Beyond Langdell:
Other Ideas in Legal Education

Clinical Education
Street Law
SBA Profiles
Earl Curry and ill-fated class: a survivor responds below.

Editor:

Another day of infancy has been sketched into our already crowded calendar to accompany the St. Valentine's Day Massacre, the stock market crash of 1929, and the bombing of Pearl Harbor. Not to be outdone by blood-soaked garages, the Depression or sneak attacks, Prof. Earl Curry has engineered the greatest bloodletting in recent history. In the fall of this year 69 innocent lambs were herded into the Curry Slaughterhouse, which was benignly labelled 'Wills and Trusts.' For twenty weeks the headsmen toyed with his captive prey, never revealing what lay at the end of his own version of the Bataan Death March. The flock perhaps should have been aware of the cruel fate that awaited them by way of the infamous executioner, butchered Latin phrases, but always the master disarmed suspicion by telling jokes about wealthy cats and parrots.

On April 11, 1979 the verdict was in: 3 little lambs went to heaven, 14 others to purgatory, and the rest were driven straight to hell. This isn't merely a travesty of justice, this approaches the shock the conscience, pump the stomach variety.

Sour grapes the smug pipe-smoking set will say - bullshit say I. This is the kind of arbitrary bologna that keeps this school from shaking its image as a legal high school. This is the kind of garbage that forces C-M graduates to go to interviews with their tails firmly between their legs. This is the kind of stupidity that comes from allowing professors to run unchecked among students they've supposedly instructed in the law. That education is a two-way street is apparent, but when 35% of your class goes to Dogtown have you drawn your pay? If education at this school is to become a contest for survival, let's spell out the rules. Let's implement the adversary system into the classroom; and let's have new catalogs printed immediately that brandish our new C-M motto - "We're not proud of our graduates, but would you look at our attrition rate. Now there's something to grow about."

Steven LaTourrelle

Mr. LaTourrelle did not receive a "D" in the "Wills and Trusts" exam - ed.

GAVEL: Is there any truth to the rumor that the grades, as posted, are not the same as were originally handed in by you to the Dean's office?

CURRY: Absolutely not. The grades posted are the same as they were when handed in to the Dean's office. There was no change made from the Dean's office. Any difference as to what I thought the grades should have been and what I actually gave, that's a personal matter.

GAVEL: The low grades have stirred somewhat of a controversy...

CURRY: "What controversy? I don't see that I've done anything

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THE GAVEL

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Clinic Teaches Professional Responsibility
By Lee Andrews

Cleveland-Marshall is not often placed in Harvard or Yale's class. Its status among legal institutions might be depicted metaphorically as that of a polyester on a clothing rack of tweeds. Yet, Cleveland-Marshall is developing a program that legal institutions around the country are hearing about—a legal clinic.

Clinical legal education is a product of a feeling that traditional legal education is not providing students with a sense of professional responsibility or preparing them for the representation of clients once they graduate. Its development was also due to a feeling that legal education was not concerned enough with social policy or the legal needs of a wide portion of the American public.

Cleveland-Marshall's legal clinic is a teaching law office located in Room 40 of the law school. Started in 1972, the clinic represents, with third year law students acting as counsel, low income clients in civil and criminal cases in municipal courts in the Cleveland area.

The supervising attorneys in the clinic are Professors David Barnhizer, Bob Catz, and Ralph Tyler and attorney Rick Stege. Professor Steve Landsman also operates a clinic out of Room 40. Students assist Landsman in his representation of civil liberty cases in Federal court; unlike their peers in the general practice clinic, however, they do not have their own clients.

All the supervising attorneys have legal service backgrounds—a different history than the Editor of Law Review, judicial clerkship associate position in an eastern law firm background of the traditional law school professor. Clinical education takes place within the law school mainstream. Students spend a maximum of 14 of their 128 hours in law school representing clients. The remainder of their learning comes via the appellate casebook, the Socratic method of teaching, and examinations—innovations in legal education developed 100 years before by Christopher Columbus Langdell at Harvard Law School. All the law professors in the Clinic have taught or will teach in the traditional classroom.

Cleveland-Marshall has, largely through the work of David Barnhizer, gained a reputation as a leader in the field of Clinical education. An article written by Barnhizer on the clinical experience at C-M appears in the most recent issue of the journal of the American Association of Law Schools. In an effort to give members of the C-M community a perspective of clinical education, the writer, talked to the clinic staff about the purpose of clinical education, the clinic's relationshipship to the traditional classroom, and constraints on the development of the clinical model.

The clinical instructors are interested in teaching appropriately the tension between your own values and the things you are called upon to do as lawyers. Clinicians work at shaping students attitudes while students are engaged in actual advocacy. The object, according to Stege, is simulation of critical questioning of professional responsibility issues so that students will have a basis for independent thinking when they enter an office where the value system is already rigid.

The clinic staff is currently working to develop a system of case selection that will ensure that students are provided with valuable advocacy experiences. In the past, cases were sometimes selected more on the basis of client need than pedagogical value. For example, the clinic has taken a few "fender benders" that students have no viable defenses and, students, little room to lawyers.

Bob Catz said that a number of factors are considered to determine pedagogical value. They include:

- will students be able to engage in widespread discovery?
- will students have an opportunity for trial or negotiation?
- will students take depositions?
- will students get a chance to write a brief, or file a motion for summary judgment.

Tyler stated that the clinical and classroom educational experiences are complimentary. "Analysis in the classroom is done in the context of decided cases - and the costs are much less (than in real cases). I think it is difficult for students after the first year to get overly engaged in that process because they don't feel that it is very real. One of the things that we hope people get out of clinical education is a sense that what they have done in classes is tremendously real, tremendously important, not at all at odds with what we are trying to do: a sense that you cannot be an effective lawyer unless you have a powerful set of analytical skills."

One might venture that the clinical experience could provide some feedback to classroom teachers. All the clinicians observed that students practicing in the clinic were well enough equipped in legal research and writing skills. Tyler said, "they just have not had enough exposure to legal research to know how to do it."— to know how to do it effectively and comprehensively. Once they have done their research they have not had enough individualized criticism of their writing to know how to produce a well-crafted legal argument. I think it is to some extent the responsibility of the clinic to help with these things, although my hope is that as time goes on we'll get students with skills in those areas that are much better than those we've seen thus far.

Stud ent needs to "be professional" also provide a challenge to the clinic teachers. David Barnhizer who has served as Clinic Director since its inception is leaving the clinic to pursue other career interests. A reason he gives for his departure is that students do not have the same sense of social purpose as their predecessors in the early 1970's. "By the time students come into the clinic in their third year their values are already formed. They want a professional life, status, and job," he said. "Students aren't always attentive to a different perspective on lawyering because the acceptance of new values threatens their needs as law students turned lawyers to adopt comfortably with the dominant values of the profession."

Placing a more fundamental constraint on the development of...
Clinic

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Clinical education is the economic motivation behind the creation of law schools. Clinical education is expensive. Four faculty members spent at least part of their time supervising 17 students last quarter. The expansion of clinical education in law schools would require the kind of funding given to medical schools. Funnelling money into legal education, however, would be contrary to the law school experience. According to David Barnhizer individual proprietors started the first law schools for the same reason bar reviews were started — proprietors could make a great deal of money. Universities absorbed these proprietary schools because they saw the potential of the high student to teacher ratio of the law school model, as a source of income. Barnhizer said that in the 1960’s law schools expanded to meet student demand and make more money. “Now they are locked in and need students regardless of ability,” he said.

Such a history provides an interesting setting for the teaching of values other than the economics of the marketplace.

Clients in the clinic are poor people. The need to avoid competition with the organized bar makes this inevitable. Representing poor people says Rick Stege gives students “a little look at how the justice system is a function of class and race — not in the abstract.”

Catz and Tyler were asked if they were particularly interested in attracting students with an interest in practicing poverty law. Tyler responded, “We should be providing an opportunity for people who really want to learn and to grow as students of the law. What is their political orientation is, is not a concern of ours. There is a tremendous need for lawyers to serve the needs of low income people and that is tremendously satisfying work; as far as education and how to use it, that’s for students to decide.” he said.

Catz said “Poor people come in with the same kinds of problems that many Americans have.” He emphasized that the goal of the clinic is to teach legal analysis, problem solving, effective writing, communication with clients and professional responsibility.” Students can take those skills anywhere,” he said.

Students interested in taking the Clinic should sign up in Room 40 as soon as they enter their second year.

Gavel: Is it possible the poor grades are a reflection on your teaching ability?

Curry: Maybe they are. Anyone desiring to question my teaching ability can look at the comments in the student evaluations. These evaluations remark how much I’ve improved since last year’s Property class. I have my own theory on what caused the low grades. Roughly 50% of these students were in my Property class. I teach Property differently. I call on students in class, forcing them to stay prepared on a daily basis. I teach my upper level courses differently. I ask for volunteers to recite in class. There is not much pressure to stay prepared on a daily basis. My exams are intellectually demanding. If a student is not prepared on a daily basis, there is no way in hell he or she will do well on the final. If I’ve made a mistake, it was in assuming that these students were mature enough to take on the responsibility of staying prepared on a daily basis.
Street Law: Law Students teach Kids

By Ken Reinhard

Street Law is:
(A) A sequel to the recent movie "Warriors" depicting gang violence in New York City.
(B) A term used in zoning cases to define a prohibition against "stickball" in East Cleveland.
(C) A seminar course examining a course in practical law in high schools, correctional institutions, and facilities for the elderly.

If you answered either A or B you are not alone. Street Law is the school's best kept secret. This article is intended to be a sample answer for those people who chose option A or B.

"If due process has any value lay people must understand the function of law," said Program Director, Elisabeth Dreyfuss in a recent interview. Dreyfuss is a former Cleveland Heights-University Heights teacher and curriculum development advisor, who also lectured history on the undergraduate level before choosing a legal career. She was Assistant Director for Street Law for two years and has served as Director since 1978.

Street Law originated at Georgetown University Law Center in 1972. That year, Street Law was taught in two high schools. Today, it has been replicated in 14 law schools including C-M and 11 other schools are at varying stages of preparation for implementing programs.

At C-M Street Law focuses on 3 groups: high school students, correctional officers and inmates, and the elderly. The seminar runs for 3 quarters (Fall, Winter and Spring) at 2 credits per quarter. Director Dreyfuss estimated that 10 hours per week (8 class preparation, 2 seminar) are spent organizing materials for 3 classroom exercises per week. And according to Dreyfuss, student teachers have no problem with "safety" in the Cleveland schools. She said, "the high school students are very courteous, however they have accused me of being a probation officer a few times."

A reporter asked Dreyfuss why Street Law has taken on a national character in just 7 years.

"Civics education is disappearing and Street Law is filling the gap with law experience in the classroom," she said. The curriculum revolves around "classroom strategies" designed to trigger an initial response from the students with the goal of an active learning experience. For example, C-M student, Majorie E. Kornhauser drafted "Gloria Glitter's Will" which presents a fact situation that discusses the problem of desegregation devoid of the emotionalism that accompanies racial attitudes. The strategy's manual suggests student input followed by a discussion of the pros and cons of each solution. Further, it maps out discussion questions that tangle with Equal Protection through the factual scenario in the problem.

The seminar culminates in a mock trial with students handling courtroom roles under the guidance of their law student advisors. This year's trials commence on April 30th in the Moot Court Room and are open to the public. Dreyfuss emphasized that while public athletic performance is commonplace in high school, this may be a young adult's only public "academic" performance in his career.

Street Law is also concerned with job opportunity and placement. Field trips to the Justice Center highlight the roles of not only lawyers and judges but, bailiffs, court reporters, clerks, recorders, and correctional officers. C-M's library is utilized to spotlight library service occupations and the function of the library in the legal system. And Judy Kaul, a library media specialist, designed a "strategy" for OBAR-LEXIS that traces famous crimes through the computer system.

A reporter asked R.D. (Dick) Ellmers, a Street Law teacher, what benefit the program offers to a law student. "A lawyer must acquire the ability to stand up and talk about the basic mechanisms of law. As a proponent of the law the lawyer's place is where the controversy is. Street Law is a program willing to go into the 'worm can'" Ellmers said. During his work at a job center, Ellmers wrote a guide for entry level job applicants drawing from his prior experience as an employment consultant. Joanne Gall, the C-M student at Lincoln West said, Street Law allows one to organize a case for trial because the law student advises the participants on the rules of evidence and courtroom procedure."

Another branch of the Street Law offering is devoted to the elderly. Program Director Dreyfuss said, "old people used to handling their own affairs find frustration in not knowing anything about the law" and thus the attorney gains a negative image as a "trickster." Dreyfuss stated that the "wealth of the law school" could be used to dispel this con man image.

Future plans for Street Law include its availability in every Cleveland public high school. In addition, Dreyfuss stated that Shaker Heights will probably contract to pay for the program next year. The reporter asked how many slots are available for students next year. Dreyfuss replied, "Twelve to fourteen usually step forward each year but we could handle thirty."

In closing, Dreyfuss said that Street Law is a new two dimensional approach to education. "It is a law student in a productive relationship in his or her professional role teaching another student," she said. Street Law is located within the clinic and can be reached at ext. 2352. Students enrolled in the seminar include Nancy B. Cameron, Louise Cavanaugh, Jesslyn Chesterfield, R.D. Ellmers, Joanne Gall, Thomas Hebert, Kenneth Knabe, Jane Knapp, Noah Powers, Murray Richelson, and staff Assistant Rosalyn Sukenik. The secret is out ignorance of Street Law is no longer an excuse for not enrolling in the seminar...
President
By Lawrence Sheehe

Perhaps the worst kept secret at Cleveland-Marshall (C-M) this year was the intention of Jerry Walton to run for the office of SBA President.

The only question which remained to be answered was whether he would be opposed in his bid.

At 6:00 P.M., on Monday, April 16 — the deadline for filing — Jim Corrigan officially made it a race.

In terms of experience, issues and candidate visibility, the two men sit at polar positions.

* * *

Jerry Walton

Walton first became involved in C-M student government activities last spring when he assisted Bill Cowen with the second SBA sponsored Happy Hour.

In the senatorial elections last fall, Walton was elected as a representative of the second-year day students. His vote total was the highest ever recorded in a SBA senatorial election.

Upon election, Walton immediately took charge. "I did as much as I felt I could assume that needed to be done in the absence of someone else doing it," said Walton.

He was appointed Social Committee Chairman and designated the official C-M representative to the Law Student Division of the American Bar Association (ABA—LSD).

Under Walton's leadership, the Social Committee has sponsored four happy hours per quarter. In addition, it has sponsored the following events: a W.C. Fields film festival; a Xmas party for underprivileged children; a semi-formal dinner-dance at Mathe Mansion; a skating party; a pre-game warm-up and reduced prices on a block of seats for the Indians' home opener; and softball, football and basketball games.

For all practical purposes, Jerry Walton was the ABA-LSD at C-M this year, its first year as a recognized and funded organization at C-M. In March, C-M hosted the Spring Conference for the Sixth Circuit (consisting of all the law schools in Kentucky, Michigan and Ohio) of the ABA-LSD. As part of the Conference, an ABA-sponsored Moot Court competition and the National Client Counseling Competition were conducted. Visiting delegates were impressed.

Walton stresses three areas in which he hopes to channel his energy next year. "We need a more efficient library, more effective student-faculty committees and better University relations.

"We want more support from the University government and a bigger chunk of the general fee. We might not see it next year, but eventually the law school will get what it should get. It's a gradual wearing-down process.”

"Our faculty-student committees have not been responsive. Next year, the appointment of students to those committees will not be a 'good-old-boy' routine," said Walton. "The students on those committees will report to the SBA after student-faculty committee meetings or they'll be removed. They (students) shouldn't be on those committees for their resumes.”

Walton somehow has found time to work 25-30 hours per week this year. He intends to do so again next year.

"I won't be as visible next year, and I won't be doing things to make me look visible. I'll delegate a lot of responsibility.”

"If I'm elected, I'll need people who will get off their asses. The people with whom I'm running (Ann Mannen, Cal E. and Marty Sweeney) will do just that.”

* * *

Vice-President
By Gail Natale

Ann Mannen, a 2D SBA senator, believes that SBA is a student service organization and that its office should be accessible to both day and night students.

Mannen, a 2D SBA senator, was recently elected law school senator to fill a vacancy in the CSU student government. This year she has participated in such law school and SBA programs as the SBA Christmas party for underprivileged children, the SBA dinner dance, the ABA/LSD (Law Student Division) Sixth Circuit Conference and the SBA blood bank.

"It's difficult to make promises at the beginning," Mannen said. "Until you get in there you don't know what problems will arise.

Faculty acquiescence to such proposals as grading guidelines, sample tests and class syllabi — as proposed by a group of students earlier this year tabled by the faculty—should be encouraged, she said.

Mannen promises to get work started on a student directory for next year during the summer. As for placement, she suggests working with the new placement director and pointed out that the SBA is attempting to collect current data on available part-time jobs.

Woody Ban, a chemical engineer, hopes to use his business management experience in running the student government. "If my experience in management has any reasonable relationship to the problems of student government I can bring a lot of successful experience to bear on SBA problems," he said.

Ban returned to Cleveland.
from St. Louis where he had worked for Monsanto Chemical because “I wanted to go to Cleveland-Marshall. Its night program had an outstanding reputation,” he said.

Ban regrets what he perceives as “drifting away from the night student curriculum—a de-emphasis of the night program. Countless alumni owe their livelihood to the night program. They are a resource the administration is not tapping.”

As vice president Ban said he would “deal with problems as they come up.

“There is a serious communications gap between the student body and the faculty, a potentially harmful alienation.” He, too, cited the recent student proposal for grading guidelines, class syllabi and sample exams. “That suggestion should have come through the faculty after persuasive arguments from students not an SBA demand. As in industry, when one has responsibility with no authority things are only accomplished through persuasion,” he said.

Carl Dyczek wants to run a more competent SBA office. Carl Eyman styles himself as a liaison between University officials, the SBA and the student community. Tom Johnson talks of rethinking SBA priorities.

Such is the stuff of the battle for the Secretary position.

Dyczek has been in charge of the Speaker’s Committee this year. The Committee sponsored one speaker — Harold Fahringer — at the beginning of the year and has been dormant since that time. Dyczek said that the Committee has been disbanded because of poor student turnout for Fahringer and because of the focus of this year’s SBA officers on social events.

Dyczek, an SBA evening Senator, said in an interview that the Secretary is an administrative assistant to the SBA and its satellite organizations. Dyczek said the tone of SBA politics should be one of cooperation rather than confrontation.

Cal Eyman — the Asst. Chief Justice of the University Student Judiciary — was the President of his senior class as an undergraduate at CSU. His knowledge of the University structure gained him a spot on the Walton ticket.

Eyman sees the SBA as a body of reaction that tends to be indifferent.

He also feels it has an image problem. “Some students have labelled it the “Social Bar Association.”

As a member of the SBA executive team, Eyman would be open to funding proposals from all student groups. His funding decisions would be based on merit. Currently existing student organizations would need to show cause for their perpetuation.

Eyman plans to adhere to strict office hours as Secretary. He has no plans to work full-time, and would limit any part time work to less than fifteen hours per week.

“No one should win an election by default. The process is too important to let that happen,” said candidate Tom Johnson. “I ran basically to give students an opportunity to have a viable choice.”

Johnson continued, “The SBA is for students; it’s an educational process for sure. But we need to strive for something beyond, to achieve a sense of professionalism. Why should we not strive to emulate the actual Bar Association, and thereby, learn from experience?”

Johnson believes that SBA priorities were set unwisely this year. Issues like late grades, arbitrary grading procedures, wasteful spending, and a “questionable emphasis by the Administration on faculty publishing over skillful teaching” have been overshadowed, he says, by purely social affairs.

Johnson says the SBA should represent first and foremost the rights of the students to the faculty and the administration. He said the body must address the interests of first year students and night students. “They need to
be oriented into the program, and this has not been accomplished in the past," he said.

Johnson commented that C-M's image has been seriously effected by a pervasive lack of communication between students and faculty. "That needs to be rectified," said Johnson. "C-M needs respect and compassion."

**Treasurer**
By Lenny Gluck

Bonnie Direnfeld, candidate for SBA Treasurer, stated that if elected she planned to design programs that involve the maximum number of students possible. Specifically, Direnfeld mentioned a schedule of speakers programmed to the diverse interests of the C-M as one such undertaking. She stressed that this program should be tailored to service both day and night students.

**Mark Greenfield**

Direnfeld said her work experience in the Cleveland Department of Recreation administering financial records and federal and state grant drafting gives her a leg up on candidates - Greenfield and Sweeney. She has also served as CSU Evening Senator this year.

Mark Greenfield, also a candidate for SBA Treasurer, feels that educational programs are paramount to social functions. While acknowledging that social events are an integral part of the SBA program, he stressed that SBA should make sure students get "the best education C-M has to offer". For example, Greenfield said that SBA funding might be used for tutoring first year students in difficult subject matter.

Greenfield said that SBA officers should be a "sounding board" for student needs. Low grades and late grades are chronic problems, he said, though he has not formulated a plan of attack as yet. In closing Greenfield stated that his lack of previous affiliation with the SBA gives him "fresh outlook" on student problems.

Marty Sweeney has several goals if elected SBA Treasurer. First, he would push for a speakers forum centered on career opportunities. Second, Sweeney would promote work-study financial aid programs. He claimed that C-M students are not taking advantage of the many job opportunities available because they are unaware of their existence. The solution, according to Sweeney, is desemination of information during orientation week.

The thrust of Sweeney's ideas point to the SBA as an "information bank" for student needs. He checked off housing information, placement-career seminars, summer employment conferences, and a teacher interview series focusing on employment in specific legal areas as possible SBA sponsored functions.

Sweeney serves currently as 2nd year day SBA Senator.

**Past SBA Execs Speak**
By Tom Johnson

"The S.B.A. has little or no power compared to the faculty," according to John Lawson, past president of the Cleveland-Marshall Student Bar Assoc. 1975-76. "In discussing the S.B.A. influence over faculty, Lawson says, "It's fatalistic." Lawson was a liberal leader with a lot of energy and enthusiasm, according to his fellow students. Yet, he feels that his power was limited and that, "without the students, the S.B.A. has no pull." Lawson strongly urged the Gavel and the S.B.A. to work together and inform the student body of administrative happenings. Unfortunately, Lawson believes most S.B.A. officers run for their positions to "use it on their resumes for jobs."

Lawson feels that the law school population is conservative. Its real interests are grades and graduation—not the conditions of the school. At one time, however, Lawson gathered a large group of interested students, they attended a CSU Board of Trustees meeting to voice their opposition to a tuition hike. Ultimately, their words fell on deaf ears and the hike was enacted.

Terry Graves, past president of C-M's S.B.A. '76-77, feels that, "basically the S.B.A. can have power in the law school policy making. Students don't have the time to know what is going on; therefore, it's the S.B.A. president's job to find out and relay the information to the school population."

Graves cited the faculty maneuver to change the grading guidelines in 1976-77 as a good example. His administration successfully researched other school policies and persuaded the faculty to table the change. Subsequently, the guidelines were trashed so Graves only postponed the inevitable.

Graves says, "the faculty has more power, more in numbers. All the committees are represented with more faculty; but, the votes can go either way if the students do their homework. The voting power is weighted to faculty. You're probably going to lose, but its a matter of persuasion. If you can prove you have student support, you act responsibly, and you know what your talking about you may have a chance."

When asked if he thought the S.B.A. had power in the law school policy making, Terry Brennan, president of S.B.A. 1977-78, replied, "definitely." This positive response belies the rest of the interview.

Brennan says the students are never going to be in the position to dictate to the Dean and/or University hierarchy. He feels that John Lawson was right when he implied that students have no control over their destinies. Perhaps it is "fatalistic."

**Editor's Note:**
The following letter was received unsolicited from Mr. Dave Norman, a staff writer for The Forum, the student newspaper of the Case-Western Reserve University School of Law.

Mr. Norman personally visited the office of The Gavel during the first week of the Spring quarter. He exchanged ideas with Gavel personnel, and proposed that the two newspapers work to help open communications between Cleveland's two law schools.

**Editor.**

Your Gavel is really something special. I was even more impressed with the substance than with the form — and that's saying a lot. I passed on my copy (of The Gavel) to our SBA President as a shining example of what we (The Forum) might someday hope to accomplish given a greater commitment from our SBA.

**Dave Norman**

**Editor's Note:**
The Gavel staff recently elected Lawrence Sheehe to the position of editor to fill the vacancy created by the early graduation of Martin Nadorlik.
UPDATE: Kilroy — A Question of Pure Speech

By Lawrence G. Shehee

A plaque now greets those who would enter the Moot Court auditorium.

It looks like something left over from the bicentennial, and, in truth, it has something to say of history and revolutions.

The plaque was presented to Cleveland-Marshall by His Royal Highness, The Prince Charles, Prince of Wales, on October 20, 1977.

The Prince was here to dedicate the new home of the Cleveland-Marshall College of Law. John Patrick Kilroy was there also — but not for long.

Both men had something to say.

The text of the remarks of Prince Charles are recorded in 26 St. L. Rev. 1, ix.

Kilroy's comments — 15 words — are destined for publication in the West Reporter series.

So much for history.

October 20, 1977, was a bright, sunny day with a slight chill in the air — a delightful selection from a menu of autumn weather in Cleveland.

The lure of an opportunity to witness the first official visit to the City of Cleveland by a member of the British Royal Family proved to be irresistible. The Prince would not have a moment to himself this day.

Everyone wanted to extend a personal welcome to the Prince — everyone except a few hundred Irish demonstrators.

At Cleveland-Marshall, "everyone" who was "anyone" was assembled to dine with the Prince at a luncheon which would cost the University between $8,000 and $10,000. It should be noted that on this day most C-M students were accorded "nobody" status.

After the luncheon, the guests were invited into the Moot Court auditorium. President Waetjen and Dean Bogomolny made some introductory remarks. Then, President Waetjen introduced Prince Charles.

Those assembled rose to greet the Prince. John Patrick Kilroy — a third-year C-M law student and Editor-in-Chief of The Gavel — remained standing when the others sat down.

As Prince Charles approached the podium, Kilroy inquired aloud: "Prince Charles, when is the British government going to stop torturing political prisoners in Ireland?"

Two members of the Secret Service whisked Kilroy out of the auditorium before the Prince could be heard to reply, "Don't worry. I'll answer the question later. Are there any more Irish present, or can we go on?"

Kilroy was taken to the University Security Office, where he was interrogated and detained for more than an hour. He was accused of "Interfering with a public official in the exercise of his duty." Kilroy was told that the charge would be dropped if he waived his right to sue for false arrest. He refused.

The University filed no charges.

Kilroy did.

"This is primarily a First Amendment suit," said Kilroy. "My actions in the Moot Court room amounted to what constitutional scholars would term "pure speech."

Kilroy spoke of his suit in which he is seeking in excess of $2 Million in compensatory and punitive damages.

Kilroy alleges in his complaint that his 1st, 5th, 8th, 9th and 14th Amendment rights were violated. He also claims violations of 42 U.S.C. 1983, 1985, 1986. In addition, Kilroy is charging common law assault and battery, false arrest, and false imprisonment.

Approximately 23 defendants remain named in Kilroy's suit. These include police, security personnel, faculty and University officials.

A 24th defendant — Prince Charles — was originally named in the suit, but was subsequently declared immune — but that is another story.

Kilroy brought his suit in the federal district court. The case was assigned to Judge Manos.

In a pre-trial conference with Manos last July, the judge suggested that Kilroy ask that the judge disqualify himself because of the judge's position as a member of the Board of Overseers of Cleveland-Marshall.

Kilroy made the motion. Manos disqualified himself, and the case was re-assigned to Judge Lambros.

No date has yet been set for trial.

Lambros has, however, taken a significant step in the pending suit. On December 7, 1978, Lambros ruled that Prince Charles was immune to suit because of his status as a diplomatic representative of Great Britain, and the heir apparent to the throne of the offended nation.

"I expected it (the grant of immunity) to happen," said Kilroy. "But I was surprised because we didn't have notice so that we could respond to the motion."

(The motion seeking immunity for the Prince was granted two days after it had been filed by the Justice Department.)

"My attorneys got notice of it the day it was announced," continued Kilroy. "The first I heard about it was when I read it in the Plain Dealer."

 Said Judge Lambros in his opinion granting the motion. "Upon receipt of the suggestion of immunity, which does not contemplate the usual adversary procedures common to litigation, the Court must sua sponte grant dismissal of all charges against the Prince of Wales with alacrity and great dispatch."

Kilroy said he was most surprised to learn of the high levels of government involved in securing the Prince's privileged diplomatic status. "The U.S. Ambassador to Great Britain contacted the legal advisor to the Department of State, who contacted Attorney General Griffin Bell," he related.

Kilroy's political statement was not made ex tempore — but it wasn't deliberately orchestrated either. "I wouldn't have asked the question if the (Irish) demonstrators hadn't been present," he said.

"This is primarily a First Amendment suit," said Kilroy. "My actions in the Moot Court room amounted to what constitutional scholars would term 'pure speech.'"

Kilroy spoke of his suit in which he is seeking in excess of $2 Million in compensatory and punitive damages.

Kilroy alleges in his complaint that his 1st, 5th, 8th, 9th and 14th Amendment rights were violated. He also claims violations of 42 U.S.C. 1983, 1985, 1986. In addition, Kilroy is charging common law assault and battery, false arrest, and false imprisonment.

Approximately 23 defendants remain named in Kilroy's suit. These include police, security personnel, faculty and University officials.

A 24th defendant — Prince Charles — was originally named in the suit, but was subsequently declared immune — but that is another story.

Kilroy brought his suit in the federal district court. The case was assigned to Judge Manos.

In a pre-trial conference with Manos last July, the judge suggested that Kilroy ask that the judge disqualify himself because of the judge's position as a member of the Board of Overseers of Cleveland-Marshall.

Kilroy made the motion. Manos disqualified himself, and the case was re-assigned to Judge Lambros.

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considered morally important by the users, and are constantly violated, enough people are caught each year to overload the legal system. Drug laws have given a monopoly to suppliers without really affecting any major changes in the social costs. Historically, this is reminiscent of the Prohibition Era during the 20's and is about as effective, he said.

Kaplan said that gun control would create more problems than drug control. If, for example, society prevented the sale of handguns how would we enforce the laws. The passage of laws would not mean that people would stop buying or using guns. It would only mean that otherwise law abiding citizens would be arrested. Registration of guns could be expected to have about the same effect as registration of cars has had on car stealing. Kaplan said. Guns would simply be illegally sold, registration numbers would be obliterated and the enforcement would be impossible. This method of control would cost the most and probably have the least effect according to Kaplan.

In the final analysis, Kaplan felt it necessary to explain that he personally would "like to live in a society where nobody had guns." He felt that on a small scale perhaps individual areas could enforce limited gun laws but that as a society there really is very little that can be done.

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**Bogomolny continued from page 2**

think this has undercut the idea of coordination, it simply says that from time to time there will be a course where there is a performance felt to be very below standards or even very above standard, the latter which is actually the tendency around here. When the faculty member is convinced that the grades are inferior, and I'm convinced there was no inappropriate malice or prejudice, then the issue of coordination really falls in the realm of the faculty members own judgement," Bogomolny said.

**Although the grading guidelines are no longer mandatory, the Dean has** expressed a desire that the faculty would grade with those guidelines in mind. Bogomoln said, "I don't think that what has happened here is a function of the guidelines. All we can do is ask whether the faculty member has been conscientious in reviewing the grades and sensitive to their impact, and also whether he has tried as far as he can within his own standards of integrity to deal fairly and, in this case, generously, with the grades. When that pursuit has been undertaken, then I think the appropriate kind of grade review has gone on." The Dean said that in Curry's case, there has not been shown a pattern of "sticking the students". "This is a year of aberration. I assume there will be continued aberrations from time to time. As long as it's not the same faculty member, and not all downward, it all balances out," he said.

The Dean was informed of Professor Curry's theory that his students failed to stay prepared on a daily basis. Bogomoln responded, "I have no way of knowing what went right or what went wrong in the process, or what grade range is perfectly appropriate. That's why I say it's almost impossible for me to deal with one set of grades that falls outside the expectation of the students, unless you can pinpoint a particular element of malice or misbehavior on the part of the faculty member."

It was suggested to the Dean that the law grades might indicate something inherently wrong with the exam. He responded by saying that Prof. Curry informed him that these were not first-time questions, that there had been past experience with questions very akin to these. "At this point there is no reason to believe this exam was inherently different than past exams," he said.

So, sadly enough, it seems nothing can be done about the situation. Curry feels he has done nothing to cause a controversy. The Dean feels that he cannot deal with one set of grades unless malice or misbehavior is pinpointed. But how can such malice or misbehavior on the part of Curry or any faculty member ever be detected or proven? After looking at these grades, I can think of 25 students who might espouse the doctrine of res ipsa loquitur as a possible answer.
G-Man at C-M
By Bruce Walis

On behalf of Phi Alpha Delta Law Fraternity Special Agent Thomas J. Bader spoke to an informal gathering of C-M students about career opportunities with the Federal Bureau of Investigation. Mr. Bader, a C-M alumnus, practiced law briefly before entering the FBI in 1956. Presently he supervises a criminal investigative unit here in Cleveland.

Any U.S. citizen, between the ages of 23-35, with a Juris Doctorate or accounting degree may apply for an FBI position. Starting salaries this year begin at $22,000. All an applicant need do is call the local FBI office and request an application. The ten page application is processed the candidates are called in for a series of tests. Those candidates who score well on the written examinations are screened by a panel of three agents. The interview is followed up by a background check wherein agents contact a candidate's friends, past employers, and teachers. The purpose of the background check is to examine the candidate's loyalty, integrity, moral character, and past achievements. The written examination scores are correlated with the interview results and the candidates are ranked accordingly. Candidates are then notified to report to the FBI academy for an extensive 15 week program of physical and mental conditioning. During this period the candidates review criminal law and procedure and prepare for court room testimony.

Opportunities for employment with the Bureau this year are not as great as in the past. Congressional reaction to recently documented FBI abuses has resulted in a series of budget cuts reducing the authorized number of agents from 8,500 to 7,900. It is estimated that the Bureau will hire 200 agents this year.

Those persons who do not wish to relocate should not apply. The work is hazardous and the hours long. The fringe benefits include the pride that comes with public service and liberal hospitalization and pension plans. Upon leaving the Bureau agents often find responsible positions elsewhere in the government or in private industry or practice.

However, he had paid in order to be able to register, and Security has his money to this day.

A more serious (and expensive) problem looms in Kilroy's future in the form of a countersuit.

The four Cleveland policemen named by Kilroy in his complaint have banded together and are asking for $115,000 each in damages.

One of the grounds alleged in their complaint reads: "This complaint against them (the four police) was brought without legal justification and for the ulterior purpose of maliciously harassing and bothering them; that said complaint is groundless and was brought solely for the purpose of injuring their reputation."

As Kilroy was being ushered out of the Moot Court auditorium, Prince Charles promised to answer his question later.

Kilroy said that his third-year professors didn't attempt to mask their feelings - either pro or con - for him after the incident, "but I couldn't truthfully say that my grades were affected."

His wallet was, though.

Within ten days of the filing of his suit, Kilroy was obliged by University Security to pay the fines on a number of outstanding parking tickets before he was permitted to register for the next quarter of classes.

"I feel that the Security department harassed me somewhat," he said. "Some of those tickets were over two years old, and several belonged to my sisters (who also attended CSU)."

Kilroy pleaded his case to the University Judiciary, and the fines were subsequently dropped.

The response to Kilroy's action was immediate.

"I received letters from coast to coast and from Canada. They were overwhelmingly favorable at first, but the hate mail caught up when I filed suit. And there were some harassing phone calls."

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The British were torturing political prisoners in Northern Ireland. The Plain Dealer carried the story on the front page.

In 1776, a war was started when American colonist told their British rulers exactly what they thought of the oppressive British regime.

Jack Kilroy would like it to be known that — two hundred years later — the British still exact a price for "free speech."
Placement Draws
Seven
By Alan Fisher

The Placement Office held a meeting on April 2nd to give students the opportunity to ask questions and suggest solutions for problems in the job program. Dean Toran emphasized that administration is committed to effective placement. Placement Director Nancy Goldman said that she has compiled a list of major corporations headquartered in Cleveland and that in upcoming months she will be visiting these businesses to make the necessary placement contacts. Future plans call for development of a CO-OP program with small to medium-size firms and investigation of job opportunities with the federal government. Seven students attended the meeting.

Clinic Credit
Changes

At a recent meeting, the faculty approved a proposal introduced by the staff of the legal clinic to require students who sign up for the Clinic to stay in the program for two quarters. Students will receive 14 credits for their work—7 for each quarter.

Students had been able to take the Clinic for just one quarter for five hours or nine hours of credit. Professor Bob Catz argued at the faculty meeting that the Clinic could not serve clients effectively and discharge professional responsibility if it had to turn over cases to different student interns each quarter.

Roberta Leaves

Faculty Secy. Roberta Methany is leaving C-M for the financially greener pastures of Squires, Sanders and Dempsey. C-M will miss her diligence and willingness to help students. Good luck Roberta.

Markus Stays

One of Cleveland-Marshall’s most popular adjunct faculty members, Common Pleas Judge Richard M. Markus, has chosen C-M over a prestigious eastern law school.

Judge Markus, who has taught products liability and litigation essentials at C-M for several years told The Gavel that he has turned down an offer to join the faculty of a well-known eastern law school to remain on the common pleas bench and to continue teaching at C-M.

Woman’s Rights Workshop

Legal rights of women will be the subject of a day-long series of Workshops on Saturday, May 5th at 9:00 a.m. in Room 101. There is a $5.00 registration fee which includes a handbook, morning refreshments and babysitting. The fee may be waived on request. The workshops are sponsored by The Women’s Law Caucus and the Law Student Division of the American Bar Association and are open to the general public.

Law Forum

On Wednesday, May 2, Cleveland State University will host a Legal Forum in the University Center, 2121 Euclid Avenue.

Local legal experts will inform the public about preventive law techniques which can be applied to frequently encountered areas of law. The speakers will address the following topics: “Avoiding Consumer Ripoffs”, 11:00 a.m.-1:00 p.m., “Education and Employment Discrimination”, 11:00 a.m.-1:00 p.m., “Landlord Tenant Act of 1974”, 3:00 p.m.-4:00 p.m., “Ins and Outs of Insurance”, 4:00 p.m.-6:00 p.m.

The program is free of charge and open to the public.