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Prep me

With an ever increasing emphasis placed on passing the bar and bar preparation, students want one thing: to learn what will be tested on the Bar.

OPINION, PAGE 6

Veterans Day Primer

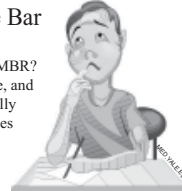
In memory of 3L Frank Cwiklinski, the Gavel presents his "Veterans Day: A Full History." Cwiklinski was a Veteran, and explained Nov. 11's significance in the Dec. 2000 issue of the Gavel.

OPINION, PAGE 7

Reviewing the Bar Reviews

Bar/Bri? Rossen? PMBR? What is the difference, and do the differences really matter? When it comes to bar reviews, which gives an edge?

CAREER, PAGE 4



THE GAVEL

VOLUME 51, ISSUE 3 NOVEMBER 2002

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Moot Court teams hit with one, two punch

By Donna M. Holland and Christopher Friedenber

STAFF WRITERS

On the heels of another successful Moot Court Night, two Cleveland-Marshall teams finished the Regional Finals of the American Bar Association's annual National Moot Court Competition with the top two briefs.

Team Two, 3Ls Mark Gould, Rhonda Porter and Don Herbe won the best overall brief in the region with their "Best Respondent's Brief." Team One, 3Ls Renee Davis, Michael Hunter and Danielle McGill, finished with their the number two brief in the region, "Best Petitioner's Brief."

Because competition rules indicate that only one team from the same school may advance to the National Competition in New York, the two C-M teams argued against each other for the chance to move on. Team Two won, and will advance to the

See **MOOT COURT**, page 2



Nader weighs in

Shortly after learning of Senator Paul Wellstone's death, consumer-advocate Ralph Nader delivered the keynote address of the Equal Justice Works Public Interest

Law Career Fair and Conference in Washington, D.C. C-M students and faculty were on hand to network and learn from stand-outs in the field.

Turn to page 4 for more.

AFLAC cries "foul" over political squawk

By Jay Crook

STAFF WRITER

The 2002 election season has come and gone, with Gov. Bob Taft defeating Tim Hagan in a decisive contest. Yet one of the hottest issues remains--what about "Taftquack?"

"Taftquack," a creation of the Hagan campaign first made his appearance on a website at taftquack.com in early September. While this site was not the homepage for the Hagan campaign, a link led webservers to Hagan's site. The "Taftquack" character is a cartoon composite of a duck's body and Taft's head, with a duck bill, that when asked questions squawked, "TAFTQUACK," in a nasal voice. The duck's body and voice were highly reminiscent of the popular AFLAC television spots, also featuring a duck.

A number of spots including the "Taftquack" figure were run by Hagan. Taft eventually incorporated the idea into some of his own spots, featuring a different duck.

Soon after the "Taftquack" website debuted, AFLAC filed suit in the Northern District of Ohio. AFLAC accused Hagan of federal trademark infringement, as well as trademark dilution. Judge Kathleen O'Malley, who was assigned to the case, heard oral arguments on the issue of both a temporary restraining order (TRO) and a preliminary injunction (PI). After the dust had settled, Hagan was victorious, but the fight may not be over.

The driving issue of the case revolves around the trademark dilution cause of action created by federal statute. To be successful in a trademark dilution cause of action, the plaintiff must show that the mark is famous, that the use by defendant is commercial and causes "dilution of the distinctive quality of the mark" through "blurring" or "tarnishment." On all of these criteria, O'Malley found in favor of AFLAC at both the TRO and PI hearings. There are however three exceptions to the statute, in

See **TAFTQUACK**, page 2

You Should Know



By GAVEL STAFF

Does C-M Pass the Bar?

C-M's July 2002 Bar Exam passage rates

| | |
|---------------------|-----|
| Overall: | 60% |
| First time takers: | 73% |
| Repeat takers: | 25% |
| GPA 3.0 or higher: | 91% |
| GPA lower than 3.0: | 47% |

The Ohio State University scored the overall highest pass rate with 87 percent, and the highest first time pass rate at 90 percent. The University of Cincinnati scored a 79 percent overall pass rate, with a first time pass rate of 80 percent. Case Western Reserve University's overall pass rate was 75 percent, with an 81 percent first time rate.

Ranking below C-M were, the University of Dayton with a 58 percent overall rate and Capital University with a 56 percent overall rate.

Programming academic success

By James Lucas

STAFF WRITER

In the admissions process, candidates vie for a limited number of seats in the nation's law schools. Admission officials weigh undergraduate GPA and LSAT scores. However, a new program implemented by C-M emphasizes factors including the candidate's life experiences and ability to overcome adversity.

The Academic Success Program was introduced by the Department of Student Affairs this semester for 1Ls. According to Assistant Dean for Student Affairs Gary Williams, similar programs have been around for years.

"Beginning in 1992, law schools across the country started to become interested in 'nontraditional' admits," said Williams. "More was taken into account than just GPA and LSAT scores. The whole person was looked at rather than principally numbers."

The program also includes small groups of program participants studying with teaching assistants. "Under the small group method, students will learn to analyze facts and think clearly," said Williams. Williams notes, however, that the program is not designed to be a review session of any particular course.

Rather, the program seeks to provide students with the assets needed to practice as an attorney. "The purpose is not to teach substance, but skills," said Williams. Additional goals include student retention and an improved bar passage rate.

"The students who were invited were invited based upon GPA, LSAT and other considerations," said Williams. Attendance has not been a problem to those extended an invitation. Ac-

ording to Williams, approximately 75 percent of those invited participated in the voluntary program.

The program is not offered to every first year, Williams admits. "There is a limited budget for the program and teaching assistants must be paid." It is hoped that the program, as well as the budget that sustains it, will grow.

Enthusiasm in the project is shared by Associate Dean Jack Guttenberg. "We think it can help a lot of people do better."

C-M officials believe the program can bring in excellent candidates whose capacity to excel in law school are found in qualities other than high GPA and LSAT scores. The program is designed to bring in applicants whose personal qualities evince potential for success.

Bar Pass Rates Up

By Steven H. Steinglass

Results of the July 2002 Ohio Bar Exam were posted Nov. 8. With this in mind, it seems a good time to write about what C-M is doing to prepare students for the Bar.



The Dean's Column

The Bar Exam, like law school, is difficult because the profession and the public demand it be difficult. There is too much at stake for it to be otherwise, but every C-M student has the ability to succeed in law school, to pass the Bar Exam and become an accomplished attorney.

In recent years, C-M strengthened our program of legal education to make passing the Bar more likely. This included expanding the first-year Legal Writing and Research Program, introducing a third required semester of legal writing, strengthening our program of academic assistance and using more bar exam-type testing. We resisted grade inflation, urging faculty to use the full range of grades.

There are encouraging signs that these measures are effective. For example, the 2002 graduating class had a 74 percent pass rate. Moreover, first-time pass rate on the July 2002 Bar Exam for the full-time students who entered in 1999 was 84 percent.

The most significant thing we learned is that the best predictor of success on the Bar Exam is success in law school. For the last six graduating classes, the pass rate of students graduating with at least a 3.0 GPA was 91 percent, while the rate of those with a GPA lower than 3.0 was 47 percent.

Our review of bar performance reveals that, in the last three years, part-time students have not done as well as full-time students. On the July exam, 83 percent of our full-time students passed, while only 65 percent of our part-time students passed. Because part-time and full-time students are admitted based on identical criteria, we believe the disparity is best explained by the different obligations these groups face. Nevertheless, for both part-time and full-time students, the message is the same:

Students should make preparation for the Bar the highest priority. Take a review course, take time off from work, say good-bye to friends and family and study, study, study.

Duck ruffles feathers

Campaign catch-phrase raises noncommercial speech issues

Continued from page 1--

which a normally dilutive work is allowed. Critical among these exceptions is the provision protecting "noncommercial use" of a protected mark.

In addition to this issue, many issues of first impression were raised regarding the construction of the statute itself. The first issue was whether political fund-raising was a "commercial" act. On this, O'Malley found again in favor of AFLAC, citing many cases where nonprofit activity had been found to be "commercial" under the meaning of the statute.

This left only the question of how to define the exception. When Congress exempted "noncommercial" use from the statute, what exactly did it mean? If the use of the trademark must be "commercial" in nature to even meet the first part of the dilution test, then what exactly is the "noncommercial" speech referred to in the exception?

On this question, the battle lines were drawn with First Amendment rights on one side

and intellectual property rights on the other. AFLAC insisted that because "commercial use" was necessary to activate the statute, the exception must have a different

meaning and be narrowly defined. Despite its political nature, because "alternate forms of expression" were available, Hagan had no right to use the AFLAC mark. Hagan countered that his speech

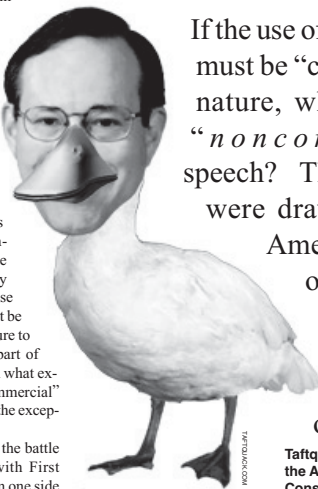
was political, and was thus entitled to the highest level of protection under the First Amendment. O'Malley turned to the legislative history to resolve this issue, concluded that political speech, as

exemplified by the First Amendment guarantee that created the exception, had an even greater entitlement to protection than the expressive or artistic speech examples given by Congress.

Despite Hagan's win, AFLAC did not walk away empty. During the course of the arguments over the preliminary injunction, the bench raised the issue of "mootness."

AFLAC argued strongly against the issue being ruled moot, citing the never ending string of campaigns, and the long reaching effect of the ruling on the value of its mark. Hagan countered that the issue was limited solely to the campaign at hand, and that there would be little value to Hagan of arguing the case after the election.

O'Malley ruled not only was the issue not moot, giving AFLAC a right to a full trial on the issue, but that the issue of money damages had not been addressed at all. AFLAC has not indicated whether it intends to appeal the verdict or to commence with a full trial.



If the use of the trademark must be "commercial" in nature, what exactly is "noncommercial" speech? The battle lines were drawn with First Amendment rights on one side and intellectual property rights on the other.

Taftquack's resemblance to the AFLAC duck raised Constitutional issues.

MOOT COURT: Lombardo receives annual Alum Award

Continued from page 1--

declared Hunter best oralist of the teneup for the Regional Finals. After oral arguments, Vincent T. Lombardo '81, was presented with the second annual Moot Court Alumni of the Year Award by Prof. Steven Werber. Lombardo has been an active C-M Law Alumni Association (CMLAA) member for many years.

As a strong advocate of Moot Court, Lombardo volunteers to judge practice rounds for Moot Court teams. Upon receiving the award, Lombardo invited current law students to participate in Moot Court, which he called "the crown jewel of Cleveland-Marshall."

The Moot Court program is administered by its Board of Governors, 2 and 3Ls who won membership through intramural competition. Governors participate

in five to six interscholastic appellate advocacy competitions annually, including the National Competition. Prof. Stephen Gard serves as Nationals team advisor.

According to Moot Court Advisor, Prof. Karin Mika, C-M teams hold a national reputation for excellence based on their successful performances, as illustrated by numerous first place team and brief awards over the past 20 years.

Last year's C-M team of Nancy Berardinelli '02, 4L Denise Salerno and Peter Traska '02 placed in the final four of at the 2002 Nationals.

According to Mika, Moot Court competition is tight. Over 100 1Ls submitted writing samples last year and only 16 are invited to present oral arguments. Only half of those oralists garner Moot Court membership.

Ulmer & Burne awards excellence in advocacy

2L C-M students Brendan Doyle, Siegmund Fuchs, Christos Georgalis, Bryan Kostura, Susan Parker-Taylor, Leopold Wetula and Dean Williams were awarded the 2002 Ulmer & Burne Moot Court Associate Member Scholarship Award.

The recipients, all of whom are members of C-M's Moot Court Board of Governors, were selected based on overall brief writing and oral advocacy skills in last spring's 1L Moot Court competition.

"The recipient of this award is a testament to each of the students' hard work, skills and dedication," said Maria Citeroni, an associate with Ulmer & Burne, and manager of the award program. "The recipients receive a cash stipend as part of the reward."

Citeroni was one of the first award recipients when she was a C-M student. "The program helps to prepare student's for the real-life appellate courtroom experience," said Citeroni. "There was no experience that was more

valuable and gratifying that my membership on Moot Court Board of governors while I was in law school."

VISITING SCHOLAR

First Amendment Rights Advocate and Professor of Media Ethics and Law at the University of Minnesota, Jane E. Kirtley visited C-M Oct. 17 as part of the 75th Cleveland-Marshall Visiting Scholar's Fund. Kirtley delivered the Visiting Scholar lecture entitled "Secrecy and Security are not Synonymous: Freedom of the Press in the Post 9/11 World." Kirtley also met with students, taught a joint-Constitutional Law class in addition to speaking with C-M alumni.

ON THE AUCTION BLOCK

The Women Law Students' Association held its annual silent auction from Nov. 13 through Nov. 15. Items being auctioned off ranged from art work, sports memorabilia, bar review courses and dinner with numerous C-M professors. WLSA has yet to an-



Notes in Brief

nounce its total funds raised through the event to the C-M community.

2L IN NATIONAL NEWS

2L Carl Rose is featured in an article of the October 2002 issue of *National Jurist*, "Blindness no barrier to legal success." In the article, Rose is quoted as saying, "It's a great occupation for the visually impaired. We get paid to talk and write."

SBA FUND ALLOCATIONS

SBA awarded funds this year to the following organizations: Asian/Pacific Islander Law Student Association (\$1000), Black Law Students Association (\$3,500), Delta Theta Phi (\$1,500), Environmental Law Organization (\$800), the Gavel (\$3000), Hispanic Law Student Association (\$100), International

Law Student Association (\$100), The Journal of Law and Health (\$1,200), Law Review (\$500), Moot Court (\$500), Student Public Interest Law Organization (\$2,500) and WLSA (\$1,500).

"LAW DAY" AT THE INN

On Nov. 8, 12 C-M students and Pamela Daiker-Middaugh, attorney for C-M's Law and Public Policy Program, spent the day at the Friendly Inn Community Center on the near east side. The purpose of their visit was to participate in "Law Day," providing children with information about college, law school and legal careers.

NEW COURSES IN SPRING CURRICULUM

Two professors from across the pond will be teaching courses in comparative law in spring semester. Prof. and Dean Irene Lynch-Fannon of the University of Cork, Ireland will teach the Employment Law Seminar: US/European Comparisons. Prof. Julian Webb of

Westminster University in London, England will teach a course on Comparative Legal Process.

Lynch-Fannon's course will explore EU structure, labor markets and laws, comparing them to their counterparts in the United States. This is the first time this course will be taught at C-M.

Webb's course will explore the legal traditions of common law, civil law and various schemes of indigenous law from a comparative perspective.

SBA SOCIAL SCENE

The SBA held two well attended social events outside of C-M in the past month. On Oct. 31, C-M students packed Becky's for SBA's Halloween Party. Most recently, C-M students headed down to the Warehouse District Nov. 16 for SBA's pre-finals social.

Compiled by Colin Moeller.

Tips for Notes in Brief may be submitted to the Gavel at, 687.4533, or via e-mail, gavel@law.csuohio.edu

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LB 23



Patience prevails in job search

By Karin Mika

LEGAL WRITING PROFESSOR

Q: When should 1Ls look for summer jobs?

A: I think one of the primary mistakes that 1L students make is trying to decide who they will ultimately be during the first week of school. Sometimes you lock yourself into people and situations that are the worst of all possible decisions in the long run. The same goes for that first summer job.

I won't say don't keep your eyes open, but I will say, don't jump too quickly at the first thing that you see because you fear you won't get anything else. Take your time and see what's out there, but if you see something that you truly don't want to do, check back again a little later to see if there is something more suitable. Also, put all of that on hold if and when it impedes your studies.

The first semester, especially, is a time to concentrate on your studies and solidify your knowledge base. After all, you have to figure out what you know before you figure out what you want to do with what you know. Not all clerking experiences are the same, and you can really get turned off by the study of law if you wind up working in a field that frustrates or bores you.

In addition, if you do have a set goal in mind, taking anything that comes along may set you up to have experience in the area and pigeonhole your future options. Don't carve your destiny in stone too early. And, don't think there won't be choices that might arrive after everyone else has seemingly already decided what they are doing.

Legal Writing

Public interest balances scales

4L English elected to Equal Justice Works top post

By Ed Pekarek

NEWS EDITOR

A cadre of C-M students traveled to Washington, D.C. for the Equal Justice Works public interest law career fair and conference held at the Omni Shoreham Hotel.

Conference sessions on securing public interest employment, predatory lending, employment law and civil rights law after Sept. 11 informed those in attendance. Students participated in seminars as well as table talk sessions and interviews with prospective employers. Ralph Nader delivered the keynote speech and 4L Sandra English became president-elect of Equal Justice Works.

English, an SBA Senator and former C-M BLSA president, previously held a Midwest Regional Representative position with the National Association for Public Interest Law (NAPIL), the predecessor to Equal Justice Works. English will serve a two-year term as the renamed organization's chief executive and will sit as vice chair of its board of directors. She said her mission was "leading the organization in its efforts to organize law students across the country as members of the leading public interest organization in the nation."

Current C-M BLSA president, 2L Monique McCarthy said that Equal Justice Works "did an excellent job of highlighting the various areas within public interest law." 2L Marisa Cornachio noted there were an "exceptional number of employers that turned out" and observed that the employers were "excited to be a part of such an event." 2L Patrice Gonzalez said, "The sessions offered were informative, providing basic information for those beginning their public interest job search." 3L Anna Markovich said she



Nader used a litany of tragic examples of corrupt corporations abusing U.S. consumers to incite the group to zealously pursue careers in public interest law.

"found the speakers to be useful and enjoyed meeting with employers during the table talk sessions."

Employers interviewing at the conference included the State Department, Securities and Exchange Commission, Justice Department, Environmental Protection Agency, National Organization of Women Legal Defense Fund and the noted civil rights law firm, Relman and Associates. Senior partner John Relman

has been an advisor to the C-M Fair Housing Clinic as they prepare to test the boundaries of the Fair Housing Act before the Court in *City of Cuyahoga Falls v. Buckeye Community Hope Foundation*.

The annual event attracts nearly 200 employers and 1200 students and graduates nationwide.

Ralph Nader delivered the keynote speech just moments after learning of Senator Paul Wellstone's death. The fabled consumer rights attorney gave a poignant keynote speech that lacked his typical animation. Nader, who stumped for the right to reside in the White House in 2000, made a Cleveland State University campaign stop that year organized by the C-M Student Public Interest Law Organization. SPILO also sponsored the C-M student trek to the District.

SPILO Advisor and C-M Pro Bono Director Pamela Daiker-Middaugh and Prof. Beverly Blair led the C-M contingent at the well-attended speech. Nader's rhetoric was delayed due in part to his receiving the news that the Minnesota Senator and personal friend had perished moments earlier in a plane crash. Nader took a lengthy silent pause before delivering his remarks and was visibly distraught throughout his comments. Nader slogged through the speech, using a litany of tragic examples of corrupt corporations abusing U.S. consumers to incite the group to zealously pursue careers in public interest law.

Equal Justice Works leads the nation in supporting public interest law in law schools and among students. Through charitable donations, the group funds work by student and lawyers public interest law programs. The group was founded by law students to provide legal aid to low income individuals.

Bar reviews put to the test, which course is right for you?

By Amanda Paar

STAFF WRITER

Armed with a variety of freebies from pens and highlighters to mints and mugs, bar review course representatives are a mainstay in the C-M student lounge. These gifts are enticing, but when it comes to crunch-time, which course provides that extra edge?

Choices include Bar/Bri, Rossen and PMBR.

According to their websites, both Rossen and Bar/Bri bar review courses have lectures available. Howard Rossen '64, was one of Bar/Bri's founders and upon the expiration of a non-compete clause, his son, Marc '95 established the Rossen Bar Review in early 2001. Rossen has a staff of Ohio-based faculty, including many C-M professors, while Bar/Bri has national and regional faculty.

Bar/Bri and Rossen both use DVD home study courses and offer free DVD players upon course completion. Free admission to Ohio Bar Review lectures is also provided with the Bar/Bri home study course. Rossen provides a web-based training environment for the Multistate Bar Exam (MBE) with no extra software required.

Rossen lectures offer six in-class practice essays administered and graded by Ohio attorneys. Rossen also provides copies of past bar exams with sample student answers. Bar/Bri offers a six-hour simulated MBE. Simulated exams are computer graded against up to 35,000 other Bar/Bri students nationwide.

Rossen is noticeably more "Ohio specific" than Bar/Bri. The Ohio-based Rossen staff provides an Ohio essay and

MBE approach to potential Multistate subjects. While Bar/Bri also provides Ohio material, it balances its state-specific section with material focused on the MBE and Multistate Performance Test. According to Marc Rossen, the Practising Law Institute is Rossen's multistate supplemental workshop and is offered to clients without charge.

PMBR's mission is MBE preparation. PMBR claims it is not in competition with the rival bar reviews. Rather, it defines its offerings as a supplement to those courses and does not cover the same material that Rossen and Bar/Bri respectively teach. According to its website, PMBR creates its own questions. No authentic sample questions from past bar exams are incorporated into the PMBR approach. PMBR notes that questions are never repeated, so it does not use retired questions. Despite

PBMR's claim of market neutrality, it boasts of a "competitive edge" over other programs based upon the scores and passage rates of their customers.

PMBR lectures are administered considerably closer to the actual exam in order to "maximize short-term retention."

PMBR claims that students who supplement their bar exam preparation with this course of study increase their final scores by up to 20 or 30 points. PMBR further claims that on a one to 10 scale, average PMBR questions are a nine or 10 in difficulty and focus on gaps in the law, such as: "mortgages, perfection of security interests in fixtures and riparian water rights," rather than a concentration on summaries of the major topical areas such as contracts and torts. PMBR also suggests that its techniques and strategies result in a successful bar exam.



SBA boosts budgets

By Brian Stano

SBA BUDGET COMMITTEE CHAIR

According to my high school political science teacher, the primary job of government is to decide who gets what, how and

SBA when. In other words, government decides where the money goes. And as Prof. Ammons will enthusiastically remind her students, if you want to find an answer to an issue, "just follow the money."

As the chair of SBA Budgeting Committee, I not only follow the money, but along with a committee, decide how to distribute it among C-M student organizations.

This year, SBA received funding applications from almost all student organizations. After receiving the proposals they are taken into consideration during the budget allocation meeting. During this meeting, the Committee considered several factors, including how the organization serves the law school community, how many members the organization has, how much funding the organization received last year, etc. After the decisions were made, the proposed budget was submitted to SBA Senate, where it was quickly approved.

SBA had roughly \$23,500 to allocate (almost \$75,000 was requested). The Committee decided to reserve approximately \$2,900 for new organizations, as well as a discretionary fund that SBA can use to "cosponsor" a student organization event.

In order for the organizations to actually receive their money, they were required to read and complete an application packet, which included signing a contract promising a detailed financial statement to be submitted to SBA at the end of the year. So far, most organizations have complied, but as expected, some still haven't.

Some organizations were disappointed by the allocations, but that is what happens when there isn't enough money to go around. However, the most important thing was to make sure that the decisions were made fairly.

In other news, SBA purchased two new microwaves for student use in the lounge. Due to electrical problems, we had to shut down the old microwave. However, we will soon place the old one (which still works) where the other broken, old one currently is.

SBA is working hard to get DirecTV back into the student lounge. The receiver was stolen last summer, and once we obtain a new one, television programming will return (but with extra security measures, of course).



A Measure of C-M's Success

EACH November, the Supreme Court of Ohio announces the July Bar Exam results. Because there are more takers in July, this is the exam law school deans and administrators look at to determine how their school fares among the competition.

Usually somewhere near the bottom of the law school heap with Capital University and Ohio Northern, C-M's overall passing percentages hover in the just below-average range.

Deans and administrators at each law school have

already crunched the numbers, ready to post them on brochures and websites. However, a better

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Opinion

measure of how well a law school prepares students for the Bar is in the classroom, not in overall percentages. The average student's course selections prove he does not rest on his school's laurels. Rather, he is relying on his choice of classes and class work to pass the Bar.

Lessons learned in Torts are usually long forgotten by the time 2L begins, however, the foundation built first year can prove immeasurable three years later. Af-

ter finishing the Required Core Curriculum, students pack their schedules with "bar classes" in an effort to learn material that will be tested on the Bar. In practice, there are plenty of students who will never see the inside of a courtroom, but sit through Criminal Procedure their third year to prepare for the bar. Future litigators fill business law classes to make sure the first time they see a secured transaction is in the classroom and not on the Bar.

Certainly, there are those students who save bar preparation for bar review courses. But, most of the seats filled in Commercial Law are students

opting for another bar course.

Fulfill bar passage expectations in the classroom, not in the numbers. Impress students with the quality of the education received at C-M. When a majority of the class indicates they registered for Corporations because it is tested on the Bar, give them what they came for. When students register for these classes, they do so with an expectation that the upcoming semester will cover topics bar examiners deem important.

There are many reasons for the low overall pass rate at C-M. The likely cause of C-M's low rate is the high number of repeat takers for C-M. Statistics show that the more times an individual takes the Bar, the less likely he is to pass.

Rather than excuse the low overall pass rate with more demographics and rates to match, C-M must show students that the school is doing all it can by teaching adequate bar preparation in the classroom through the topics covered and exams administered.

While law school is more than a three-year bar review course, the emphasis placed on first time passage, coupled with the relatively low passage rate in Ohio, force law students into that mentality. Practical learning and practice advice are valuable and appreciated. But, in the student's mind, those lessons will remain less valuable than the elements of a battery until the Supreme Court of Ohio recognizes their import and includes them as one of the tested topics on the Bar.

1L's classroom critique is no excuse for inadequacy

Having read the latest installment of the "1L First Year Life" series, several thoughts come to mind. It is a given that there are certain "types" of students that get on our nerves. Human beings simply are not capable of liking everyone they interact with. That luxury is reserved for big purple dinosaurs and Mr. Rogers. However, I think that it is equally uncommon to hold ill feelings toward everyone who acts differently. The Anonymous 1L seems to find fault with the actions of those who do not, like he does, sit quietly in the back of the class and refrain from interaction. He seems to think that the "know-it-all," "freedom fighter" and comedian are foolish, and those who conform to such stereotypes are doomed to fail.

Why is it that he feels this way? I do not think it in error to assume he does so out of feelings of inadequacy. Careful examination of the article reveals that the author equates annoying behavior with talking out loud in class. All of the stereotypes



he criticizes are extraverted. I think that the basis for the author's feelings is that he desires to have the same confidence in his knowledge of the material as these stereotypical individuals. In other words, I think he might well resent the fact that they are able to voice their thoughts with such ease, while he hides in the back of the classroom. The only way that he can reconcile his sense of self-worth in the face of his fears is to assert, quite arrogantly, that his actions are those of the truly successful law student, and that he is the "person we need to fear the most." I think the self-justification of such a statement is readily obvious.

I believe that if the author thought about why he behaves the way he does, sitting quietly in the back of class, he would find that it is his way of dealing with a new and unsettling environment. Furthermore, I think that the behavior of those he identifies in the article is also a sort of defense mechanism. The "know-it-all"

might feel as if she must voice her opinions to make herself feel she knows what is going on in class. The comedian uses his quips to make himself feel comfortable. We are in this together, and I think we are all experiencing at least a little bit of fear and uncertainty that we deal with in our own way. It seems hypocritical for the author to condemn the methods of others while applauding his own.

In the end, I think that the people who will succeed in law school are those who work hard and sacrifice. I hope the author of the article chooses to study during reading week rather than rely on his silent demeanor to pull him through finals.

Incidentally, I too am the sort of person who generally sits in the back of the room and stays out of the conversation, though I have chimed in a time or two. I do not attribute my silence with genius, however, but rather to the fact that when I hear the term "consideration," I instantly go into a coma-like slumber. Speaking of which, it is time to catch up on some sleep. Now, where did I put my contracts book...

Christian Bates

THE GAVEL

CLEVELAND-MARSHALL COLLEGE OF LAW
CLEVELAND STATE UNIVERSITY
216.687.4539 FAX: 216.687.6881
GAVEL@LAW.CSUOHIO.EDU



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The Gavel presents this piece in remembrance of Frank Cwiklinski, Gavel Columnist and veteran. The piece originally appeared in the Gavel's Dec. 2000 issue.

On Nov. 10, Cleveland-Marshall closed its doors to commemorate Veterans Day. The name of the holiday seems self-explanatory, but how many of us really know what the celebration entails? I admit, even after several years on active duty, my knowledge was sparse. My own research led me to these discoveries:

The first Veterans Day was actually Armistice Day. It was created by President Wilson Nov. 11, 1919, to commemorate the one-year anniversary of the end of World War I. Armistice Day, however, did not receive official recognition by Congress until 1926 and did not become a national holiday until 1938. Had the Great War turned out to be the "war to end all wars," the holiday would have probably retained its original name. History, of course, proved otherwise. After World War II and Korea, President Eisenhower signed a bill proclaiming Nov. 11 as Veterans Day, to honor all Americans who have served in times of war.

In 1968 Congress passed the Uniform Holiday Bill, placing Veterans Day on the fourth Monday of October. The intent was to provide Americans with four national holidays on Monday. Congress believed that these long weekends would encourage travel, recreation and cultural activities and stimulate greater industrial and commercial production. Personally, I find the Congress-

Veterans Day: A Full History



To properly salute those who have given us a future, we must understand their holiday's past

sional reasoning rather misplaced, as many young Americans were fighting in Vietnam, guarding the DMZ, patrolling the Iron Curtain and protesting for peace on the home front.

In 1978, Veteran's Day returned to its original date. Nov. 11 has more of a historic significance that the end of World War I. The Great War ended on the 11th hour of the 11th day of the 11th month. The Tomb of the Unknown Soldier was dedicated in 1921 at that exact time at Arlington National Cemetery. France and England held similar ceremonies at the Arc de Triomphe and Westminster Abbey, respectively. These

ceremonies continue today. At Arlington, the presidential wreath is placed in front of the tomb as a tribute to the more than one million soldiers who lost their lives since the our Declaration of Independence.

This past Veterans Day had particular significance to the 16.5 million Americans who served in World War II. Near the Rainbow Pool on the National Mall in Washington, D.C., 12,000 people attended the groundbreaking ceremony for the National World War II Memorial. The speakers included President Clinton, World War II veteran Bob Dole and Tom Hanks, who has dedicated countless hours to fund-

raising efforts after his involvement in the movie "Saving Private Ryan."

"Democracy is never a final achievement. It is a call to untiring effort, to continual sacrifice and to the willingness, if necessary, to die in its defense," President Kennedy once said. "The story of America has been written, in large part, by the deeds of our veterans—deeds that bind us to our past, inspire us in the present and strengthen us to meet the challenges of the future."

When I speak to World War II veterans, I am in awe of the sacrifices they made. Many of these young Americans went overseas for years, knowing they would not return until the job was done. It is unfathomable how different the world would be today if D-Day had failed, or if there were a negotiated peace with Hitler. Because of our veterans, democracy has never endured such a challenge.

Dems jump ship in GOP-aligned Ohio

By Grant Monachino
STAFF WRITER

Check the stats, but Nov. 5 was the first time in history that both the House and Senate gained Republican seats, in a midterm election, while a Republican was President. What happened the first week in November to spark this unprecedented occurrence?

The economy is down, corporate America is corrupt and the budget went from surplus to deficit. Somehow, in the midst of these weaknesses, Dubya's approval rating is staying extraordinarily high, and Republicans everywhere are riding his coattails to victory. Why couldn't Democrats capitalize on these shortcomings of the Bush Presidency? One obvious answer is the "War on Terrorism." Since Sept. 11, the primary focus of this country and the President has been this "War."

I think Americans accepted a certain degree of economic downturn and corruption to persevere in this new "War." Not to be misunderstood, I believe this "War" is a priority, and I would include myself as one of the Americans that accepted the slumping stock market. But why didn't Democrats focus and campaign on these issues?

The discrepancy between Republicans and Democrats is even more apparent in Ohio. Arguably, Ohio is historically a Republican state, but not enough to say it concedes to the Elephants. Ohio doesn't exactly have a booming economy.

The *Plain Dealer* recently reported Ohio public education as being one of the most expensive tickets in the nation. Even though these shortcomings are part and parcel to the Taft-era, the Ohio Democratic Party's challenger was a campaign fund deficient Tim Hagan. How did Taft get away with the high cost of education and the regressing economy?

With so many CSU students outraged by the possibility of a tuition increase for the U-Pass, you would think the younger demographic would voice their disapproval of high education costs through their vote. A recent CSU Student Government Association sponsored voter registration drive, however, resulted in fewer than 100 registrations; not the projected figure in the low thousands. Although this does not indicate the attitude of younger voters throughout Ohio, it may explain why one of Taft's major campaign platforms was lower prices for prescription drugs. Older people vote.

All this said, I am not a proponent for either party, but November's elections warrant notice that history was made, nationally, and "Taftquack" was all the Democrats could muster in Ohio.

Outlining panic and exam-phobia grip pre-exam 1Ls

The following is the third in a six-part series following a first year C-M student from orientation to spring exams.

We are approaching judgment day. Finals are almost here.

I have mixed emotions about finals. In general, I feel unsure about what to do, and that only leads to anxiety. And the preparation and studying for finals is something that I am not looking forward to at all. But, in some twisted way, I am looking forward to taking exams.

While most of my professors have given some guidance as to what to expect, I still find myself wondering what the finals process will be like. Some people tell me finals period is one of the most stressful times anyone will encounter, while other

people tell me that it really is not that bad.

I think the most difficult and stressful part about finals is the preparation period. I currently find myself playing catch-up. During the past couple months, I have been prepared for class, but I fell a little (OK, a lot) behind on outlining. Now, my goal is to get all my outlines done at least before reading period.

I try to justify this procrastination by telling myself that doing the outlines late in the semester will reduce the time necessary to actually study during the weeks preceding each final. My hope is that because the information will be fresh in my mind, once I begin studying, I will not have to do quite as much. While I may be kidding myself, I plan on studying seven hours a day during reading period.

However, I am finding that

outlining is not an easy process. The main problem I am having is effectively organizing the outlines. Furthering this is the uncertainty that I have encountered when talking to different 1Ls about their outlines.

It seems like for every person I speak to, I hear a different view as to "the right way" to outline. Most students tell me their outlines are 40 pages each, while mine are in the 15-page range. Am I doing something wrong? While it seems as if I have all the concepts included in each outline, I am trying to find out what I am missing.

While the preparation is, and will continue to be, less than enjoyable, I look forward to the actual test-taking. When I start reading each exam, and panic sets in, I know I will question my decision to attend law school.

Hopefully, the initial feeling

of hopelessness will fade, and I will do my best. That is my goal. If I miss a concept that I did not study, I will not be upset. But, if my nerves get to me, and I forget to write about concepts I knew, I will be disappointed.

Once the two weeks are over, and finals are complete, it will be time to enjoy the time off and relax. However, these weeks will remain stressful, as we wait to receive our grades.

These grades will tell us a lot. Is law school right for me? Did I do as well as I possibly could? Should I do something different to help prepare for the spring exams? If I do badly on exams, there are things I can change to better prepare next semester. Hopefully, I will not have to change a thing.

1L
First
Year
Life
Part 1

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