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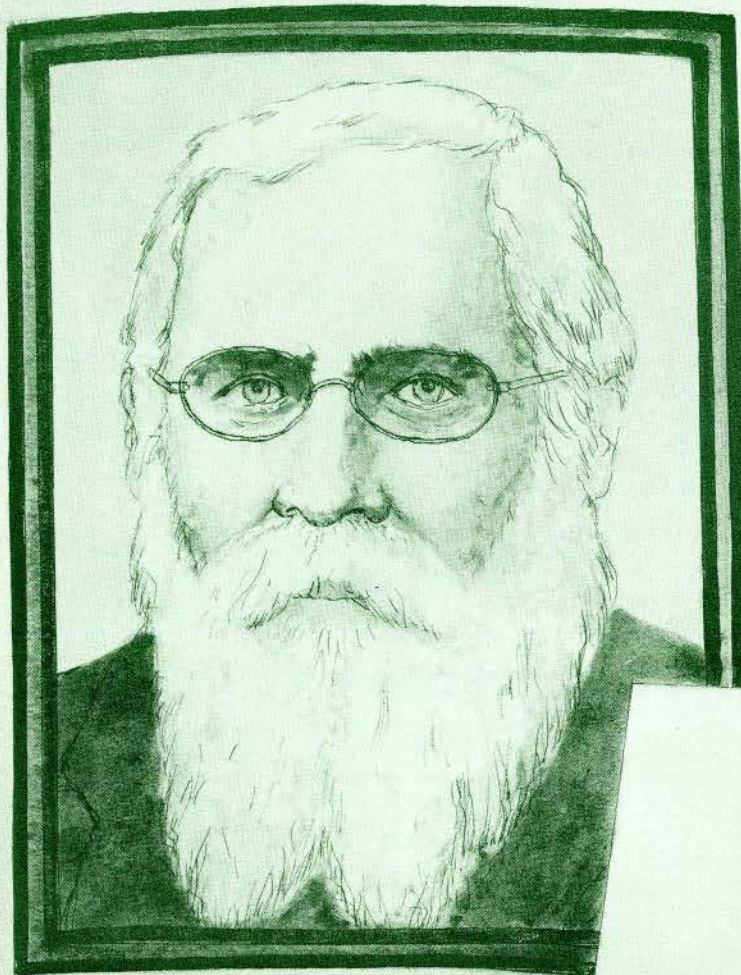
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THE GAVEL

Cleveland-Marshall College of Law

Beyond Langdell: Other Ideas in Legal Education



Clinical Education
Street Law
SBA Profiles

Curry Gives 24 "D's"

'D's Deserved'

By Mike O'Malley

April 11, 1979, will appropriately go down in Cleveland-Marshall history as "D" day. Professor Curry's Wills and Trusts grades were posted that day, and, out of 69 students in the class, 24 were given "D's".

Approximately 35% of the class "awarded" D's! Definitely a feat unprecedented at C-M, at least in recent years (No, we haven't forgotten Professor Leiser's Torts grades two years ago!). As the grades were being posted, rumors began to fly. Rumor has it that Professor Curry "had it in" for this class. Rumor has it that approximately half the D's were originally "F's". Rumor has it that the Dean "persuaded" Curry to raise the F's to D's.

Despite initial hesitation, Professor Curry agreed to respond to these rumors and to other questions posed by the Gavel.

GAVEL: A rumor that started is that you "had it in" for this class.

CURRY: That's nonsense. I won't even respond to something like that.

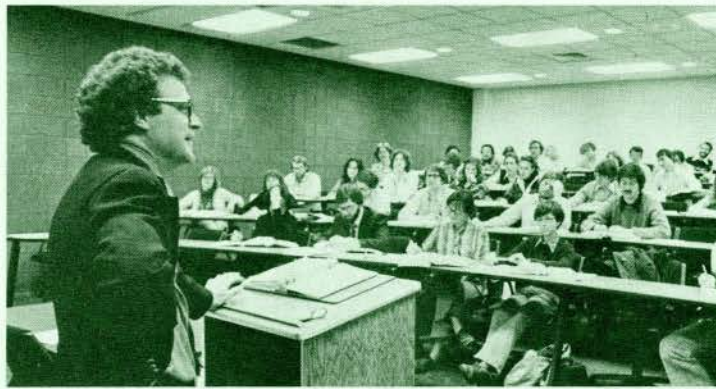
GAVEL: Is there any truth to the rumor that the grades, as posted, are not the same as were originally handed in by you to the Dean's office?

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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Earl Curry and ill-fated class; a survivor responds below.

Editor.

Another day of infamy 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 headsman 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 the way 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 crow about."

Steven LaTourrette

Mr. LaTourrette did not receive a "D" in the "Wills and Trusts" exam — ed.

'Year of Aberration' — Dean

By Mike O'Malley

Dean Bogomolny also agreed to discuss his views on faculty grading. The Dean sees his role with respect to grading a very complicated one. "I can't substitute my judgement for that of a faculty member for reasons of competence, and also academic freedom and fundamental fairness. I look at them to see if they are in conformity with what the patterns had been," he said. The Dean acknowledged that he had been approached by Curry, before the grades were submitted. The Dean asked Professor Curry to review the grades to see if he had any options as to the deficient grades. "He told me he had done so, but because of the large number of low grades, he would do so again. The grades were then formally submitted with a few alterations, in two or three of the grades, but that's my memory of it, and I'm not positive about that," the Dean said.

The Dean believes that, it's an unpleasant thing for a teacher to give a high number of low grades. "It's very bad for the students, the professor, and a real problem for the law school. Professor Curry knows that, he was worried about it, and sensitive at least to that aspect."

The Dean, in an earlier interview with *The Gavel*, said that he would like to see a coordination of grades by different teachers who teach the same course, in order to minimize the likelihood of unfair impact of low grades. "I don't

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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 liberties 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 relation — ship to the traditional classroom, and constraints on the development of the clinical model.

The clinical instructors are interested in teaching appropri-

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 stimulation 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"

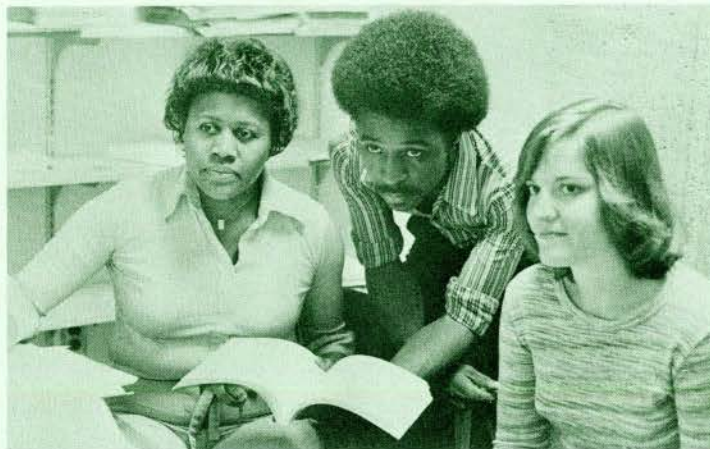
difficult for students after the first year to get overly engaged in that process because they don't feel that it is very real. One of the things that we hope people get out of clinical education is a sense that what they have done in classes is tremendously real, tremendously important, not at all at 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 not 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."

Student needs to "be professional" also provide a challenge to 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

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Clinic interns, Velma Johnson, Chris Roberson, Barbara Julin.

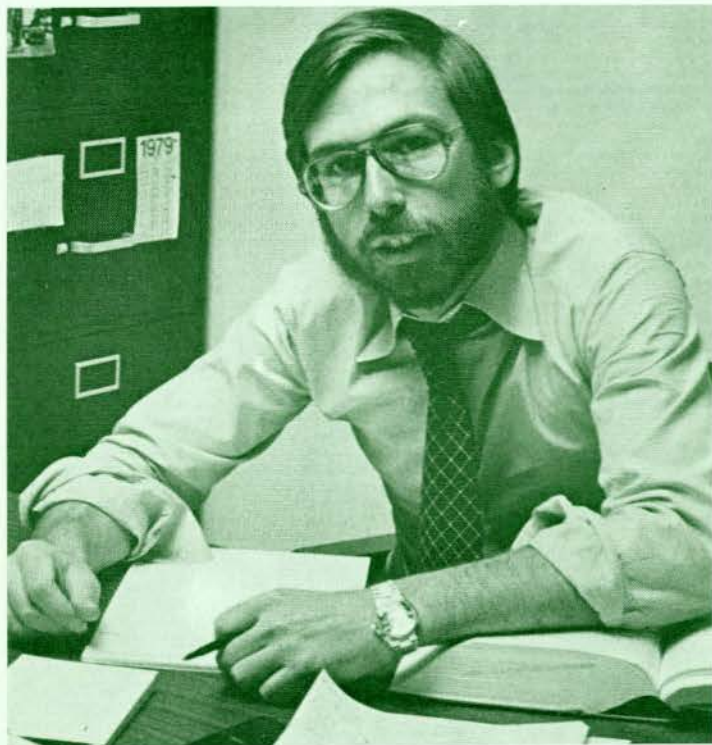
ate attitudes about lawyering. Rick Stege spoke of the need for students to "learn other motivations besides economics." Motivations he offers are the satisfaction of serving clients well, and of doing competent work. Stege says the instructors in the clinic try to teach about the shortcuts lawyers can't take. "There's so much bad practice out there," he says. Prof. Tyler says, "We can teach people what it means to be a lawyer, and what the responsibilities of lawyers are. We can inject some content into words like competence as it applies to lawyers, and professional responsibility. We can teach students how you analyze and resolve your obligations to the court, society and yourself, how you deal with

where clients have no viable defenses, and students, little room to lawyer.

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 judgement.

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



Prof. Tyler

Clinic

continued from page 3

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 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.

Curry

continued from page 2

unusual or wrong. I simply graded a set of exam papers. I'm not happy with the grades. The performance of this class disappointed me terribly.

GAVEL: The controversy is over the unprecedented amount of D's, unprecedented at least in recent years.

CURRY: I feel I have a duty to the community and to the law school. I believe in grading on a curve. Students should be graded on their performance as against the performance of others within the class, not as against, say, of someone from Harvard, or Yale. But before a curve can be used, there must be shown a minimum level of competence. This level was not met, and I am disappointed about that.

GAVEL: Did you grade any tougher than in the past?

CURRY: No. I did not. I did not grade any differently than in the past. If anything, I graded easier.

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.

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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 of Art used in zoning cases to define a prohibition against "stickball" in East Cleveland.

(C) A seminar course examining the legal system through teaching 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 opted for choice 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.



Street Law Seminar

"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

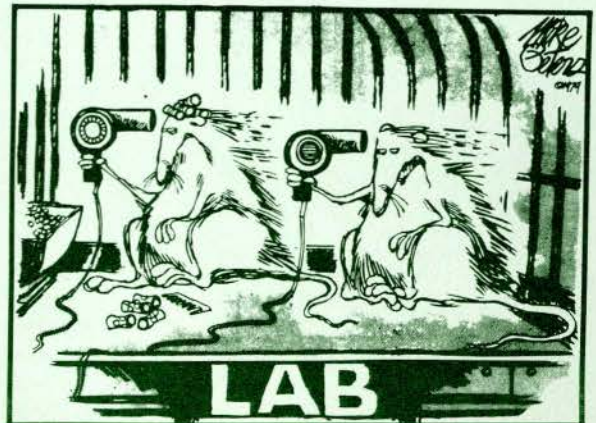
to organize a case for trial because the law student advises the participants on the rules of evidence and courtroom procedure."

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 people 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.

• • •



REMEMBER THE GOOD OLD DAYS WHEN WE ONLY HAD TO SMOKE A FEW CIGARETTES AND EAT SACCHARIN ?

Presidential

By Lawrence Sheehy

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.

* * *

children; a semi-formal dinner-dance at Mather 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 energies 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 Eymann and Marty Sweeney) will do just that."

* * *

Jim Corrigan's sole previous affiliation with the SBA came about last spring when he ran for the office of Treasurer. He finished third in a field of three, but received 23% of the vote and almost forced a run-off.

According to Corrigan, his

lack of political experience should be no liability. "There is no such thing as being qualified for this job," said Corrigan. "There are no concrete issues. We (the students) have no power. Apparently, the only way to get anything done around here is through blackmail." (Readers should be advised that the last statement was made with tongue firmly planted in smiling cheek.)

Corrigan has maintained an admittedly low profile at C-M this year. He acquired part-time student status after having been a full-time day student in his first year. His job as an independent painting contractor demanded much of his time.

However, if elected President, Corrigan says that he will not continue to work. "I'll be available to devote 100% attention to the issues at hand; and I will keep posted office hours from 15-20 hours per week."

Corrigan's apparent inadequate political vision may require him to make good on his promise of long hours on the job. When asked for his view of the purpose of funding BALSAs, NLGs, Women's Caucus and the ABA-LSD, Corrigan replied, "If they're legitimate organizations, they deserve a break."

It may be that Corrigan's following statements will be the most informative to the voters, though. Says Corrigan, "The main reason I'm running is because I don't believe that the SBA was at all effective this year, and it was ostensibly run by Jerry Walton. I have no reason to believe that next year will be any different if Mr. Walton retains any power at all."

"In all sincerity, Jerry did a good job as a social chairman, but I feel that President of the SBA is a liaison position where you must deal with people on an every day basis in order to be effective."

Vice-Presidential

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

SBA Profiles



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. Mannen was also instrumental in amending University by-laws to include the Law School as a polling place during University-wide elections.

She is a member of the Women's Law Caucus, clerk of rolls of Delta Theta Phi law fraternity and works part-time at Komito, Nurenburg, Jacobson, Heller & McCarthy doing research and writing.

Despite her busy schedule—Mannen is a full-time day student who takes some classes at night—she feels she can handle the job of filling in for the SBA president and serving as an ex officio member of the nine standing faculty-student committees.

Mannen has been negotiating with University officials for next



Ann Mannen

year's SBA budget. The SBA is seeking funding for part-time work-study people to staff the SBA office, for funding mag-card memory typewriters for C-M, and for more money for C-M student organizations.

If funding is not granted to staff the office, Mannen said she would seek volunteers and she and the other officers would have regular, posted hours "to be certain the office is open for day and night students to get informed answers to their questions."

"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 a "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.



Woody Ban

Ban said he is an expert at delegating authority, a skill he said he would use as SBA vice president. As for the job problem Ban said it is not the placement director's job to get jobs. "People get their own jobs but the placement officer should let opportunities be known." The placement office, he said, should advise students on how to handle job interviews and how to prepare resumes.

Ban feels that his strength "or possible weakness" is that he has no political affiliations, no political history or associations" so for a while that will allow me certain objectivity," he explained.

"I dislike no-choice politics. I dislike cliquishness. I'm

opposed to machinery and I don't think anyone should run unopposed," said Ban.

"If the (Walton) slate gets in," said Ban, "there should be at least one of the 'loyal opposition' among the officers to keep them honest and to confront their ideas."

Secretary

By Ken Roll

Carl Dyczek wants to run a more competent SBA office. Cal 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 too 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



Carl Dyczek

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



Tom Johnson

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.



Bonnie Durenfeld

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



Mark Greenfield

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 dissemination 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.



Marty Sweeney

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 Gravens, 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, its the S.B.A. president's job to find out and relay the information to the school population."

Gravens 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 Gravens only postponed the inevitable.

Gravens 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 weighed 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 Sheeche 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. Sheehy



John P. Kilroy

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 Clev.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, 6th, 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 extemporaneously; but it wasn't deliberately orchestrated either.

"I wouldn't have asked the question if the (Irish) demonstrators hadn't been present," he said.

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Prof. Kaplan

Kaplan Speaks on Gun Control

By Judy Zimmer

"When guns are outlawed
Only outlaws will have guns.
And there will be 20 million of
them

Can we criminalize this many
members of our society?"

John Kaplan, who came to
Cleveland-Marshall, Tuesday
April 10 as a Marshall Fund
speaker, posed this question to
his audience as a way of
demonstrating the enormous
number of armed citizens and the
problems this suggests for
control of the use of guns in
American society. Kaplan, who
has spent much of his time
studying drugs and drug control,
used this background to draw an
analogy between drug control
and gun control. His speech
emphasized the similarities and
traced the social costs and
problems of enforcement in each
area.

He began by discussing the
reasons marijuana users give for
using marijuana; "increased
creativity, feeling high, relishing
fellowship with others" and
compared these with the feelings
of gun owners: "the power,
security, self-reliance, the

companionship of sitting around
discussing guns." His description
included the perception that guns
included the perception that gun
users and drug users are generally
on different ends of the political
continuum and that each group
holds strong views of the other
group.

Citing recent statistics showing
that between 15-20% of the
population uses drugs and
between 20-25% own guns,
Kaplan discussed the high social
costs of each group. He stressed
that even though drugs (Kaplan
includes alcohol and tobacco in
his definition of drugs) technically
harm only the user and guns
potentially harm other people
both impose their costs on the
larger portion of the population
who do not use either.

In discussing the effect of law
and enforcement on these two
groups Kaplan stressed the
inadequacy of the enforcement of
drug laws. The laws in this area
have criminalized a large portion
of the population without really
dealing with the problems.
Although these laws are not

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.



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, Bogomolny
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. Bogomolny
replied, "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. After 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.



Kilroy

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"The demonstrators had been demonstrating against British imperialism in Northern Ireland, but the focus was on torture." Security had ushered the Prince inside the Law Building through a back door so as to avoid a confrontation with the demonstrators.

"I wasn't sure that I was going to say anything until I was in the Moot Court room. I expected to be removed, but I didn't expect to be detained and interrogated."

* * *

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."

Kilroy says 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.

Withing 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 class.

"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.

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.

He never did.

Seventeen months later, however, the question was clothed in a factual basis for all to see. In a touch of sweet irony, the British government — during the week (March 12-18) in which the Irish commemorate the feast of St. Patrick — admitted as true the findings of a commission that **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."



BRIEFLY

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.



Disappointing turnout at Placement Discussion
(see related "Briefly")

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.



Gavel Tennis Classic winner Alex Jovanic with runner-up Mark Greenfield.

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", 1:00 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.

THE GAVEL

Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44115

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MAY 2

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