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# THE GAVEL

VOLUME 60, ISSUE 5

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

MARCH 2012

## Meet your candidates



Candidates for the upcoming Student Bar Association elections shared their platforms to help Cleveland-Marshall students make informed choices this March.

## SBA executive board contenders share their platforms

By Paul Shugar

GAVEL CO-EDITOR-IN-CHIEF

In order to help the Cleveland-Marshall student body make informed decisions in the Student Bar Association Executive Board Elections this March 27 and 28, The Gavel invited the candidates and parties to summarize what they hoped to achieve in 500 words or less.

While space constraints prevent The Gavel from sharing each summary, this story represents a snapshot of what each person volunteered. The decision for candidates to submit was voluntary, and this article does not represent a comprehensive list of all the potential candidates that are up for the positions of president, vice-president, treasurer, director of development and secretary. The featured students took the time to submit personal statements of

**SBA Executive Board Elections**

**WHEN:** March 27-28 from 11 a.m.-1 p.m. and 4-6 p.m.

**WHERE:** The SBA Store.

**POSITIONS UP FOR GRABS:** President, Vice-President, Treasurer, Director of Development, Treasurer.

**CAMPAIGNING BEGINS:** March 19, at 6 p.m.

candidacy—either individually or as a platform—sharing what goals they hope to achieve if elected.

In no way is The Gavel making endorsements, and the candidates are listed in alphabetical order—by party—to avoid any appearance of bias. Some

candidates have chosen to run together because they share similar views.

Students, however, are allowed to vote separately for each executive-board position. Elections will be held March 27 and 28, from 11 a.m.-1 p.m. and 4-6 p.m. at the SBA Store.

**TRICIA DiFRANCO (President)**

**PARTY:** DiFranco heads a party that includes vice president candidate Leslie Johns, treasurer candidate James Booker, director of development candidate Brendan Heil, and secretary candidate Ashley Boyes. Together, they intend to encourage professional development within the student body, collaborate to represent the student body's diverse views, and increase the visibility of Cleveland-Marshall and its students in Cleveland and beyond.

**PLATFORM:** Currently the SBA vice president after serving as a senator last year, DiFranco was president of the Ohio Wesleyan student body as an undergraduate. She also was a member of the Constitutional Review Committee and is the treasurer and

SEE **ELECTION** PAGE 3

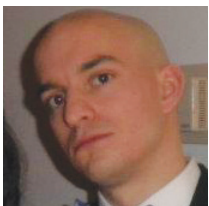
# EDITORIAL



No wasting time on Facebook Chat for this editorialist.

## When you know you should quit

Occasionally, in our busy, fast-paced, gadget-laden lives it becomes necessary to abandon all efforts toward a given objective. Sometimes it's even



Colin Ray

necessary to convince others to do this, such as when telling people that no one cares about grammar anymore when you realize that no one knows the right pronouns to use. If you don't stop, people just think you're a prig who is the type of person who corrects people on the usage of your/you're and there/they're/their. Perhaps the simplest example of when it's (its?) time to eat your sunk costs and move on is when you're (your?) highlighting and your (you're?) Barbri highlighter just runs out of ink halfway through what you suspect is the holding. Let's say you are reading *Syester v. Banta*, the contract case about the lady who bought 14 lifetimes of dance lessons and then sued for fraudulent inducement, to make it interesting.

The inkless student is now confronted with a choice: keep highlighting ineffectively—insofar as that phrase isn't redundant—until an inkier highlighter can be secured, which could be many days given the dearth of yellow highlighters currently available within the Barbri gratis-economy (they're (their?) like GOP presidential candidates who believe in evolution: nonexistent). Or you pitch the highlighter and risk grade-reducing cognitive dissonance by switching to a different highlighter color for the holding, and potentially all future holdings in the book. Both decisions are undesirable. Ineffective highlighting might result in identifying less holding than you really intend to, whereas not highlighting at all will probably result in poor understanding of fraud, possible reduction in contracts grade in the event fraud is tested (it won't be) and possible

failure of the bar examination in three years, which would render the eventual secondary point of this article moot.

The decision to give up here and watch "Fargo" on VHS is probably the correct one, just like Agnes Syester probably should have given up on her dream of becoming a dance expert and moved out of Iowa. The odds are poor that your contracts teacher will call on you, and even worse that you won't be able to look over the shoulder of the person in front of you and see what they have pulled up on Casebriefs. Unless, of course, that person is like me and watches extremely violent backyard wrestling videos during class for the express purpose of intentionally distracting the people behind them so that they are confused when they didn't read and try to look over my shoulder to see if I'm checking the case on Casebriefs. Arguably, this practice (giving up and watching "Fargo") results in better net educational outcomes. Because the person in front of you is probably not me, not on Casebriefs, not read and understood the case, and afraid to explain the difference in the Restatement view and the common law while watching a simian Oklahoman wearing a Speedo execute a back flip off a 1978 Winnebago onto their friend who is lying supine on a wheelbarrow covered in fluorescent light bulbs, tacks and mesquite branches. The point is, fraud won't be on your (you're?) final, but damages or §2-207 will.

This inexorably leads to more important questions like, if one is not going to go to the trouble of securing properly liquidated highlighters and completing the homework, why bother going to law school in the first place? A rational person arguably looks at the decision to incur tens of thousands of dollars of debt, millions of hours of pain and certain destruction of most interpersonal relationships, offsets it against the tangible benefits of lots of free Rascal House pizza, alcohol on Thursdays, candy and highlighters, and multiplies by the .67 employment

rate nine months after graduation. This person then adds in the fact that the state of Ohio caps tuition increases on undergraduates, leaving the possibility of further tuition increases three times the inflation rate only on law students that won't be covered by financial aid that will essentially go to funding the cognitively limited undergraduates, and concludes that only a fool would commence such a worthless career peregrination as law school.

For the sake of argument, I will assume that the student I have imagined hasn't yet quit school and is enterprising enough to extract herself (or himself) from his or her (their would be inappropriate here) chair and travel to a retailer carrying the proper highlighting implements. And, in the context of the modern commercial environment, he or she (stay consistent) has managed to travel through the store without purchasing a number of suddenly realized consumer needs aside from perhaps a really cute hat, some gum, and maybe "Fargo" on DVD for only 9 bucks (why not?). This student returned home only to find that the highlighter does not match closely enough, and he or she still will experience grade-reducing cognitive dissonance from the lack of ink-color match.

Point being, even if you succeed at completing the task before you (getting more highlighters), law school is futile. Like Agnes Syester's case, you're (your?) going to be remanded to service sector employment, so there's no point in knowing the correct homophonic pronoun to use in a given situation because no one else does anymore. And you won't need it when you are figuring out how much of your tips to report as income, so you should give up and watch Steve Buscemi learn how to operate a chipper-shredder, because his experience with that apparatus in "Fargo" is going to be a lot like your job search. It's unsatisfying. If you want to stay in school, buy more highlighters than you need and watch backyard wrestling videos in your classes.

Interested in being an Editor-in-Chief next year and earning a \$4,000 scholarship?

Contact the Gavel staff at [gavel.csu@gmail.com](mailto:gavel.csu@gmail.com)

### CORRECTIONS:

In the February 2012 edition, contributor Sam O'Leary was incorrectly identified in his byline on Page 5. Also, Justin Bieber was incorrectly identified in a photo caption on Page 7.

The Gavel strives to provide accurate information. Please contact the staff regarding any errors at [gavel.csu@gmail.com](mailto:gavel.csu@gmail.com)

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the gavel

# Teach yourself how to learn before the bar

By Mary Jane McGinty

SPECIAL TO THE GAVEL

One gift that you can give yourself is the gift of understanding how you learn.

The bar exam requires you to know and apply a large quantity of information. In order to be well-prepared for the exam, you must read bar outlines, attend bar review lectures, prepare study tools, check your understanding of the law, memorize the law, and practice applying it through

sample essays and MBEs. To use your time effectively, you must plan and monitor your study time and make adjustments to your study techniques. Finding out now what strategies work for you and committing to their use will put you on the road to law school and bar exam success.

Michael Hunter Schwartz, author of *Expert Learning for Law Students*, describes a model that helps students learn more effectively and perform better. Expert learners have

three characteristics. First, they actively engage with the material to be learned; they are not passive readers or listeners. Second, they take responsibility for their own learning; they view learning as something they do for themselves. Third, they practice self-regulated learning, meaning they use specific processes to guide and assess their learning. These students take control over their learning and become experts in learning what approaches work for them.

A variety of strategies are

available for each type of learning required in law school and bar preparation. Some of these you are already familiar with, such as pre-reading, outlining, flow charts, flashcards, mnemonics, checklists, imagery, memorization, and mind maps. However, many other approaches exist. The choice of what strategies to use depends on your goal, your time management, and your personality and

SEE **LEARN** PAGE 7

## ELECTION

CONTINUED FROM PAGE 1

secretary of the Democratic law society. DiFranco intends to continue working with Dean Craig Boise to implement programs—such as SideBar—that increase more informal interaction between students and faculty/staff. She also will focus on meeting the needs of of a diverse student body.

**QUOTABLE:** “I believe I embody the spirit of Cleveland-Marshall in that I’ve always been dedicated to serving the community,” DiFranco wrote. “I am positive, outgoing, determined and hardworking. These are some qualities that I believe

students would like in their representative to the administration and the greater Cleveland legal community.”



*Tricia DiFranco*  
**PRESIDENT CANDIDATE**



*Leslie Johns*  
**VICE-PRESIDENT CANDIDATE**



*James Booker*  
**TREASURER CANDIDATE**

them, and she wants to collaborate with the school’s student groups on programs. She also wants to enhance student professional development.

**JAMES BOOKER (Treasurer)**

A regular contributor to The Gavel, Booker has experience raising more than \$75,000 for Ohio State and management experience from working at an educational consulting firm. He hopes to improve the way SBA

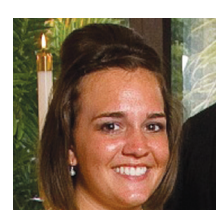
manages its funds and improve the SBA’s transparency with regards to financial matters. He also will act in the best interests of the student body and faithfully serve and execute his duties.

**BRENDAN HEIL (Director of Development)**

The current SBA secretary, Heil has been involved in SBA and other student organizations since he came to Cleveland-Marshall. He helped plan and implement two Alumni Networking Events this year and has two years of development experience. His goals include increasing the value of every student’s degree, creating more professional development opportunities with alumni, maximizing the effectiveness of events, increasing



*Brendan Heil*  
**DIRECTOR OF DEVELOPMENT CANDIDATE**



*Ashley Boyes*  
**SECRETARY CANDIDATE**



*Will Doyle*  
**DIRECTOR OF DEVELOPMENT CANDIDATE**

**WILL DOYLE (Director of Development)**

**PARTY:** Independent.  
**PLATFORM:** A current SBA senator, a member of the Cleveland-Marshall Law Review, and the library LexisNexis Representative, Doyle helped initiate an expansion of the SBA store’s hours on Friday

the sale of merchandise and planning bi-semester networking opportunities and joint ventures with bar associations and firms.

**ASHLEY BOYES (Secretary)**

Boyes possesses relevant programming experience after serving as the vice president and treasurer of Gamma Chi Alpha sorority as an undergraduate. She also was the student ambassador for the Tiffin University Undergraduate Admissions Offices. Her main goals include keeping students informed about SBA and other campus events, and being more

transparent about SBA business.

afternoon, leading to increased profits. He also helped get the SBA store to stock trendier inventory that also led to increased sales. He helped the fundraising committee plan the inaugural Cleveland-Marshall golf outing, which will be held at Acacia Country Club in September of 2012—an event he would like to make an annual affair. He also would like to ensure that networking events are planned with Cleveland-Marshall’s alumni to improve their involvement.

**KYLE MELLING (President)**

**PARTY:** Melling heads a party that includes vice president candidate **LAUREN MOGAVERO**, treasurer candidate **BRANDON PITEO**,



*Kyle Melling*  
**PRESIDENT CANDIDATE**



*Lauren Mogavero*  
**VICE-PRESIDENT CANDIDATE**



*Brandon Piteo*  
**TREASURER CANDIDATE**

the Pass/Fail option for students. To improve transparency, they pledge to publish monthly reports of account balances, how money is allocated and how it is spent. They also will meet with the executive leadership of all the student organizations in order to explain the process of gaining funding from SBA to streamline this process. Another goal they possess is improving the number of networking events with

the Alumni Association. They also plan on increasing the SBA’s online presence, using social media to communicate information about events, scholarship and professional opportunities, and ways to be involved.

**QUOTABLE:** “We also hope to create collegiality among our students and instill a sense of pride in the Cleveland-Marshall College of Law,” the party wrote. “We will increase the quantity and variety of apparel offerings sold in the SBA store, begin accepting credit cards, and bring apparel sales online.”

**PETER SAYEGH (President)**

**PARTY:** Independent.  
**PLATFORM:** Sayegh focuses his candidacy on three areas: 1) Money



*Clare Gravens*  
**SECRETARY CANDIDATE**



*Bernard McCellan*  
**DIRECTOR OF DEVELOPMENT CANDIDATE**

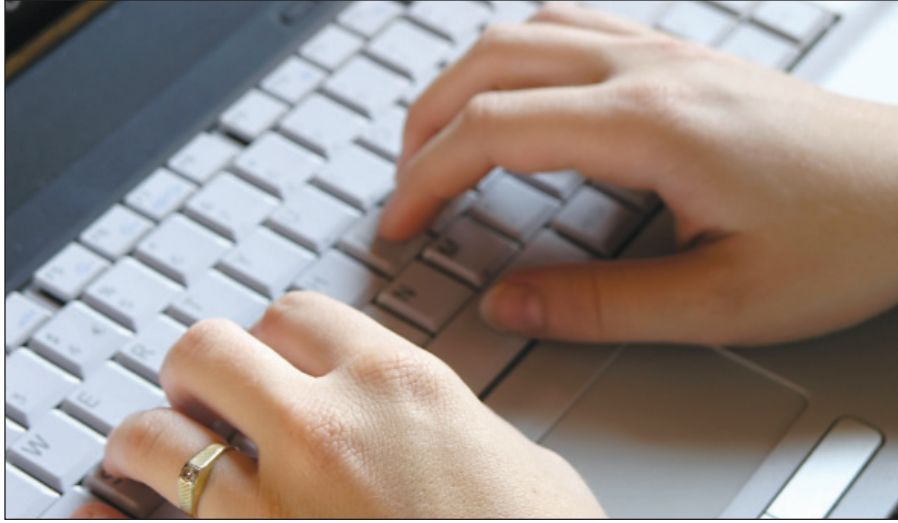


*Peter Sayegh*  
**PRESIDENT CANDIDATE**

management, 2) Accessibility, and 3) Service. His past leadership experience includes being the SBA secretary last year, and he also was a member of the finance committee and the president of the Delta Theta Phi law fraternity. A finance major in undergrad, he feels his background and leadership experience make him well suited to manage the SBA budget that, as he stresses, draws much of its funds from student tuition money. He also wishes to address the student government’s accessibility to the student body—an area

he finds to be particularly lacking. He believes that his strong ability to interact with members of the student body will help him better serve his fellow students.

**QUOTABLE:** “I will not make empty promises for a perfect world,” Sayegh wrote. “I can, however, promise that I am a creative, innovative and intelligent leader that will move our school forward to enhance your experience and degree.”



## Balancing online and print research sources

**Question:** *Have online legal databases like LexisNexis and Westlaw caused law students' skills to wane over the years? Are there any research tasks or approaches that are still best done by book?*

I might be in the minority, but I don't believe computer resources have caused research skills to wane. I think the sheer dearth of information and need for speed has caused research



*Karin Mika*  
THE LEGAL  
WRITING  
COLUMN

skills to erode. Frankly, answers can be acquired much more quickly from ever before; the problem is the amount of sources available and the distractions that occur when an individual is doing research.

There are "related resources," and "case briefs," and "practitioner's sources," and "headnotes," that the researcher can access when looking for one thing in particular. The novice researcher has no way to filter out what he/she really needs and, before long, there is a problem of information overload.

I would also say that the practice of law itself has changed considerably since the explosion of online resources. There are no longer any one-issue cases in which the student can find an answer without sifting through lots of other material, and pretty much every unreported case is now available and will turn up with an online search. This, combined with the economic need to find a "quick" answer to everything, detracts from the researcher's ability to find material, let it digest mentally, build upon it with additional research and finally master the topic before conveying the information.

Way back when, we focused only on a few primary book research sources in the first year—annotated codes, encyclopedias, A.L.R., and West key digests (and, to some extent, select law review articles and using Shepard's as a source to find other cases.) The answer to all legal questions and paths to caselaw could be found in those sources, and we could teach a logical progression about how to go from a general search to a specific search, or how the sources interrelated with one another. When Lexis and Westlaw were first introduced, their effectiveness

relied solely on the on the researcher's ability to conduct book research.

Now, all that has changed. Books are independent sources from Lexis and Westlaw, which are independent of new sources like Google Scholar, Findlaw, or any one of the specialized databases. Because effective research relies so heavily on how one navigates the sources being used, it is nearly impossible to gain a real level of in-depth proficiency on anything. In many respects, law students are better researchers than ever before because of the availability of computer resources. A law student can find a case on point ten times faster than it could be found ten years back. The problem is the inability to conduct in-depth research. That has little to do with the fact that there are computer resources available. Rather, that has everything to do with the speed by which the world now expects things to be done, the complexity of the cases being decided, and the dearth of cases (or other legal sources) available.

I'm not sure there are instances where it would be "better" to actually use a book, but that depends on the definition of "better." There are instances when a book is preferable because it's easier to process the material (e.g., turning pages back and forth without seeing the tempting "links" on the side of the page). There are also instances where a book is handier—for instance when at a public library, when an internet connection is not available, or when a boss doesn't want to bill/pay for Lexis or Westlaw.

A couple of years previously, I advocated doing some preliminary book research before logging on to Lexis or Westlaw in instances where a person was unfamiliar with a topic and would just kind of be browsing various databases. Using Lexis or Westlaw to gain this information would be inefficient or potentially costly. However, now "free" background information can also be accessed electronically, so a book need not necessarily be used in this way.

I do believe, however, that understanding book research is an invaluable skill. I liken it to washing dishes. Almost everyone has a dishwasher, but if the dishwasher is broken, everyone should be able to manually replicate what the dishwasher does. Comparably, every law student should be able to replicate the online research process manually. Unfortunately, I do think that this is a waning skill.

## Students share their externship stories

SPECIAL TO THE GAVEL

### Matt Chiricosta (Class of 2012)

You should try to combine a five-credit externship and the Legal Profession course. Here's why:

1. Your long-term job prospects will depend on you having solid work experience on your resume. An externship will get you that experience.

2. Taking Legal Profession in the summer makes good sense because of the MPRE—a test on legal ethics you must pass before you can practice law. Many put Legal Profession off until their last semester, which means taking the MPRE two weeks after the bar exam. I took the MPRE three weeks after the course in my 1L summer. I didn't have to study much and, better yet, the test was out of the way.

3. Combining an externship and Legal Profession furthers your goals of succeeding academically and finding a job. You are (a) finishing a required course; (b) getting excellent preparation for the August MPRE; (c) earning over half a semester's worth of credits; and (d) getting great work experience. Earning those credits can really help—you won't have to take full course loads in all of your remaining semesters. You'll be ahead in school and have a great experience to discuss in job interviews.

### Will Doyle (Class of 2013)

I don't know if I can fully underscore the importance of having

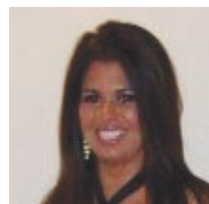
a legal job after 1L year. Employers across the industry are concerned with law graduates' preparedness for practice, so it is essential to get as much experience as possible while in law school. Externships are a great way to do this. If you have to borrow money from relatives or work as a caddy or bartender on the side, do it. Summer after 1L is just too important to not get the experience employers are expecting. When you start interviewing for full-time jobs, you will be thrilled you externed.

### David Hritz Class of 2014 (JD/MBA)

After my first year of law school, I had done fairly well, but I was nowhere near the top of my class. I didn't have a paid summer position—I hadn't had any legal experience—but I was able to get an externship at the domestic relations court. Although this wasn't really the type of law I wanted to go into, it was a great experience. At the end of the summer when I looked for a paid position, I got a job at a firm that did some domestic relations work. During the interview, they said having the externship on my resume was a plus. Externing in my 1L summer was a great decision; it was a way to get credits while gaining valuable experience I could put on my resume. Any sort of legal experience you can get during the summer after your first year is going to be very helpful in securing jobs, and you may end up enjoying that type of law.

## Making date night affordable

Some people have this stigma that it is impossible to have a relationship while in law school. Whether it is the constant time



*Brianna McLaughlin*  
THE  
BARGAIN  
BABE

commitment, exhaustion, or just general irritability from being stressed out 24 hours a day, romance can certainly take a back seat to other obligations. Romance in law school, however, is definitely possible. I believe in chivalry (sorry guys—man up), but I also understand living on a tight budget. There are some tricks to the trade for both genders that help you still enjoy some spice in your relationship. This article outlines my top tips for date night on a budget:

### Online Deals

First, sign up for emails from Groupon and Living Social. These websites will email you "daily deal" alerts for local businesses. You can purchase gift certificates—often at a 60% discount. This is a great resource for dinner dates, especially for trying a new restaurant. Ladies, you cannot get

mad if your date pays with a Groupon. It is slightly classier than a two-for-one coupon (although I also have no problem with those), and it sure beats not doing anything at all. When buying your online deal, make sure you read the fine print. Most do not include alcohol, and all have expiration limits. If your Groupon expires, however, don't just throw it away—it should still be good for you to redeem at the location for the price you paid. These Web sites are not for restaurants only; they also include spa packages, gifts and basically anything you can think of. LivingSocial Escapes and Groupon Getaways also feature vacation packages that range from a Bed-and-Breakfast to a European vacation.

### Movie Theatre

Going to the movies has somehow become really expensive since I was in junior high. I still cannot believe that the tickets alone can cost more than \$20. If you add in popcorn and a drink, you might as well have gone out to a restaurant because it is just as expensive. If you want to see a movie as a couple, try and "spontaneously" have the idea to see the movie during the week. Some movie theaters offer 50 percent off tickets on certain weeknights. Plan ahead so your "spontaneous" idea falls on half-off night. You look fun, get

SEE **BARGAIN BABE** PAGE 7

# POLITICAL BROADSIDE

THE FORUM FOR DEBATING TODAY'S HOT-BUTTON ISSUES

## Is a prolonged Republican nomination process a good thing?

OH MY GOD! IT'S MARCH AND THE REPUBLICAN NOMINEE ISN'T SET IN STONE! IT'S PANIC TIME, REPUBLICANS. You have probably heard this opinion, whether



James Booker  
**YES**

on the news or radio, and it might make sense to you. If the Republicans haven't settled on a nominee, how can they put up a strong fight against Barack Obama in November?

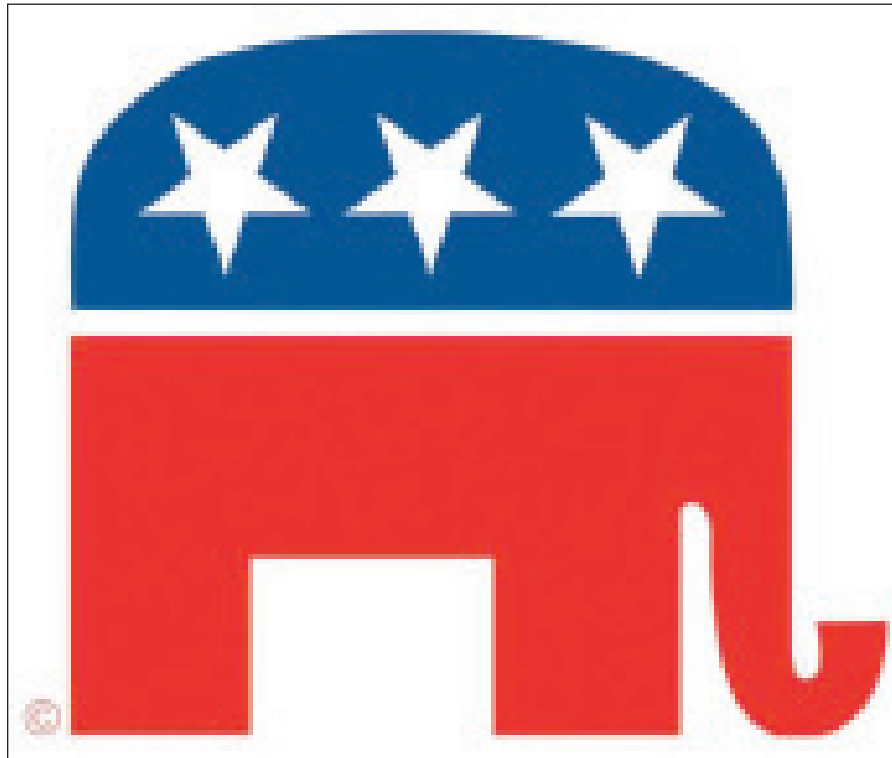
Presidential elections tend to be a referendum on the sitting president. If the economy continues to surge and nothing terrible occurs between now and November, Obama likely will be re-elected and he will continue to go forward with his agenda. However, if the economy is still shaky and some negative externalities affect the American people in a way in which they believe a new president can bring about positive change, then the Republican nominee stands a good chance of winning.

The prolonged primary season will benefit the future nominee. More debates, campaign events, television ads, interviews, and news stories that focus on the primaries and the nomination process provide a limitless source of exposure to the future nominee. Sure, some of the exposure is negative, but the aggregate of all the various forms exposure likely will be positive unless the media begins to demonize the Republican candidates vying for the nomination. More primary elections means more time John King can fumble around with his view-screen from the last Star Trek movie that displays huge images of the candidates faces.

For every contested state during the primary season, the nominees must visit the state, run ads, and campaign there. This is especially helpful in the so-called "swing states," such as Ohio, Florida, Pennsylvania and Missouri. Additional exposure provides candidates the benefit of having name recognition and allows them to establish themselves with the people of various primary states. This form of exposure is more genuine than any 30-second television ad they run in October and is probably more effective.

The candidates are doing a great job of throwing punches at one another. The negativity of the campaign may appear to cast the candidates in a negative light, but it has to happen sooner or later. What is the other alternative? To have your candidate handed the nomination and allow him to get wrecked by the opposing party in the fall? Whether it's Mitt Romney's stance on health-care mandates or Rick Santorum's views on social issues, it's better to have the candidates discover their weaknesses and find ways to defend against attacks on those weaknesses.

America loves contests.



The prolonged Republican Primary has our pundits wondering if it is too long.

Remember when television mostly consisted of situational comedies and police dramas? While a few of those types of shows still exist, television is now comprised of infinite contests. There are shows that feature contests of who can bid the most on storage units; there are shows where upwards of 30 women compete to be the potential bride of some schmuck; there appears to be dozens of shows that involve singing contests; and don't forget about the large number of athletic contests that are televised every day. The longer the primary process lasts without having a clear nominee, there stands a chance Americans will become more captivated by the nomination process and rally behind the Republican victor.

It's a good thing for the Republican Party that this year's primary has the potential to last a bit longer than usual. More exposure could mean more votes in November. Also, the candidate will be more weathered and stronger. Attacks coming from the Obama campaign could be less effective if they rehash claims that were brought against the nominee only a few months earlier by the nominee's former challengers. The Republican nominee will benefit from a prolonged primary and could be grizzled enough to win in November.

**POLITICS,  
SOCIAL ISSUES,  
THE VALUE  
OF YOUR LAW  
DEGREE? DO  
YOU HAVE  
SOMETHING YOU  
WOULD LIKE TO  
DEBATE?**

Send an e-mail to the Gavel  
at [gavel.csu@gmail.com](mailto:gavel.csu@gmail.com).

There are generally two schools of thought regarding primaries. First, there is the view that a long



Sam O'Leary  
**NO**

primary drains party and donor resources, bloodies the eventual nominee by subjecting him to repeated attacks by members of his own party, and prolongs the searing focus of the media spotlight.

Then there is the contrary belief that a drawn-out primary fight is good for the party and good for the eventual nominee. This belief is grounded in the notion that a long primary results in a candidate who, having proven himself in a trial by fire, is better vetted and more well versed on the issues. A longer primary ensures that the eventual nominee has the organizational support and "ground game" to wage a successful national campaign. It is a compelling rationale, but it simply does not apply to this year's GOP contest.

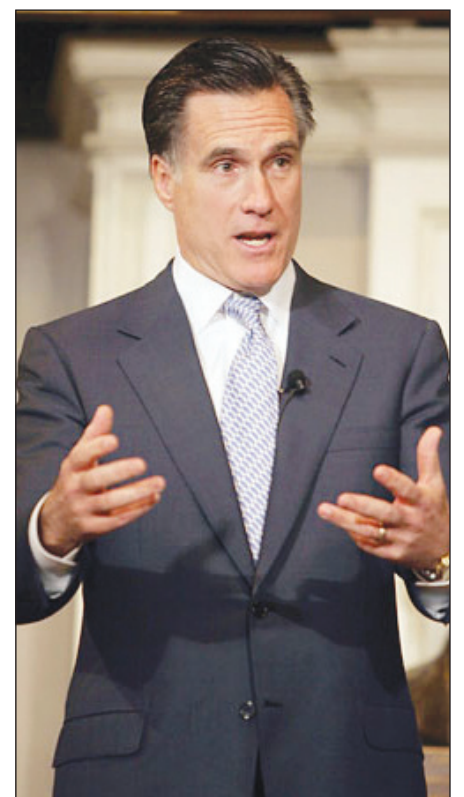
The belief that a longer gauntlet produces a stronger nominee presupposes serious opposition, which former Massachusetts governor Mitt Romney has been lacking since he started running for president three years ago. Ever since the race came more sharply into the media's focus some 17 televised debates ago, it has been Romney's race to lose. He seems a nearly perfect candidate on paper, and he is squarely advantaged in virtually every strategically quantifiable way. While nearly every candidate to enter the race had a moment in the sun at the top of the polls, Romney was the second choice of over seventy percent of republicans polled, a telling statistic given the trajectory of the contest.

Romney suffered the misfortune of facing an entire field of

spoilers—all self-described underdogs and outsiders—each with little to lose, and each trying to make claims and advance positions more outlandish than the last. This battle of ideological brinksmanship has not buttressed the party's platform, nor has it succeeded in bringing Romney closer to the party's activist base. The longer Romney wrangles clowns on the far right, the more the electorate sees the contest as a sideshow. The GOP loves to refer to itself as the party with the biggest tent, but as this contest peels back the flap, a peak inside reveals quite the circus.

The longer the courtship of his own party takes, the more embarrassing it is for Romney, and the more fragile and reluctant his coalition of supporters appears. His attempts at wooing those voters who have been slow to warm to him come off as insincere pandering and have backfired time and time again. Each time Romney appears on the stump in response to some outrageous allegation or proposed policy, his forced smile is just a little more pained, seemingly imploring his party, "Please, honey, not in front of the independent voters."

Long primaries can be good for parties and they can be good for candidates. The GOP, however, should be focused on presenting a case to the American people that they should be desperate for an alternative to President Obama, which is unpersuasive if you look like you are desperate for an alternative to Mitt Romney. This race isn't a couple of prizefighters going all twelve rounds. Nor do republicans have to be concerned about Romney taking too many body blows from his fellow Republicans to succeed in November. The risk Republicans run by a dragging out a nomination fight is being the last ones in the country to realize who their party's nominee is, and that is more than a little embarrassing, especially for Mitt Romney.



**Will a drawn-out primary end up hurting Mitt Romney if he becomes the Republican nominee?**

# When to take the bar exam

By Marc D. Rossen  
CJM|LAW CLASS  
OF 1994  
SUPREME BAR  
REVIEW, FOUNDER  
AND DIRECTOR



**Editors' Note:** This column originally ran in *The Gavel* during March 2010. Because it deals with making decisions regarding the bar exam, Marc D. Rossen has asked *The Gavel* to re-run this column in this issue.

When is the best time to sit for the bar exam? For most people the answer is the same: immediately after graduating from law school.

The reasons for this are clear:

**Academic readiness.** You are at your peak in terms of academic performance when you are fresh out of school. You have honed your study habits and you are accustomed to taking law school exams.

**Retention of substantive law.** Your memory of your law school subjects is freshest right out of school. You will certainly forget most of the substantive law that you learned over time. Therefore, the longer you wait after graduation to sit for the bar, the more information you will need to re-learn.

Do not think that if you put off the bar exam to give yourself more time to study, you will have any advantage over those who jump right in to bar review after graduation. I have heard this rationale before. It strikes me as nothing more than procrastination.

If you must postpone for

financial, medical or other unavoidable reasons, that is one thing. You should not try to study for the bar exam when you are under stress or unable to give it your all.

However, if there is nothing holding you back from taking the bar exam after graduation from law school, then do not look for excuses to put it off. If you think you need extra time to prepare, then look into getting your bar review materials early and begin your preliminary bar prep during your final semester of law school.

This advice also applies to anyone who anticipates that they will need to work while studying for the bar exam. Ideally, you would want to take time off from work and other commitments to focus all of your time on bar preparation. However, it is not uncommon during these difficult economic times for students to be

forced to work while studying for the bar exam. If you find yourself in this position, it may seem tempting to postpone taking the bar exam until you are able to afford to take more time off. In my experience, however, most students who postpone taking the bar exam for this reason find it increasingly difficult to take time off later and end up postponing the bar exam indefinitely. Therefore, if you anticipate that you will face this predicament, I urge you to get your bar-review materials early and get yourself on a study plan that will allow you to make significant progress prior to the start of your bar review session. This way, by the time you sit for the bar exam, you will have put in the same number of hours as your bar review classmates, but you will have done it over a longer time horizon. Good luck.

## BAR PASSAGE SPOTLIGHT

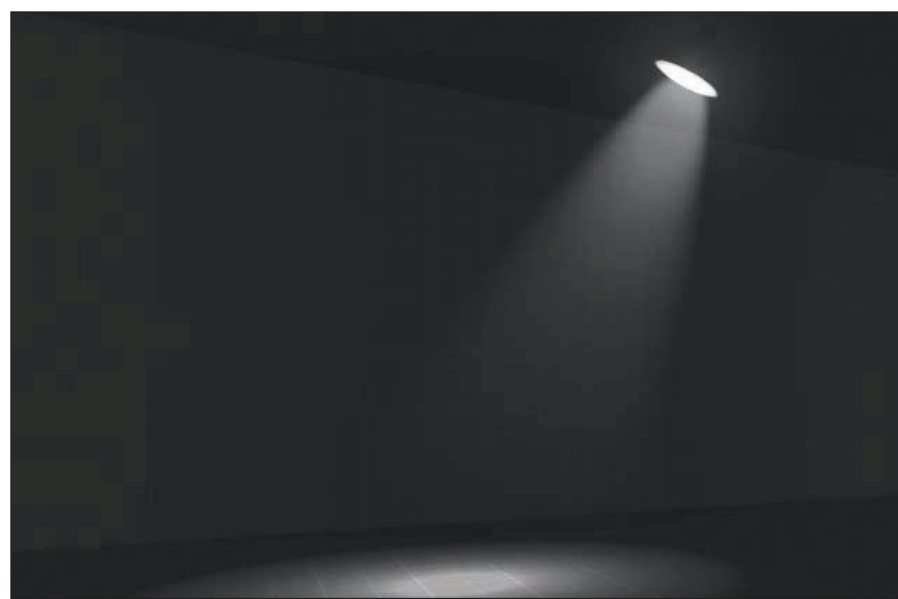
**Paul W. Smith J.D.**  
**Cleveland-Marshall 2010.**  
**Employed at: Tucker, Ellis & West**

**TREAT STUDYING FOR THE BAR LIKE A JOB!** I started every day by 7:30 a.m. I would view the day's Barbri lecture, which lasted about three hours, and on occasion I would view two lectures. After viewing the lecture, I completed my outline on the covered topic. I appreciated using the fill-in-the-blank lecture handouts provided by Barbri and used those as the basis of my outlines. I also did MBE questions whenever I had a free moment, usually 30 to 40 per day. At about 6 p.m., I would take a break to be with my family or friends or just to stop studying, and then I would start my review again, including reviewing my outlines and completing practice tests. I finished making all of my outlines about three days before the bar review course ended. I had two study partners and divided my time 50/50 between studying with them and studying alone. I attended the MPT Workshops and listened to the audio CDs, which accompanied the PMBR course, while driving. During the last ten days before the exam, I primarily focused on practice essay questions. I went through the entire book of released essays. Two days prior to the exam, I began to focus on preparing myself mentally for the exam and on remembering the mnemonics I created.

### Advice and Suggestions:

First thing as you get ready to start studying for the February bar exam, enjoy your holiday season and time off between your last class and bar review. You should enjoy every moment with family and friends and not think about the exam. Soon, you will be in a capsule for two months. PMBR (MBE Boot Camp) starts the last week of December and from there on out it is "Game On!"

As you plan to study for the bar exam, one thing you worry about is the cost of the bar-review courses.



### Alumni share their bar-passage success stories.

It is worth the cost in both money and time when you consider the costs, both financial and mental, of not succeeding. Take a bar review course and a supplemental course. I took Barbri, Essay Advantage, and PMBR.

Taking OBEST was very helpful. I learned how to write the essays and structure my responses. Be sure to view the bar review lectures and don't put them off. Make sure you hear every one. Find several good places to study so that you have different environments. I found several places including Panera Bread and Cuyahoga Community College's Eastern Campus. Try to have places that are not too quiet because the bar exam is a noisy place, and because an infrequent distraction may help keep you fresh. You should remember to not get too caught up with anxiety. True, the bar is a difficult experience, not because the exam is overly difficult, but because it is a three-day marathon. Just know that it will be hard chairs, a lot of coughing, a feeling of isolation, and it is exhausting. But also know that it is the same for everyone, most people pass the exam, and that you, by the time of the exam, have already done eight to nine MPTs thanks to OBEST and the MPT Workshop when the majority of

SEE **SMITH** PAGE 7

the question bank, but its prescribed schedule—both for the in-class sessions and for homework—worked for me.

### Bar review course

I took Barbri. While both morning and evening classes were offered, I usually went to the morning class and watched the videos in class. If you focus in class and grasp as much material as you can *during* the lecture, your job is half done. Go to class every day, no matter how tedious you think it is. The lecture note book became my "bible" for two months.

After class, I ate lunch and went to the library to watch the video a second time. I know, it sounds excessive, but I found it tremendously helpful. There are bound to be things you miss in the first pass that you typically end up picking up in the second go-around. The second time around, I did not take any notes; the focus was just on 'actively' listening to the lecture. One of the bar exam mental games I would use is to think that I was listening to the material for the first time, as if I never took the class in law school and this was my chance to get to the bottom of whatever legal theory it was I was learning about. This made me give my 100 percent to the videos every time.

I would take another break and then begin creating my outline for that day's work. I would start with the big bar review outline and use it to create a shorter outline based on my understanding of the subject. At the end of all videos for any given subject, my outline for that subject would be no more than 10 to 15 pages. Then, for an hour each day, I would practice MBEs in the subject I was studying that day. Having the online MBE questions from PMBR really helped because you could focus on the subject you wanted to test. I would go home after a full day of studying and typically not study after dinner because I needed time to decompress and unwind.

Once the in-class part of the bar review course was done, for about

SEE **GRANDHI** PAGE 7

**Krishna Grandhi**  
**J.D. Cleveland-Marshall 2010**  
**Employed at: Calfee, Halter & Griswold LLP,**

Before PMBR and after finals were done, I wanted to have an idea of what I was getting into in terms of the bar review. I started by searching for and downloading free bar-study guides online. Most of the time, all I had to do was look at the guide's table of contents to know what to expect. It was not so much beginning to study as much as it was a mental preparation game. I also found material from the website [attacksheets.com](http://attacksheets.com) helpful. It is a paid site with material prepared for the California bar exam, but I used it for the MBE subjects and to get an idea of how my own final bar prep outlines should look. These guides and outlines are a good way to get geared up for the prime-time bar review period. I also printed out all of my outlines and material from law school and consolidated them in one place, but I never looked at them again; the material from the bar review course is so voluminous that it was all I needed.

I took the PMBR course and generally followed its schedule throughout the two-week course. Some students used PMBR mostly for

# How to avoid making common mistakes

One of the good things about being a man is that it's relatively easy to look great if you just avoid a few common mistakes.



*Tony Cox*  
**DRESS FOR SUCCESS**

So here is a quick guide to help you along the way.

**TIES**  
Pattern matching is a dangerous game. The more patterns you try to incorporate into your look, the more hazardous it gets. One potential pitfall is found when a man chooses to wear a striped tie with a striped shirt. Don't get me wrong, it can be done—but the margin for error is razor thin. The idea is to strike a balance. If your shirt has narrow, closely-placed stripes, you'll want a tie with bolder, more spaced-out stripes. If your shirt has bolder stripes, maybe it's best to skip the striped tie and go for something solid colored—just stay away from those obnoxious Donald Trump satin jobs.

The tip of your tie should touch

the top of your belt. That's the sweet spot. Anything longer looks sloppy, and anything shorter makes you look like Oliver Hardy. (Look it up, kids.) If you're heavysset or very tall, then buy extra-long ties.

Finally, don't wear a tie unless you're also wearing a jacket. The tie-without-jacket look is fine for Catholic elementary school students and Chik-fil-A managers, but not for aspiring professionals.

## SHIRTS

It's best to select a shirt that is light in color. In professional environments, you always want to err on the side of caution, which means a classic plain white or light blue shirt as these go with almost everything. Shirt color is especially important if you're wearing a suit: wearing a dark shirt with a dark suit makes you look like a Russian mobster.

Also, it's best to stick with a plain point collar when wearing a suit. Traditionally, button-down collars are for sport shirts and are not intended for wear in more formal situations. Having said that, there is a long history of wearing button-downs with suits in America, particularly among East Coast bluebloods and preppy

types. But the regular point collar is a definite fail-safe.

If you can, stay away from non-iron shirts. Sure, they're more convenient, but they're also stiff, lifeless, and uncomfortable. The half-hour of extra labor it takes you to iron your shirts will be worth it. And don't worry about wrinkling up over the course of the day: as long as you don't look like a crumpled up piece of paper, a few wrinkles won't kill you. You don't want to look sloppy, of course, but tiny, barely-noticeable imperfections actually help add life and texture to your overall look.

## SHOES

Don't wear loafers with a suit. We menfolk have an unfortunate tendency to do that when it comes time to suit up and almost any leather shoe will do. But loafers are inherently casual shoes, and you should avoid wearing them with the more formal business situations. Like wearing button-down collars with suits, this rule can be broken if you have the appropriate pedigree, but it's better to play it safe and opt for the lace-ups.

Wear black shoes. In sartorially conservative Britain, it is considered

something of a social faux pas to wear anything but black shoes when conducting business. The rules aren't as strict here in the United States, but black shoes give your look a sense of formality and seriousness that brown shoes can't match.

## SUITS

Don't wear a black suit. It's inappropriate for daytime wear, typically isn't flattering for anyone's complexion (especially white men), and tends to make road salt stains and errant strands of pet hair stand out. Besides, you're more likely to be confused for a limo driver or a butler than a law clerk if you don't choose the rest of your ensemble carefully.

Two-button suit? Only button the top button. Three-buttons? Middle button. Four buttons? Take your suit back to the store and buy one that has two or three buttons.

Your jacket sleeves should be short enough that a quarter to a half inch of your shirt cuff is showing. Your pant legs should have only a slight break—if there's a puddle of fabric at your ankles, your pants are too long and you need to visit the tailor.

Wait, you don't have a tailor? We'll talk about that next time.

## LEARN

CONTINUED FROM PAGE 3

learning styles. One thing you can do is to go online and take a short quiz to find out your personality and learning style. Doing so will give you a tool to help you match these strategies with your own preferences in learning and help guide you in choosing your approach.

**Learning style:** <http://www.vark-learn.com/english/index.asp>

**Personality style:** [http://www.personalitytype.com/career\\_quiz](http://www.personalitytype.com/career_quiz); <http://www.humanmetrics.com/cgi-win/jtypes1.htm>

Whatever study techniques you use, the key is making conscious, thoughtful choices about how you are going to study, putting those choices into active, committed practice, constantly assessing those choices and being willing to change if your choices are not working. Wherever you are in your law school career, start now to become the very best "learner" that you can be. By doing so, you will have taken a significant step toward passing the bar. Do it now!

inspiration. Of course, before you shop, read my last article to save even more money on date night by using my grocery bill saving techniques. For entertainment you can rent a movie to watch while snuggling on the couch. Public libraries have older movies that you can rent for free. For something more current, I suggest renting from Redbox or Blockbuster Express. These boxes look like ATM machines where you can rent movies for 24 hours for less than \$2. Just make sure to return them by the right time the next day, or just like the movie store you will get charged an additional night's rent. Just follow these tips for a successful and inexpensive date night your sweetheart will enjoy!

the bar exam have never even written an MPT and all of the practice really helps. This is the test that most people worry about and these sessions can help you learn to write them.

Take care of everything that you need and make all of your arrangements before you get to Columbus. Make sure your computer is up to date. I had problem about a week before the bar exam. Make your hotel reservations as soon as you can. Figure out where to get food and how to get around so you only have to worry about the test. You do not want to worry about these details. One other tip, I had natural peppermints from Whole Foods with me during the exam itself. These little treats really helped.

## BARGAIN BABE

CONTINUED FROM PAGE 4

a night off from studying during the week and cut the costs in half.

### Romantic Night In

One of the most romantic things you can do for someone is to cook them dinner. The time and effort you put into preparing the food can make your date's heart melt. Not to mention it is way cheaper than going out. You don't need to buy a cookbook. Search whatever you want to make online, and you will be able to find the recipe. Food blogs are also an interesting place to get dinner

## SMITH

CONTINUED FROM PAGE 6

your peers may have done one. Many people find the MPT the most relaxing portion of the exam.

Study every subject. If you know a subject well, don't focus only on it. Make sure to really study the subjects that you do not know well. I would suggest actually writing out essays. When you do the essays for your bar review course, spend the time and submit them as if they were questions on the bar exam. Thirty minutes goes very fast and the practice is worth it. Please make sure you take the MPT sessions. Many people at

## GRANDHI

CONTINUED FROM PAGE 6

a week I went back through each of my shorter 10-15 page outlines and consolidated them into mini outlines. I found it helpful to work with a friend who was also preparing for the bar. The key to consolidating is to make sure you know all the concepts pretty well; working with a co-bar student to get things clarified as you go along is a good way. When you consolidate what you know, you also know what can be left out of your outline.

I made three versions of my outline during bar study: one during the lectures (the fill-in version supplied by Barbri), one short outline, and a final consolidated mini-outline. The final mini-outline was only 2 to 3 pages for each subject. I spent much of the remaining time going through MBE questions to make sure I knew the material. I did the Barbri essays, but the Barbri essay schedule was pretty aggressive and difficult to keep up. Try to keep to the Barbri schedule as much as you can, but if you fall behind on the essay schedule, you can always write them out on your own.

I also participated in the MPT Workshops after graduation. I took OBEST. I knew the form of the various questions from OBEST and I knew how to take them. As a result, I was in a good position so far as the exam format was concerned, so I focused on knowing the law well so that I would be confident about the material when I went into the bar exam. I would highly recommend taking OBEST and fully participating in it. If I did not take OBEST, I would have required much more time practicing essays and MBEs. I feel I had a four-month head start on bar studies by taking OBEST.

One other great program that I participated in was the Faculty Presentation Series given about two weeks before the bar exam by Cleveland-Marshall professors. The presentations were super helpful. I appreciated the time the professors took to help us study and answer

our questions after the presentation. These presentations are especially helpful for courses like Property, Civil Procedure and Commercial Law, where the material can get a little bit overwhelming.

### Bar exam

Stay at the hotel closest to the exam site. I drove each day to the exam center because I wanted to be comfortable and avoid any unnecessary distractions. I parked my car in a spot away from the crowd so that I could go there during lunch to eat someplace quiet. It helps to pack lunch, as the lunch lines in the exam hall can get pretty long and chaotic. The whole exercise during those three days is to minimize as many distractions as you possibly can.

After the exam, I would talk to a couple of friends about the exam in general. I found it helpful to not participate in lengthy discussions about the exam. I took all of my bar review material to the hotel and I studied a little bit each night. My wife, Deepika, accompanied me to Columbus, and having her around was really helpful. At the end, the solid legal foundation laid out by my C|M professors, a good grasp of the bar-exam tested material and the unyielding support from my wife and family helped me pass the bar exam on my first try. Good luck!

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A JOURNALIST  
BUT WENT TO  
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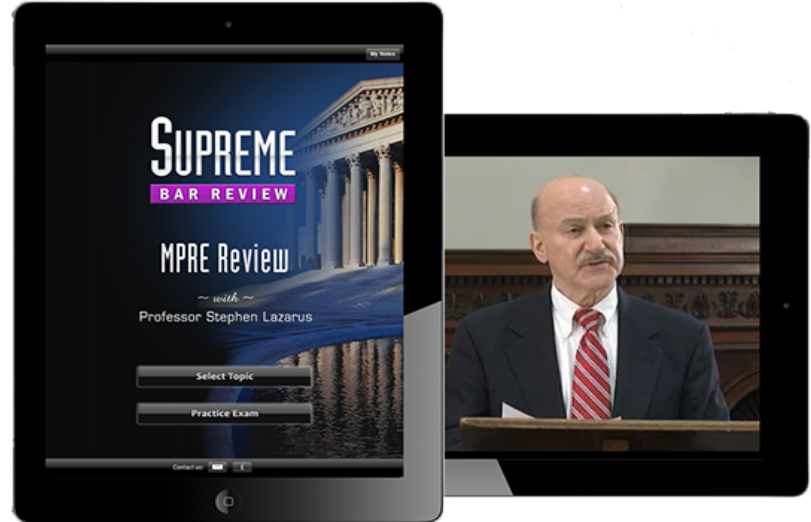
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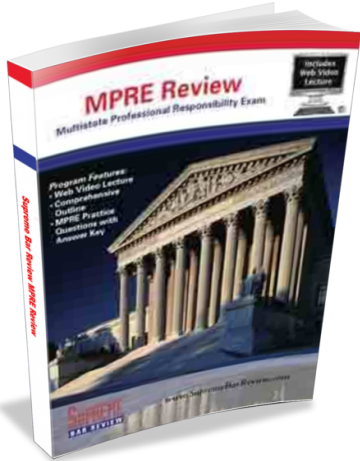
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