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## 1976 Vol. 24 Number 10

Cleveland-Marshall College of Law

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# 18 Candidates Vie For SBA Positions

The elections for next year's SBA President, Vice-President, Secretary and Treasurer will be held April 20 and 21. Day and evening students will be able to vote, at their convenience, on these days beginning at noon Tuesday. The Gavel has learned that the upcoming elections suffer no lack of candidates or issues. In fact many of the problems faced in the past year by former SBA President, John Lawson, will emerge again to confront the future office holders, ac-

ording to acting-President David Layva. However, due to the efforts of Lawson, the future officers will not face these problems without remuneration, as the Lawson administration did.

Compared to past elections, the stakes in this election are substantial. Layva believes that because the next SBA office holders will be paid for their efforts, more students have declared candidacies, at least for President and Vice-President.

The next SBA President will receive a full tuition waiver for next year. The compensation to the other officers is as follows:

- the Vice President will receive an automatic one-half tuition waiver;
- the Secretary and Treasurer will receive an hourly wage of \$3.25, up to one-half of their tuition.

Lawson's petition for tuition waivers for SBA officers was granted last month, however, a proposal that the present administration receive similar waivers of tuition, retroactively, was not possible for lack of available funds. Layva related to the Gavel some of the problems that often consumed up to 20 hours a week of Lawson's time; he feels these issues will also consume much of the next SBA President's time. He cited the following as some of the most notable issues facing the candidates:

- adequate funding of the library
- the admission of the SBA President to faculty meetings;
- enforcement of fines levied against instructors who turn in grades late;
- grading guidelines;
- selection of the new dean;
- and the future of the Committee of 1000.

As of Friday, April 9, the deadline for filing, the following have declared their candidacy.

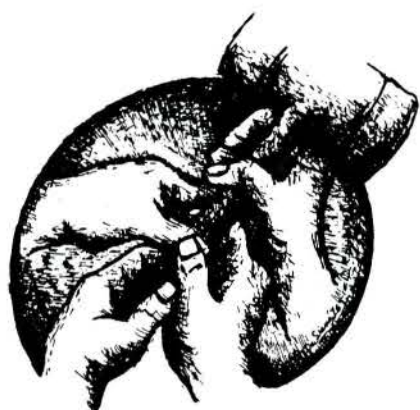
For President: Bill Corvo, Terry Gravens, William Huntington, Scott Mahood, Samuel Militello, Jeffrey Shively, Hilary Taylor, Ruth Yudenfriend;

For Vice President: Rita Fuchsman, Mark Bryn, Chris Dittmar, Susan Dolin, Tony Logan, Carla Skeen;

For Secretary: Carol Weiss, Jack Kilroy;

For Treasurer: Monica Lercher, Michael Otto.

SEE SPECIAL S.B.A. ELECTION SUPPLEMENT STARTING ON PAGE 3.



## THE GAVEL

Vol. 24 No. 10  
April 19, 1976

The newspaper of the Cleveland-Marshall College of Law, Cleveland State University

### Court Enjoins Gavel Election

BY LARRY SKOLNIK

Marty Schneider, Gavel staff member, on March 18th secured a temporary restraining order from Common Pleas Judge Norman Fuerst halting the Gavel staff elections held on March 12th.

- Schneider's claims were basically:
- that the election was held Winter rather than Spring quarter in violation of the Gavel Constitution;
  - that to cure the defect an attempt was made to amend the Gavel Constitution without giving proper notice
  - that the election had been hastily called without written or published notice of the meeting or its purposes and without any notice to certain Gavel staff members, including Schneider;
  - that the editors had no power to conduct elections simply by calling a meeting; rather, since election procedures were not spelled out by the Gavel Constitution, only the staff could conduct elections by first fixing the time, place, and manner in which the elections were to take place;
  - that Jack Kilroy was deemed unqualified to vote by the editor, Jeffrey Dworkin's, own statements and yet was allowed to do so;
  - that students who weren't staff members were denied admission to the election meeting in violation of the Ohio Sunshine Law;
  - and that the alleged purpose of the illegal acts was to secure the election of Schneider's opponent, Mike Ruppert, either directly or by giving him the advantages of having been an incumbent should the election be subsequently overturned.

The T.R.O. directed then-editor Jeffrey Dworkin to safely keep the election ballots and to produce them in court, unopened, on April 5th. (see page 7)



Gavel staffers react to election debate.

### Katz, White Receive Nod

BY JOHN HOWARD LAWSON

Professor Lewis R. Katz and Professor James P. White have been nominated for the position of Dean at C-M by the seven member Dean Search Committee in their memorandum to CSU President Walter Waetjen on April 14, 1976. Katz, 38, has been a member of the faculty of Case Western Reserve Law School since 1966 and has served as the director of Case's Center for Criminal Justice. White has been a member of the faculty of the Indiana University School of Law since 1966 and is also the Consultant on Legal Education to the ABA.

The nominations end a nearly eleven month long search by the seven member committee that included the consideration

of over 150 candidates during an era of legal education that saw over 30 law schools searching for persons to fill their top slots. White and Katz, along with Professor Ann Aldrich from Cleveland-Marshall, Professor Richard Lee and Dean Harold Wren comprised the final slate of candidates that was presented to the Law School Faculty on Monday, April 12, to determine each's acceptability. James White received a very substantial majority of the faculty votes, while Lewis Katz received support, but not a majority.

In the interests of the Committee's mandate, which was to present a slate to President Waetjen, and not just one name, a second ballot was circulated

(see page 8)



## THE GAVEL

Editorial Staff: Mike Evans  
Joe King  
Kirk Stewart

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Jack Kilroy, John MacCallum, Gail Natale, Mike Ruppert, Carol Vlack; Rick Dellaquila, Dan DeSiena, graphics; Marty Schneider, Larry Skolnik, photography; Bruce Wick, house counsel.

The Gavel, Cleveland-Marshall Law School, Cleveland State University, Cleveland, Ohio 44115. (216) 687-2340.

In the past, S.B.A. elections have served primarily to point out the apathetic attitude of the C-M student body. This year's elections, however, should mark a change in that attitude as students become aware that next year's S.B.A. officers will receive pecuniary remuneration to represent student interests.

work to alleviate specific differences between faculty and students which have shown an unusual endurance. For example, faculty members agreed to impose a fine upon instructors who fail to submit grades within four weeks from the last day of exams. Yet not one instructor who has violated the agreement has paid.

A defacto demand that our representatives account for their performance is not enough; it is necessary to elect officers who are aware of, and desirous to reverse, the persistent derogation of student interests.

The most patent derogation of student interests, vis-a-vis the faculty, has been the repeated ejection of the S.B.A. President from faculty meetings. Student interests cannot be properly represented if the student emissary is precluded from taking part in faculty meetings. The Gavel feels that the next President should seek admission to all faculty meetings, involving use of the Sunshine Laws if necessary.

The Gavel feels that the next SBA administration should

## Letters to the Editor

Dear Editor:

The BALSAs is an organization designed to implement the goals of minorities to effect changes in the legal community. Although the primary focus is toward minorities it should be realized that many benefits accrue to the law school in general.

Through the efforts of BALSAs and it's members such benefits include: 1) advancement of student rights (e.g. the "Sonensfield" matter and the Dean's Search Committee), 2) a nationally recognized convention, 3) a championship Moot Court team, 4) workshops open to all ( topics including desegregation, job placement, establishing a practice, undergraduate Law Day, and a Bar review and writing clinic), 5) LCOP recruitment and development, 6) participation on faculty committees, and 7) a free tax service involving over 600 man-hours of volunteer time provided to the Greater Cleveland community.

It is hoped that a greater comprehension of the efforts of our organization will be reached by members of the law school and that this comprehension will be manifested by an increased participation on the part of students and faculty alike.

Donet Graves  
BALSAs President

Dear Editor,

I write to recommend to you and the music fans among your readers "A Tribute to Jack Johnson," by Miles Davis (Columbia: KC 30455). It is one of the best jazz albums of the decade and ranks with "Sketches of Spain" as one of Davis' all-time greats. Herbie Hancock on the keyboard is excellent!

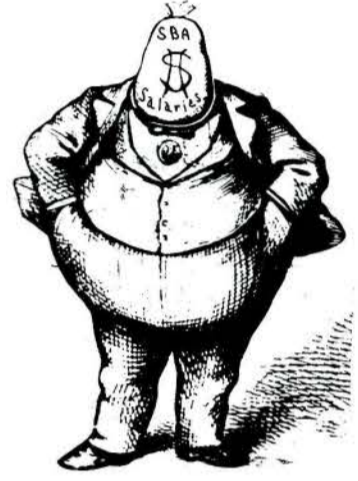
Don Weidner

Dear Editors:

On Thursday, March 18th, a temporary restraining order was issued against *The Gavel* and its editors stopping an election for Editor-in-Chief. The court order was issued by Common Pleas Judge Norman Fuerst at my request in order to stop secretly conducted elections that were violative of common standards of due process of law. For the benefit of those interested, I would like to set forth the reasons for my action and explain certain misconceptions that may have developed.

On the morning of March 12, the last day of classes for the winter quarter, a secret election was held in the *Gavel* office. One candidate ran unopposed for Editor-in-Chief.

(see page 8)



The faculty is not the cause of all problems facing the future S.B.A. administration. Indeed, the inadequate funding of the library concerns the faculty as well as the studentbody. In a time when law schools are turning away thousands of applicants, our university affiliate cannot or will not appropriate sufficient funds to elevate our library to even a mediocre position. If obtaining adequate funding requires taking the issues directly to the Board of Trustees or establishing a lobby in Columbus, the next S.B.A. President should not be intimidated into taking lesser action.

Internal struggles also promise to plague the next administration. The move of a group of S.B.A. senators to abrogate the enfranchisement of the entire studentbody by voting to implement separate meetings of the S.B.A. and Committee of 1000 is elitist and provides the vehicle for reinstating student apathy. Lack of student involvement in the government of their own affairs is a malaise that has constantly impeded the effectiveness of student government. The recent attacks upon the S.B.A./Committee of 1000 arrangement, in light of its short history of active participation, should be fought by the next administration.

At the risk of being trite, the *Gavel* asks you to make yourself aware of the issues in the approaching election and to exercise your opportunity to have a voice in the decisions that so directly affect your legal education and eventual legal position.

THRILLING AMAZING FANTASTIC POLITICS

FACTORY DOSSIER 1

In a secret warehouse district of Cleveland, after 30 days locked in a San Francisco closet with some Harvey Keiser torts class recording playing in the background, a former President consents to an exclusive interview about upcoming elections and affairs of the world. (Identity withheld for safety)

It's really who's in control of our faculties (apply a consumer theory) and unquestionably that's Huntington.

Which candidate is in most control of his or her faculties?

Everybody fits into some minority group, YOU KNOW. Most of that's serious business but we should be weary of Equal Protection Inflation. It's time to start stressing a little of the 9th Amendment.

No, actually I never went past cruel and unusual punishment, except on one occasion where I became obsessed with involuntary servitude.

DIDN'T YOU ONCE USE THAT LINE WITH A FEMALE LAW STUDENT?

BABY BRASS LIVES

TOMATO LIKES THE 1000

Sorry Folks - The frame below was censored by dipshits.

WELL, THE PEOPLE THAT VOTED TO DENY B.A.L.S.A.'s WOMAN'S CAUCUS and N.L.G. the money were Spadetti and trust minorities?

MEAN WHILE

IF YOU ARE GOING TO GO SKIING BRADIN WILL CONTR YOUR LIFE!

THERE COMES A TIME WHEN TOO MUCH IS ENOUGH

LET'S GET BACK TO UNROMANTIC ISSUES, WHO HAS SHOWN YOU THAT THEY MIS-TRUST MINORITIES?

I'M LOOKING FOR AN HONEST PERSON

WHAT'S NEXT?

# S.B.A. ELECTION

## \* SUPPLEMENT \*

### Candidates And Their Statements



Terry Gravens

In the fall of 1977 the Cleveland-Marshall College of Law of Cleveland State University will move into its new facility on Euclid Avenue. The local papers will record the event. But will that transition make a difference? Hopefully, by the fall of 1976 a new dean will have been chosen to serve as the administrator of the College of Law. Will that choice make a difference?

Perhaps, the present first year class will remember that at its orientation in the fall of 1975, one of the speakers made comments to the effect that this was a "mediocre" law school. Whether that statement is true or whether that is the perception of some students, faculty, and outsiders is not as significant as another question: Will there be a qualitative difference in this College of Law when the transition is made into the new building?

Although the role of the S.B.A./Committee of 1000 may be limited, the major concern of that body in the coming year should be to do all that it can to guarantee that the transition into the new building will be more than entering a new structure.

Of primary importance is the quality of education that one receives at the College of Law. The S.B.A./Committee of 1000 must work with the faculty and the administration to assure that the quality of education will improve. Secondly, though a legal education is the primary reason for our being here, the fact that we are here together demands that there be more than a legal education. We are a community of people drawn together for three or

four years. It is the responsibility of the S.B.A./Committee of 1000 to foster a community spirit within this school and to do what it can to ensure that each of us leaves with more than a legal education. The tone of this statement has been intentionally general because I seek to

convey an attitude and a direction. Moreover, I do not see the role as one of saying what will be done. Rather, I see the role as one of assuring that we all ask what can be done and that we all take part in doing it.

*Terry Gravens  
President*

Ever since I can remember, I've been unwanted. They tell me its normal for this time of my life but I think its luck. Why just the other day it rained inside of my leased car, and the windows were up!, my die hard battery wrote me a suicide note and my friend, the meter maid, filled her quota at my expense! There must be a corner on the luck market; you know my bookey friend, the one with the diamond studded Rolls, told me a hot parley with a 12-1 odds on favorite in the 6th and you know ole "Ten Karat Gold" clubbed his hoof in the block!

couldn't find a parking place within four blocks of class during the dead of winter, I couldn't stand the heat in the lounge, I wanted to play intramural sports with other law students, I could see car pools for law students but no one would listen, and I finally tried using library facilities and found out our lovely state had drastically undermined our financial status and you wonder why I feel so unwanted? And now they tell me it's just a problem of mind over matter, a little bit of mind and it won't matter. Anyway,



Bill Huntington

Some people get all the breaks, and my Italian friend was the first to point out he could get me up with one too. (the old one-two!) I posted my tax form, you know going for the rebate, and it was returned for insufficient postage, so I licked on a lcer and they said they'd audit me for calculator use! My doc told me I had a house pet allergy and so I started yelling at my cat, she sure enough answered me,--she had five kittens the very next day! Why just the other day I became the Pittsburgh Paint Poster Boy for Brown! I tell ya, I don't get any respect. Besides getting the bum steer by not getting accepted at Harvard or Rutgers even I got closed out of a locker at the beginning of the year, I couldn't watch my favorite game on the tube because my lounge didn't have one, I

I decided to take in the courts and I discovered the rule of law is quite different there. My adversary decided to make a motion: he moved to the right with a reverse pivot jumper and I countered with a back door blooper but I got the verdict of holding the bag. Then he tried this amazing sky hook moon shot, behind the back born pick and roll machine gun dribble that toasted me, making strong music and slicing the nets. Then if you think I didn't feel unwanted after that, he pulled this downtown dipshot, sort of using the glass for the banks, kind of, well, jamming the stuff for, you know, the dunk, well, its rather hard to describe the, well, you know, its sorta like. . .

*William Huntington  
President*

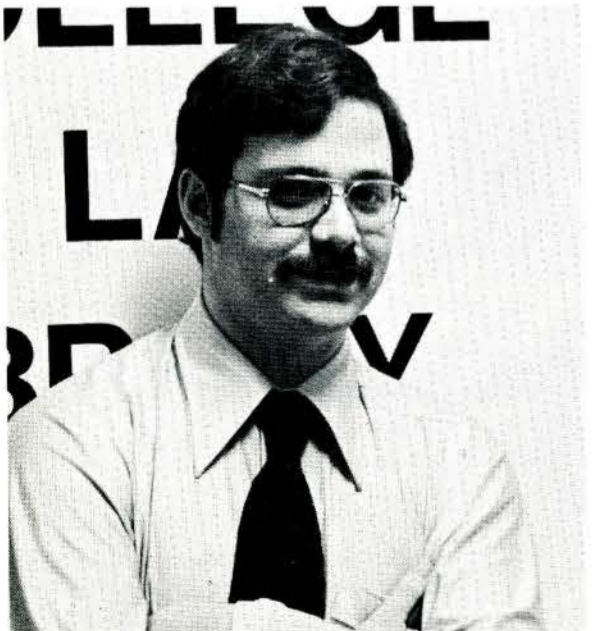
Page 4 \* \* \* \* \*  
 Although many students are unaware of S.B.A. activities there are criteria which can be recognized and issues to be discussed in regard to the available S.B.A. offices. Attendance at S.B.A./Committee of 100 meetings is slight, many look at S.B.A. activities as "exclusive" to those who are Senators. Many do not realize that they are Committee of 1000 members as C-M students. Obviously, attendance and related performance difficulties are attributable to the facts that 1) many are interested only in their professional training, not rights and privileges as students, 2) non-resident nature of campus creates additional problems by de-centralizing our community.



Sam Militello

It is easy to see that these fundamental difficulties can't be overcome. For those who are still interested in their careers as students there is much to be done to make the S.B.A. a more viable forum. I served as Parliamentarian to President John Lawson this year because my attendance at early meetings pointed out a functional deficiency in the committee meetings: students do not understand the mechanics (procedure) of a formal committee meeting. This can be cured by relying on Robert's Rules at all meetings and conducting courses in Parliamentary Procedure. Meeting time is valuable and will not be wasted if proper procedure is followed and understood by all.

Within the S.B.A. inefficiency can be blamed on a lack of central accountability. Those individuals and committees given the respon-



William J. Corvo, Pres.  
 No statement submitted

sibilities of executing the research and activities mandated by S.B.A. motions and resolutions are not made to report back to the S.B.A. to validate their results or performances. Committees needed should be assigned at meetings and scheduled to report at subsequent meetings. Thus, efforts requested by the group would be consummated.

Accountability should be asked of other law school representatives. I speak here of a "Law School Senator" who sits on the C.S.U. Senate. He reports to no one. If he is to be of any effect for C-M students he must report to the S.B.A. prior to and following all University Senate meetings. He must receive his mandate from the C-M students.

In the same regard, I will work with University Student Government to secure a right for all C-M students to vote in the Law Lounge for all university elections for which we are eligible to vote. Who walked over to the U.C. to vote for our Senator? Who is he? Is he even a law student? Both the S.B.A. and the University Student Government fail to adequately notify its constituents of such activities.

In addition, there are non-mechanical substantive changes which can improve our plight as students. These may be called the political issues. The one problem which the S.B.A. faced on a confrontation basis was the unusual, inconsistent policy of faculty meeting attendance. With a song and dance student leaders are whisked out of faculty meetings in mid-stream. This cannot occur and will not occur in the future. The present debate stirring problems in the S.B.A. is the question of direct conflict with the Committee of 1000 in terms of who holds the ultimate decision making power. I believe that the Committee of 1000 vote should be controlling except where the Constitution allows that only the S.B.A. Senators decide issues of: appropriation of funds, amendment of S.B.A. documents, and discipline of S.B.A. Senators (for attendance, etc.). This view is opposed by those who believe that "Senator" would become a privilege without power. This is a condemnable viewpoint. Here at C-M we are all enlightened enough to make our own decisions on most students' issues. Those constitutional exceptions of appropriation, amendment, and discipline are rightly reserved to those who have greater access, skill and awareness of S.B.A. documents, policies, and mechanics. Running for Senator is a statement of willingness to accept responsibilities in the maintenance of student government. A senator should not rely on a right to vote where others cannot for his security as a S.B.A. member. He should rather find security in his ability to contribute and his responsibility to attend meetings for those who are unable and to discuss S.B.A. business with members of the at-large constituency.

I have pointed out two of the S.B.A. issues and its several mechanical failures. I assure you that I am prepared to deal with these. A mastery of parliamentary procedure in high school allowed for undergraduate activities which included instruction of procedure to high school and college students. Forensic course work dealt directly with examination and practice of committee functions. I served for two years as Senator at a college which had a student government so sophisticated that students had a material impact at every level of decision making, without exception, including student voting rights as Trustees. I have directed groups of all sizes including as President of the Inter-Fraternity Council (at Otterbein College). I have the knowledge and ability to perform competently as S.B.A. President and the sensitivity and awareness of students' concerns needed to direct a group of such diversity with substantial effect.

Samuel Militello  
 President



Ruth Yudenfriend

The issue in this campaign is the reputation of this law school. An active, aggressive Student Bar Association is fundamental to building Cleveland-Marshall into a solid, respected institution. I intend to pursue this singular goal above all others as SBA President. Show your support for the law school and your own future with a vote for RUTH YUDENFRIEND for President.

Ruth Yudenfriend  
 President



Mark Bryn, Pres.  
 No statement submitted

Objectives

- A. Increased Night School Emphasis- Presently Cleveland-Marshall is moving towards a day school orientation. This emphasis has obvious benefits for all of us. We must not, however forget the historic commitment of Cleveland-Marshall to the working community. A President of the Student Bar Association who happens to be a night student will aid in a re-direction toward a more equitable position. That position is to include the night student as a part of the whole.
- B. Improvement of Curriculum- Close outs must be diminished. The number of available courses in both programs. The library must be maintained. This may require direct student involvement to aid our school in obtaining it's fair share of available funds.



Hilary Taylor

- C. Job Placement- This administration will aggressively pursue increased on-campus recruiting both locally and nationally.

- D. Committee Communication- Vital committees rule daily on matters affecting the whole student body. These rulings should be communicated to keep every student informed of matters of interest and importance.
- E. Qualifications-
  - 9 years experience in general management and marketing with the Bell System.
  - U.S. Army officer, commanded troops in Vietnam.
  - Leadership in various fraternal, profession, and community organizations.
  - Undergraduate elected senator 3 years (Central State University)
  - Member Alpha Phi Alpha Fraternity Inc., Pershing Rifles, Scabbard and Blade, Phi Alpha Theta Honorary Society.

Hilary S. Taylor  
3rd year evening  
President

"If we act now a man of uncommon moral strength can be our next president."--A. Cox  
Unfortunately, he was not referring to me when he made the above statement, but while I'll probably never be described in that fashion I do feel that I can be an able representative of our student-body.

First--the library situation has yet to be remedied. Alumni donations cannot be made to substitute for state funds denied by myopic trustees. Although there has been a start, more intensified personal lobbying is necessary to reach the trustees. This would be more effective than "WIXY School Spirit Petitions of 1968."

Second--S.B.A. senators. I would propose a new qualification program. Briefly, the requirements would be if you show up, you get a certificate of membership. In the past it seems the situation has been either that the student runs in an election in which nobody votes, gets 5 votes, and is a senator, or the meetings are open to everyone and no one attends. This way the people that are in government for resume fodder will get their proof, while the dedicated students who want to be a part can participate without the empty election requirement.

Third--the night program. I was admitted as a night student and realize the insufficient interaction and opportunities as compared to the day program. As a day student in this, my second year, I have realized the glaring inequalities between the two programs.

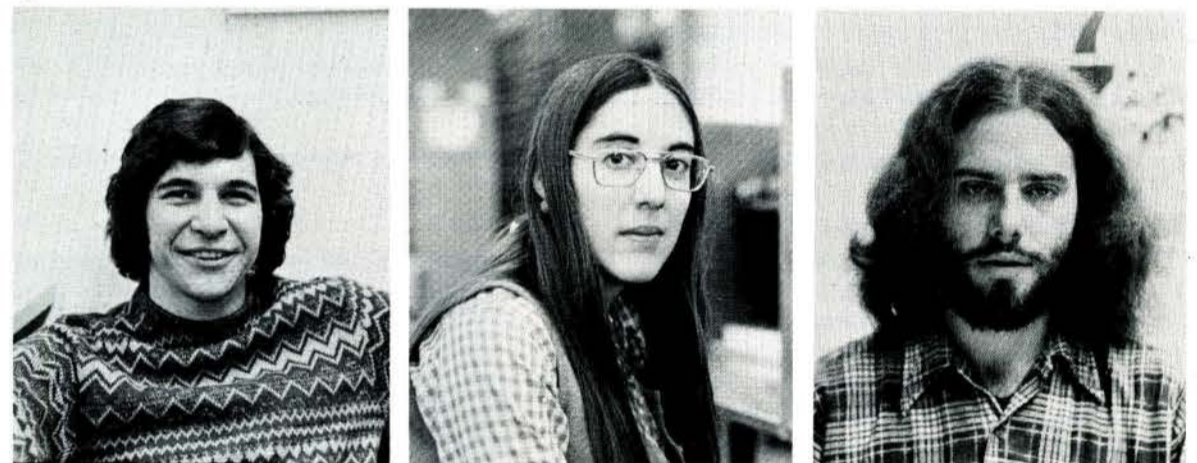
Fourth--my political experience: Mrs. Hage's 4th grade class President (for the 2nd quarter) while growing up in the streets of Rocky River. I think my enthusiasm will make up for my lack of experience. (It's working for Carter.)

Jeffrey A. Shively  
President

The 1976-77 school year promises to be highly important to the development of the Cleveland-Marshall College of Law in general and the school's Student Bar Association in particular. This year, we have seen challenges arise against the alternative admissions program (LCOP), the funding of student organizations (BALSA, Women's Caucus N.L.G.), and the continuing existence of the Committee of 1000. These challenges arose, not from the Law School Administration, but from certain elected S.B.A. senators.

Additionally, problems concerning the library budget, the grading guidelines and the closed faculty-administrative meetings are certain to continue next year.

Next year, a new dean will bring new attitudes and policies to the law school administration, but the old problems will remain. Strong student participation will be necessary in order to insure a positive direction for Cleveland-Marshall next year. Therefore, we will call upon the administration to:



Scott Mahood, Rita Fuchsman, Jack Kilroy

- support and strengthen the L.C.O.P. program, which brings students of diverse backgrounds to Cleveland-Marshall;
- insist that the Ohio Assembly, Cleveland State University, the Board of Regents, the Board of Trustees, and Gov. Rhodes appropriate adequate funds to maintain and develop the C-M Law Library without penalizing students through further tuition increases;
- open all faculty and administrative meetings to concerned students or their representatives in compliance with the Ohio Sunshine Law;
- amend the grading guidelines to provide for a minimum number of A's and B's (ie, at least 10% A's and 15% B's), and a maximum limit of D's and F's (ie, no more than 10% D's and 5% F's), so that grading guidelines will protect rather than penalize students.
- Additionally, the S.B.A. shall be called upon to:
  - support the student organizations--BALSA, NLG, Women's Caucus;
  - strengthen the Committee of 1000 by encouraging increased participation, enabling all students to have a voice in their affairs;
  - encourage the Speakers program to continue bringing diverse and prominent speakers on legal/political issues;
  - represent the needs and demands of the students of Cleveland-Marshall in faculty and administrative meetings and remain vigilant in order to defend student rights and needs.

Scott Mahood--President  
Rita Fuchsman--Vice President  
Jack Kilroy--Secretary

The vice president has duties of which many students are unaware. He/she is responsible for the administration of the various committees, of which he/she is a non-voting member at large. This helps to insure efficient committee functioning, but more importantly, serves as a communications link to SBA and the student body. The vice president shares with other SBA members the critical power of the purse; the leadership should work to encourage only those expenditures which are of benefit to the greatest number of students. SBA should always keep in mind that it represents the needs and interests of all law students, as well as serving as their link with the administration and the



*Susan Dolin*  
community. But without student participation, SBA is merely a head without a body. The leadership should encourage and welcome student participation via the Committee of 1000. As vice president, I would incorporate these principles and work toward the solidification of an effective student government organization which would recognize and serve the needs of the students it represents.

*Susan Dolin  
Vice President*



*Monica Lercher*  
I feel that student government should make a concerted effort to reflect the views of the student body. As an S.B.A. officer I would work towards that end.

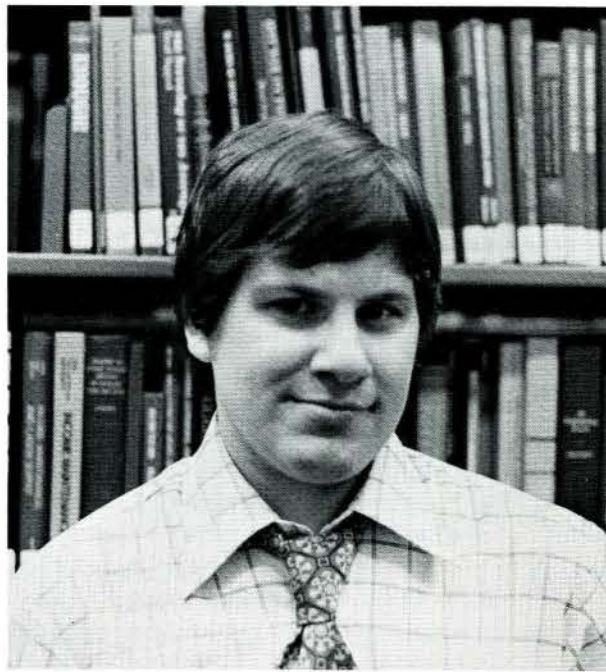
*Monica Lercher  
Treasurer*



*Chris Dittmar*

The S.B.A. has got to start communicating with the student body it represents. Very few students really know what is being decided for them or available to them in this law school. To increase student awareness I would, as vice president of the S.B.A., serve as the ombudsman for the student body. I would be available on a regularly scheduled basis to either answer or check into any student question or problem. The vice president is traditionally well suited for this activity as he is responsible for monitoring the activities of all student-faculty committees; and considering our present circumstance, it just makes good sense.

*Chris A. Dittmar  
Vice President*



*Tony Logan*

Our greatest concern is the declining condition of our library. Further student exploration and action on this subject is required immediately. Any effective means of rectifying this problem is appropriate. The problems of incompetent instruction and distasteful graffiti (2nd stall, library john) must be subordinate to this task.

*John Anthony Logan  
Vice President*

The metropolis that is Cleveland-Marshall runs on a fast-paced hum accentuated by doors swinging as people move in and out. The majority of the students hold jobs (either full or part-time), their prior school backgrounds vary from full-bred ivy league to full-time commuter. They have come to study law for reasons perhaps more varied than will be found at other law schools. For us students to speak with any effective cohesion requires an affirmative effort.

I urge the importance of student's being aware of the end result of what little business does flow across an SBA agenda. The Gavel--portable, periodic, readily available, cheap!--seems the ideal vehicle. The Committee of 1000 with its bi-weekly, 5 o'clock meetings should allow students access to a forum to voice their gripes and expectations. This stab at pure democracy, however, can be a viable (and representative) institution only if enough people care to participate--at least once in a while.

The school is at a most critical point in its history. The new dean and the new law building will inevitably stamp an identity upon the school. Students who are concerned and aware during this flux stage can have a positive impact on the direction the school will take in the future.

As an S.B.A. officer I would feel a duty to see that the administrative functions get done so students are given the wherewithal to have an informed voice on Committees, with the Dean, with the Alumni, and with the CSU administration.

*Carol Weiss  
Secretary*



*Carol Weiss*

\* \* \* \* \*

SPECIAL THANKS TO  
BRUCE AND DEBBIE



# REVISIONS TO DISGUISE S-1

BY JACK KILROY

The proposed revision of Federal Criminal Law, Senate Bill One, is currently being considered by the Senate Judiciary Committee. On February 9, 1976, a memorandum, signed by Majority Leader Mike Mansfield as well as Minority Leader Hugh Scott, was sent to all members of the Senate Judiciary Committee which strongly recommended quick passage of the bill. In order to circumvent the attacks of both conservative and progressive critics of the bill, Senators Scott and Mansfield suggested a two point approach.

First of all, the memorandum suggests a new number. "To change the number would help to diminish the focus on that number which has become a source of pain and controversy. In other words, there would be a brand new criminal law reform and revision bill," the memorandum stated. Secondly, the memorandum suggests a deletion of "the controversial sections of S.1." In a statement signed by both Vern Countryman, Harvard Law School Professor and Thomas Emerson, Yale Law School Professor, such a proposed deletion would be disastrous. "The bill is permeated with assumptions, points of view and objectives, finding expression in numerous overt or subtle provisions, that run counter to the open and free spirit upon which American liberties are based. This pervasive taint cannot be amended out."

As the Scott-Mansfield memorandum states, any deletions from S. 1. "could be offered, of course, either in the form of separate vehicles, separate bills, or as an amendment to other legislation on the floor." According to Freida Katz, of the National Committee Against Repressive Legislation (NCARL), the Mansfield-Scott compromise is no longer operative, however it does "exemplify the point of view of Senators who think that they can deceive the American people." NCARL reports that a new compromise has been proposed under

## ...Gavel TRO

Before the hearing, the Gavel staff, including Schneider, met on March 31st to consider the lawsuit. The meeting resulted in a fairly elaborate (by Gavel standards) procedure for a new election to be held April 28th for editor-in-chief. Schneider dismissed his lawsuit the following day--April Fool's Day.

A problem remains with an amendment to the Gavel constitution adopted at the March 31st staff meeting conferring voting rights on past staff members who have graduated after attending fall and winter quarters. Jeffrey Dworkin, past Gavel editor and John Lawson, staff member for the past three years are the only persons affected by this amendment.

The settlement between Marty Schneider and the Gavel should allow Schneider and his opponents adequate time in which to campaign and prepare for the coming election.

the sponsorship of Senators Kennedy and Hart. Details of the Kennedy-Hart proposal are not available at this time.

Locally, a coalition to halt the passage of S.1. has been formed. The participants include American Friends Service Committee; ACLU; Ecumenical Justice Project; National Lawyers Guild; Clergy and Laity Concerned; NCARL; International Electrical, Radio and Machine Workers; and Women Speak Out for Peace and Justice. The coalition's position is that S.1. is a dangerous attack upon individual rights and liberties which cannot be safely amended. A public meeting was held on Tuesday, April 13th, at which the coalition presented its position in order to broaden the base of support by involving more individuals and organizations. The coalition can be contacted at the National Lawyers Guild, 600 A, Film Building, 2108 Payne Ave., 687-1838 or at the ACLU office 501 Film Building, 781-6276, c/o Roma Foldy. The coalition has announced that Frank Wilkinson, Executive Director of NCARL, will speak against S.1. at Cleveland State University in University Center, Room 1 on May 5th at 7:30 PM, sponsored by the C.S.U. Chapter of the National Lawyers Guild.

## Cheating 'Licensed'

The University has issued the student body "an invitation to cheat," said Kevin Sheard, one of five Law School faculty members on the CSU Faculty Council.

At its meeting April 7 the Council adopted proposals for academic misconduct procedure and penalties effective Summer quarter.

The maximum penalty for "cheating or contributing to cheating on a comprehensive examination, including the final," is an "F" in the course. Cheating on a test other than a comprehensive exam will result only in an "F" on the quiz.

"This means that a student who expects to flunk an examination has nothing to lose by cheating," Prof. Sheard said.

Suspension of from one to three quarters is imposed only for such "academic misconduct" as having someone else take the examination or burglary resulting in the theft of an exam.

The new misconduct policy is to be distributed to all students through University bulletins and student publications.

Other law faculty on the Council are Joan Baker, Thomas Buckley, Steve Lazarus and Stephen Werber.

## Mentshikoff Visits C-M

By GAIL GIANASI NATALE

"I don't believe in affirmative action," said Soia Mentschikoff, the Cleveland-Marshall Law Fund's recent visiting scholar.

"I'll hire you only because you're a damned good lawyer," the 61-year-old dean of the University of Miami (Fla.) Law school said. "Color, sex and religion are not relevant."

She also deplored trends toward establishing special women's and black groups at law schools. "You don't have to accept any stereotyped position," Mentschikoff warned. "Remember, role playing takes two to play."

Mentschikoff addressed lectures, seminars and luncheons during her visit here April 5 and 6. She discussed the Uniform Commercial Code (UCC) which she helped draft, law schools, law study and the future in the legal profession, which she affectionately calls "my guild."

At one lecture, attended primarily by first year students, Mentschikoff said that few law professors and deans will say it, "but once you've entered the guild as an apprentice, nobody cares anymore how you feel or what you think. Your feelings won't win anything for anybody."

Unlike first year classes, which are "put into neat little boxes, life--and the law--are not compartmentalized," she said.

"A case doesn't walk in with a sign on its forehead saying 'contract,' 'tort,' or 'commercial,'" she said.

The tort casebook classic, *In re Polemis*, resulted from an arbitration in contract. The mouse-in-a-coke-bottle situation involves contract and fraud as well as torts.

"Nothing you learn in the law isn't useful. Don't compartmentalize but put your courses across the board"--except at exam time when a contracts professor will not be satisfied with a torts answer.

Even though the future trend is toward specialization, she said, "its narrowness is open to question. As lawyers we should know everything, but few do--and there are few good lawyers."

Mentschikoff deplored "the dichotomy between theory and practice. Theory determines the relevant facts in a situation. Knowledge and technical competence must be matched with sufficient vision."

Mentschikoff quoted her late husband, Karl Llewellyn, who said, "techniques without ideals are a menace but ideals without techniques are a mess."

"Legal education has been pretty lousy over the last 50 years." As an academic dean, Mentschikoff said she is striving toward "quality legal education." She is opposed to adjunct law teachers. "Even first rate practitioners are not good professors."

Students "are useful in conveying information" to the administration and are "helpful in evaluation--they always know when the professor is not prepared" but students should not have votes in personnel and policy matters.



## ...Letter (from page 2)

There was no notice to me of this election despite the fact that I told Jeff Dworkin, then Editor-in-Chief, of candidacy in January. I told John Lawson (also present at the meeting) the same in February. John Lawson later told me that he informed those at the first meeting of March 12 of my desire to run for office. My intention to seek the office was also a matter of general knowledge. Nevertheless an election was held in the absence of one half the staff including myself.

Mr. Dworkin, upon being "re-notified" of my interest in running for the post, called a new staff meeting that same day, giving only 20 minutes' notice and giving no notice at all to at least four other staff members. The presumed purpose of this new meeting was to allow me to speak my piece and for a new vote to be taken.

There was no public or written notice of either meeting to anyone, despite the Sunshine Law, despite the most common requirements of due process, and contrary to practice in past *Gavel* elections, where notice was given. The elections were "by invitation only."

The election was held in the winter quarter despite the *Gavel* constitution's express requirement that elections take place in the spring quarter. "That's no problem," said Mr. Dworkin, "we'll amend the constitution."

Rather than allow the election to take place in the spring as it should have, they sought to remedy the illegality by offering an amendment that, when passed, would validate the illegal election retroactively! All this, as was stated by Jeff Dworkin for the record, was to allow John Lawson and himself to vote before they graduated.

Amending the constitution was no easy task. The constitution requires that proposed amendments be submitted at least one week before a meeting is called. The amendment was offered on March 12th. Therefore, it couldn't be voted on until one week later, March 19th, the end of finals week. But there might be no quorum at a March 19 meeting--many staff members were scheduled to leave town. A clever but illegal plan was devised to get around the *Gavel* constitution. Ballots for the amendment would be cast that very day, despite the requirement that a vote not take place for one week and then at a meeting. The ballots were placed in sealed envelopes not to be opened for one week. This was supposed to be equivalent to holding the vote at a "non-existent" meeting one week later. I objected to any ballots being cast without proper notice, adequate debate, and an opportunity to campaign.

It is sometimes said that the bringing of a lawsuit is a hostile act and a last resort. In this case it was a defensive action to protect my right to run for office in a fair election and to stop an illegal election from taking place. I raised timely objection at the meeting and filed suit only af-

ter giving the *Gavel* editors ample time to remedy the matter. But after six days elapsed during which nothing was done, there was no effective recourse save to seek an injunction to prevent the ballots from being opened until the rights of the parties could be determined.

Contrary to what you may have read in the *Cleveland Press*, *The Gavel* presses were never in danger of stopping. The restraining order was very narrowly drawn. Seeking no damages, I asked only that the ballots cast not be opened until the rights of the parties could be determined and that new elections be scheduled in accordance with proper procedure. One day after the order was issued, Jeff Dworkin called a new staff meeting for the purpose of scheduling a new election. On March 31, the *Gavel* staff met and scheduled a new election for April 28th. Most of the claims set forth in the complaint having been rectified, I dismissed the suit the following morning.

In its first editorial of the academic year, *The Gavel* condemned the faculty for violating due process by approving a new code of academic regulations "with no notice to students and following a cursory discussion among themselves....It is astounding," said *The Gavel*, "that a group of lawyer-academics could indulge in this type of rulemaking."

This was followed by a series of attacks upon the faculty for closing their meetings to law students. *The Gavel* in its November 24th issue hailed the new Sunshine Law: "It affirms the principle that the people do not, simply by electing government officials, abdicate their right to personally witness or be informed about the deliberations of state...institutions. Not the least of such 'institutions' is this law school." In fact it was the Sunshine Law that Judge Fuerst used to enjoin the election. But the Sunshine Law is not the main issue at stake. Rather it is the right to speak and to be heard, the requirement of adequate notice, and the customary practices of parliamentary meetings--all of which combine under the umbrella of due process.

*The Gavel* is not a private club, with leadership posts that can be transferred like stock certificates. Like the Committee of 1000, it is open to any student who shows a willingness to participate. For as it was stated in *The Gavel* on February 5th: "...openness and candor tend to produce a decent respect for the opinions of others and a greater adherence to ethical norms."

Marty Schneider

### HARLLEL JONES CASE

Law students and lawyers are needed to be part of a legal research pool that can be called on at a moments notice to do research as we need motions written up, etc. Leave name, phone, and address with Gordon Friedman.

## Notes & Briefs

### MOVIES

CSU Film Society  
 Day for Night 2:00 April 23  
 8:00  
 10:30  
 8:00 April 24  
 10:30  
 King of 2:00 April 30  
 Hearts 8:00  
 10:30  
 8:00 May 1  
 10:30  
 Call 687-3800 for further info.

### SPECIAL EVENTS

BROWN BAG Lunch Series  
 April 23 "The Women's Law Fund Today" Prof. L. Moody.  
 April 30 "A Discussion of Comparative Family Law" Dr. Olive M. Stone.  
 Held Fridays, Noon to 1 p.m. Room 2018. Sponsored by the Women's Caucus. All invited.

### GENERAL

Tutor Needed  
 A handicapped evening student who was ill most of the winter quarter desperately needs a tutor for Civil Procedure to assist him to make up lost ground. Lives on the near east side, tutoring will be in evenings at his home, reimbursement available. Interested students should see the Placement Officer, Room 1041.

## ...Dean Search

to get a clearer reading on Katz. The result of the second ballot gave Katz a clear majority of acceptability. Since the four members of the faculty that sit on the committee agreed to vote as the law school faculty majority saw fit, both names were consequently forwarded to Waetjen with the approval of the minority members of the committee (one student representative, one alumnus, one CSU faculty member).

The withdrawal of Jack Day, Eighth Appellate District Judge in Ohio since 1968, came as a surprise to many in the law school. Speculation by some that Waetjen had sent out rumors to Day to discourage his candidacy were discounted by Day. Day has told the *Gavel* that he was forced to make a decision between running for re-election or awaiting the outcome of negotiations with CSU officials, should he receive the nomination. If he chose not to run again, another Democratic candidate would have to be chosen who, in all likelihood, would not run unopposed. And his age (63) posed a potential roadblock to receiving the deanship, as the mandatory retirement age for CSU faculty members is 65.

Waetjen will now meet with the nominees to discuss the possibility of their assuming the deanship. Along with salary terms for the new dean, it is certain that the state of the library and low salary rates for veteran faculty members will figure high in the list of negotiation priorities.