Let 1,000 Flowers Bloom

By Martin Schniedler

The Committee of 1000 represents a novel concept in student self-government, one unique to Cleveland-Marshall—a refreshing change from the illusion that has pursued us since our high school student council days.

At C-M any student may speak, vote and offer proposals at the joint SBA/Committee of 1000 meetings, regardless whether he or she is an elected SBA member. In fact, there is little distinction between the elected and their electors.

The Student Bar Association reorganized itself two years ago to include all law students. The resolution of March 4, 1976 (reprinted below) established a Committee of 1000 to which all law students automatically belong, simply by virtue of being members. Thus, there is a corporate student body which meets regularly for discussion and action.

The Committee of 1000 has power to do most things the SBA can do. The SBA and Committee of 1000 meet jointly, and all proposals, including appropriations of money, are first considered by the Committee. Except in money matters, the Committee's decision is the will of the student body; the Committee's procedural rules and decisions on such matters as postponements, recesses, the closing of debate, appeals from rulings by the chair, etc., govern the joint SBA/Committee of 1000 meeting. Committee resolutions which require money or incur debt require a separate ratification vote of the elected SBA members present at the meeting. If the SBA withholds its consent, then the Committee may place the issue on the ballot, for decision by the student body.

By establishing the Committee of 1000, the SBA sought to permit, though not to require, all interested students to participate in student body affairs as freely and effectively as the elected SBA members themselves. A student's right to speak, offer proposals or vote, it was thought, should not depend on the outcome of elections, but derive simply from his/her status as a student at Cleveland-Marshall. No other justification is required.

It was the torque which infects so many student assemblies that prompted the SBA to seek some means to reinvigorate our student government. For several months, a select committee of SBA members studied the problem. The Committee of 1000 Resolution was the result.

The fallacy underlying most student government organizations we have encountered since grade school is their analogy to a legislature. What our teachers failed to realize when they chartered our student governments as object lessons in congress or a state legislature. It is the province of a legislature to make laws, to raise and support armies, to treat with foreign powers, and to promote trade among the nations. As government bodies, they can compel obedience to their decisions and can reward or punish the continued on page 5

C-M WAS WELL REPRESENTED AT THE FIRST official meeting at the Cuyahoga County Justice Center, a Bar/Media Conference sponsored by the Cleveland Bar Assn. C-M people attending included (L-R) NBC News reporter Alice Neff (2E), Bar Assn. employees Carol Weiss (3D) and George Kuhman (2D), Bar Assn. Executive Director and C-M alumna Peter Roper and Gavel Associate Editor Gail Natale (2D), discussing the First and Sixth Amendments, free press and fair trial. Other C-M students at the Sept. 11 session were Earl Smith (2D) of the court management project and Palmesville Telegraph reporter Jim Speros (1E). J.F. terHorst, one-time press secretary to President Ford, told participants that the only way the press can be free and responsible is to be independent.

Weiss Reports on LSD

By Carol Weiss

George Kuhlman and I, who worked this summer for the Cleveland Bar Assn., attended the Law Student Division (LSD) meeting held in conjunction with the ABA's annual meeting in Atlanta August 7-10, as self-designated representatives of C-M.

The LSD had 24,000 members at law schools throughout the country at last count. It is governed by a Board of Governors consisting of 13 circuit governors elected each spring at regional conferences. C-M and other Ohio and Michigan law schools are in the 6th Circuit whose governor is Peter Simmons, a second-year student at the University of Dayton School of Law.

Simmons, incidentally, supplied C-M applications for LSD's low-cost group health insurance program—a ready-made tailored-to-law-students solution to CSU's failure to find a health insurance carrier this academic year.

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Editorial
Methods & Madness

This issue of the GAVEL is directed primarily toward the first year law students, in recognition of the common problems they will face and to suggest some common solutions.

Most of us come to C-M pleased with ourselves for at least getting in; some feel they deserve to be somewhere better. But whether or not one prefers to be here, rather than at a different law school, is immaterial to the tasks ahead. From now on, learning something and remaining well adjusted while doing it are everyone's own personal challenges. It is this way at all law schools--for the same reasons.

The first reason for this challenge is that law school is an alienating experience. It is alienating to different people for different reasons. To some, much of the law they are asked to digest is based on oppressive values. To others, the attitude of some of America's most competitive products (that legal training makes them the rightful heirs of an elite class) is a depressing experience second only to the grade game.

The alienation among law schools is the instructors. C-M's faculty have counterparts at other law schools. This law school has many high-quality, hard working instructors; those who disagree have allowed personal bias to cloud their objectivity. It is disconcerting to discover that C-M has its share of deadwood among faculty members whose teaching is uninspired and careless; all too often their student's response is careless and uninspired. Such teaching is unpardonable but it is not indigenous to C-M. In frustration one will be tempted to learn teachers and exam taking rather than the law. Fear of increasing one's work load, injuring one's grade or hurting a proud and fragile ego will cause a reluctance to push such an instructor for the quality education one deserves.

A final characteristic common to all law schools, and from which the faculty gains its control over the student is the basic insecurity of the student. Tremors of inferiority and fear of the future can give one the soul of a bootlick, not to mention ulcers, if the pressures are allowed to intimidate one. But again, one stands in the same shoes as the 30,000 other law students expected to graduate in the Class of 1980.

These observations are offered not to denigrate the institution of law school in general or C-M in particular. C-M's strong affirmative action policy, the influx of talented new faculty and increasingly gifted students are indicia of this school's potential. By purpose is to warn of the bad experiences one may encounter if one loses perspective while learning the ropes.

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Controversy

By Jack Kilroy

Although Ronald Reagan's recent criticisms of the U.S. negotiations over the status of the Panama Canal aroused much public sentiment, he ignored several considerations of international law. Actually, the notion that the U.S. owns the Canal Zone is not accurate. The 1903 U.S-Panama treaty was not a cession of territory—it was a grant to the U.S. to build and operate a canal with the right and authority to operate and maintain the canal as "if it (the U.S.) were sovereign of the territory..." That treaty was by no means the final authority of our status in Panama, vis-a-vis the Canal Zone.

In 1936, the U.S. and Panama modified the 1903 treaty to read that the zone is "territory of the Republic of Panama, under the jurisdiction of the United States of America." Further, in the current canal talks, Ellsworth Bunker, who heads the U.S. negotiation team stated: "It is clear that under law we do not have sovereignty in Panama; the treaty of 1903 did not confer sovereignty." Thus, the negotiation that we are being asked to give away U.S. property is erroneous by our own admissions.

Additionally, the legality of the United State's acquisition and maintenance of its present position in Panama is questionable. According to precepts of international law, coerced or "unequal" treaties are invalid. Professor Quigley, who specializes in international law at OSU, cites the following scenario as the coercion involved in the U.S.-Panama treaty:

After the Spanish-American War, when a canal became commercially and militarily desirable, the U.S. negotiated a treaty with the Columbia government to build and operate a canal. The Columbian Congress, however, rejected the treaty as one-sided in our favor.

After being rejected by Columbia, U.S. officials met with Panamanians interested in separating from Columbia and encouraged them to stage a coup. The U.S. helped the Panamanians to revolt against Columbia; U.S. warships hovering offshore the coast prevented the Columbia navy from interfering. The talks, temporarily halted because of Reagan's criticisms, the U.S. has sought to extend its control to the border areas. The negotiations for the revision of the 1903 treaty began in 1984 after U.S. troops in Panama killed 22 anti-U.S. demonstrators. Negotiations began in earnest in 1973 after the U.N. Security Council recommended 13 affirmative votes "to conclude without delay a new treaty..." The U.S. cast the lone veto.

Future WC Programs

The Women's Law Caucus looks forward to a fall program on "Women in the Courts." Various programs featureing guest speakers and the role of the legal community will be presented throughout the fall. The first of these will be on Oct. 20 and Oct. 21 when Judge McManamon will return.

Women who missed the orientation program are urged to attend a program about the organizations, programs and resources available to them. Should step by the Women's Caucus office (0079).

NLG Prints Divorce Book

By Rita Fuchman

Divorce and its related problems affect a growing portion of American society. As with most other areas of the law, those people able to afford high legal fees are assured of effective and personalized legal assistance. For low-income working women and women on welfare, this specialized and highly personalized legal assistance is unavailable. However, divorce is a time when counseling, advice and particularly moral support are most needed. Recognizing this need, the Domestic Relations Project of the National Lawyers Guild was created. The goal of the project is the establishment of a divorce clinic where members of the Guild will counsel women currently going through or contemplating a divorce, dissolution or separation, as well as women who have completed the process but need counseling and support from other women.

A Domestic Relations manual is being written by members of the Guild for use in the clinic. Additionally, the manual will analyze the sexist which exists in Domestic Relations law as written and as practiced and how to deal with it. The manual will also feature sections on lesbian mothers—problem areas which are becoming more prevalent and on which little has been written. An objective of the manual is to demystify Domestic Relations law by explaining what happens at each step in the divorce and why. Thus, women using the booklet will be able to make informed choices regarding alimony, custody and other problem areas.

While preparing the manual which is based primarily on Ohio law, members of the Guild interviewed Domestic Relations Court judges and referees and consulted with attorneys who specialize in Domestic Relations practice.
Faculty Pay

By Carl Natale

The highest paid member of the C-M faculty is Carroll H. Sierk, assistant dean and professor of law whose 1976-77 salary is $33,800. Prof. Hyman Cohen, according to public records at the CSU main library, earns $31,500, a 10.5% increase over his salary of $28,500 for the 1975-76 school year. Neither figure includesExtras for law Cohen's service as interim dean at the law college. Such figures were not included in the personnel budget dated June 28, 1976.

Salary figures were also not available for persons hired since June and for visiting and adjunct faculty. Cohen, Sierk and Earl M. Curry Jr., assistant dean and associate professor, are the only C-M faculty members eligible to earn more than $30,000. Curry's 1976-77 salary is $30,950. In addition to Sierk, Cohen and Curry, eight faculty members are receiving more than $27,000 for the current school year—Ann Aldrich, James T. Flaherty, Sr., Jerry A. Terrill, Samuel Sonnenfeld, Robert J. Willey and Bardie C. Wolfe Jr. All but Wolfe, law librarian and associate professor, are full professors. Wolfe's salary is for 12 months, the others for nine.

Sheard, at $28,050, is the highest paid professor outside of the dean's suite. All full professors earn at least $25,000.

Prof. William Tabac received the highest percentage increase next to Cohen—21.5% to $25,750. The smallest increases were given to Assoc. Prof. Theodore Dyke, 1.1%, and Prof. Leroy Murad, 1.9%. Fourteen faculty members received raises of 6% or more—Prof. J. Patrick Browne, Buckley, Cohen, Jane Picker, Tabor and Stephen J. Werber; Associate Prof. Joan Baker, David Barnhizer, Curry, Harvey Leiser, Jerry N. TERRILL and Wolfe, and Assistant Prof. Ulysses S. Crockett Jr. and Gale S. Messerman.

The raises for Browne, Werber, Barnhizer and Wolfe included increments proportional to the next highest rank. According to the records only two faculty members—Dyke and Stephen Landman, new assistant professor—are paid less than $20,000.

JOBS

The annual Careers Day Panel, sponsored by the Cleveland Bar Association, will be held at C-M in the Student Lounge, Saturday, October 8, at 3:30 p.m. The purpose is to provide first year students with insight into career options open to young attorneys. The panel is composed of representatives of small, medium and large law firms, a solo practitioner, a government attorney, etc. who discuss employment practices, career opportunities and expectations of a new attorney. A question and answer period follows the presentation. According to Walter Greenspan, Director of Law Placement, the competitive job market, "this presentation serves as an excellent vehicle to assist law students to analyze their career goals" and to focus on means to achieve them.
conduct of citizens. In short, a legislature exercises the power of the state.

The role of a student organization in a university is to serve as a representative body for students. The SBA/Committee of 1000 (or any similar student group) is far closer in purpose and function to a labor union or secret society than to a legislative body. The fact is, these organizations simply do not “legislate.” Instead, they contract for services to organize social events, bring speakers; they express the sentiments of the body via resolutions and provide a vehicle for the group’s participation. The formal freedoms which students share with their fellow citizens—to organize, assemble and debate, to petition (including initiatory petitions), to contract with others and to pool their resources, to seek redress in the courts—are powerful tools when used effectively, but they are not powers of government. No labor union, fraternal organization or corporation does less; but none provide to the community the legislative assemblies. They provide the services their members need and desire. They choose from their number those they will employ for the day-to-day administration of the body’s affairs between meetings. But in so doing, their members do not yield the right to participate actively in the life of the organization or to control its direction at/by their meetings. The membership remains supreme; the elected administrators, subordinate.

If the analogy between a student organization and a legislature is a fallacy, the misconception stems from the concept of representation itself. Representative or republican government is premised on the hope that the people will choose men of superior ability to fill positions of power. The people vest an elite with the full power of the state. This elite—those who legislate on behalf of the citizenry. Indeed, for all practical purposes, it is the citizenry, except on election day, when the masses do not trust to be too numerous or too ignorant to make important decisions or to manage their own affairs. Supposedly, the representatives keep in touch with the needs of their constituents and make the decisions their constituents themselves would have made. In practice, however, the representative is accountable to the public only at the ballot box, and the deterrence of defeat at the polls is but an indirect means of control, in any event. Unfortunately, SBA members seldom seek re-election. We are post graduate students studying to be attorneys. The lives and liberties of our future clients will depend upon our abilities as advocates, as representatives. Yet, we are forced to believe that we were not capable of representing our own ideas concerning student services. Some tell us we could do so only through intermediaries as more qualified than ourselves to hold such positions. The Committee of 1000 Resolution has changed that deplorable situation. When a body politic numbers little more than a thousand, it does make any sense to assume that a handful, haphazardly chosen, are more suited to the task of decision-making—especially where the issues are uncomplicated and require no specialized knowledge?

Student representatives are seldom, if ever, accountable or even amenable to the students who send them. Few even know even who they are or why they represent themselves, though this is not entirely their own fault. Representative government requires organized and coherent participation. Without them, “representatives” are nothing but a crude poll, a sort of random sampling of student opinion. To assume, in such a setting, that duty, gratitude or interest will bind the members to their constituents is to hope for too much. The situation is particularly absurd in the case of first-year students. They are expected to “elect representatives” whom they have known scarcely a month, if at all.

There is, however, an even more serious objection to government by a few students. To force a thousand law students to speak and act through forty is to disenfranchise 960. With a quorum of 21, a mere 11 SBA members could, and often did, speak for a thousand students—when a quorum could be obtained at all. How could such a usurpation be justified, especially among persons of relatively equal ability? Does it not make far more sense to allow any interested student to speak his piece, present his proposals and to vote at student body meetings?

Considerations like these prompted the SBA to create its Committee of 1000. The Committee reaffirms the dignity and importance of each student, both absolutely, and for his/her potential contribution to the welfare of the whole. "There is one thing that may be said for the Many," wrote Aristotle, "Each of them by himself may not be of good quality; but when they assemble, it is possible that they may surpass—collectively and as a body, although not individually—the quality of the best few."

Since its creation two years ago, attendance at fortnightly SBA/1000 meetings has more than doubled. The previously elusive quorum is now easily attained. Participation in student affairs has increased as more students realize they have a stake in their own future as a group. Perhaps most encouraging of all, the student body has abandoned its preoccupation with parochial concerns and now makes occasional forays beyond the walls—into the political life of the country in which we live.

The Committee of 1000 seeks to utilize the power of the students' single greatest asset—their numbers; for only through the combined contribution in time, energy and talent of significant numbers of students will any improvement of conditions here result.

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Committee of 1000 Resolution
(Adopted 4 March, 1975 by the S.B.A.)

Article I.

There shall be a standing committee known as the Committee of 1000, which shall be composed of all students of Cleveland-Marshall College of Law.

Article II.

Section 1. The Committee shall have power to do all things within the competence of the S.B.A., except for:
1. matters requiring the appropriation of money or incurring of debt;
2. amendments of the S.B.A. Constitution or By-laws, or
3. discipline of S.B.A. members, which subjects shall require ratification by the S.B.A.

Section 2. In cases where the Committee desires to appropriate money or incur debt and the S.B.A. withholds its consent, the Committee may submit the issue to an election of the student body, which election shall be by ballot.

Article III.

Section 1. The Committee shall meet semi-monthly, except summer term, at a time determined by the S.B.A.

Section 2. Special meetings of the Committee may be called by:
1. the S.B.A. president,
2. a majority of the S.B.A. officers,
3. the S.B.A. or
4. twenty-five Committee members by a petition submitted to an S.B.A. officer, who shall convene the Committee within seven days.

Section 3. The purpose of special meetings shall be stated in the call, but other business may be transacted.

Article IV.

Section 1. The president of the S.B.A. shall preside at meetings of the Committee, and in his absence, the vice-president or other member chosen by the Committee.

Section 2. The secretary of the S.B.A. shall be secretary of the Committee.

Section 3. The Committee may make and enforce rules for the transaction of business and conduct of members.

Section 4. Twenty-five Committee members shall constitute a quorum to do business, but a lesser number may adjourn from day to day.

Section 5. The Committee shall meet on the Cleveland State University campus.

Article V.

1. (1) The Faculty may designate one of their number to attend Committee meetings as an observer;
2. (2) The Dean or his delegate may attend Committee meetings as an observer—except in those cases which may, in the Committee’s judgment, require secrecy.
Studying more? Enjoying it less?

By S. Schoenberg and M. Bryn

Most first year core courses use the casebook method of instruction. Although reading and briefing the cases in your text may be a valuable exercise in learning legal analytical skills, it does not prepare the student for law school exams.

Exam

Although it is dangerous to generalize concerning any specific prof's law exam, certain general precepts are usually applicable. The majority of law school exams are based on a fact problem. What looks fair, in varying degrees, is the student's recall of legal principles, as well as the ability to apply those principles through a process of organized legal reasoning to the unique facts presented.

Basically, there are 3 types of law exams. In an "issue oriented" exam, time is at a premium because issues are numerous. The object of the game is to recognize all possible issues and arguments, often at the expense of in-depth legal analysis.

When, however, the prof places a premium on analysis and writing style, a student may not be expected to raise possible issues or arguments—they generally give black letter factual treatment of past, present and future trends in the law. Nutshells—abbreviated hornbooks; rejuvenated by most and great for those who get into $6.95 paperbacks. Outlines—some swear by them, some swear at them; Gilberts—most popular but also Co, Substante for black-letter overview; legal lines and Zionts for casebook outline. Cases—Rejected by all legal scholars archly breaks down approximately as follows:

**Hornbrooks**—some are better than others; they generally give black letter textual treatment of past, present and future trends in the law.

**Nutshells**—abbreviated hornbooks; rejuvenated by most and great for those who get into $6.95 paperbacks.

**Outlines**—some swear by them, some swear at them; Gilberts—most popular but also Co, Substante for black-letter overview; legal lines and Zionts for casebook outline.

**Cases**—Rejected by all legal scholars.

but accepted by many students as "better than nothing". Often inaccurate (especially American Digest series).

Most study aids are on reserve in the library—check them out and decide for yourself. Don't overlook your own outlines, classnotes and study groups.

Just remember—you're as good as they are and when in trouble, shoot from the hip.

### SBA VOTE

The senatorial elections for the Student Bar Association are to be held Tuesday, October 13 and 14. Polling will be centrally located in the student lounge on the second floor of the Chester Building. Polling hours are:

- **Tuesday, October 13**
  - 10:00 a.m.-2:00 p.m.
  - 5:00 p.m.-8:00 p.m.

- **Wednesday, October 14**
  - 10:00 a.m.-2:00 p.m.
  - 5:00 p.m.-8:00 p.m.

Self-Nomination blanks for First-year, Second-year, Third-year Day, First-year Evening, Second-year Evening, Third-year Evening, and Fourth-year Evening students will be available October 11-12, in the SBA office where they will also be received.

### CSU Film Society

**The Thin Man**
- 8:00 p.m., Oct. 8
- (Schmitt Hall) $1

**Shadow of a Doubt**
- 7:00 p.m., Oct. 7
- (Young and Innocent same)

**Blazing Saddles**
- 8:00 p.m., Oct. 7
- (Brother Against Brother same)

Gavel recommends "Smiles"—Funny, satiric view of an American phenomenon—a small-town beauty pageant.

The Heights Art Theatre

- Oct. 17 at 3:00 p.m.
- $3 (a benefit for What She Wants)

Note: Important announcements about prerequisites, Careers Day, and small section courses are located throughout the Gavel.