurd

unto the ignorant savor

unto him/herself, if he/she be so deluded.

C-SPIRG

C-SPIRG's own legal research saw the law in a considerably different light. Nowhere was found any precedent, statutory or decisional, to the effect that the University would be out of line if it agreed to collect funds for C-SPIRG. Furthermore, since the "major legal policy", which pervades our present political system, would rejoin any argument that the proposed collection scheme violates the rights of those who wish to oppose C-SPIRG. Does the voter whose candidate lost the last election have as equitable a recourse as the student who wants his $1.50 back? Obviously not. The Trustee's reticence to lend an ear seems the sound more in politics and don't-rock-the-boatmanship than in a legal or administrative mandate.

Since then, the long hot summer has anesthetized the momentum that C-SPIRG built up in May. It has also claimed the core of its coordinators. Pual Hudson, now a C-N graduate, is now directing a PIRG in New York. Ed Heben, a 3rd year law student, has a full-time job plus school to negotiate. This writer was on the periphery last year, but he has other commitments this year. In short, somebody has to carry the ball. C-SPIRG over the summer and at present is involved in examining the voting records and rationales of Ohio Congressmen and Senators on the proposed consumer Protection Act, which passed overwhelmingly in the House but is now being emasculated in the Senate. It has established alliances with Ralph Nader's C-SPIRG, CONGRESSIONAL WATCH, & CITIZEN ACTION GROUP, Washington, D.C. Locally, it
Listen to the way in which the professor responds to student answers to his questions, what he accepts and what he does not. An answer that suggests that the result in a particular case is "unfair" will be attacked. "What do you mean by that?" "How do you know?" But if you say that the decision is illogical or leads to economic disaster or is inconsistent with some other case, you are encouraged in your analysis.

Tell you what. First case you are called on to discuss, when he asks why the case was decided that way, tell him the judge was paid off. Now you will have no more evidence of that than he does for his version, but notice where he puts the burden of proof.

Well, then, how do you explain the wide-spread notion that law professors are great teachers?

That's not too difficult. In the first place, self-interest compels a lot of people to perpetuate that myth. Law professors get paid more than other university teachers. To justify the larger salary, you have to have larger classes. To justify the larger classes, you have to say that the quality of the education is not diluted because the guy in the front of the room is a Superteacher.


We'll see. But you have to agree that law school teaching methods do not better than in other graduate schools.

How would I know? I have never taken any courses in educational psychology, never been taught how to teach or how to evaluate teaching, it has been years since I was a student. I know of no evidence that the Sarcastic Method is any better than any other technique and can think of a lot of reasons why it might be counterproductive.

Since no one knows what good teaching is, the claim is irrefutable.

Don't the students know?

Maybe. You couldn't prove it by me. The student may be aware that he or she learns more in one class than another, but I am not sure he or she can testify that is because of something called "teaching."

Keep in mind that for many students this is the first time they have ever studied something in which they were deeply interested, in which they were motivated not only by the grade but by the spectre that if they did not learn the material they would at some time in the future appear the fool in some public forum. It would not be surprising that the student should see this educational experience as vastly different than any he or she has had before.