Future Lawyers Practice
At OSU’s Legal Clinic

BY TOM CLARK

The Ohio State College of Law has one of the largest “law firms” in the state. The firm is made up of 35 second- and third-year law students who are participating in the College of Law’s Legal Clinic.

The Legal Clinic is an elective course in the practical application of law and provides “on-the-job” training for students, according to James D. Davis, clinic instructor.

The clinic’s main objective, Davis said, is to teach students to take facts, analyze them and translate them into legal concepts.

A Teaching Lab

Davis pointed out that the clinic is not a service organization, but is primarily a teaching lab and chooses its cases on the basis of interest to the student and educational value.

“We primarily represent indigents, but University students may avail themselves of the clinic’s services if they are financially unable to secure legal advice from an attorney,” Davis said.

An example of the clinic’s work is its representation of a tenant association in a southeast Columbus slum area, where it is working to secure cooperation between slum landlords and area tenants, said Davis.

Clinic’s Use Is Increasing

The clinic has proved to be increasingly successful and greatly diversified in the last two years, Davis said. Participation has increased from 14 to 35 students and has evolved from heavy concentration on criminal law to diversification into other areas.

The clinic is divided into four areas: welfare, landlord-tenant and consumer, domestic relations, and criminal, and the student may choose to work in any of the four areas. Davis said the main reason of the clinic’s success is undoubtedly a time and resource advantage over a normal law firm.

With 35 law students and four advisor-attorneys, the clinic has the people and the time to do exacting and meticulous research on each case it handles, Davis said.
Law College Will Speed Use Of Student Legal Aid Clinic

The College of Law Legal Aid Clinic will provide more efficient services to students beginning this month, according to Willima Moorehead, student attorney.

Students seeking legal aid can now talk directly to a student attorney on Mondays and Thursdays from 3 to 5 p.m. The student attorney will schedule an interview for students the legal clinic can help and will refer those they cannot help to other service organizations.

Previously, students had to make an appointment through a receptionist to talk with a student attorney.

Moorehead said the new system will be beneficial because students the clinic cannot help will be referred sooner and those they can help will get results more quickly because the workload will be more closely regulated.

The Legal Aid Clinic handles cases with educational value for student attorneys, and provides services to students who have an urgent need for legal aid.

The clinic does not have time to schedule interviews for all students with legal problems because the clinic is operated as a course and must be selective in the cases it accepts.

"But every effort will be made to refer students we cannot help to an agency that will help them," Moorehead said.

Law Dean Asks To Leave Post

Ivan C. Rutledge, dean of the Ohio State University College of Law, has asked to be relieved of his duties so he can return to full-time teaching.

UNIVERSITY PRESIDENT NOVICE G. FAWCETT said the process of choosing a successor to Rutledge will begin immediately. No selection committee has been named.

Rutledge has headed the College of Law since 1965 and has been a member of the law faculty since 1963.

HE CAME TO OHIO STATE from the law faculty at Indiana University. He is a graduate of Carson-Newman College, Jefferson, Tenn., and has a master's degree from Duke University and a master of laws from Columbia University.

Faculty Committee to Aid In Selection of Law Dean

President Novice G. Fawcett appointed a seven-member faculty committee Wednesday to advise him in selecting a new law dean.

Ivan C. Rutledge, current law dean, announced June 27 that he plans to return to full-time teaching.

The final selection of the new dean will be made by the Board of Trustees upon the recommendation of the president after consultation with the faculty, as stipulated under university rules.

A representative of the student body will be asked in the next few days to serve along with the committee in order to obtain the student viewpoint, Edward Moulton, executive assistant to the president said.

Fawcett asked the committee to begin looking for a candidate so the new dean could begin service no later than July 1, 1970.

Charles C. Callahan was named chairman of the committee, and Leo J. Raskind vice chairman. Both are on the College of law faculty.

Other members of the committee are:

Albert L. Clovis and Earl Murphy of the law faculty; Walter B. Emery of the speech department; Clinton V. Oster, associate dean of the College of Administrative Science; and John E. Corball, Jr., vice president for academic affairs as an ex-officio member.
Free Legal Help Provided

Law Clinic Aids Students

Although the Legal Clinic of Ohio State's College of Law is not new, students seem to know very little about it, Prof. Wayne Walker said.

Walker, who became head of the clinic in July, prepares law students to participate in the clinic through a series of two three-hour courses usually taken by third year law students.

"The clinic's primary purpose," Walker said, "is to provide an educational experience for law students.

Free Legal Aid

He said its secondary purpose is to provide free legal aid for people who cannot afford the help of a professional lawyer.

"The clinic has few limitations on the kinds of cases handled," Walker said, "just limits on who we will handle them for."

He said the clinic uses financial eligibility guidelines to determine if a client can afford a professional lawyer.

Non-Criminal Clients

If the client meets the financial qualifications, and if his case is of a non-criminal nature, then the law students may take the case.

Walker said the clinic handles many housing cases for students. He said, students often have disputes with landlords about deposits and rent claims.

He cited one specific problem that occurs frequently. Many students, he said, do not know that apartment owners sometimes have fire insurance that pays the owner but reserves the right to sue the tenant for the damage.

He said the clinic also takes cases dealing with consumer claims, divorce, and welfare claims.

In welfare cases, the student might have a chance to set a precedent that could possibly apply to welfare recipients throughout the state, he said.

Prisoners Defended

Walker said the clinic will represent non-university residents if they meet the financial qualifications and if there is time for the law student to adequately handle such a case.

Walker said law students have often defended prisoners in the appellate courts, he said.

Although law students are in complete control of their cases, there are two professional lawyers who can assist.

The two supervisors, who are both members of the Ohio Bar, are Mrs. Margaret L. Daehler and Mrs. Linda K. Champlin.

Clinic Kept Busy

Walker said the clinic is always busy. "There are not enough facilities for our staff and 18 students to handle," he said.

"We will not be taking cases between quarters and our next office hours will not be until January," Walker added.

He added that if the Legal Clinic refuses to, or does not have enough time to handle a person's case, they will refer him to someone else like the Legal Aid Society.
Legal aid

By Gerry Bruder
24 Aug, 1971

Five of the 27 students suspended or dismissed from the University for alleged Curtin says, but students with urgent participation in the spring 1970 campus disturbances have sought seeking upon their arrival at the office. reinstatement. They are represented without charge by the Legal Aid and Defender Society.

Ted Fisher, one of three lawyers at the society’s 755 N. High St. branch and for purposes of reorganization, attorney for the group, hopes to prove the students received undue disciplinary action.

"When there are a great many defendants in a single case," Fisher explains, "several of them represent the whole in what we call a class suit. The lot of the few then becomes the lot of the many."

He says the Legal Aid and Defender Society exists for the defense of such clients, adding that it is the only Columbus area group offering free counseling to the poor.

"There are many impoverished, powerless citizens in Columbus and elsewhere in need of legal assistance but unable to obtain it through regular legal counsel," Fisher says. "The society was established to provide them with that assistance."

"In the present case, you have 27 students, mostly minors with limited financial resources, at issue with a huge, powerful institution within which they enjoy little influence."

Fisher, who received an undergraduate degree from Ohio State before attending the University of New Mexico’s law school, says “Chicago Seven” attorney William Kunstler will serve as an adviser in the case.

Most of the students who receive legal aid from the society, however, suffer problems other than suspension or dismissal.

Ken Curtin, a graduate of the Cornell University law school and director of the High Street branch, says the most common complaints involve disputes with landlords.

"A great many students come to us because their landlords refuse to return their deposits upon termination," he explains. "Other students complain that plumbing failures go unrepaired or that rents have been raised to exorbitant levels."

He says in most cases landlords rectify alleged complaints rather than appear in court. He notes, however, many disputes would be avoided if students read their leases carefully before signing them.

Other common complaints, Curtin says, involve disagreements with merchants over refunds or quality, adding that the society’s North High Street branch refers all adult criminal cases to the main office downtown at 67 N. Front St.

When a student has a complaint, Curtin says, he should call or visit the High Street branch in person.

No telephone interviews are granted, Curtin says, but students with urgent problems will be counseled immediately upon their arrival at the office.

Curtin expects the number of students seeking help or advice from the society to go up this year because the legal clinic run by the University’s College of Law is closed without charge by the Legal Aid and Defender Society.

"Whether or not someone in trouble is a student is immaterial," Curtin says, "unless his problem concerns the University, such as in the case of the 27 students in the disruption proceedings."

Not every student who seeks help is eligible to receive it, however, Curtin says. The society has established three criteria which must be satisfied before legal counsel may be offered.

**Three criteria**

First, a student’s income must meet certain standards. Those standards are not published, Curtin says, to discourage falsification.

Second, a student’s problem must be serious enough to justify legal aid. The society is already swamped with cases, Curtin says, and the addition of “trite” cases would delay assistance to people with problems of more urgent nature.

And third, the Legal Aid and Defender Society must have the capacity to resolve a student’s problem. Assistance is not possible in some cases, Curtin admits, because of a lack of facilities.

When assistance is possible, however, the attorneys who provide it say they enjoy deep personal satisfaction.

**Most are young**

Curtin, a former VISTA attorney, says most lawyers in the Legal Aid and Defender Society are young and were attracted to it because of the opportunity to help the poor.

"I wanted to use my skills to help produce some changes in American society," he says. "I don’t believe people should be denied legal assistance because they’re poor."

Fisher says society lawyers also enjoy more practical experience than do young lawyers in private firms. Society lawyers, he says, spend much time in court and must handle a great variety of cases.

Donna Baker, a graduate of the University’s College of Law and civil director of the downtown office, says the society has far more applications from recent law school graduates than it can accept.

**Financial obstacle**

"Presently," she says, "we have a total of 12 lawyers in this office and our two neighborhood offices at 755 N. High St. and 881 Mount Vernon Ave. We hope to expand in the near future."

Mrs. Baker says the need for expansion is great, noting that there are approximately 100,000 poverty-level residents of Franklin County. The society now handles about 12,000 cases a year, she says.

The principal obstacle to expansion, she explains, is a lack of adequate financial resources. Despite their selflessness, society lawyers must be paid, she notes. She says the society receives support from city and county contracts, Office of Economic Opportunity funds and county appeal funds.

"At the moment," Mrs. Baker says, "we simply can’t afford to hire more lawyers. If our financial support is increased, of course, that will change."
Law clinic 'remodeled' for greater efficiency

By Ilene Schwartz

The recent "remodeling" of the law clinic aimed at improving legal education not interior decoration, and according to students and faculty the results have been favorable.

The Ohio State law school's newly remodeled clinical program was described by Richard S. Miller, professor of law and director of the program, as an attempt to "integrate the educational aspects of law with practical experience." Miller added, "We had a clinic before, but it was not as effective an educational program."

Prior to this academic year, the clinic accepted all cases and students received less supervision in their work. Currently, concentration is narrowed down to three specific areas of the law.

Limited cases accepted

A limited number of cases are selected by the faculty and students give advice under close supervision of a faculty member.

Miller feels this method is better than "either turning students loose at Legal Aid," the Columbus organization which is the main source of most students' cases, or "accepting all cases willy-nilly."

For each of the three legal areas of concentration, civil, criminal, and juvenile, a program is set up involving two quarters of combined class and case work. Miller explained a fourth program on welfare presently focuses on classroom training with students later becoming assistant hearing officers in state welfare cases.

Clients well represented

Despite the fact that cases are carefully selected, the program is now handling a number of "relevant, alive and important cases" according to Miller, and the clients are being fully and well represented.

Due to better allocation of funds, students and their clients as well have the benefit of increased faculty supervision. Linda Champlin, assistant professor of law and faculty supervisor said the new program is "aiming to give students specific areas of experience, a more concentrated approach."

Bruce Jacob, associate professor of law and the second faculty supervisor for the legal clinic estimated 33 students, half juniors and half seniors are now enrolled in the three practicums. Jacob said, on the average, each student will handle two or three cases during winter and spring quarters.

Scarcity of time

Both faculty members agreed that despite the recent reorganization of the clinical program there was scarcely enough time to accommodate all students and also teach classes.

While Jacob and Champlin handle the educational aspects of the program, Ray Twoghi, the staff attorney, completes the team by handling the practical aspects of the legal training program.

Under the Ohio Intern Rule, senior law students are able to handle civil cases and misdemeanors all the way to the courtroom provided they are under the supervision of an attorney. Twoghi assumes full responsibility for all cases handled by Ohio State law students.

Interviewing skills needed

In order to gain experience in interviewing, a skill required of all attorneys, all students enrolled in the clinical program traveled to Marion to interview prisoners at the Marion Correctional Institution during the week of January 10.

All information gathered by students will be used by an attorney in Cleveland who represents prisoners in a lawsuit against the prison, changing the institution with "massive violation of prisoners' rights," Miller said.

Students enrolled in the civil practicum, in addition to their individual case loads, are cooperating with the American Civil Liberties Union and the NAACP in work on the lawsuit against former mayor M. E. Sensenbrenner, the Columbus Police Department and other city and county officials for their actions in the disturbance of November 5th on High Street, and other claims of police abuse. Miller said the purpose of the lawsuit is to ensure fair and constitutional treatment by police of "blacks, long-hairs and students."

Dave Penrod, a junior from Virginia feels the program is valuable and recommends it to others. He is enrolled in the juvenile law practicum and thinks there's "a lot of enthusiasm among students" about the new clinical program.

Classroom time useful

Penrod said the classroom time supported the clinical training program. "We make considerations as a group in class and discuss the ethical aspects of practicing law," said Penrod.

Ken Spicer, a senior law student from Westerville, involved in the criminal practicum said although his cases take a lot of time, "it's well worth it."

Rather than attempting to handle more cases, Miller said, "The best way the university can help the problem of legal aid to the poor is to train people to serve the poor upon graduation."

The main reason the poor are disadvantaged legally is because "the attorneys down at Legal Aid are swamped," Miller added, "There are just not enough well-trained lawyers to serve the poor."

Paying positions scarce

At present, however, the problem is no longer merely training lawyers to serve the poor, but finding enough paying positions for those interested. Champlin said, "Certainly over the last 10 years there has been a greater interest in legal aid to the poor, because jobs were available, but now there is a job shortage." Also, Jacob said not enough money is available to hire enough lawyers to handle the legal problems of the poor.

Both faculty supervisors agree student reaction to the new clinical program as "enthusiastic." Because of this favorable reaction Miller anticipates a growth of interest in the program and therefore a need for more funds.

All students who enrolled in the clinical program winter quarter were accepted, but if interest grows, enrollment may become more selective.

Overloading the faculty would defeat the purpose of the new clinical program.

Students lack service

Because the law school no longer has open intake, on cases, legal counsel is not as easily available to Ohio State students, and some complaints have arisen. However, Champlin said, "Never, even at the peak of case loads, could the law school's clinical program make even a dent in the legal problems of Ohio State students. We are not here as a service to students, we are here to educate and train lawyers."

Miller is presently working on creating another legal clinic which would be specifically aimed at serving the legal needs of Ohio State students, but no definite plans have been made yet.
Rulings contradict; future of legal clinic uncertain

By Barry Horstman

A University law professor said evidence exists to show that recent rulings by the attorney general's office which have left the future of the proposed University legal aid clinic in doubt contradict previous rulings made by the attorney general's office.

The clinic would provide Ohio State students with legal assistance just as health services are now provided for students. The clinic would employ several attorneys on a fulltime basis and would also serve as "practical legal experience" for law students involved in the project.

In recent rulings concerning similarly proposed legal aid clinics at Kent State University and Ohio University, Brown stated that the Boards of Trustees at the respective universities do not have the authority to allocate public funds for the purpose of financing a legal clinic, since such a clinic is not "reasonably incidental to the university's program of higher education."

In rejecting a proposal calling for a legal aid office at Ohio State, University representatives on the Ad Hoc Committee for Legal Services cited Brown's rulings.

In addition, the University representatives also pointed to Section 108.02 of the Ohio Revised Code, which says the attorney general is the chief law officer for the state and its departments.

The code states that "no institution of the state shall employ, or be represented by, other counsel or attorneys at law."

"This code would seem to indicate that the trustees of a state university do not have the right to disburse public funds to employ legal counsel other than the Attorney General," Ted Robinson, vice president for student affairs and a member of the committee, said.

However, Richard Miller cited earlier precedents.

"In 1970, a group from Ohio State proposed the Open Housing Rule, and, because there was some question of its legality, an attorney general's opinion was requested," Miller said.

"The attorney general's opinion on that decision was quoted from an Oklahoma case, which stated that boards of trustees have the right to provide for the health, welfare, safety, and morals of students."

Miller pointed out that no reference to this case was made in Brown's recent Kent State or Ohio University rulings.

A case which was cited in the recent rulings was a 1929 case which dealt with the powers of Ohio boards of education in handling "self-assessed student fees," such as admissions charged at athletic events or plays.

The court ruled that such money was not public funds.

"This case is particularly relevant to the proposed legal clinic, since the clinic would have been funded by asking students to make voluntary contributions," Miller said.

"But the court's decision in a 1936 case specifically recommends that such funds be handled by school officials and that these funds not be considered public funds, a fact which is confirmed in an attorney general's ruling on the case."

"However, in applying this case to the proposed clinic, the Attorney General has said that any funds handled by the university are public funds, an opinion which completely overlooks this earlier ruling," Miller said.

"It is unfair to say the University is not committed to creating a legal clinic," Robinson said. "The University is simply acting according to the legal advice it is receiving from its attorney, and we just seem to be having difficulties working out the mechanics of this proposal."
Court denies dismissal motion

By Barry Horstman

A Federal District Court in Columbus has rejected the city's motion for dismissal of a suit filed by Ohio State's Law Clinic in connection with the Nov. 5 and 6 disturbances.

The suit is a class-action suit filed "in support of blacks, long-hairs and students," according to Richard Miller, professor of law.

"The court's ruling upholds our claims and means the case can now go to trial," Miller explained. "Of course, we still have to prove our claims and that the city is guilty of improper actions during the disturbances.

"In the suit we alleged police infringed upon the constitutional rights of the students involved," Miller said. "We are seeking an injunction which would prohibit any similar actions such as those taken by the police during any disturbances in the future."

Former Mayor M.E. Sensenbrenner, former police chief Dwight Joseph, and the county sheriff's office are also named as defendants in the suit.

In asking for dismissal of the suit, the city charged the Law Clinic had not presented a valid claim, meaning there was no legal basis for the suit, and that the suit represented an improper class-action, since the classes named by the clinic as plaintiffs were unspecified and named no particular individuals.

A subsequent motion filed by the city requested that the names of public officials no longer in office, specifically Sensenbrenner and Joseph, be dropped from the suit.

But the court ruled in favor of the Law Clinic on all of the city's motions, and all the claims made by the clinic in its original suit will be retained.

"Included in the list of constitutional violations charged against the police are incidents of improper frisking of females by male policemen, excessive use of force, arrests made without proper cause and violations of the rights of those persons arrested, such as lengthy detentions before opportunities to post bond or not being allowed to seek legal counsel.

"The purpose of this suit is not to prevent the prosecution of individual students involved in the disturbance, but rather this suit is mainly concerned with the conduct of the public officials involved," Miller said.

"If we win the case, we will have established an order which would prohibit these officials from committing these unconstitutional acts in the future."

"If such an order is established, it would take the form of an injunction issued under the Federal Civil Rights Act, which would make any public official found guilty of improper actions in this case subject to contempt charges if he commits a similar act in the future."

"Even though the outcome of the case will have no direct effect upon those former public officials, I believe it is important for the public to know whether these men have committed unconstitutional acts in the event they should enter a public office in the future," Miller said.

"We are also alleging these constitutional violations transcend the November disturbances, since similar actions are taken fairly often by the police when dealing with blacks, long-hairs, and students."

No definite date for the trial has been established, although the date could possibly be set at a pretrial conference Wednesday.

Legal aid hindered by funding question

By Barry Horstman

A proposed student legal aid clinic at Ohio State may never get off the ground as a result of a ruling made Monday by state Atty. Gen. William J. Brown.

In a ruling directed at a similarly proposed legal aid clinic at Kent State University, Brown said public funds could not be used for such purposes on the Kent campus.

"I am unable to see how the proposed legal aid clinic program can be said to be reasonably incidental to the university's program of higher education," Brown said.

The Kent State program would have been financed by tapping a portion of each student's $5 quarterly activity fee.

But Brown said the activity fees are considered public funds and could not be spent for private legal fees or class-action suits not relating to university

"If the result sought by the students is in conflict with the aims of the trustees and the administration, public funds cannot be used by the students, since the administration of the funds of the university is specifically committed to the trustees," Brown said.

Ted Robinson, vice president for student affairs, said he is uncertain of the effect the ruling will have on a proposed expanded legal aid clinic at Ohio State.

"Our program would have been funded in a manner similar to that of Kent State, and we'll now have to decide what, if anything, we can do toward financing the program," Robinson said.

Ohio State's College of Law has operated a legal clinic since 1935 for both students and nonstudents who could not afford private legal counsel.

In recent years the law clinic program has been modified to be more of an educational program for law students than a general service program, according to James C. Kirby, Jr., dean of the College of Law.

"Primarily because of a lack of funds, we are now only taking those cases which have one educational value for our students," Kirby said. "We have been forced to change our clinical experience from work on individual cases to a more generalized nature."

Robinson estimated the cost of maintaining an Ohio State legal clinic would be $25,000 for each attorney and his staff employed. He did not know how many attorneys would be needed to operate such a clinic.

"This issue involves the question of whether a student's legal problems are his own affair, or if the University has a duty to provide legal services in much the same way students now receive medical aid," Robinson said.

"The attorney general apparently believes that it is not the University's mission to assist in such affairs."

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"If such an order is established, it would take the form of an injunction issued under the Federal Civil Rights Act, which would make any public official found guilty of improper actions in this case subject to contempt charges if he commits a similar act in the future."

"Even though the outcome of the case will have no direct effect upon those former public officials, I believe it is important for the public to know whether these men have committed unconstitutional acts in the event they should enter a public office in the future," Miller said.

"We are also alleging these constitutional violations transcend the November disturbances, since similar actions are taken fairly often by the police when dealing with blacks, long-hairs, and students."

No definite date for the trial has been established, although the date could possibly be set at a pretrial conference Wednesday.
Administration ‘kills’ legal services office

By Barry Horstman 14 APR 72

University representatives on the Ad Hoc Committee for Legal Services "killed for all practical purposes" a proposal calling for a student legal services office at Ohio State Thursday night, according to Richard Miller, law professor and member of the committee.

"It appears that we’re going to have to look for a new approach to this situation, since the university’s actions would seem to indicate that his Administration simply does not want a legal services office for students," Miller said.

The reasons the University gave for rejecting the proposal are that the legal clinic would violate Ohio Att. Gen. William J. Brown’s ruling that public funds could not be used to finance a similarly proposed legal clinic at Kent State University and that the subsidy requested from the university in order to create the clinic would subject the University to "substantial financial exposure."

"However, we have proven that the attorney general’s ruling would not apply to our proposal, since the clinic would serve a definite educational purpose for the law students involved," Miller said.

"The attorney general specifically states that his ruling does not apply to any program with a legitimate educational purpose," he added.

The proposal calls for the clinic to be financed by a University subsidy, which could be withdrawn if the subsidy for any one year exceeds $35,000.

"In essence, what we were asking the University for was seed money to get the program started," Miller said.

"We planned to charge minimal fees for legal services, and after the first year it is possible that the clinic would have been self-supporting to the extent that we would have not needed any additional University funds," he said.

"But since the University claims it cannot provide us with this open-ended form of payment, we are perfectly willing to accept a specific sum," Miller said.

"If the University is really worried about the money involved, it has our earlier proposal in which the program would have been entirely financed by asking students to make a voluntary contribution in the manner in which they may now contribute to a scholarship fund," he said.

That proposal was rejected "for the bureaucratic reason that there was supposedly not enough room on the fee card to ask students for the contribution," according to Miller.

Steve Cole, student co-chairman of the committee, said he believes "the University is afraid of this proposal because of possible community feedback if the clinic would defend a student in a controversial case, and so is trying to delay the proposal until summer with the hope that it will then die out."

Dave Sternberg, the other student co-chairman, said "the only way to describe the administration’s participation in these negotiations is that it shows complete lack of faith in the students involved in the project."
By Barry Horsman

5-18-72

A proposal to create a legal clinic for Ohio State students "has been effectively squashed for the present," said Richard S. Miller, professor of law and a member of the Ad Hoc Committee for Legal Services.

The clinic would provide students with legal assistance as health service is now provided. The clinic would employ several attorneys on a full-time basis and serve as "practical legal experience" for law students.

In recent rulings concerning similar proposed legal aid clinics at Kent State and Ohio University, Ohio Atty. Gen. William J. Brown said the Boards of Trustees at their respective universities did not have the authority to allocate public funds for the purpose of financing a legal clinic, since "such as admission charged at athletic events or plays.

The court's decision in the case "specifically recommends such funds be handled by school officials and states that these funds are not public, a fact which is confirmed," the attorney general's ruling on the case, Miller said.

"This case is particularly relevant to the proposed legal clinic, since the clinic would have been funded by asking students to make voluntary contributions."

"However, in applying this case to the proposed clinic, Brown said any funds handled by the University are public funds, an opinion which completely overlooks the earlier ruling," he said.

Miller said he explained these "contradictions" in a meeting with the assistant attorney general for education, the chief

he believes this code "indicates the trustees of a state university do not have the right to disburse public funds to employ legal counsel other than the attorney general."

Robinson said his interpretation of the code was based on a legal opinion given by the University's chief counsel concerning the possible effects of Brown's rulings upon the proposed legal clinic.

However, Miller said he believes evidence exists to show these recent rulings contradict previous rulings made by the attorney general's office.

Miller cited a 1970 ruling which states boards of trustees have the right to provide for the "health, welfare, safety and morals of students."

Miller also pointed out a 1939 court case dealing with the powers of Ohio boards of education to handle "self-assessed student opinion write," in the attorney general's office, and the University's chief legal counsel.

"The result of that meeting was completely unsatisfactory to me and I was shocked at the unresponsiveness of the other men at the meeting," Miller said.

"From a legal viewpoint, it seems obvious to me the legal objections raised against the clinic are completely without merit and in some sense ridiculous," Miller said.

"I explained how these recent rulings contradict earlier rulings, and while the other members raised no objections to what I said, they still claimed to be right."

"We have no intention of dropping the legal clinic proposal," Miller said. "We plan to spend the months ahead redrafting the proposal to meet the rather specious objections of the attorney general."
such a clinic is not "reasonably incidental to the university's program of higher education."

Brown said legal representation is not the concern of the university, but rather is a private right of the individual.

In rejecting the proposal calling for a legal aid office at Ohio State, University representatives on the Ad Hoc Committee cited Brown's ruling.

In addition, the University representatives also pointed to Section 109.02 of the Ohio Revised Code, which states the attorney general is the chief law officer for the state and its departments.

The code states "no institution of the state shall employ, or be represented by, other counsel or attorneys at law."

Ted Robinson, vice president for student affairs and a member of the committee, said
Legal Clinic Helps and Trains

28 MAR 73

If a student is arrested in a bar raid or for possession of marijuana, the Legal Clinic may be able to help him.

"The Legal Clinic is to train people who will go into law practice, preferably on behalf of the poor, though not necessarily," Richard Miller, director of the clinic, said.

Bruce Jacob, associate professor of law, said the students are involved in drafting briefs, pleadings and investigations under faculty supervision.

A third year intern may handle civil or misdemeanor cases in court, as long as a member from the Ohio Bar is with him.

"Jacob said, "This is the best way to teach legal principles while handling cases." Students need practice to be competent, and this method is more interesting and realistic, he said.

Jacobs said cases come from people who request aid and from referrals at the Columbus Legal Aid and Defender Society, as well as from private lawyer referrals.

Jacob said the clinic accepts few cases so the students will be able to do them well. Most cases concern people who can't afford an attorney. "We choose cases with interesting issues, in which the students would learn more," Jacobs said.

Jacobs said in some cases, with the permission of the client, mock trials are held in the Moot Courtroom to prepare for the actual trial. Clients bring their witnesses, giving the students an opportunity to spot weaknesses in testimony.

Bob App, a third-year law student from Philadelphia, cited a case he worked on which went to the U.S. Supreme Court.

A man convicted for using improper language while in mixed company appealed to the Franklin County Court of Appeals on the grounds that the charge was unconstitutional, and lost.

He then appealed to the Ohio Supreme Court, which refused to consider the case, and on to the U.S. Supreme Court, where the city of Columbus had filed a motion for the court not to hear it. The U.S. Supreme Court reversed the case without hearing it.

App also cited a case in which a man was arrested with five others in a record shop, after police made a heroin purchase in that vicinity.

The man was charged and convicted under a "Columbus city code which says a person can be punished if he is where drugs are, without requiring any demonstration that he knew the drugs were there," App said.

The Legal Clinic appealed to the Franklin County Court of Appeals, which declared the statute unconstitutional. The case was thrown out, App said.

Miller said one problem of the program is that there are too many cases for each professor to supervise. Jacobs said another problem is timing because of the amount of time necessary to get a case and to take it through the court system.

The Legal Clinic is an internship program consisting of regular classes and practical experience in criminal law, criminal appeals and post conviction, welfare, and civil law. Miller plans to extend the program to include a consumer law experience this summer.
Student legal clinic proposed

By Cindi Bolton

2-1-74

A proposal which would provide legal services for students on a basis similar to student health insurance, was passed unanimously Wednesday night by both the Undergraduate Student Government Student Assembly and Student Bar Association (SBA).

A similar proposal failed to meet the approval of University officials in 1972.

The proposal will now go to the Council of Graduate Students and the Inter-Professional Council for approval. If approved by these groups, the student organizations will work together to present the proposal to President Enarson and the Board of Trustees.

The proposal calls for a clinic which would employ several lawyers on a full time basis and would also provide practical experience for law students, Fred Gittes, SBA member said.

Gittes said students would pay $2 per quarter and would receive a card entitling them to legal services for the quarter. Students would have the option not to pay for the service during any quarter.

The legal clinic would handle common legal problems such as tenant-landlord relations, unfair consumer practices and civil rights cases.

"The need for this is enormous," Gittes said. "Students earn too much money to qualify for free legal aid but not enough money to hire lawyers. They're in the middle of a vast no-man's land."

The main factor in the proposal failure in 1972 was a ruling by Ohio Atty. Gen. William J. Brown concerning clinics at Kent State and Ohio University. Brown said the Boards of Trustees of each university did not have the authority to allocate public funds to finance a legal clinic.

He said such a clinic would not be "reasonably incidental to the university's program of higher education."

Gittes said Brown's ruling was misunderstood at Ohio State. "The program presented there (at Kent State) was different than the proposal here," he said.

Gittes said the attorney General defined public funds as any money collected by the bursar's office but the backers of Ohio State's proposal did not think that if students voted to finance the service, their money could be considered public funds.

Gittes said Brown would probably be more favorable to the proposal if the students, administration and Board of Trustees could show him they were united in the need for the legal clinic program.

A spokesman for Brown's office said Brown would not offer an official comment in the form of a new ruling until the proposal was presented to him.

Robert Hickey, president of SBA, said the proposal should be presented to Enarson within three weeks.
Inmate Rights Ruling Affects OSU Law Case

WASHINGTON — The U.S. Supreme Court has turned down an effort by the Ohio State University College of Law Clinical Program to intervene in a Nebraska case involving rights of prison inmates.

But the sponsors of the motion may not be miffed too seriously by the high court's action because the court simultaneously decided a California case, based on the same issues as those in the Nebraska case, in a manner probably suitable to the OSU group.

IN THE California case, the Supreme Court ruled unanimously that prison authorities were acting unconstitutionally in barring attorney-general interviews with prisoners by law students or legal paraprofessionals when there was no threat to prison security.

The court also ruled that prison authorities may censor incoming or outgoing mail of prison inmates only in certain limited circumstances.

THE COURT said such censorship may be used only to further a "substantial government interest" in matters relating to security, order and prisoner rehabilitation, and that censorship regulations are unconstitutional if used to suppress "unwelcome opinions."

The same type of issues were involved in the case of Wolff versus McDonnell, the Nebraska case in which the OSU College Clinical Program sought unsuccessfully to file an "untimely" brief as a "friend of the court."
Search Committee looks for new law school dean

The associate dean of the College of Law assumed the post of acting dean July 1. L. Orrin Slagle replaced James C. Kirby Jr., who resigned to become vice president and general counsel of New York University.

Slagle received his law degree from Ohio State in 1957 and in 1961 became assistant dean of the college and professor of law.

Slagle left that post in 1968 to practice law with the Columbus firm of Dargusch and Day. He returned in 1971 to again become associate dean and professor of law.

President Harold L. Enarson has appointed a search committee to recommend candidates for the position to the Board of Trustees for the job.

The committee has been at work since April and is considering approximately 50 non-faculty members for the post, according to Merton C. Bernstein, chairman of the committee and professor of law.

Law faculty, including Slagle, will also be considered by the committee later in the year. Bernstein said.

Legal interns get courtroom, prison experience in clinics

By Marsha Bosley

Third-year Ohio State law students may act as practicing lawyers in all cases except felonies if a member of the Ohio State Bar Association supervises at all stages of preparation and litigation.

Bruce Jacob, director of clinical programs in the College of Law, said there are 60 students engaged this quarter in signing pleadings, writing briefs and arguing in court in cases relating to many facets of the law.

These include juvenile law, criminal law, consumer protection, civil liberties, criminal defense and welfare law.

Other law practicums offered at Ohio State are those concerning housing and employment discrimination, the law and education, group legal services, criminal appeals, and post conviction remedies.

According to Ohio law, a "legal intern" must be in his third year in an approved law school and must be approved through a written certificate submitted by his dean to the clerk of courts.

After filing with the Ohio Supreme Court, applicants are interviewed by the Ohio State Bar Association and character and fitness exams are given.

The clerk's office of the Ohio Supreme Court then reviews the candidate and issues him a certificate allowing him to engage in "limited practice."

Depending on their particular cases, students receive three to six pass/non-pass credit hours each quarter.

"Most cases," said Jacob, "are misdemeanors involving municipal ordinance violations, arrest for intoxication, possession of marijuana, resisting arrest, shoplifting and unemployment compensation."

The Legal clinic, first made available in 1956, originally handled all cases coming in from persons who couldn't afford legal fees, Jacob said.

"By 1970, the volume of cases was too much for efficient and effective supervisors to handle. So in 1971, we began to limit the number of cases we accept annually," he said.

The clinic, while still basically serving those lacking funds for attorneys, handles no more than 200 cases each year.

Within this modified, more selective program, students are assigned to more relevant legal issues, such as the constitutionality of statutes and city ordinances and constitutional claims of denial of equality protected by the law.

"Rather than becoming involved in many non-related cases, students, through our clinical program, have the opportunity and the option to specialize and develop expertise in one area of law," Jacob said.

Each practicum involves two aspects: classroom instruction by an Ohio State professor and courtroom experience where each student's case handling is supervised by an adjunct professor or a supervising attorney.

Jacob estimated the annual budget for the legal clinic at $100,000. The budget compensates mainly for the high faculty and attorney/student ratio not usually required in a traditional, classroom only law curriculum.

Philip Phillips, a third year law student from Hammond, Ind., sights several advantages to the clinical approach to law.

"Students are able to see the realistic aspect of practicing law that they can't see in a classroom situation. Working with actual people and actual problems provides good initial experience with good supervision," Phillips said.
Student legal service plan proposed

By Thomas Suddes
30 Oct. '74

A group legal services plan to pay the costs of attorneys for Ohio State students could be as available and about as expensive as student health insurance if a plan announced Monday by State Rep. Michael P. Stinziano (D-Columbus) is enacted by the 111th General Assembly.

Guaranteed legal counsel in civil and criminal matters, with the exception of "capital crimes" such as murder, rape, and armed robbery, would be provided to students electing to buy the coverage proposed by Stinziano. He said he hopes the annual cost to a student and his family would not exceed $50.

"I WILL FIGHT as hard for this bill as I did for the tenant-landlord bill and the Equal Rights Amendment," Stinziano said. He said the group legal services bill is a "major plank in my re-election platform."

The legislator said University students generally can't afford the services of private attorneys, who charge "from $50 to $60 an hour," and that most students had incomes which disqualified them for legal aid by a public defender.

STINZIANO'S PLAN would provide for collection of premiums by the University bursar when student fees are paid.

Funds collected would first reimburse the University for administrative and collection costs so that "not one dime of taxpayer's money would go" to pay for student legal defense, Stinziano said.

The balance of the proceeds would pay for either a staff of attorneys directly employed by the plan or to an outside law firm under contract to the plan.

STINZIANO emphasized the plan would be voluntary, with students deciding whether to participate when they register.

He said there are "about ten" similar plans in the United States, including one at the University of Texas and one at Syracuse University. Two others exist in the Columbus area, one sponsored by the Columbus Education Association, and the other by Local 423 of the Laborers' International Union.

THE EXACT amount charged to each member would be determined by the number of enrollees and the scope of services offered. Stinziano said that actuaries could be consulted to insure that revenues covered costs.

The Undergraduate Student Government, the Council of Graduate Students, the Inter-Professional Council, and the Student Bar Association have endorsed his proposal, Stinziano said.

HE SAID he had discussed the matter with University President Harold L. Enarson who "recognizes the need for establishing legal services for students," Stinziano said.

"(Enarson's) only regret was that the general public couldn't get such coverage, too," Stinziano added.

Law school offers new class

Mentally ill rights studied

By Thea Grendahl
1 Nov. '74

A law course dealing with the civil rights of the mentally retarded and mentally ill is being taught for the first time this quarter in the School of Law.

Instructor of the course, Michael J. Kindred, professor of law and Chief of Legal Affairs at the Nisonger Center for the Mentally Retarded and Developmentally Delayed, explained that the course developed from a seminar on mental health and the law which he had held for several years.

The course is open to second and third year law students and graduate students. Twenty-five students are enrolled.

"Basic rights of mentally disabled people in the community, including the right to education," are issues discussed in the class, Kindred said. The course also "deals with various ways in which the law has special applications to the mentally disabled," he said.

Changes have been brought about by recent court decisions such as the decision in Davis vs. Watkins last August, in which patients of the Lima State Hospital were insured a right to treatment and basic civil rights, such as the right to an attorney.

"Law depends on the social sciences to define a person as mentally ill or mentally retarded," and then "provides further tests to determine whether a person should be institutionalized," Kindred said.

Kindred said he would like to examine whether it's rational to lock up mentally retarded people someone thinks are dangerous and we don't lock up other people someone thinks are dangerous."
Poll cites need for service

By Linda Fitzpatrick

The results of an Ohio State University Poll (OSU Poll), released to the Lantern Friday, indicate approximately 83.3 percent of the students and faculty need or desire a legal service system on campus.

The poll was requested by the Ad Hoc Committee for Pre-Paid Legal Services, a group appointed by the Steering Committee of University Senate to look into the feasibility of a group legal service on campus. The poll's purpose was to determine whether there is a need for legal services on campus and what kinds of services the campus community needs.

KATHRYN HALLER, chairperson of the Ad Hoc Committee for Pre-Paid Legal Services, said the idea for a group legal service originated about three years ago in University Senate, but nothing was ever done about it. Last Spring Quarter the subject was again brought up in the steering committee. The ad hoc committee was then formed.

Haller said she thinks students and middle and lower class populations lose out in many legal transactions because "they don't know their rights and it's too expensive for them to find out. By and large, I think the lower and middle classes don't look into legal services. If legal services are made available at an affordable price, I think they would take advantage of it," she said.

THERE ARE about 15 universities in the country that have pre-paid legal services, Haller said. They include most legal services and are operated on a mandatory fee basis. The fee is usually $2.25 per quarter, she said.

The results of the OSU Poll show the problems most anticipated by students are tenant-landlord relations and consumer problems. Faculty members cited trust arrangements, wills, and the sale or purchase of a home as areas in which they would need legal assistance.

Of those polled, 63.2 percent indicated they would be willing to pay a quarterly fee to support a group legal services plan. About 45.7 percent said they were willing to pay up to $10 a quarter for the service. However, 90 percent said the fee for such a service should be paid voluntarily by those who desire the service.

IN GROUP legal service, Haller said some of the more uncommon and more expensive services are sometimes excluded in order to keep the costs down, she said. Attorneys and law student volunteers would participate in the program.

There isn't a concrete plan for the group legal services at Ohio State yet, Haller said. The committee has not completed its discussion of the poll results or written a proposal to be presented to the steering committee. Haller said she hopes to have the proposal prepared by the end of the quarter.

Haller is enthusiastic about the group legal service idea, but is uncertain the program will materialize.

"Once we write the proposal, it's hard to tell what will happen after it goes to the steering committee and University Senate. I hope that University Senate will go ahead and pass it, but you can't make predictions like that."

THE POLL was conducted through a telephone survey of 402 faculty members and students.

Jaak Wichita, co-director of OSU Poll, said some of the questions were the same for faculty and students. The faculty were asked to answer questions based on their past legal experience, while students were asked to project their legal needs for the next four years. Wichita said it is much easier to project future needs from past experience with the faculty, with students it is different because they generally have little legal experience.

Wichita said OSU Poll conducts two surveys each quarter.
Stinziano wants low-cost services

Legal aid bill offered

2-12-75
By Eric Schmitz

If you need legal counsel, does $50 to $60 an hour for a lawyer scare you away? How about $2 a month?

State Rep. Michael P. Stinziano (D-Columbus) believes the latter fee is considerably closer to reality for the average student and hopes to bring legal service within every student's grasp.

Stinziano will announce at a news conference this afternoon that he is sponsoring legislation to make low-cost group legal services available to any student of a state assisted college or university.

THE BILL PROVIDES that the boards of trustees of Ohio schools "may establish a student fee to be used to finance a group legal services program."

Stinziano said each university could develop its own legal services program according to its particular needs and desires. The bill itself contains no requirements for a specific type of program a university may set up.

However, the bill does forbid students from using the services "in an action against the university" or against another student in the program.

A likely plan would be one similar to the present student health insurance program in which students pay fees on a voluntary basis.

HE SAID a group plan could include guaranteed legal counsel in civil and criminal matters, such as consumer protection problems, tenant-landlord disputes, domestic relations, campus traffic violations, and estate planning.

STINZIANO SAID the establishment of a group legal program at Ohio State has been considered for more than four years, but "each proposal has been halted by the so-called attorney general opinion."

The opinion, issued in April, 1972, states "public funds may not be used to finance a legal aid clinic at a state university staffed by a private attorney."
Poll indicates student, faculty endorsement

Legislation to ease student legal problems

By Eric Schmidt

Since 1969, more than 100 academic institutions throughout the United States have begun programs to provide low-cost legal aid to students.

Ohio may be next.

State Rep. Michael P. Stinziano (D-Columbus) has introduced legislation in the Ohio General Assembly allowing state-assisted colleges and universities to set up their own independently designed legal service programs, as designated by each school's board of trustees.

"This plan will allow for the student to have a healthier atmosphere for his/her education," Stinziano said. "by releasing many of the pressures a student may have when dealing with a legal problem and not having the knowledge or resources for payment of an attorney."

"Does Ohio State need a legal service program?"

The results of an Ohio State University poll released in January indicate 88.3 per cent of 402 students and faculty polled want the University and the student government to work toward the establishment of a legal services plan for students.

STINZIANO HAS studied various programs at other universities around the country. "so ... such a program at the Ohio State University would not be some whimsical adventure or experiment in which the results are unknown."

Two of the first universities to form extensive legal aid programs are the University of Oregon and the University of Texas.

Both of these universities say tenant-landlord problems are the most predominant among those brought before their programs.

Programs differ widely in the scope of benefits offered.

Tom Hanlon, one of the attorneys at the University of Oregon, said they do not go to court for any case except an uncontested dissolution of marriage. Cases which must go to court, Hanlon said, are referred to outside lawyers.

However, Hanlon said they will background and investigate such cases which makes getting outside help easier and often less expensive.

Oregon's program also does not handle criminal cases because they are "theoretically" taken care of under the public defender system, Hanlon said.

"We will advise on anything and everything," he said.

Bruce Griffiths, a second year law student who works in the University of Texas' program, said they also only handle civil cases, but "will definitely go to court."

GRIFFITHS SAID they do not, however, go to court in divorce cases.

He said Texas has rather liberal divorce laws under which neither party has to prove fault, but if appearance in court is necessary, they will interview the client and refer that person to an outside attorney.

Griffiths said Texas also assures a person legal representation in criminal cases by a judge's appointment of a lawyer so there is no need for the university to provide representation.

The University of Texas Law School also has a separate program to provide experience for law students which handles only criminal cases, although their coverage is not limited to students, Griffiths explained.

He said traffic violations are considered criminal cases and are not handled by the student attorney, but the office has prepared a booklet explaining to students how to handle violations.

Not all programs exclude criminal cases, such as Syracuse University, which handles misdemeanors.

Stinziano said the scope of legal benefits at Ohio State would remain up to the University itself when it forms the program.

HE SAID THE program could include a wide range of civil cases such as those mentioned before as well as "many criminal cases except wrongful death and rape matters."

Stinziano said exclusions in the plan's representation would probably include any involvement in business matters by the covered student, court or case costs, such as filing fees, long distance phone calls, postage, medical examinations and others, and any fines or penalties. Of course, the plan could not represent students in the program who are suing each other because of the conflict of interests such a suit would create.

A possible bone of contention in Stinziano's bill is the provision that prohibits the attorney from representing a student against the University.

Stinziano said he does not favor such a provision, but it is "politically necessary."

The University of Oregon's program is one that allows representation of a student against the University.

"We're an independent counsel for the student," Hanlon said. "If they want to sue the university, fine."

Syracuse University also represents suits arising from student disputes with the university.

MOST SCHOOLS, however, contain the provision that students may not
use the legal service program against
their university. The University of
Texas is one of these.

Griffiths said when their program
began in 1969, there was no restric-
tion on student vs. university suits.

However, in 1970, the student at-
torney at the University of Texas
handled a case suing the university
for not granting the Gay Liberation
Organization status as an official
university organization.

Two days later, the Texas Board of
Regents ruled this wasn't allowed
because the student attorney was
considered a state employee and,
therefore, couldn't represent some-
one in action against a state univer-
sity. The attorney, who has since left
the program, disagreed with the rul-
ing contending he was an indepen-
dent attorney.

In January 1971, the regents ruling
became official. Griffiths said the
two attorneys now at the program
sign a document which classifies
them as state employees.

There have been a substantial
number of cases we can't handle be-
cause of the ruling prohibiting litiga-
tion against the university," Griffiths
said.


Another question to be resolved in
a legal service program at Ohio State
is whether the attorneys would rep-
resent student groups as well as in-
dividuals. Oregon, Texas and Syra-
cuse all allow such coverage as do
most other programs in the country.

Syracuse covers the "Student As-
sociation and other sponsoring
agencies contributing funds to the
program." Hanlon said Oregon will
represent organizations "if they are
made up of students," and Griffiths,
of Texas, recalled a case in which the
attorneys represented the Univer-
sity of Texas Young Democrats. Grif-

thiths also said they have done re-
search for the student government.
Oregon, Texas universities provide models for OSU legal service plan

3-4-75

By Eric Schmitz

The proposal of a low-cost group legal service program at Ohio State has been kicked around the state legislature and the University for about four years, but to no avail.

A program of such size and scope raises many questions which must be answered before a successful plan can be instituted. One way of answering these questions is to study the way other institutions have handled their programs.

METHODS of funding a legal services program vary from school to school depending on the size of the institution, the benefits covered by each different plan, the case load, the number of staff members and many other aspects.

Most programs are funded by a mandatory fee charged to the students.

TOM HANLON, of the University of Oregon's group legal services program, said Oregon students pay for the "legal insurance" through a student incidental fee added to their tuition.

He said each student pays about 33 cents per quarter for the services. With 16,000 students at the university, this fee covers the program's entire $20,000 annual budget.

"I would say there is substantial backing for the program," Hanlon said, even though it is mandatory that the student pay the fee.

Hanlon said the program is reevaluated every year by the student government and there have been "few gripes."

THE UNIVERSITY of Texas, which, with about 40,000 students is comparable in size to Ohio State, has an annual budget of $55,000 for its legal program.

Bruce Griffiths, a second year law student who works in the Texas program, said that fee is also mandatory and is added to a student services fee. He said the cost is about $1 per student for a year's coverage.

Though the client is generally required to pay any extra expenses, Texas has set up what it calls a "litigation fund." This fund consists of about $1,000, Griffiths said, and is used for expenditures "if the case is important enough to the entire student body."

GRiffiths said the reasoning behind this fund is that a student often cannot afford the expenses of a major law suit.

In cases where the student is obviously going to be awarded a large amount of money, such as a personal injury suit, Griffiths said the case is usually referred to an outside attorney.

He said this is because "our function is to provide legal services to those who could not normally afford it."

STATE REP. Michael P. Stinziano (D-Columbus) is sponsoring a bill that would clear the way for group legal service programs at Ohio universities. Considering the large population at Ohio State, he prefers a program here be funded voluntarily at about $1 to $2.50 per quarter. He said this would be similar to the way students are charged for health insurance.

Stinziano said a mandatory system could be used, which would cost less per student, and money could be received from grants or contributions from alumni or the community.

ACCORDING to an Ohio State University Poll, 25.6 per cent of the students are willing to pay less than $5 per cent said they would pay from $10 to $15. Eight and one-half per cent said they would be willing to pay more than $40 per quarter.

Each program studied reserves the right of its attorneys to determine which cases they will handle and which it considers to be outside the program's scope of benefits.

The University of Oregon's plan handles about 1,700 cases a year or about 12 per cent of the student body. Hanlon said the staff isn't able to help every student completely, but "we follow through to completion 85 to 90 per cent of the cases we get."

Texas' program, with a much larger enrollment, sees about 17 students per day, though not all the cases are taken, Griffiths said. He said the staff is handling about 300 cases at any given time and serve about 4,000 students a year, or about 10 per cent of the student body.

TO HANDLE such a heavy load, the University of Texas must have a larger staff than smaller universities, such as Oregon.
Texas has two full-time attorneys and three full-time secretaries paid from the $55,000 budget, and three work study receptionists paid by the federally funded university work study program.

Twenty law students also work as law clerks for the program and receive 80 per cent of their wages from work study and 20 per cent from the budget. Also working, on a voluntary basis, are eight-year law students who, under law, can practice in court.

Griffiths refused to say what specific salaries were.

OREGON's program has two part-time lawyers paid from the budget and three interested students' paid through work study. Hanlon said there are no law students working in Oregon's legal service center.

Concerning authority over the program, Stinziano said it would be necessary to establish an advisory committee to "carry out the oversighting of the program and to intervene on any complaints."

He said the committee would review and audit the services of the attorneys, but "will not be allowed to interfere with any attorney-client relationship."

Stinziano said the committee could have representatives from the undergraduate and graduate student bodies, university administration, a law professor and law students not employed by the plan and possibly a representative from the Oregon State Bar Association.

HANLON SAID authority over Oregon's program "lies with the law firm and the student government. He said the lawyers are "hired on legal basis" and there is a contract between the firm and the student government approved by the state board of education.

Griffiths said the authority over Texas' program lies with the Texas Board of Regents, similar to Ohio State's Board of Trustees.

He said the "day-to-day authority" lies with the two attorneys and they set up most of the rules.

Stinziano said several alternatives are available concerning coverage of dependents.

He said an alternative to covering dependents immediately or not covering them at all would be to exclude coverage of student's dependents in the first year of the plan's use.

"If, after the first year...it can be seen that funds are available along with legal time, the dependents could then be included in the coverage for the second year," Stinziano said.

STINZIANO defines dependents as "a lawful spouse and children under 18 years of age who reside legally with the student member and handicapped under a certain age who are unable to work because of this handicap."

Graduate and regional campus students could also be included in the Ohio State plan, Stinziano said.

Griffiths said the Texas program could cover a student's spouse because Texas is a "community property state" which means all property belongs equally to both husband and wife. Ohio is not a "community property state."

Griffiths said a case concerning representation of a child dependent has never come up but the child would "probably not be covered."

STINZIANO recommends Ohio State's program be of a "closed panel nature" as opposed to the open panel.

The closed panel, by far the most widely used, means there are specific attorneys handling all cases. Under an open panel system, the student obtains his own counsel, though costs are still covered by the program.

STINZIANO said the open panel system has some drawbacks. One such drawback, he said, is that there is no set price for fees which allows the attorney to set the price, "causing the service to be extremely costly."

Another possible drawback Stinziano sees is that the client may not have any previous knowledge of an attorney, "which can be a valuable asset in a favorable attorney-client relationship."

Stinziano said if Ohio State adopts the closed panel, it will be necessary to select the plan attorneys by receiving bids from law firms or individual attorneys. These attorneys would not include law school staff members and clinical staff members who could also be employed by the program.

The ideal student attorney, Stinziano said, "is someone who has been out of law school between two and five years and who has had some practical experience."

AN ADMINISTRATOR at the University of Oregon said, "Students' interests are best represented by an attorney familiar with university procedures who will present claims from the student point of view."

Speaking from the University of Texas, Griffiths said "it would probably be unwise to choose all attorneys fresh out of law school."

He said to handle a program as large as the one at Texas, "it is good to have someone with experience."

The lawyer who has been at the University of Texas longest has five years experience. At Oregon, a lawyer has been a practicing attorney since 1963.
Ohio bar favors group legal aid

3-5-7 By Eric Schmitz

While many state bar associations have opposed the formation of group legal services, the Ohio bar has repeatedly favored the concept.

Jay Ellis, an attorney with the Ohio bar and administrator of the Ohio Group Legal Services Fund, said, "Democracy only means something to those who have access to it," and he added, access to legal representation is important to democracy.

Two attorneys at the Ohio State College of Law also see a definite need for low-cost group legal services.

"Students are a very obvious category" needing legal services, but can't afford them, Charles Thompson, assistant professor of law, said.

"STUDENTS don't realize when they need a lawyer, quite often," Bruce Jacob, professor of law, said.
"Before they know it, they are caught up in all kinds of complicated legal problems," he said.

These comments were made by the wake of legislation introduced in the Ohio House by State Rep. Michael R. Stinziano (D-Columbus) allowing state universitites to establish group legal service for students.

One of the major objections raised by state bars is against the "closed panel system."

Under the closed panel, specific attorneys are hired to handle the group's legal problems. The client can only go to one of these attorneys to receive the program's benefits.

STATE BARS, including Ohio's, prefer the "open panel," where the client is free to obtain his own counsel. The lawyer is then paid with program funds.

Robert Manning, legislative lobbyist for the Ohio bar, said the client should have a free choice in selecting his counsel.

He said client's problems cover a wide range of legal topics and it could be difficult to find someone with expertise in all subjects in a closed panel.

With the open panel, he said, the client can go to an attorney who specializes in the (his) particular problem.

"I would be more comfortable with a wider selection," Manning said. Ellis said he favors the open panel system, but that the closed panel might be more suitable to the university.

HE CAUTIONED against the possibility of a student being "processed" through the legal apparatus if a closed panel is overloaded with work. He said the student might receive more personal attention in an open panel system.

However, Ellis said the somewhat "specialized needs" of students might warrant a closed panel.

He mentioned tenant-landlord problems as the predominant student legal concern. Consumer and part-time employment problems are often encountered by students.

Stinziano said there are two major drawbacks to the open panel system.

"One such drawback is the fact that no set price is adopted, allowing the attorney to set his/her own fees, causing the service to be extremely costly," he explained.

THE OTHER drawback, he said, is the student may not have knowledge concerning an attorney.

Manning said, "Legal service is like buying bread, you get what you pay for."

An attorney who is expert in a field, he said, could be less expensive than one who has a general knowledge because it would take the expert much less time to handle the case.

The biggest stumbling block preventing establishment of a group legal service program at Ohio State has been an opinion handed down by Ohio Attorney Gen. William J. Brown.

THE OPINION states that the program would be using public funds for private purposes not concerned with furthering the educational process.

Jacob said he sees a discrepancy between this opinion and the formation of the student health clinic. He said legal services are comparable to health services.

"I don't understand why people think legal services are a luxury," Jacob said. "They are not a luxury, they are very essential."

Stinziano stresses having Ohio State's law school integrated into the program as a way of "promoting higher education."

Both Jacob and Thompson strongly favor involving the law school in the program, giving it a dual purpose in serving students and educating law students.

JACOB SAID the law school could take over cases having important educational aspects and do the investigating, research, interviewing and drafting of briefs.

Speaking for the bar association, Ellis said that it would be favorable to involve the law school.

Jacob also said having law students working in the legal service program "would cut the costs to some extent."

Funding the program at Ohio State is the major problem, Thompson explained.

He said the student fee must be mandatory if the program is to succeed.

"Without it (a mandatory fee), it's going to be impossible to make it," Thompson said.

Thompson suggested making the first year's fee mandatory to give students a chance to see the benefits and then possibly making it voluntary the second year.

Thompson said use of a mandatory fee is supported by other programs and "there have been no major objections."

"I don't know of any existing or operating plan that has not been satisfying to the clients," he added.

ELLIS EXPRESSED concern with possible "frivolous" use of the program. He said the University should
seriously consider a "co-insurance plan" where a percentage of the case expense would be paid by the student.

Ellis also suggested formation of a "review committee" to oversee the program and guard it from becoming "politicized."

He said the review committee would periodically audit the benefits of the program and assure students of receiving "prompt and efficient legal service."

He also said "students should have a large say in the creation of the program."

STINZIANO suggested establishing a committee to examine the program's progress and intervene on complaints.

Both said it would be important to include students on the committee and stressed the committee would not interfere with the privileged attorney-client relationship.
Mandatory fee hike is obstacle

Administration pans legal plan

34-75
By Eric Schmitz

Though he concedes low-cost group legal services are the "coming thing," Eric Gilbertson, special assistant to President Harold L. Enarson, said he sees "a lot of serious problems" with such a program at Ohio State.

"We'd have an almost impossible time operating that thing to everyone's satisfaction," Gilbertson said.

"The University wouldn't interfere with the attorney-client relationship, but students might perceive this as happening," Gilbertson said. "I don't know if students would be fully satisfied if the attorney were on the University payroll."

Kathryn Haller, a third year law student serving on a committee drawing up proposals for a legal service program at Ohio State, said some students might be "paranoid" about going to an attorney working for the University, but most would not be concerned.

CHARLES THOMPSON, an assistant professor of law who is also on the proposal committee, said he saw no problem at all concerning Gilbertson's question.

Haller said the committee has suggested forming a "policy board" to review and audit the program. The board would be made up of two undergraduates, one graduate student, one professional student, one faculty member outside the law school, one faculty member from within the law school and one person from the University administration, she explained.

STATE REP. Michael Stinziano (D-Columbus) has introduced legislation clearing the way for the establishment of a legal service program at Ohio's state universities. He also suggested forming a board with authority over the program similar to the one Haller proposed, though he said an Ohio State Bar Association member might also be included.

Douglas J. Holmes, president of Undergraduate Student Government, agreed such a board would probably be the best way to administer the program, adding he wouldn't want it controlled by the University administration.

THE PROBLEM of whether the fee for such a program should be mandatory or voluntary is one that every legal service plan ever established has had to wrestle with.

"I think we would be very reluctant to assess a mandatory special fee on students," Gilbertson said.

Haller said her committee has proposed a mandatory fee in the $1 to $2.50 per quarter range.

Haller said a mandatory fee would make the cost cheaper for each individual, and a voluntary fee would be much too uncertain.

HOLMES PREFERENCES the fee be paid by students in the same way they pay for the University health services. He said there should be a "check-off" system whereby the student would be charged the fee unless he indicates he didn't want to be included.

Holmes said students might react unfavorably to a mandatory fee. He said many students would say, "I never get into trouble, so why do I have to pay for someone else's problems?"

An independent student organization at Ohio University is trying to set up a legal service program funded voluntarily.

DAVID BRILL, president of the organization at Ohio University, said he foresees problems in the program if it is funded voluntarily, so they are searching for a grant to supplement the program.

Gilbertson said funding a legal service program through the University also raises questions about whether the program serves an educational function.

He was referring to an opinion handed down by Atty. Gen. William J. Brown which said universities could not establish legal service programs because they would use public funds for private purposes which were not furthering higher education.

Gilbertson said he agreed with the opinion on the grounds that a legal service program might not provide an educational service.

Haller questioned the reasoning behind this, and said a legal service program does not use public funds for private purposes any more than a health center does.
Recommends $2 mandatory fee

U-Senate subcommittee submits favorable legal service report

4-23-75
By Thomas Foglyano

The first step toward providing Ohio State students with a comprehensive legal services plan for less than $2 a quarter was taken Tuesday afternoon at a meeting of the Steering Committee of University Senate.

At the meeting, copies of the legal service subcommittee's plan were distributed to committee members for study before action on the plan is taken at a meeting on May 6.

THE STEERING Committee set up the subcommittee in Winter Quarter, 1974, to investigate the need for student legal services.

Under the plan a Student Legal Services Office would be established on or near campus to assist students who would otherwise hesitate to seek the services of a private attorney due to financial limitations or lack of knowledge of legal rights.

THIS OFFICE would provide any eligible student with full legal counseling and representation in such matters as landlord-tenant controversies, consumer problems, most misdemeanors, divorces, and the handling of wills.

"It's one of the most comprehensive plans in the country," said Kate Haller, chairperson of the prepaid legal services subcommittee.

The plan would not cover:
- litigation against another student, the University, or any University employee;
- preparation of tax returns;
- any advice or representation on commercial business ventures;
- any traffic violation unless conviction would result in loss of the student's driver's license or a jail term;
- any felony or a misdemeanor that comes to court in connection with a felony;
- any appeal of a criminal conviction and
- any litigation that did not originate in a Franklin county court, or in the U.S. District Court for this area.

Any student in one of these situations would be referred to the Lawyer Referral Service of the state bar association.

The program would be funded by a fee of no more than $2 to be paid either as part of the student general fee or as an addition to it.

HALLER EXPLAINED the need for a mandatory fee as simply a need "to know how much money the office will be working with each quarter."

The only other cost to the student would be the payment of all court costs and filing fees up to $75.

Haller said this would help curb "frivolous" use of the program.

Under the plan, both full and part-time students would be covered.

ANOTHER PURPOSE of the program is to provide clinical education programs for law students who would work in the Legal Services office.

In 1972, a legal clinic at Kent State was prohibited because it was not "reasonably incidental to the University program of higher education."

The ruling by Ohio Atty. Gen. William J. Brown stated that "public funds" could not be spent for private legal fees.

A bill introduced by State Rep. Mike Stinziano (D-Columbus) is now in the House Education Committee and could clear the way for the Board of Trustees to establish a fee for legal services.
Legal services...

4-23-75

By Rebecca A. Smith

It was a late night celebration for Ohio State University administrators were worried. Columbus police were arresting rowdy students celebrating Tom Klaban's four field goals and the two-point victory over Michigan.

A University administrator called the Ohio State legal clinic and asked that it remain open. Staff attorney Robert App and Prof. Charles Thompson gave students advice on making bail until about 3:30 a.m.

But only about 100 persons were arrested in the area that night and the two lawyers didn’t get more than a dozen calls.

"I SUSPECT students didn’t know about the clinic or have the phone number," Thompson said.

This illustrates a situation which many persons in the University area say is a problem — a lack of legal services for students.

Despite opposition from some quarters, there is evidence to suggest a demand for legal services at Ohio State:

- In last week’s student referendum, 4,973 of 6,367 voters said they would use legal services at least occasionally.
- A January, 1975, Ohio State University Poll indicates 88.3 percent of students and faculty want a legal service system.
- A 1972 University task force of administrators and faculty report states students have needs for “legal counseling and advice in such areas as leases, contracts and landlord disputes.”
- A 1972 University Ombudsman report recommends the student affairs office study alternatives because “something should be done to restore the availability of legal counseling services to students.”
- An ad hoc committee of University Senate Tuesday proposed establishing pre-paid group legal services for students.

HOWEVER, SUPPORT for the program appears to weaken as one climbs the bureaucratic ladder to the central administration. Different factions emerge: the central administration, second level administrators, law faculty working in the legal clinic, students, and members of the Columbus bar.

- The central administration appears apprehensive. It is not convinced students are willing to pay for the program.
- Richard H. Armitage, vice president of student services, is now noncommittal about legal services. He favored “legal counseling as ombudsman.”
- Bruce Jacob, director of Clinical programs at the College of Law, strongly favors it, saying law students can gain valuable legal experience.
- Student leaders favor it, saying it would give students more power in the community — particularly in tenant-landlord disputes.
- Members of the Columbus Bar Association back the proposal, but object to specifics of its operation as outlined by the ad hoc committee.

ERIC R. GILBERTSON, special assistant to President Harold Enarson, agrees group legal services are the “coming thing” but adds, “We’d have an almost impossible time operating that thing to everyone’s satisfaction.”

Gilbertson is careful to say the administration would have no objection if the program was financially self-supportive.

However, he is “deadset against” a mandatory fee — the only method of funding which those working on the proposal say is viable.

"THE UNIVERSITY ought not to be in the position of deciding what’s best for students,” he said. “Their participation should be a matter of choice.”

He suggests that student leaders’ demands do not always reflect the needs of their constituency.

"You have to find what the average sophomore wants," he said. "He may not be willing to pay the $2 a quarter for it.”

Demands by student leaders for a legal clinic began as early as 1971 when the existing law clinic stopped providing legal services for all students and nonstudents unable to pay for private legal counsel.

Ted Robins, assistant vice president for regional campuses, was a member of a 1972 committee of students, faculty and administrators which tried, unsuccessfully to set up some type of legal services.

"YOU HAVE to recall it was not a period of great trust between administration and students,” Robinson said.

He said that Edward Q. Moulton, then executive vice president; and Jacob E. Davis, University legal counsel, were consulted on the proposal.

Robinson added if student legal services were established at that time it could appear the University was suing “20 businesses and 20 landlords.”

"It probably wouldn’t happen but there was that kind of concern, always,” Robinson said.

LAW PROFESSOR Mike E. Geltner was a member of the 1972 committee.

“The creeps killed it,” he said referring to a decision of Davis and Moulton (now vice president for business and administration) that the proposal was financially unfeasible.

However, he is “deadset against” a mandatory fee — the only method of funding which those working on the proposal say is viable.

"THE UNIVERSITY ought not to be in the position of deciding what’s best for students,” he said. “Their participation should be a matter of choice.”

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"YOU HAVE to recall it was not a period of great trust between administration and students,” Robinson said.
I do not have the authority to locate public funds for launching a legal clinic, since a clinic is "not reasonably incidental to the University's program of higher education." A ruling had been made by the president of the University System of Ohio. The University Senate Committee also called the question of legal services in 1972 after Armitage (then ombudsman) appeared before the committee and testified in favor of student legal services.

"I encouraged University administration to explore the potential of student needs ... I was concerned with providing legal services to students," he said.

Now he says he has "no feeling about it one way or the other." What legal services the University now provides are handled by the office of Alexander Smith, co-chair of judicial programs.

"I'm not in the role of counselor, but I know there's a definite need," he said.

TWO LAW STUDENTS work in that office, making referrals and giving out some information. Smith said his office receives six to 10 calls per week, mostly about tenant-landlord problems. In fiscal year July 1973 to June 1974, Smith said he handled 120 cases "involving students charged with a criminal offense" were referred to him by University police. His office determines which University action will be taken against students.

ASKED TO comment on the expansion of legal services, he speculated the University is concerned with the need for a budget and not getting involved with a program that's going to cost a lot of money.

Money was an underlying factor in the 1971 College of Law's decision to reduce the caseload accepted by its clinic, said Bruce Jacob, director of clinical programs.

Before this reduction, Jacob said, the clinic lacked supervisory personnel to handle the quantity of cases. In January 1969, the clinic handled 83 cases involving Ohio State students. Now, it represents about a half-dozen students, said one staff attorney. To be accepted, cases must relate to clinic courses offered by the law school.

JACOB EXPRESSED support for the legal services proposal. "I would have a tremendous educational effect," he said. "We'd like to plug into it in a limited way. It would give us a source of new and greater variety of cases.

"Students are entitled to their legal rights." Student groups also may benefit.

"DEPENDING ON how it's defined, it could offer a lot of advice and assistance to help make student organizations more effective ... including Undergraduate Student Government (USG)," said third-year law student Frederick M. Gibbs.

Gibbs was deeply involved in trying to obtain legal services for Ohio State students. Gibbs, who helped found the Tenants' Union, asked that a prepaid legal services committee be formed in February 1974. The ad hoc committee was established by the Steering Committee shortly thereafter.

If group legal services were instituted, Gibbs said that "merchants and landlords and police would know that students could defend themselves or take whatever action is necessary to protect their legal rights." The steering committee passed a resolution in favor of the proposal, Gibbs said. "Do you want us to pass it again?"

He agrees with Gilbertson
U-Senate delays legal aid; students may wait until '76

By Thomas Foglyano

4-25-75

A low cost plan to provide a comprehensive legal service program for students could take until the 1976-77 school year to become a reality.

Under the plan, an office would be established to provide legal consultation and representation in such matters as the drawing up of a will, landlord-tenant controversies and consumer problems, among others, for a fee of less than $2 a quarter per student.

The proposal, presented to the Steering Committee of the University Senate Tuesday may not be acted upon by the whole senate until Autumn Quarter.

"It would be remarkable if it was acted upon before then," said William B. Shook, chairperson of the Steering Committee.

THE COMMITTEE will meet May 6 to discuss the proposal but Shook did not believe the committee members would be ready to decide whether to recommend the proposal to the full senate.

The proposal must be approved by a majority vote of the senate and then forwarded to the Board of Trustees by President Harold L. Enarson for their approval before the plan becomes reality.

Even if the Senate did approve the proposal, action by the trustees probably would not come in time to collect the fee during the 1975-76 school year.

Student support for the legal service plan is high, but administration members and others have questions about the implementation of the plan.

In the recent student referendum, 4,963 to 6,807 voters said they would use such a program at least occasionally.

Eric R. Gilbertson, special assistant to Enarson, said he is "dead set against" a mandatory fee for all registered students.

However, Kate Haller, a third year law student from Columbus and chairperson of the subcommittee that drew up the legal aid proposal, says the mandatory fee is the only practical way to operate the program at a low cost.

THE PROGRAM needs to know exactly how much money it has to work with she said. Bruce Jacob, director of clinical programs at the College of Law, said "it would be impossible" to operate the program without a mandatory fee.

Estimating the number of students at 45,000, the $2 per student each quarter would give the office about $300,000 a year to work with.

"That would be enough to set up a model office," Jacob said.

The proposal provides for auditing of the office at least once a year, and the fee would be raised or lowered if there was either a surplus or lack of funds to run the program.

The program's policy board also has the power to limit the scope of services students can receive if the office does not have enough funds to handle the caseload.

A supervising attorney would oversee the office's operations. He would be assisted by nine staff attorneys, if the office was at full capacity.

HALLER ESTIMATES total cost of salaries for attorneys and office workers to be about $150,000 a year.

The supervising attorney would be paid about $20,000 a year with other staff attorney's getting about $10,000 according to estimates of Haller's subcommittee.

"Jacob said that the College of Law would probably build courses around the program as part of its clinical education program. Students in this program would be supervised by law professors as they worked in the legal service office.

ONE PROBLEM which Haller expects to discuss with members of the original subcommittee concerns the eligibility of some part-time students in the program.

The possibility of someone with serious legal problems enrolling in a single night course just to be eligible for the legal service program was voiced by members of the Steering Committee of Tuesday.

Another problem is that most Franklin County school teachers are able to attend classes without paying fees as part of the Student Exchange Program which allows student teachers to serve in the public schools.
Legal aid obstacle expects clearance

By Thomas Foglyano
5-2-75
A major roadblock facing the plan to provide prepaid legal services for Ohio State students is expected to be eliminated by the state legislature without much opposition.

The House Education Committee heard testimony Thursday morning from proponents of House Bill 335 (HB 335), which would allow the Boards of Trustees of Ohio's state supported universities to establish a fee for legal services.

In 1972, a legal clinic for students was prohibited by state Attorney General William J. Brown's ruling that public funds could not be spent for private legal fees.

ALL FEES collected by a state university are considered public funds.

State Rep. Michael P. Stinziano (D-Columbus), sponsor of the bill, called the bill permissive in allowing the trustees to set up a fee for legal services and flexible in leaving the details of the plan to the trustees.

The bill makes no specifications about the type of legal service to be established. It would only prohibit a lawsuit against the University or another person covered by the same legal plan.

"THE BOARD of Trustees is closer to the campus and, the decision on the legal service needs of the students should be left up to them," Stinziano said.

State Rep. Marcus A. Roberto (D-Ravenna) expected the committee to take action on the bill in about two weeks.

"I would be surprised if there was any organized opposition to this bill," Roberto said.

Passage of HB 335 is needed before a prepaid legal service plan for Ohio State, which is currently in the Steering Committee of University Senate, is approved by some senate members.

William B. Shook, chairperson for the steering committee, said he did not think University Senate would approve the plan if its legality was unclear or if some legislative action was needed before it could be implemented.

The steering committee will meet on Tuesday to discuss the proposed student legal services plan for Ohio State.

House Oks OSU optional legal aid

7-31-75
The Ohio House, as if by divine inspiration, approved Wednesday a bill that would permit state supported universities to set up student group legal service programs.

Following a session-opening prayer by Chaplain Kenneth Grimes to ask God to "smile kindly on students," the lower chamber voted 29 in favor of Amended House Bill 5 (AmHB 335). It now goes to the Senate for consideration.

THE REPRESENTATIVES agreed voice vote to an amendment that requires the group program be funded through voluntary payment of a student fee.

State Rep. Michael P. Stinziano (D-Columbus), the bill's chief sponsor, led floor debate for approval of AmHB 335. "Group legal service programs are much like health insurance programs," he said.

"Three things ought to be noted about 335," Stinziano told his colleagues. "One, it is permissive (optional). Two, it is flexible. And three, the plan would be completely voluntary."

HE NOTED universities would not be required to institute programs and would have discretion in determining how they could be structured.

"Group legal services would be established at no cost to the state; no cost to the university; and no cost to the taxpayer," Stinziano concluded.

State Rep. Joseph P. Tulley (R-Willoughby) opposed the bill because "it is too broadly drawn." He said the bill would encourage people who otherwise would not file law suits to do so unnecessarily.

Stinziano countered Tulley's objections, saying the bill provides checks against litigation by exempting suits against the university or other students enrolled in the legal services program.

Coverage of Wednesday's busy doings at the Ohio Statehouse was provided by Lantern legislative reporters D. W. Nauss, Kimberly Hess and Mary Stillwell.
Former student’s lawsuit claims OSU responsible for fraudulent program

By Betsy Hauser

Ohio State has 18 days to answer a complaint filed by a former student suing the University, Board of Trustees and five faculty members for $118,000, said Jacob E. Davis II, attorney for the University.

Anita Ojalvo, a former student from Columbus, filed the complaint Sept. 12 in the Franklin County Court of Common Pleas.

From January 1971 to July 1973 Ojalvo was enrolled in a two-year program that she claims was represented to her and the public as a program necessary to "make the student fully eligible for state licensure as a teacher of the mentally retarded" if successfully completed.

AFTER COMPLETING the program, Ojalvo said she found she was not eligible to be licensed as a teacher of the mentally retarded in Ohio.

Davis said Friday he had just received the complaint and could make no specific comment on it.

The complaint further says that statements saying the program would make Ojalvo eligible for the license were made "to deceive the plaintiff and to induce her to enter into the educational program" and "were also made for the purpose of obtaining and keeping funds and grants from the federal government and other sources for the operation of said educational program which benefitted all the defendants."

THE $118,660 will reimburse Ojalvo for tuition, books, employment opportunities she gave up to participate in the program, "the fraudulent acts of defendants" and because the University was "unjustly enriched," the complaint stated.

Faculty members mentioned in the complaint could not be contacted and Ojalvo, when contacted, declined to make further statement.

The University has 13 cases pending against it in the Court of Claims with claims totaling more than $21 million.

Of the 13 pending cases, eight involve suits lodged against University Hospitals
OSU gets extension to answer suit

10-10-75
By Betsy Hauser

Ohio State legal counsel Jacob E. Davis II has been granted a 30-day extension to the original 28 days he had to answer a complaint lodged against the University, the Board of Trustees and five faculty members for $118,660 by a former Ohio State student.

Davis now has until Nov. 10 to answer the complaint filed Sept. 12 by Anita Ojalvo, a former student from Columbus. The extension was granted by mutual agreement between Davis and Ojalvo's attorney Steven Smith, who said the extension was "a matter of professional courtesy."

OJALVO SAID she enrolled in a program in 1971 which was publicly described as a program "to make the student fully eligible for state licensure as a teacher of the mentally retarded." Upon completion of the program in 1973 Ojalvo found that she was not eligible for licensure.

Ojalvo read of the two-year pilot program in the Columbus Citizen-Journal on Jan. 18, 1971, Smith said. The article directed applicants to John Cooper of the Division of Continuing Education who is now an associate professor of exceptional children.

THE ARTICLE said, "Those who complete the program may be licensed by the Ohio Department of Mental Hygiene and Corrections (now two departments, the Department of Mental Health and Mental Retardation and the Department of Rehabilitation and Correc tion) to teach in state institutions and community classrooms for trainable mentally retarded."

Cooper, one of the defendants named in the complaint, would make no comment on it.

IN AN ARTICLE which appeared in the Feb. 24, 1971 Lantern, David Lema, associate professor of special education (now exceptional children) and director of the two-year program said, "Graduates will receive an Associate of Arts degree and be licensed to teach in public schools, child development centers and state institutions under the supervision of a certified teacher."

Smith said although Ojalvo successfully completed the program, she could not get any license, received no degree or certification and said that no one else who was enrolled in the program received these three things.

LLOYD HARRIS, graduate teaching assistant to the Ohio Department of Mental Health and Mental Retardation, said after 1967 there was no way for anyone to get a license through the mental health department to teach the mentally retarded without a bachelor's degree.

Harris added that he found it hard to believe that the Department of Special Education (now the Academic Faculty of Exceptional Children) initiated a program guaranteeing a license to graduates who would not be qualified.

OF THE TWO licenses offered by his department, Harris said, both require a bachelor's degree. The special education faculty was and still is constantly in touch with authorities on licensing procedures and program curriculum requirements, Harris said. But "it's always a possibility" that there was some misunderstanding of the requirements for the license, he said.

BARBARA COUSINS, a teacher certification specialist with the Ohio Department of Mental Health and Mental Retardation said as far as she knew, a letter dated Jan. 20, 1975 (almost two years after the complaint said Ojalvo finished the program) was the oldest record the department had on the former student's application for a license.

Ojalvo called Cousins Tuesday and wanted "a letter to say that she was fully qualified to teach the mentally retarded," Cousins said. "But I can't issue her the letter because she doesn't have a bachelor's degree."

HER DEPARTMENT has received no confirmation from the College of Education of Ojalvo's completion of the program, Cousins said, and the former student herself would probably have to request that the confirmation of program completion be sent.

Ojalvo said the program was misrepresented to her, "to deceive plaintiff and to induce her to enter into the education program of defendant, The Ohio State University, and pay tuition" and "for the purpose of obtaining and keeping funds and grants from the Federal government and other sources for the operation of said educational program which benefited all defendants herein, both directly and indirectly."

RECORDS OF a federal grant for a program of teacher education for handicapped children would not be released because they are privileged information, said a spokeswoman for Jules LaPides, dean and vice-provost of the Graduate School where the records are located.

Davis said he could make no comment on the case as a matter of professional ethics. Thomas Stephens, chairman of exceptional children and one of the defendants named in the complaint also would not comment on the case.
Ohio senators hear testimony on student legal services bill

By Mark Stouf

The Ohio Senate Finance Committee Monday night heard testimony calling for the establishment of student group legal services at state-supported colleges and universities, including Ohio State.

House Bill 335 (HB 335), sponsored by State Rep. Michael Stinziano (D-Col.), would empower the Board of Trustees of state-supported colleges and universities to set up legal services to be offered on a voluntary basis to students.

The services would be funded on a voluntary basis, much like the present student health services, and the option to participate would be offered on students' registration forms, Stinziano said. Stinziano said cost to students would probably be about $3 to $4 per quarter. The final decision, however, will be made by the Board of Trustees.

Jan B. Ellis, representative of the Ohio State Bar Association (OSBA), said the OSBA has been on record in support of any group legal services program. "Group legal services are a proven mechanism that aids low and middle-income groups," Ellis said.

The OSBA has not formally endorsed HB 335, Ellis said.

Senator Robert T. Secrest (D-Cambridge), member of the committee, voiced the strongest opposition to the bill-saying the services could be used to discriminate against those students who do not participate in the program.

Under the wording of the present bill, students participating in the program would not bring legal action against any employee of the University or any student who participates in the legal services program. Therefore, Secrest said, students would be forced to subscribe to the program in order to have protection from other students.

Frederick D. Stocker, president of the Ohio State chapter of the American Association of University Professors (AAUP), said, "We (AAUP) support HB 335. We believe students need access to student legal services of this type. We see the need for low cost legal aid among students."

Stocker also said the Ohio State chapter of the AAUP believes HB 335 to be in the best interests of the students.

Statewide, the AAUP unanimously approves of HB 335, according to Philip S. Jastram, president-elect of the Ohio Conference of the AAUP. Jastram stressed the flexibility of the legislation, which places the responsibility of creating such services on the Board of Trustees of the individual universities.

Jastram said the individual boards of trustees are best suited to set up legal services programs for their respective schools.

Columbus attorney Leonard J. Schwartz, a member of the Prepaid Legal Services program for the Columbus Education Association, testified such services are needed because under state legal aid regulations, students are considered under financial support of their parents. Such support qualifies as income and thus excludes students from receiving state legal aid, Schwartz said.

Donald A. Peppers, executive vice president of Group Legal Services of America Inc., testified that legal services are successfully used in other states. He said services usually performed include credit claims, tenant-landlord disputes, aid in contract law and various other civil claims.

Peppers said such services perform an educational service by using such aid as students are exposed to through preventative law practices and may learn how to settle many legal problems out of court.

Further testimony will be heard by the committee Wednesday night at which time representatives from the Ohio State Undergraduate Student Government will be heard, along with several opponents of the measure. Stinziano hopes to get the bill through committee by the end of the month and onto the Senate floor for a vote by late March.
Senators dispute Stinziano claim

By John Oller
4-30-76
State Rep. Michael P. Stinziano (D-Columbus) continued to claim Thursday that opposition from Ohio State has stalled a controversial student legal services bill in the Ohio Senate, though several senators told the Lantern they know of no such opposition.

"I stand by my statements," said Stinziano, who has accused the University of lobbying in private against House Bill 335 (HB 335), which authorizes boards of trustees of state universities to set up voluntary legal service programs for students.

THE BILL already has passed the House, but failed to clear the Senate Rules Committee this week for a floor vote before the Senate recess.
Stinziano called Eric R. Gilbertson, special assistant to President Harold L. Enarson, and Donald J. Roberts, chief University lobbyist, "damned hypocrites," accusing them of working against the bill while denying opposition to it.
Stinziano said he has been told of University opposition to the bill by sources within the Senate, but refused to disclose any names.

However, State Sen. Harry Meshel (D-Youngstown), a member of the rules committee and a supporter of HB 335, said Ohio State has not lobbied against the bill as far as he knows.

"No overt opposition has come to me personally," Meshel said.

The BILL was not cleared for a floor vote because there was "not enough support" for it in the rules committee, Meshel explained.

Meshel said the only "overwhelming support" for the bill has come from Stinziano.

State Sen. Theodore M. Gray (R-Columbus), also a rules committee member, said he has never heard any opposition to the bill from Roberts.

"Quite the contrary, I went to him, and he told me the University had no position," Gray said.

Three other members of the rules committee also said they knew of no Ohio State opposition to the bill.

The only position the University has taken on the bill is that the "decision should be made by the legislature," Gilbertson claimed.

Gilbertson said Roberts has been instructed and has told the legislature that Ohio State has no official position on the bill.

He added there is "no reason" for the University to oppose the bill, because it "isn't going to cost Ohio State any money."

Gilbertson said the basic issue of the bill is "how the legislature perceives the role of the University."

When told of Stinziano's "damned hypocrite" remark, Gilbertson said he would not "engage in or respond to any personal attacks on the issue. I don't intend to engage in any kind of namecalling," he said.
3-way credibility contest on legal services bill

By John Oller 5-3-76

When State Rep. Michael P. Stinziano accused Ohio State last week of stalling his student legal services bill in the Ohio Senate, he unleashed some of the most vocal attacks on University administrators heard in quite some time.

So far, however, no one from either the University or the Statehouse has confirmed Stinziano's charges resulting in a three-way credibility contest among Ohio State, Stinziano and state legislators.

Stinziano claims Ohio State has lobbied heavily against House Bill 335 (HB 335), which authorizes boards of trustees of state universities to set up low-cost voluntary legal service programs for students.

News Analysis

UNIVERSITY officials, however, have consistently maintained they have no official position on the bill, and had said very little about it until Stinziano's accusations.

The feeling expressed publicly by Ohio State is that because HB 335 centers on the question of how the state views the University's role, it is a matter best left to the legislature.

Privately, the administration questions the concept of student group legal services, but firmly denies saying anything against Stinziano's bill at the legislature.

Stinziano is still convinced, however, the University has worked "behind closed doors" to kill the bill, which passed the House but failed to clear the Senate Rules Committee for a floor vote before the Senate recess.

Stinziano bases his allegations on information he says he received from sources within the Senate, including a member of the Senate leadership and a high ranking assistant. According to Stinziano, both have told him that private pressure from state universities, mainly Ohio State, is responsible for the bill's failure to clear the rules committee.

Stinziano refuses to say whether one of his sources is Sen. Harry Meszel (D-Youngstown), a member of the Rules Committee who Stinziano credits with moving HB 335 as far as it has gone in the Senate.

MESZEL, HOWEVER, claims he knows of no lobbying efforts on the part of Ohio State to stop the bill. Instead, he says the bill failed
to reach a floor vote because there was "not enough support" for it.

If anyone on the Rules Committee is a likely target for lobbying efforts, it would be Chairman Oliver Ocasek (D-Northfield), the Senate majority leader.

AS CHAIRMAN of the Rules Committee, Ocasek has the power to schedule a bill for a floor vote or bury it beneath a pile of other legislative matters.

Ocasek, however, who is said not to favor HB 335, maintains he has never been approached "by anybody" opposing the bill.

DESPITE THE Rules Committee's failure to confirm his claims, Stinziano insists the information from his Senate sources is reliable.

"Senators don't lie to representatives," he says, adding that "our relationship is based on our credibility with one another."

Although no one will publicly confirm Stinziano's charges, one Senate aide said it "would not surprise him" to learn of Ohio State opposition to the bill. "I don't doubt it," he said.

Gilbertson also has suggested Stinziano may be looking for someone to blame because he couldn't get his bill passed.

Stinziano, however, said he has "never been called a liar" in four years at the legislature, and claims to "know what the situation is."

He said Ohio State is "extremely effective" in discouraging legislation it opposes, and carries out its lobbying efforts by contacting "a few well placed people" in the Legislature.

Gilbertson said it is "flattering" to suggest the University can kill any bill it opposes, but is nevertheless "untrue."

HE ADDED Ohio State has no reason to oppose the bill, because its passage would not cost the University any money.

If Ohio State does not oppose the bill, Stinziano said, he sees "no reason" why the University hasn't publicly testified to that fact before the Legislature.

Stinziano admits he does not know why the University might be opposed, except possibly because of the "fear that group legal services might be abused."

One Ohio State professor of law suggested the administration may be opposed for "simple public relations reasons." He said because area landlords and merchants are "obviously going to be the people" against whom the legal services will be used, the administration may fear an adverse reaction from the University community.

THE PROFESSOR also said the program, even though voluntary, would involve "some administrative burden," because the University would operate the legal services program much like the present student health insurance program.

Stinziano said he is shifting his efforts on HB 335 from "exposing opposition" among universities to seeking support for the bill from students across the state.

He plans to visit within the next 30 days each state university in Ohio.
House subcommittee airs student legal plan

By Wm. K. Makley

"The average student at Ohio's public institutions can't afford to pay an attorney when he needs one," Mark Krach, president of the Ohio Student Association, told a House Education subcommittee Thursday.

Krach, a junior from Bowling Green State University, said legislation that would enable a college or university board of trustees to set up a student legal service plan has the unanimous support of the state's college and university student governments.

Malcolm Taaffe, president of OSU's Undergraduate Student Government (USG), said: "USG backs the legal services bill 100 percent."

According to the bill, sponsored by Rep. Mike Stinziano, D-Columbus, if a board of trustees decides to establish a student legal service, it may choose any plan which it believes is best tailored to students' needs.

At present, more than 200 colleges and universities throughout the country have student legal service plans in effect, including such Big Ten schools as the universities of Minnesota, Iowa and Wisconsin. These plans range from providing simple legal counseling to representing students in the courtroom.

Stinziano said most legal service plans offer lawyer referral and legal advice to keep the cost of the plan low. With Stinziano's plan a student would pay a nominal fee each quarter, and then could freely seek as much legal advice as needed during that time.

"Sooner or later, every student needs legal advice," Stinziano said, "but they can't afford an attorney and usually don't qualify for legal aid."

Krach reported that a majority of student legal problems arise from landlord-tenant disputes. Other student problems often requiring legal advice are consumer complaints, traffic violations and petty criminal offenses. Krach said legal service plans also could advise students in such cases as civil lawsuits, insurance questions and government matters.

Some plans include a limited amount of courtroom representation, but Stinziano said these plans do not include representation for felonies or appeals cases.

Although the proposed bill leaves the choice of plan up to the particular school, it prohibits the legal service from representing a student in any legal action against any other student, faculty, staff or trustee of any school that participates in the plan. The bill also forbids a student legal service from pursuing any action against any state officers or agencies for problems resulting from performance of their jobs.

Results of a questionnaire Stinziano sent to schools with existing legal service plans show that most students use the service for simple legal advice. "Legal advice before a problem gets out of hand can save a student legal costs down the line," Stinziano explained.

Stinziano introduced similar legislation in two previous General Assemblies. After its first introduction, the bill passed both chambers, but Gov. James A. Rhodes vetoed it.

At that time, the governor argued that the law would have created a bad precedent of a university-sponsored program taking an adversary position, particularly in the event of a suit against a government agency.

Stinziano said Rhodes' original objections have been corrected and that he expects his bill to clear the subcommittee soon.
Student leaders testify in favor of legal services

By Wm. K. Makley

Group legal services for Ohio's university students took another step forward Wednesday after its first hearing before the House Education Committee.

Committee chairman Rep. Robert J. Boggs, D-Jefferson, said he agrees with the concept of student legal services.

Boggs said he wanted committee members to have some time to consider the measure and said the committee will take a vote at its meeting next week.

The bill would allow a board of trustees at a particular state college or university to set up group legal services for its students. The plan would be totally funded by voluntary contributions made by students.

Mark Krach, president of the Ohio Student Association and a student at Bowling Green State University, said a legal service plan would cost students who choose to participate between $1 and $5 per quarter depending on the type of plan set up. According to the bill, the fee would be collected through the school's own collection system.

Citing landlord-tenant disputes, consumer-related problems and petty criminal offenses as students' biggest legal troubles, Krach said students are in need of the legal services.

Krach told the committee student legal service plans mostly provide advice. "Often, the student just needs to know what his legal options are in a given situation," he said.
Student legal plan passes committee

By Sherry Beck

Ohio State students are one step closer to obtaining inexpensive legal services due to passage of a bill in a State Senate committee last week.

The student legal services bill emerged from the Senate Elections, Financial Institutions and Insurance Committee with one amendment disallowing legal services in cases involving law enforcement officers.

The bill also prohibits use of the legal services plan for cases against other students, faculty and staff members, and any state officer or agency.

Prohibitions were included in the bill in response to comments made by Gov. James A. Rhodes when he vetoed a similar bill four years ago.

Rep. Mike Stinziano, D-Columbus and sponsor of the bill, said compromises were “politically necessary to gain support the bill needs to pass (in the Senate).” Stinziano said he hopes the bill will be scheduled for Senate vote next week.

Malcolm Taffe, president of OSU’s Undergraduate Student Government (USG) and Todd Pressman, USG legislative affairs director, were among student leaders testifying in favor of the bill during legislative hearings.

If approved by the legislature, the bill will provide legal services to students participating in the plan. Stinziano said students will have the option of participation, as with student health insurance.

More than 200 colleges and universities in the United States have student legal services plans. Cost of plans offered to students in other states range from $1 to $4.50 per quarter. A similar charge would be established for a legal services plan at OSU.

Assuming the Senate approves the bill, Stinziano said, an OSU committee will be established to communicate with the administration and the Board of Trustees, as well as with students.

The trustees are responsible for establishing a student legal plan if the bill is approved. Services may range from simple legal counseling to representation in the courtroom, depending on funds available for the service.

A survey conducted by the Ohio Student Association said students’ legal problems usually involve tenant-landlord disputes, consumer problems and petty criminal offenses.
Lawyers term legal aid bill weak

By Eric Ernst 4-3-60

No bill at all would be better than the piece of student legal aid legislation currently before the Ohio Senate, OSU legal specialists say.

Clauses in the measure prohibiting student-student or student-university suits and forbidding involuntary, tuition-like funding for the service weaken the bill so much it won't help its intended beneficiaries, say the lawyers who run the College of Law's legal clinic.

"Just as an insurance company doesn't sell policies only to people with terminal cancer, a legal service cannot be funded only by those who would use it," says Charles A. Thompson, the clinic's director.

"Under a voluntary system, a student could enroll for one quarter, pay his five bucks, then get $500 worth of legal service," Thompson says.

And the program would quickly go broke.

The bill, sent to the Senate floor this week, would allow legal representation in court, but Thompson says that will never occur.

Money flow from a voluntary fee plan would be too unpredictable to allow the service to maintain a salaried staff of attorneys, what Thompson called a closed panel program.

Rep. Mike Stinziano, D-Columbus, sponsor of the bill, found that from a survey done by his staff, two of the eight schools with legal aid programs receive funds through tuition or state support.

The voluntarily-funded programs provide only advice and referral, not representation.

Stinziano says the threat of a governor's veto spurred the voluntary funding clause.

Five years ago Gov. James A. Rhodes vetoed a similar Stinziano-backed bill, saying universities should provide education, not legal service. Stinziano claims that Rhodes feared students would abuse the system.

Stinziano says he envisions the program as preventive and educational, but Thompson calls the program weak.

"If someone sues you, you know you need a lawyer. You don't need a lawyer to tell you you need a lawyer, then to refer you downtown to a lawyer you can't afford," Thompson says.

Stinziano says the other clause — forbidding students from using the program to sue fellow students, professors and universities — was also included to get the bill past the governor's desk.

The representative says Rhodes singled out omission of such a prohibition as one of his chief reasons for his veto five years ago.

But the clause would end up eliminating the bulk of all student legal problems from the service's protective umbrella, says Louis A. Jacobs, assistant professor of law and supervising attorney at the OSU legal clinic.

Most of the 500 requests for advice the clinic receives each quarter ask for help in a university-related matter, Jacobs says.

"If the bill ultimately limits cases to those not against the university, then it will not serve all the needs of students," he says.

Thompson calls the wording that forbids suits against universities "overkill," saying the board of trustees at each university would set the plans up under the measure, and they would not be likely to allow themselves to be sued.

The part of the clause prohibiting student-student suits is "an unnecessary inflexibility that serves no governmental or university value," he says in a letter to Stinziano.

Stinziano says nothing better will come along, but Thompson says he would rather see students work for a complete legal package than accept a Rhodes-influenced program, which — by definition, Thompson says — will not benefit them.
Senate passes student legal aid bill

By Sherry Beck
April 30

An organized legal service program is on its way to becoming a reality for students of Ohio colleges and universities. State senators voted 27-3 Monday in favor of the bill that would provide inexpensive legal services to students.

Following Senate approval, Rep. Mike Stinziano, D-Columbus, who sponsored the bill, said it is up to students to assure that Gov. James A. Rhodes will not veto the legislation. Rhodes vetoed a similar bill five years ago.

The Ohio Student Association will meet at 1 p.m. Sunday at the Ohio Union to plan strategy to gain the governor's approval.

Sen. Stanley J. Aronoff, D-Cincinnati, who spoke in support of the bill, was transferred to Columbus for Monday's session by University of Cincinnati students. Aronoff said he has contacted the governor's office and aides "could see no reason why the bill should not pass into law."

The bill will now return to the House of Representatives to obtain concurrence for a Senate amendment which would disallow the use of the legal services against law enforcement officers.

The legislation also prohibits the use of services for cases involving other students, faculty and staff members and state officers or agencies.

If the amendment is approved by state representatives, signatures on the bill will be obtained from Senate President Oliver Ocasek, D-Northfield, and House Speaker Vern Riffe, D-New Boston.

The bill then goes to the governor's desk where the state's top official is given 10 days to sign or veto it. If the governor fails to take action on the bill, it will become law at the end of the 10-day period, after which it will go into effect in 90 days.

Stinziano said the law should be a priority of new officials of OSU's Undergraduate Student Government.

Although the trustees are legally responsible for enacting a student legal services plan, they "need to see widespread student support," he said.

He said the Ohio and Columbus Bar Associations have shown interest in establishing a legal services plan for OSU.

Similar plans at other colleges and universities have been available to students for $2 to $5 per quarter. Students participate in the program on a voluntary basis, comparable to the program for student health insurance.
Rhodes signs student legal aid bill

By Sherry Beck
5-1-80

Student input in state government took a leap forward Wednesday when Gov. James A. Rhodes approved a bill establishing student legal services.

The legal services bill, sponsored by Rep. Mike Stinziano, D-Columbus, was supported by the Ohio Student Association (OSA) and OSU’s Undergraduate Student Government (USG).

Nancy Taglione, former USG legislative affairs director, worked with Stinziano to establish the bill he introduced in the General Assembly last spring.

Todd Pressman, this year's legislative affairs director, lobbied state legislators to get their support for the bill.

The proposal is the first piece of legislation actively supported by Ohio college students to be passed. The bill will go into effect July 30.

Student legal services will provide inexpensive legal aid, such as student health insurance, to students on a voluntary basis.

Students participating in the plan, however, would be prohibited from using it for cases involving the university, other students, faculty, staff, law enforcement officers and other state officers and agencies.

Legal service programs must be sponsored by the board of trustees at state colleges or universities. The plan is estimated to cost students $2 to $5 per quarter.

William Napier, executive assistant to OSU's president, said the university will “make an effort” to produce the best legal services plan.

The administration is considering several ways to implement the legislation, he said.
Panel to study student legal aid

By Sherry Beck

A special task force is being set up to study the possibility of inexpensive legal services for OSU students. The task force is being organized by William R. Nester, vice president for student services. It will study types of legal clinics that could serve students.

Gov. James A. Rhodes signed a bill last week allowing state colleges and universities to establish legal service programs. The law goes into effect July 30.

A legal service program for OSU, however, must be approved by university trustees before going into effect.

Richard A. Hollingsworth, coordinator of the OSU Off-Campus Student Center, Student Organization and Community Life, recently gave members of the board an overview of what a legal service program would involve.

He said it should be determined if there is widespread student support for the program and what services students desire.

Malcolm Taaffe, Undergraduate Student Government president, is appointing one student to serve on the task force.

Hollingsworth said it is estimated about 50 percent of the cases would involve tenant-lord disputes.

Students would be prohibited from using the service in cases involving other students, the university, law enforcement officials, faculty, staff, university trustees, the Board of Regents and any state officer or agency.

Students would participate in the plan on a voluntary basis. Services could involve referral to other lawyers, advice and court representation for cases.

A survey taken by Mike Stinziano, D-Columbus and sponsor of the legal services legislation, found that costs ranged from $2 to $5 at 18 other colleges throughout the country which offer such programs.

Most schools offered programs involving referral services and advice. Eleven schools surveyed offered students representation in court.

The University of Minnesota was the largest college participating in the survey. Its legal service program is automatically included in the fees of 39,000 students at $2.13 per student.

Students, however, do not have a choice about participating in the plan. Seven other colleges with a program have involuntary participation.

The new Ohio law specifies that legal services must be voluntary.
Legal plan for students needs trustees' approval

By Sherry Beck

State legislators and Gov. James A. Rhodes have agreed that Ohio college students should reap the benefits of an inexpensive legal services program.

The decision to establish such a program now lies with the board of trustees at each state college and university.

A student legal service program would offer inexpensive legal aid to students on a voluntary basis. Services could include a referral service to other lawyers, advice or representation in court. Cost is estimated at $2 to $5 each quarter per student.

At OSU, William R. Nester, vice president for student services, is in charge of a task force to study ways of implementing the program.

Undergraduate Student Government (USG) has been asked to appoint one student to the force, says Malcolm Taafe, USG president.

Taafe says Todd Pressman, the USG and Ohio Student Association (OSA) lobbyist, will probably represent students on the panel.

Pressman worked with Rep. Mike Stinziano, D-Columbus and sponsor of the legal services bill, to get legislative support for it.

When Richard Hollingsworth, coordinator of OSU student programs, student organizations and student life, spoke to university trustees about the new law last week, the trustees reportedly appeared to be skeptical of such a program.

One board member questioned why students should be benefactors of a program such as inexpensive legal services when they are only average citizens attending school.

Three out of the 10 OSU trustees have been appointed since the initiation of the original student legal service bill four years ago. The others were in office when Gov. Rhodes vetoed the similar legislation in 1976.

President Harold L. Enarson says the universit should go which ever direction Nester and his task force decide.

Some OSU students and administrators in the College of Law have claimed the new statute will not really benefit students.

They say provisions not allowing the service to be used for cases involving the university, other students, faculty, staff, law enforcement officers, university trustees, the board of regents and state departments and officers will restrict student use of the program.

Prohibitions were added to the bill in answer to Gov. Rhodes’ veto. When that bill was stalled in the Senate Stinziano accused OSU administrators of lobbying heavily against it.

University officials denied they had assumed an position for or against the bill.

John D. Jacobs, OSU trustee since 1975, says he is waiting to see what will come out of the task force study. He says prohibitions added to the bill were “absolutely essential,” and the new law “gives us some kind of guidance of what type of program could be established.”

Patricia James, chairwoman of the board of trustees says she is waiting to see what information Nester’s task force can gather concerning a legal service program.

Stinziano volunteered to establish a conference for students, lawyers and administrators to exchange ideas concerning what a legal service plan should involve.

However, Thursday the representative said he has not been contacted yet by anyone involved with establishing a program. He blamed the lack of correspondence on the spring reorganization of student government in Ohio.
Doubts mount over legal aid

By Cynthia D. Crowe

As plans for implementation of student legal aid bill progress, there is increased speculation about how much the plan will benefit students.

The bill, which became law July 30, authorizes state-supported colleges and universities in Ohio to provide inexpensive legal services to students. It is up to the schools to develop their own programs.

But Charles Thompson, professor of law, said a plan which would follow the guidelines of the bill and be economically feasible, probably would have to be a legal service which only offers advice and referrals.

He said students do not need a lawyer to tell them they need a lawyer, and then refer them to someone downtown they cannot afford.

Thompson is a member of a special task force of the Council on Student Affairs, formed to create a student legal services program at Ohio State.

The 12-member task force is composed of administrators and faculty from the College of Law, the Office of Student Services, the Office of Business and Administration and five students.

Richard Hollingsworth, coordinator of the Off-Campus Student Center and member of the task force, said the committee is doing a legal analysis of the bill, a survey of other schools with similar plans, an assessment of student legal needs at OSU and a survey of existing packaged group legal service plans that OSU can tie into.

Six of the Big Ten schools hire salaried lawyers who give legal advice and represent students in court. The yearly budgets of these programs range from $22,000 at the University of Iowa to $262,000 at the University of Minnesota.

Iowa's program is only offered to poorer students who meet federal poverty guidelines, said Mary Kelley, coordinator of Iowa's student legal services program.

Minnesota's program is available to all full-time students, said Linda P. Aaker, an attorney in the program. The mandatory cost per student is $2.30, and is collected from student fees, she said.

Minnesota has five full-time attorneys, one part-time attorney, two paralegal assistants and four secretaries, who handle everything from name changes to child custody.

Wisconsin, Purdue and Northwestern have programs where students are given advice or are referred to lawyers outside the university. These programs are staffed by students.

Ohio State has Prelex, a counseling, educational and legal referral service which helps students deal with their legal problems. It offers no legal advice or representation, said Judith Roof, coordinator of Prelex.

Located in the Off-Campus Student Center, Prelex is staffed by law students.

Although the bill became law July 30, Thompson said he does not look for the implementation of any other legal services plan before autumn quarter 1981.

"We may end up making no recommendation at all, although it is too early to tell," he said.

Thompson, who is doing the legal analysis of the bill, outlined three major problems with the bill's wording.

First, the bill requires voluntary enrollment — students pay a fee only if they want to be eligible for the service.

"With voluntary enrollment, students won't sign up unless they foresee that they are going to have legal problems," he explained.

He explained that insurance programs work because most people do not collect on them. "What you have is a mass of people protecting each other," he said.

Sponsor of the bill, Rep. Mike Stinziano, D-Columbus, said the bill requires voluntary enrollment because students, the governor and legislators would have opposed a mandatory fee.

Of the Big Ten schools that offer legal representation, Michigan, Iowa and Minnesota have mandatory fees, collected through tuition.

Michigan State and Illinois charge a fee through tuition, but students can get a refund. Indiana's program is funded by the university.

Thompson said the second problem is that the bill excludes the possibility of a "closed panel" program, where the university could hire salaried lawyers to work exclusively for the student legal services program.

The bill requires an "open panel" which means students would be able to pick the lawyers of their choice, which is too expensive, Thompson said.

Stinziano said there was no legislative intent to limit the bill to an "open" as opposed to "closed" plan.

"We may need to make some adjustments to the bill, but we are willing to do this," he said.

Thompson said the third flaw in the bill is that it is too restrictive.

The bill restricts students from taking action against another student, a college or university participating in the plan, a state officer or agency, a police officer, members of the Ohio Board of Regents, members of the OSU Board of Trustees and faculty or staff employees.

Of the Big Ten schools, only Iowa allows students to bring cases against other students. And none of the schools allow action against the university.

Tenant-landlord cases are the most frequent in all the Big Ten schools. Also common are consumer and divorce cases.

Even though the committee has its work cut out in devising a plan for OSU, Hollingsworth is optimistic.

"Problems will arise only if the type of plan we wish to recommend as the best plan to meet the legal needs of students does not fit into the language of the bill," he said.
Task force questions details of legal-aid law

By Bill Reilly
The Lantern
11-17-80

A university task force will discuss today the feasibility of the student legal-services law. The task force is expected to use as a base a report released by an Inter-University Council (IUC) committee.

"It's still very questionable as to whether the program can work at all," said James Meeks, dean of the Law School and chairman of the task force.

The law — signed in May — allows for legal services to be available to students under an insurance program similar to the OSU medical insurance contract.

The law must be approved by the administrations of each state university in Ohio before it is reviewed by their boards of trustees for final approval.

The IUC appointed a committee to review the law and prepare background information to aid the administrations in assessing the law's viability. The committee's report was released last month and is now in the hands of William R. Nester, vice president for student services at Ohio State.

"The bill states that the program must be self-supporting — it allows for no subsidization. That makes voluntary enrollment a great difficulty here," Meeks said. The voluntary enrollment clause states that no student shall be required to join the program, as is the case with the OSU health insurance contract.

"It (the program) would attract an adverse selection (only people who need it would sign up for it) and that just isn't feasible," said Richard Hollingsworth, coordinator of the Off-Campus Student Center.

Charles A. Thompson, director of the Law School's legal clinic, agreed. "Just as an insurance company doesn't sell policies only to people with terminal cancer, a legal service cannot be funded only by those who use it. Under a voluntary system, a student could enroll for a quarter, pay his five bucks and get $500 worth of legal service," Thompson said. The system, he added, would soon go broke.

But the sponsor of the original bill, Rep. Mike Stinziano, D-Columbus, pointed out that insurance companies do not write policies that cover a person for claims resulting from pre-existing conditions — that is, for problems that originated before the contract was signed.

An amendment to the law, adopted this fall, allows the boards of trustees to decide whether to use the open or closed system of attorney selection. Under the closed system the university would employ a group of lawyers to handle student's legal claims and questions.

The open system allows the student to go to any attorney practicing in Ohio. The law states that the open system will be used.

Problems are inherent in each. "An open panel system would make it very difficult to control fees," Meeks said. There are too many variables in that type of system, he explained.

Others argue that a pool of attorneys would limit the resources available to students. Some cases, they argue, would require the aid of a legal specialist.

The report prepared by the IUC committee outlined the available options and detailed the problems related to each of them. A cost analysis was also included in the report.
OSU halts legal clinic; other aid still available

By Bill Reilly
The Lantern
11-17-80

Students experiencing legal difficulties will have to venture from under the protective arm of the university to get the legal advice they need. As of autumn quarter 1980, Prelex, the only open university-sponsored legal clinic, was discontinued.

According to Richard Hollingsworth, coordinator of the Off-Campus Student Center, the personnel funds of the program could not be guaranteed and therefore the center was prohibited from hiring a professional on a full-time basis.

Hollingsworth said that although Prelex has been stopped, the operating funds may still be "sitting there." Prelex is expected to continue at a later date, but that is not expected before the beginning of the next school year.

The administration exercised a wait-and-see approach to Prelex because of the questionable status of the student legal-services program, he said. It is expected that Prelex will not be continued if the administration approves the law.

Until Prelex finds new life or until the university accepts a student legal-aid program, several cost-cutting alternatives are open to students with legal questions. If a student is prosecuted for a criminal offense, the Public Defender's Office is available for counsel. If the charges are civil, the Legal Aid Society can hear the case.

Although neither service costs clients any money, they must be able to prove they are indigent before any service is rendered.
USG tries to establish legal help

Ohio State is the only Big Ten school without a student legal service

By Rebecca Medina
Lantern staff writer

Leaky roof? No heat? Did your landlord take your security deposit for damage you didn’t cause? Students looking for legal counsel may have a new option.

Ohio State is the lone Big Ten school without a student legal services program.

USG is working on implementing such services at OSU.

The purpose of the proposed program would be to reduce the amount of landlord/tenant problems that occur at Ohio State, said John Carney, USG president.

“This could reduce the (landlord/tenant) problems in half,” he said.

Chirag Patel, cabinet member, said that other schools have a student legal services program, where law school students serve as interns.

“They are able to provide help to the students at their universities,” he said.

“Students have rights and deserve to be represented.”

— Chirag Patel, USG member said.

Many of these universities' programs are supported by state funding, but Ohio law states that such funds cannot go toward student legal services. This leaves Ohio State with two options, said Patel.

“One would be to go before the legislature and attempt to get the law changed, or we could try to get the law school involved,” he said.

The latter option, Patel said, would have mutual benefits for students seeking representation and budding lawyers.

The law school students could use the program as practice in representing people, Patel said. “Students have rights and deserve to be represented.”

This program would enable law students to reach out to the nearly 40,000 undergraduate students, he said.

Asking students to fund this would be a last resort, he said.

USG would like to see a program put into action, possibly by the end of the school year, he said.
Benefits of student legal service debated

By Rebecca Medina
Lantern staff writer

While some USG members perceive a student legal services program as a benefit to all students, Gregory Williams, dean of the College of Law, sees things differently.

In order for the law school to participate in student legal services, it would have to compensate by shifting focus away from current programs, Williams said.

The school offers six to seven different clinics through which students work on real legal cases.

These give law students firsthand experience on researching various legal issues, including civil and criminal cases.

"Our goal is to give students a broad range of experience," Williams said.

In the civil clinic only a handful of landlord/tenant cases are chosen, and these cases attempt to deal with range of issues, he said.

If a student legal services program was implemented through the law school, Williams said law students wouldn't be able to experience the broad range of the other clinics.

In order for students to get academic credit for participating in student legal services, the American Bar Association requires full-time faculty to participate in the services as well.

He thinks this would divert faculty attention away from other important clinics.

"To do something in one area takes away from another," he said.

He said he was aware how serious the need for student representation is, but there are other issues that need to be noticed, such as cost.

"It would be easier and feasible, if the (law) students got paid," he said.

This would eliminate the need for full-time faculty, he said. It would also give law students the opportunity, if they wanted it, to develop an expertise.

USG President John Carney suggests the students work as paralegals for the student legal services.

"The law students could work for a short time with the student legal services and still have the chance to get an internship somewhere else," he said.

He said that the area around campus should be just as important to the law school and its students as anywhere else. Even though the majority of the cases would be landlord/tenant, he said that there would be other issues involved, such as cars being broken into, student arrest, and drunken disorderly cases.

"The total cost of the program is $250,000 and our goal is to get this paid for without asking students to pay for it," he said.

The only way to defer the cost is to turn to the law school he said.

"The law school needs to step up, and if they don't we need to find a creative way to get the funds," he said.

Carney said that the law school needs to make sure that the students of this university are treated fairly.

"Dean Williams is not really looking at ways his students could help the campus," he said.

It would be difficult for 40,000 students to be represented fairly by only student volunteers, Williams said.