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**MSL**

ACADEMIC ENDEAVORS



## Gridiron Therapy

Kardiac Kids II and the Buckeyes in the Fiesta Bowl, can football fill the void created by the Tribe's rebuilding? Or is there life beyond the stats and the Sports page?

OPINION, PAGE 6



## A Separate Peace

The world's three major faiths worship in a historically holy land in a country the size of Rhode Island, is there room for each and for peace?

OPINION, PAGE 7

## Shiny Happy People

The world outside the cozy confines of C-M may seem scary, but graduation opens doors to exclusive perks. Michael Cheselka '02 welcomes his Alumnus status.

CAREER, PAGE 4



# THE GAVEL

VOLUME 51, ISSUE 4 FEBRUARY 2003

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## Roupe skips trial date

By Ed Pekarek

NEWS EDITOR

The Cleveland man accused of killing 3L Frank Cwiklinski in a high-speed collision while fleeing police failed to appear for a Jan. 28 trial. Cuyahoga County Prosecutor, Carol Skutnik '92, indicted Russell Roupe with a class one felony for aggravated vehicular homicide after attempts to secure a guilty plea were stalled by Roupe. Skutnik refused to accept any plea lower than a second degree felony.

Roupe's court-appointed attorney, Timothy Gautner '72, attempted to locate his client by phone from Judge Lillian Greene's courtroom. Gautner, speaking to a bailiff in court said, "he had an appointment with me last week, but he didn't show up." Gautner also said, "he told me he didn't want to go to trial...which is smart."

According to Cleveland Police Detective James McNamee, Roupe allegedly operated a stolen 1995 Toyota Camry with a suspended Ohio driver's license at approximately 70 mph when he

See ROUPE, page 3



Fair Housing Clinic founder Ed Kramer and co-counsel Diane Citrino talk to reporters on the front steps of the Supreme Court after oral arguments.

## C-M's Supreme litigation

The C-M Fair Housing Clinic litigated before the Supreme Court a dispute between a Columbus-based developer of affordable housing and the city of Cuyahoga

Falls that includes issues of fair housing, invidious racial discrimination, election law, first amendment rights and due process.

Turn to page 2 for more.

## Crime wave renews security concerns

By Colin Moeller

MANAGING EDITOR

Three LCD Projectors valued at approximately \$10,000 were stolen from C-M classrooms during winter break.

Vicki Plata, C-M budget director, said three LCD Projectors were removed from the ceilings of LB 204, 206 and 237 in January costing the university approximately \$10,000 to replace.

According to Cleveland State University Police Lt. Nathan Cabot, the thefts from LB 204 and 205 occurred between the close of business Jan. 2 and the start of business Jan. 3. Cabot said neither room was locked. Cabot confirmed, however, that LB 237 was locked when the Jan. 6 theft occurred with no signs of forced entry. While Cabot said it is possible that the door was not properly shut, CSU police have not ruled out the possibility that the theft was an inside job. The LCD projector from LB 237 was stolen during daylight, near 12 p.m.

Plata said the university is self-insured. Because the policy claim deductible is \$25,000, C-M was

forced to pay the cost of replacing the new projectors. While the projectors had security devices on them, Plata said the thieves cut through the locks. Plata notes that the price tag for replacement projectors included enhanced security mechanisms.

Three days prior to the first thefts, CSU police logs indicate suspicious individuals being questioned in the law building. Cabot said it is unlikely the individuals had anything to do with the thefts.

Plata said C-M is not the only institution to have LCD Projectors stolen, noting that the projectors are "hot items." "We actually thought we were pretty lucky until recently considering that we were one of the only universities not to have the projectors stolen."

According to the Ohio State University Police Reports, seven LCD projectors were stolen between Jan. 1, 2001 and Dec. 31, 2002. Case Western Reserve University lost three projectors in the last two months, according to

See SECURITY, page 3

## You Should Know



### Fall Interview Program

By CHRISTOPHER FRIEDENBERG

C-M's Fall Interview Program Statistics\*

Participating Employers:	44
Participating Students:	155
Total Bids for Interviews:	2020
Average Bids Per Student:	13
First Interviews Granted:	704
Second Interviews Granted:	211
Total Job Offers Made:	85
2L Offers Accepted:	30
3L Offers Accepted:	27

Employers granted first interviews from students in the top 80 percent of their classes. Job offers were only extended to students in the top 25 percent.

\*Information is based on student survey responses.

Information courtesy of the Office of Career Planning

## General Fee tightens belt with stipend freeze

By Michael Luby

STAFF WRITER

Double-digit percentage tuition hikes were cited as the basis for the General Fee Advisory Committee (GFAC) decision to freeze General Fee subsidized tuition stipends for students at the current rates. CSU opted to cap all stipends at the current rate for several reasons. Committee member 3L Brian Stano supported the move.

The decision was based on an imbalance in CSU enrollment rates in conjunction with anticipated state subsidy cuts. The cuts are expected to be announced by Governor Bob Taft and the Ohio Legislature. CSU capped undergraduate stipends at the current rate for 2002-2003.

Students, such as the editors of the Gavel and SBA officers, receive full or half tuition stipends in exchange for certain services provided to C-M. Tim Long, a faculty GFAC member, said at the Feb. 7 meeting that students are

overpaid for the amount of hours required at each position. Committee members agreed but noted that nearly all stipend-receiving students work significantly more hours than required.

Money is going to be "saved" by the freeze, but Stano expressed concerns about whether the savings will accrue to C-M, presumably through student organizations. In a letter to C-M Dean Steven Steinglass, CSU Dean of Student Life Diane Dillard, wrote that the current decision will in "no way reduce present funds to law school organizations." Dillard and the GFAC, however, made no such guarantees that future funds will flow to C-M.

According to the GFAC, graduate students pay a \$16.05 fee per credit hour up to a total of \$208.65 towards the General Fee, the primary funding source for

campus organizations and other student programs. All funds freed up by the new cap are expected to be pooled into the CSU general operating budget and reallocated through budget requests. The apparent cost shift raised concerns with Stano that C-M funds will no longer be allocated to law students. A final decision on future funding was tabled for further discussion.

Some stipend receiving students support the cap, including Stano, SBA vice president of budgeting. Stano said stipends have always been commensurate with tuition, but the current economy will not allow a stipend status quo. The GFAC decision will be implemented on a temporary basis for fiscal year 2003 with further committee evaluation next year.

Luby is a 1L.

In praise of  
C-M studentsBy **Steven H. Steinglass**

At C-M, not only are we educating men and women of great promise for our profession, we are educating future attorneys who, even as students, have demonstrated a commitment to their community.

The  
Dean's  
Column

Our Student Public Interest Law Organization (SPILO) and Pro Bono Program students continue to impress the community in their countless acts of good will. SPILO brought noted peace activist, prisoners' rights advocate and labor lawyer Staughton Lynd to speak about his efforts on behalf of death-row prisoners, while throughout the year our Pro Bono students volunteer for city-wide organizations such as Habitat for Humanity, the Homeless Legal Assistance Program and the Cleveland Municipal School District.

Our clinical education programs, among the country's most ambitious, attract service-minded students to projects that forge strong alliances between the law school and the community. Students in the Community Advocacy Clinic joined with students in the Environmental Law Clinic on a project in one of the city's "at-risk" neighborhoods. Students in the Employment Law Clinic counsel some of the area's neediest citizens. Last semester, two students in the Fair Housing Law Clinic, Michela Huth and Ed Pekarek, helped research, write and edit a brief to the United States Supreme Court, *City of Cuyahoga Falls v. Buckeye Community Hope Foundation*. We are proud, as well, of 4L Sandra English, one of only seven students elected to the Board of Equal Justice Works, a national organization that trains and supports law students who aspire to public service careers.

C-M Moot Court teams have a remarkable record of success, and members this year upheld the tradition. In January, Mark Gould, Don Herbe and Rhonda Porter competed in the ABA National Moot Court Competition in New York City. Likewise, our award-winning Gavel and our nationally circulated *Cleveland State Law Review* and *Cleveland-Marshall Journal of Law and Health* are telling the world that we are a school of seriously engaged future attorneys and that their school is one school to be reckoned with.

We are fortunate to have students of such high caliber and commitment at C-M.

By **Ed Pekarek**

NEWS EDITOR

The C-M Fair Housing Clinic accepted a case seven years ago that has wound its way through every level of both state and federal courts. The last stop in the long line of litigation was the U.S. Supreme Court. C-M adjunct Prof. Ed Kramer argued on behalf of Columbus-based developer, Buckeye Community Hope Foundation, before the Court Jan. 21. Two adjuncts, two professors and two students played roles in bringing the case before the Court.

Kramer, C-M Fair Housing Clinic founder, contended that the City of Cuyahoga Falls violated his client's due process rights and the federal Fair Housing Act by permitting a voter referendum to delay issuing building permits to a development site plan that was already approved and exceeded the city's zoning code.

Kramer argued that the vote was the culmination of an illegal and racially motivated campaign against Buckeye, while the city maintained that it merely followed the law and allowed its citizens to exercise their first amendment right to vote on the controversial development. At stake are millions in damages and attorneys fees due to Buckeye based on their victory in the Sixth Circuit. Among those who aided in the drafting of Buckeye's brief on the merits were Kramer, adjunct Prof. Diane Citrino and co-counsel Prof. Ken Kowalski, as well as Prof. Steven Lazarus and C-M students Michela Huth and Ed Pekarek.

Buckeye proposed to city officials a development for moderate income families called "Cuyahoga Terrace" in

1995. While Buckeye's site plan conformed with or exceeded every aspect of Cuyahoga Falls' zoning, city officials urged Buckeye to change the name in order to "smooth the process."

Buckeye presented a plan for the newly named Pleasant Meadows and was told they would also need to build an 11 foot high fence to separate the apartment complex from a neighboring condominium development. City Planning Director Louis Sharpe admitted under oath that it was the expected number of children who would reside at the apartments that prompted the city to require the barrier. Buckeye lawyer Citrino said the barrier was designed to "ghettoize" Pleasant Meadows.

Buckeye reluctantly complied with the new terms and applied for building permits. The City Planning Department approved the site plan. The Planning Commission approved it. The City Council approved it as well, though Mayor Don Robart abstained from the vote, a move known as a "pocket veto."

During the same time, various city officials took measures into their own hands to find ways to thwart the development. Buckeye lawyers contend that it was this "public-private partnership," with its allegedly underlying racial motive, that was the force behind the denial of the

building permits.

Council members trudged through the muddy building site in the hopes of finding wetlands, others sent fliers to constituents urging them to organize and attend meetings. Council asked the Law Director to find a "legal shred" to get around approving the development, and the Mayor used a city-owned building to host a meeting designed to devise a voter-based plan to stop the development. Fervent opponents to the apartments attended the public meetings and many made disparaging racial remarks on the record.

Buckeye lawyers asserted that the tactics were illegal, racially motivated and unconstitutional. Kramer said to Chief Justice Rehnquist, "the plaintiffs have been denied unlawfully their site plan and its benefits, including a building permit. City conduct. Nothing to do with referendums. Nothing to do with First Amendment rights." Justice Scalia said, "the Federal Congress passes unconstitutional laws all the time. You are entitled to pass an unconstitutional referendum. We will ignore it, however." Scalia's comments drew laughter from the gallery.

Justice Breyer said, "once we got into the business of paying damages, because it turns out they are evil, that would, in fact, chill the legislative process,

which is a democratic process." Kramer responded, "the referendum is only the culmination of the acts. There was a series of discretionary acts...the strategy of the city was to do two things. One was to delay this project because they knew there was a very finite period of time for our little nonprofit tax-exempt developer to build this project or lose their financing. So they knew the longer they could delay, the more likely the project would die. And second of all, they wanted to make the project more costly."

Buckeye lawyers asserted that Cuyahoga Falls' delay tactics nearly bankrupted the developer, and few cases have followed a longer litigation track. The dispute between the Columbus-based developer and the city stopped at every level of the justice system in both state and federal courts.

The case was twice considered by the Ohio Supreme Court. A 4-3 decision on whether a referendum on a purely administrative measure comported with the Ohio Constitution, first favored the city, then was reversed as a Justice changed sides, resulting in a 4-3 holding favoring the developer. Buckeye also prevailed at the Sixth Circuit Court of Appeals, which held *inter alia*, that the "public-private partnership" violated the Fair Housing Act and the developer's rights.

The city applied to the Court for *certiorari* and retained Jones Day for \$10,000. Petitioner's counsel, Glen Nager, was smooth and conversational with the Court, never once using prepared notes. And in a moment of gamesmanship, Nager offered his commemorative quill pen (given to all who argue before the Court) to Buckeye co-counsel Kowalski, and wryly said, "I have nine or 10 of these already."

A decision is expected by the end of the Court's term in June.

## Race v. referenda

*C-M Fair Housing Clinic challenges suburb's permit denial*

**Kramer contended that Cuyahoga Falls violated his client's due process rights and the federal Fair Housing Act.**

## Bono Act upheld; Disney's Mickey Mouse still runs the House

By **Jay Crook**

STAFF WRITER

The U.S. Supreme Court announced its decision in *Eldred v. Ashcroft* Jan. 15. The Court upheld the 1998 Sonny Bono Copyright Term Extension Act in a 7-2 opinion, providing additional protection for works such as Mickey Mouse, while dashing the hopes of advocates of the public domain, including the C-M *amicus curiae* team headed by Prof. Mickey Davis. The team was the first to file an *amicus* brief on behalf of petitioners in the case.

The Bono Act allowed for both prospective and retrospective extension of copyright terms for existing copyrights from "life plus 50 years"

to "life plus 70 years" for original works, and from 75 to 95 years for works for hire. Justice Ginsberg, writing for the majority, stated there was nothing in violation of the "Limited Times" portion of the copyright clause to prevent extending the term of an existing, and about to expire, copyright. There was no *quid pro quo* of public benefit in exchange for protection in the copyright clause.

The Court may have been persuaded by the fact that Congress has extended Copyright many times in the past without challenge, the extension was considered proper in light of its historical pedi-

gree.

Addressing the Court's historical pedigree logic, Davis said, "that runs right against the logic of *Brown v. Board of Education*, but for some reason the Court treats wrongs perpetuated for 100 years as 100 times better, when really they are 100 times worse." On the Court's grasp of copyright law, Davis said, "I don't feel the Court was especially well attuned to the issue at hand. Not enough cases of this type were brought prior to this decision to fully explore the nuances of the law and sensitize the court to the issues at hand."

# C-M Moot Court makes consecutive top 10 ABA finishes

The C-M Moot Court team finished in the top 10 again at the American Bar Association's National Moot Court Competition.

3Ls Mark Gould, Donald Herbe and Rhonda Porter bettered nearly 150 teams with their eighth place finish.

Two C-M teams competed in the 2003 regional finals and their respective briefs were judged first and second. The second team of 3Ls Danielle McGill, Michael Hunter and Renee Davis lost to the Gould, Herbe and Porter team in the semifinals of the regional competition. The latter team beat Wayne State University to advance.

The National ABA Competition requires mental preparation as well as a convincing brief. Mika said the team members decided who would do which argument and who would oversee the final brief submitted.

C-M competitors dealt with the stress of the competition differently. Herbe said he was more excited than nervous about the competition, while Gould said it was, "nerve wracking."

After the judges determined the winner of the oral round, the clerk calculated the score, which is comprised of a 60 percent weighting for oral arguments and 40 percent for briefs.

## THE "GLASS MAN" COMETH

A mind isn't the only thing Prof. Brian Glassman can shape.

As his name suggests, the Legal Writing instructor also shapes molten glass into what might be described as beautiful, graceful, functional art. A lifelong student of the arts,

Glassman has studied drawing, painting, printmaking, sculpture and pottery. He was introduced to glassblowing by his sister as a 1L at Boston University.



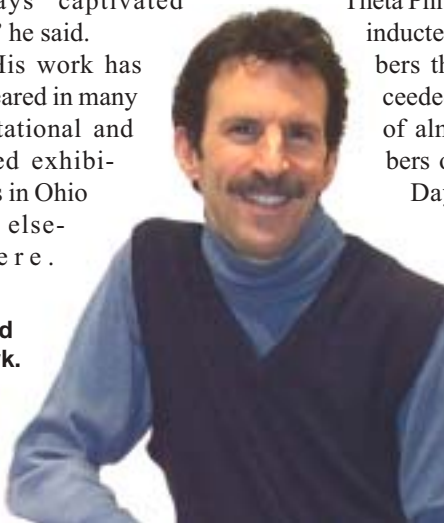
MSNBS's Hardball College Tour made a stop at CSU in November with many C-M students in attendance.

While other law students were getting legal jobs, Glassman headed off to study hot glass at the Pilchuck Glass School in Stanwood, Wash. He furthered his glass education at the Penland School of Crafts in North Carolina and at the Cleveland Institute of Art.

Glassman's unique process starts with a layer of molten glass on the end of a blowpipe and begins to shape the piece based on sketches. As the initial form emerges, he uses special paints made from ground glass to add color to the outside of the budding shape. "The immediacy and excitement of glassblowing has always captivated me," he said.

His work has appeared in many invitational and juried exhibitions in Ohio and elsewhere.

Glassman and his glass work.



DONNA MORGAN HOLLAND-GAVEL



## Notes in Brief

He participated in the prestigious May Show at the Cleveland Museum of Art which purchased one of his pieces. CSU recently hosted his show, "Brian Glassman: A Twenty Year Retrospective."

## SPORTS AND ENTERTAINMENT-MINDED

A group of mostly 1Ls recently established the Entertainment Sports Law Association (ESLA). The organization, headed by president 1L Michelle Hyndman and vice president 1L Chris Friedenberg, aims to offer opportunities for those who are interested in a sports and entertainment law.

Hyndman said ESLA intends to educate and inform students interested in these areas. ESLA plans to bring speakers, panelist discussions and provide externships with Cleveland companies.

## DELTS INITIATE 38

The C-M chapter of Delta Theta Phi, The Ranney Senate, inducted over 20 new members this month, and proceeded over the initiative of almost as many members of the newly formed Day Senate, affiliated with CWRU. DTP National Chancellor, Vito M. Evola, was among those in attendance to witness the combined initiation, as was DTP alumni member

Dean Steinglass.

## HATS OFF TO CAPERS

Judge Muriel Capers '45, the first African-American woman elected to Cleveland City Council as well as to the Cleveland municipal bench, was recently the guest of honor for a C-M celebration of the beginning of her tenth decade.

## C-M IN THE NEWS

Associate Dean Jack Guttenberg has been appointed to the Ohio Supreme Court Task Force on the Rules of Professional Conduct. He is one of 17 lawyers from around the state who will be reviewing the Ohio Code of Professional Responsibility and advising the Ohio Supreme Court on whether Ohio should adopt the Rules of Professional Conduct.



Capers celebrates 90.

Prof. Susan Becker was quoted in the Feb. 18 issue of *USA Today* in a front page story, "Same-sex couples are redefining family law in USA."

Prof. Alan Weinstein was quoted in a Feb. 3 *Lawyers Weekly USA* front page story, "Zoning Ruling OK Unless 'Shocks the Conscience.'" Weinstein commented on a recent U.S. Court of Appeals for the Third Circuit ruling in which the court declined to review a zoning decision.

## ALUMNA ELECTED TO OHIO'S HIGH COURT

Maureen O'Connor '80, was sworn in as the first C-M alumna to sit at Ohio's highest bench Jan. 12, where she joined Justice Francis Sweeney '63. O'Connor's election also establishes another first in Ohio Su-

preme Court history as the current bench has its first female majority, though that may change if Justice Deborah Cook receives a federal judicial appointment. Dean Steinglass gave the remarks at her induction ceremony and noted that six of seven Justices hail from Ohio's public law schools.

O'Connor has served Ohioans as a magistrate, prosecuting attorney, judge, and prior to her November victory over Cincinnati Municipal Judge Tim Black, as Lieutenant Governor. O'Connor considers herself a "common sense constructionist" and has said, "judges should limit themselves to interpreting the law...and leave policy debates where they belong, in the legislature." O'Connor promised a "level playing field" and said, "you cannot pledge a position, that is what politicians do."

## MCNALLY RETIRES

Assistant Dean of Admissions Margaret McNally officially retired at the end of last semester. A gathering of faculty, staff and friends gave her a proper send off, including a crooning serenade from Prof. Steve Lazarus and stand up comedy musings by Prof. Fred White. Melody Stewart has served as interim Dean in McNally's stead and is being considered as a full time replacement. A hiring committee has met to finalize the job description and interview process. A full time hire is expected to be announced before the end of May.

Compiled by Amanda Paar,  
Donna Morgan Holland, Ed  
Pekarek, Eric Doeh and  
Andrea Budzinsky.

## SAFETY: Similar theft plagues campuses

Continued from page 1--

the university's daily crime logs. According to Cabot, the University of Akron had a projector stolen. The CSU main classroom building lost a projector to theft in December.

CSU police have not recovered the equipment, but Cabot said the police are making efforts to insure that future projectors are not stolen. "We are performing a process called 'Target Hardening.' Right now the target is LCD Projectors. We are looking into new security devices that can be hooked up to the projectors, including a device that would link into an alarm system."

Cabot said C-M used to have its own security guards in the law building, but budget cuts forced C-M to phase out security patrols. Cabot also said that outside security cameras were mounted, on the newer portions of the law building, as part of the building package. But, because

the operation of the cameras was never assigned to a specific budget or department, the cameras do not operate.

Plata said she suspects that the high price tag of having a police officer, in addition to union contracts, prevent regular monitoring of the law building. "We have student security guards who remind faculty at night to lock up equipment and make sure doors are locked. The cost of these student employees alone is \$11,000 annually."

Plata said C-M is relying on faculty to make sure classrooms are locked with student security guards checking doors. "There were talks about putting key pads on the classroom doors. But because of the need to have crashbars on the doors, it is not possible to also mount a keypad."

"We always have to remember that this is an open campus," said Cabot. "Everyone needs to do their part to be on the lookout for suspicious activity."

## ROUPE: Prosecutor adds to indictment

Continued from page 1--

struck Cwiklinski's BMW at the intersection of Fulton Road and Lorain Avenue in Cleveland at 2:54 a.m. on June 29. Gautner said to McNamee in court, "you have two police officers as witnesses and I need to go over their statements with my client."

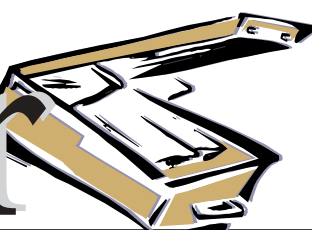
According to former prosecutor, Miles Camp '94, "this is now a first degree felony and that is serious stuff. He could be sentenced to up to 25 years the way he's been reindicted." Skutnick upped the charges to reflect the suspended license and in response to Roupe's repudiation of the plea deal.

A source close to the case indicated that Roupe's urinalysis showed he had a .208 percent blood alcohol content, more than double Ohio's legal limit, and test results also showed marijuana in Roupe's system at the time of the

crash. Camp suspected that Roupe might also be charged under Ohio R.C. 4511.19 (a)(6), which provides stricter sentencing for drivers possessing a blood-alcohol level greater than .17 percent.

Green issued a bond forfeiture notice and capias warrant for Roupe's arrest in response to his failure to appear. Roupe was captured by Cleveland Police Feb. 10 and is now in County Jail awaiting trial according to county records. Roupe has used multiple aliases and was previously extradited from West Virginia as a fugitive in 1997. He had been free on \$2500 bail since his July 2002 arraignment.

C-M recently established the Frank Cwiklinski Memorial Scholarship Fund to honor the deceased West Point graduate, Law Review Editor and Gavel columnist. Cwiklinski was slated to graduate from C-M in December 2002 and accepted a position with the Ohio Attorney General just days before the collision.



## Take time selecting Bar reviews

By Karin Mika

LEGAL WRITING PROFESSOR

**Q:** As a first year student, I see many of my peers buying bar review materials. Is there any benefit to this?

**A:** While we law professors advocate being aware of the bar exam from the onset of law school, to me, engaging in actual bar prep as a 1L can be both intimidating and self-defeating.

I won't say that there aren't materials contained in the bar review courses which may be beneficial to first year students, but their presentation is geared toward the graduating student who already understands a lot about the big picture and how all of the components fit together.

Many bar reviews contain materials that would be appropriate for first year courses, especially those materials related to 1L core curriculum courses. However, 1Ls should also be wary of signing up just for the sake of signing up, or because others seem to be doing it.

Be discriminating in all of your "supplement" purchases. Too much information is not necessarily a good thing. I still possess a \$40 Rule Against Perpetuities "workbook" from my first year of law school.

I never did master the Rule Against Perpetuities, and the subject accounted for exactly one question on my first year Property Exam.



## Brave new world? Not exactly.

*Freshly minted alum tells it like it is (sort of)*

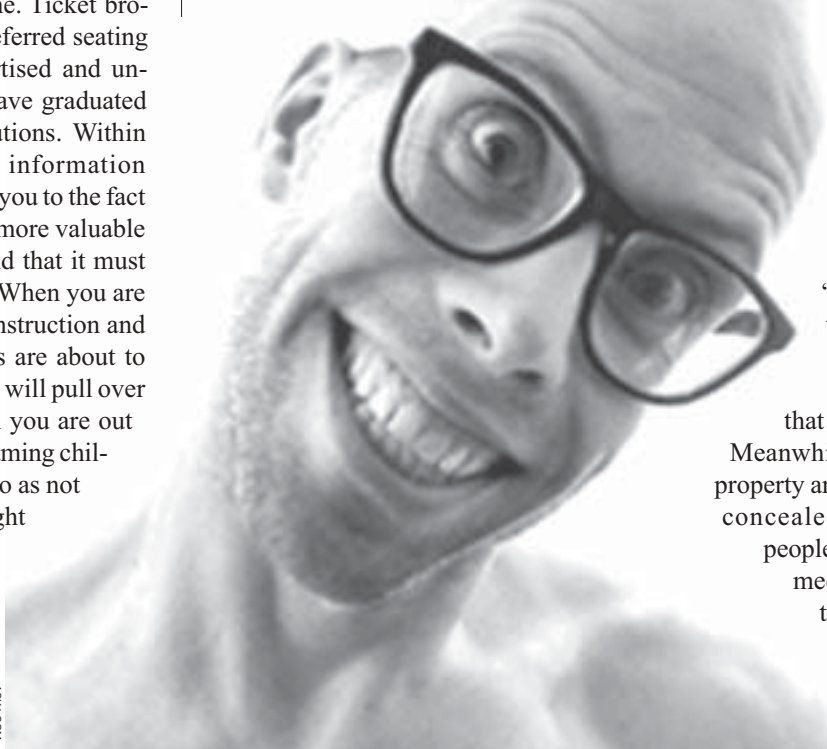
Oh, they save the best for last. I figure they have to. If they were to let us know from the very beginning, our enrollment would be astronomical. You can only try and imagine the world that waits once you become a C-M Alumnus. It is a subtle, yet powerful, change.

I have noticed, since graduation, that people seem friendlier. Cashiers will let you take mega-cuts in line. Ticket brokers will have special preferred seating options that are unadvertised and unavailable to those who have graduated from mere-mortal institutions. Within days, you will receive information through the mail, alerting you to the fact that your life is so-much-more valuable than it was previously and that it must be insured, immediately. When you are out driving amid road construction and discover that traffic lanes are about to merge and narrow, people will pull over to let you through. When you are out shopping, folks with screaming children will leave the store so as not to disturb your earned right to peace and tranquility. People with cell phones will wait until you are out of earshot before making unnecessary and useless phone calls. You will never wait for a table at Morton's or Johnny's if you slip the maitre'd a note that says, simply, "CSU." Downtown parking lots will never charge you more than a buck-and-a-half to park, all day!

You will avail yourself of special curbside baggage handling and security check-in procedures at the airport, any airport. Panhandlers will slip *you* a few bucks. Those are just a few of the external advantages, but wait, there's more.

Your teeth will seem whiter, your breath fresher. Members of the opposite (or same) sex will want to dance with you. Bartenders will automatically pour you a double and never ring up a call brand. No one will ever hang up on your answering machine. From out of the blue, people will call just to make sure that they don't owe you money. Your clothes will fit bet-

### You will never have to supplement your intake of Riboflavin, Chromium or Zinc.



By Michael Cheselka

ter. Your food will taste better. Your dog will feel a greater sense of pride. Never again will you cut yourself shaving. Your handshake will send shivers through any and all you touch. Creditors will refrain from sending you late notices. You will stop having bad dreams. You will never need a laxative. You will never have to supplement your intake of Riboflavin, Chromium or Zinc. Tough ground-in stains will magically disappear in the normal wash cycle. You will be able to donate your lint brush to charity.

One-by-one, you will be introduced to the others in our circle. Some members you will simply recognize. It might be the way they lean against the streetlamp, oblivious to the storm. Some will just, well, I'm sworn to secrecy on that one, but you will know, and they will know you. Together you will realize that,

as of this moment, it doesn't seem brave, new, or even like much of a world out there.

Gasoline is headed toward two-bucks a gallon. Committees are meeting to discuss reading your e-mail. Social security never made it into that lockbox. The war may have started, and ended, by the time this reaches your eyes. In the name of Homeland Security, lines and whole paragraphs of this column may have had to have been crossed out or rewritten. Negligent doctors may only have to go to work, for two-week stretches, wearing paper "damage caps" if our legislatures cave in on tort reform. The state budget will not be balanced on the backs of those that smoke and drink and gamble.

Meanwhile, those opposed to higher property and sales taxes will be carrying concealed weapons. Twenty-seven people will attend the next town hall meeting to discuss the future of the lakefront and the convention center. Meanwhile, 27 million people will stay home to decide, for themselves, if Michael Jackson has had more than two surgeries.

The good news is that graduation puts you in the company of some outstanding men and women who are making tremendous contributions to the city, state, and region that we call home. You are on your way toward the opportunity to make a real difference and to finally understand what that saying really meant in the first place.

The bad news is that we are almost finished. There's not much left to fix or improve. We are, once again, on the verge of living like the Jetsons with no cares, no worries and personalized jet-packs. So, hurry-up and study hard. Become an alumni-of-the-Universe, you have a right to be here. And whether or not it is clear to you, no doubt the Alumni Association is unfolding as it should.

*Cheselka is a 2002 C-M graduate.*

## Economic downturn dampens hiring for third straight year

By Christopher Friedenberg

STAFF WRITER

In the midst of economic turbulence, C-M students vie for job interviews this month in the Spring Interview Program facilitated by the Office of Career Planning (OCP). OCP Director Jayne Geneva, said, however, that work, jobs and offers are all down this year from last and they were down last year from the year prior as well.

According to statistics compiled from OCP records and student survey responses, 44 employers and over 155 students participated in the Fall Interview Program (FIP) this year. Students

made an average of 13 job interview bids on eAttorney.com and 704 initial interviews were granted, according to OCP data. Student survey results indicate that employers gave 211 secondary interviews to the C-M job-seeking pool.

The grades of students granted initial interviews ranged across the top 80 percent. However, the range of grades of those who actually received job offers tended to be limited to the top quarter for day students. Evening students fared better as reported offers reached into the third quartile.

According to survey returns,

85 job offers were made to participants in the FIP. 2Ls accepted 30 offers. 3Ls said yes to 27 invites. The remaining offers were apparently declined. In sum, 57 of 155 participating students received a job through the FIP.

Students participating in the FIP had a slightly better than even chance of landing a position, while the "Spring [Interview Program] is for smaller firms," Geneva said, "and looking at the economy barometer, many [employers] are not willing to spend the time on campus because they are not sure whether they should hire."

But Geneva also noted the

strong work ethic of C-M students and track records of prior work, both of which may have boosted offers in this market. Geneva said C-M students are "a proven commodity and firms hire them because they know they will stay."

Despite the economic downturn, the Fall and Spring Interview Programs are C-M's "most visible avenue to getting a job," Geneva said, "because such a large part of it takes place on campus."

"The positive side of this is that many employers have never been here, have preconceived notions of the school and stu-

dents and are blown away once they come," Geneva said. "Each year we hear from new interviewers how amazed they are at the quality of and accomplishments of our students."

But there are students every year who are "disappointed that they did not land positions," Geneva said, "if getting a position seems questionable, our strong suggestion is that students get an externship for the summer so they can still have a strong legal experience on their resume for the fall and future interviews. Interview programs are only one way in which to secure employment, many others exist."



## Observations of a 1L Nothing

By Michael Hunter

CONTRIBUTING WRITER

I'm writing to and for the 1Ls returning to school for second semester. I wish someone had written something to make me feel better when I was a 1L.

My first semester was one of the most difficult and disappointing times of my life. After working and studying harder than ever before, I felt good after exams. I was nervous, but I felt my first semester went well.

I received my first three grades while home for the holidays. Before you could say "Happy New Year," I had received as many C's in law school as I had in all four years of undergrad. Even that didn't prepare me for my fourth grade. As I did the sickening scroll through the newly posted grades, I saw my exam number and could not believe my eyes: a D+.

It felt like the sky was falling. My mind raced. Had I made the right decision to come to law school? What happened? Was I smart enough to be an attorney? Would anyone ever hire me?

I wallowed in self-doubt and pity for days, utterly embarrassed and emotionally wiped-out. Then, a different kind of pain began: dragging through the daily drudgery of second semester. If the first semester of 1L is a struggle, then the first few weeks of second semester after having your face kicked in by low grades is an uphill struggle. I felt zero motivation. For a few weeks, I could not bring myself to care. I worked so hard and had nothing to show for it except debt.

I was as disillusioned as I had ever been. But here's the rub: the world didn't end. Things got better. With one semester under our belts, we kind of knew how to study. We knew what worked, and definitely what didn't. At the end of 1L, my grades and most of my friends' lept to a level of respectability. And then things really started happening for us.

Some got summer clerkships. Some wrote on to review or journal or made the moot court team. And for almost everyone, 2L grades were much improved.

It was amazing to see the same people who cried in their Starbucks as 1Ls go on to complete externships with judges; shine on law review; and compete with the Moot Court team. I accepted a position with the USAF JAG: my dream job.

There is nothing you have done to your legal career after the first semester of 1L that cannot be undone by staying the course and continuing to work everyday.

Be tenacious and you'll accomplish things you never thought you could. The best days lie ahead of you as you will soon learn, just as we did.

*Hunter is a 3L.*

## The heartbreak isn't in the headlines

The NFL's only logo-less squad taking the reviled "Stillers" down to the wire in true Kardiak fashion, adding "The Comeback," to the "Drive," "Fumble" and "Red Right 88" was pure heartbreak.

The return to "normal" where the Browns' greatest rival is not Art, but rather the aptly vilified "Stillers" is welcomed. These "new and improved" Brownies have no bitter aftertaste, except for nasty footnotes like "bottle bowl." The lobby lights flickered on the team of the Hail Mary in the twilight of the playoffs. But in the year of Martha and Enron, did anyone really doubt that it would be teams named after pirates in the Super Bowl?

All major college bowls used to be played on New Years and were named for agricultural products - e.g., Sugar, Cotton, Orange and Rose. This is the era of the BCS, a three letter acronym just like network TV, and it was the Tostitos Fiesta that decided the Championship.

There is a bowl named for a website - "The Insight.com Bowl." URLs

should not double as bowl games. The "Crucial.com Humanitarian Bowl" sounds like a game Kramer should place a bet on and should only be played on Festivus. Big credit card outfits like Capital One owning naming rights to bowls, instant replays, trivia questions and most of

year. His bland, sweater-vest approach to the game resulted in a two for two streak against Meee-chigan.

Tressel will own the living room of any recruit whose family actually wants their kid to graduate. Michael Doss had the epiphany after only one season with Tressel and risked his lucrative NFL career for a title shot. The Cinderella Buckeye victory was already being broadcast as a "Classic" a week after Doss tossed Dorsey to the turf as the clock struck midnight on a dynasty. In a game of inches and a tale of two cities, Miami's Willis McGahee blew out his knee in Theisman-like proportion and lost millions in an instant. Incredibly, McGahee is still opting for the NFL after his sophomore season-ending injury, apparently having already

learned enough in two years at Miami.

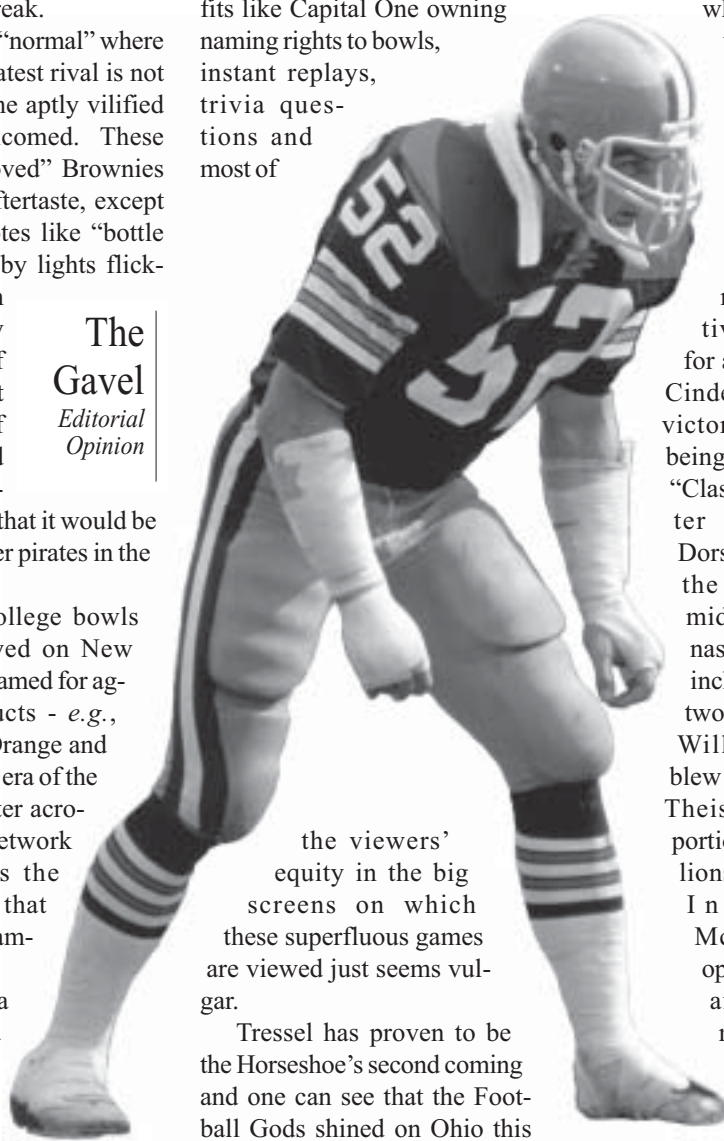
Mount Union continued its NCAA Purple Reign. Not only have they won something like 98 of their last 100, but also eight of the last 11 NCAA III titles at the only bowl game named for a coach. They actually attend classes and even graduate. There are much more important things in life than sports and graduating is a vital part of the equation.

Just ask the family of Orioles pitching prospect, Steve Belcher, who died last week during conditioning. O's Manager Mike Hargrove said, "he was leaning against a fence between reps, which isn't unusual when guys get tired." He was dead within a day. That is certainly not something "usual."

There are much more important things in life than sports. Just ask the family of Korey Stringer. Or Rashidi Wheeler. Or Craig Loblano. Or Jeremy Tarlea. Or Michael King. Or Preston Birdsong. Or Marcus Ellison.

All of these young men will never have the chance to find out what is more important than sports. They all died on the field during the last few seasons, as did many others who simply didn't make the headlines.

The  
Gavel  
Editorial  
Opinion



the viewers' equity in the big screens on which these superfluous games are viewed just seems vulgar.

Tressel has proven to be the Horseshoe's second coming and one can see that the Football Gods shined on Ohio this

## Analytical skills, writing make for Bar passage

I love the Gavel and always enjoy reading it, and the Nov. 2002 issue was no exception. However, I strongly disagree with the editorial that argued C-M's Bar pass rate would improve if professors who taught Bar courses "taught to the test."

As an active alumnus and mentor for 11 years, I have worked closely with many students, and have conversed with many students, professors and administrators about the reasons why some C-M students flunk the Bar. I believe that students are flunking the Bar not because they do not know the law but because they are not applying the law.

Students who flunk the Bar have the same problem as students who get C's or worse at C-M (and they are often the same students): they are utilizing the "I" (Issue), "R" (Rule), and "C" (Conclusion) of "IRAC," but not the "A" - Application. Knowledge of the law is only half of the battle in law school, the Bar, and in practice; legal analysis is the other half and the most im-

portant part.

The solution? Take all of the legal writing that you can and then some! I counsel my mentees to take upper level legal writing courses (C-M's Legal Writing Department is stellar!); to try out for Moot Court and/or Law Review and/or the Journal of Law and Health; to take an externship; to take a legal clinic; and to get a part-time legal job. In other words, I tell them to write, write, and write! It is less time-consuming to take a lecture course than it is to take a clinic, but you will learn how to write and analyze in clinic and it will be more valuable in preparing for the Bar. In fact, I advise my students to opt for legal writing over taking a Bar course if they have a conflict. You can learn the substantive law in Bar Review, but legal analysis takes practice, as does honing your writing skills.

You don't go to law school to learn the law, you go to law school to learn how to think like a lawyer and the Bar is intended to test that skill. Writing is a form

of thinking. If you can think clearly and express yourself clearly, you will do very well at C-M, pass the Bar and be a successful practitioner.

Sincerely,  
**Vincent T. Lombardo '81**

### 1L's humor reverberates

In response to the letter "1L's classroom critique is no excuse for inadequacy," I thought the letter made some good points about the possible reasons that the different types of students mentioned in the initial article act the way they do in class. However, I found the Anonymous 1L's article hysterical. I was laughing out loud in the computer lab when I read it. I think it's pretty common to get annoyed with certain types of people in class, especially the first year when many people are out to prove something—and it was really funny to see it in print. If the 1L was being serious in the article, then I agree that an attitude adjustment may be in order; however, I believe that the article was intended to be humorous and I liked it.

**Marisa Pocci 2L**



## THE GAVEL

CLEVELAND-MARSHALL COLLEGE OF LAW  
CLEVELAND STATE UNIVERSITY  
216.687.4533 • FAX, 216.687.6881  
GAVEL@LAW.CSUOHIO.EDU



Clare R. Taft  
**Editor-in-Chief**

Colin P. Moeller  
**Managing Editor**

Edward R. Pekarek  
**News/Photo Editor**

### Staff

Anonymous 1L  
Jay Crook  
Christopher Friedenberg  
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**Adviser** Thomas Buckley  
**Printer** Gazette Printing

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# Terrorists or Partners for Peace?

The modern state of Israel was formed 54 years ago, but the historic right of the Jews to their ancestral land predates the formation of Islam and even the Roman Empire. Indeed, the Bible refers to G-d's gift of land to the chosen progeny of Abraham, extending from the Mediterranean eastward to the Tigris and Euphrates Rivers (Genesis 13:14-17). Ironically, the Muslims also trace their right to the land of Abraham; Jews and Muslims are Biblical cousins. The Muslims control 98 percent of the Middle East, the Jews live on a small Shoal of land about the size of Rhode Island. The Jews had a presence in this land from Biblical times, as supported by archeological evidence. Babylonian and Roman persecutions and exile scattered the Jews about the world, but they also regarded Israel as their homeland.

At the time of Muhammad, there were extensive Jewish communities in Medina and Mecca. Today there are none; Jews are precluded from their "right to return" to these areas by Islamic law. While under Muslim control between the Tenth and Twentieth Centuries, the right of Jews to live in the land was severally circumscribed. Nonetheless, since the inception of modern Israel, the Jews have been willing and continue to be willing to share their homeland with peaceful inhabitants of any religion. Indeed, Israel today is the only democracy in the Middle East; there are Arab members of its Knesset (Parliament). The ancient temple locus in the Old City, while under Israeli control since 1967, is home to numerous Churches and Mosques which today practice their religious rites unhindered. By contrast, when my parents honeymooned in Israel in 1961, Jews were forbidden to even visit the remaining Western Wall of the Temple by the occupying Jordanians.

Israel had made repeated attempts,

Recall the images of Palestinians dancing in the streets in Gaza Strip after Sept. 11. Are such people truly partners for peace?

By Jordan B. Sterns



throughout its modern history, to make peace with its surrounding Arab neighbors. It is instructive to recall that the Arabs were aligned with Hitler as part of the Axis Powers of World War II, and the Mufti of Jerusalem at the time called for the extermination of all Jews. As soon as modern Israel was partitioned by the United Nations in 1948, it was attacked by its Arab neighbors. Many Palestinians living in Israel at that time fled, both to avoid getting trapped in the war and fearing potential Jewish retaliation for incidents such as the massacre of Jews in Hebron in 1929. Israel allowed many Palestinians to return, believing peaceful co-existence was possible. Nonetheless, it has faced continuing animosity from those Arabs seeking its destruction. The Palestinian Liberation Organization was formed in 1964, although at the time the Jews were ensconced behind the "Green Line" borders of 1948 and had no presence in the West Bank. Its charter militates annihilation of Israel. This is hardly a recipe for Peace. The current *Intifada* against Israel be-

gan while Barak was Prime Minister, a man who offered unprecedented concessions toward peace. Nonetheless, these overtures, orchestrated by President Clinton, were rejected by Arafat as insufficient.

If Israel were return the West Bank, in its entirety, to the Palestinians, it would be nine miles wide at some points, an indefensible border. Furthermore, there is no guarantee that this would provide peace, given that militant Islamic elements have not backed off from their call for destruction of Israel (and America, for that matter). Militant Islamic consider America the "Great Satan" and Israel the "Little Satan." This conception involves more than animosity toward American support for Israel. It reflects deep underlying hostility arising from a perceived incompatibility between Western culture and Islam. Recall the images of Palestinians dancing in the streets in Gaza Strip after Sept. 11. Are such people truly partners for peace?

It is sad beyond statement that innocent Palestinian children are caught in these aggressions, but place the responsibility where it belongs. Israel has no desire to harm civilians, but when children are used as perpetrators of terrorism and human shields, they are put in harm's way. It is evident who is targeting whom. Golda Meir, former Prime Minister of Israel said: "We do not hate the Arabs for killing our children; we hate them for forcing us to kill theirs." Israel wants peace with security, and is the only guarantor for everyone's rights to worship freely at their Holy sites. Accordingly, the onus is on the Palestinians to stop terrorism, accept the legitimacy of Israel and demonstrate to the world that they are true partners for Peace. Sterns is rabbi, physician and 3L.

# Faculty foot-dragging fails students

By Grant Monachino

STAFF WRITER

The final exam period started Dec. 11, 2002. The last day finals were held at the law school was Dec. 20, 2002. The final update to C-M's student page was posted Jan. 28, 2003, one week after the Spring semester had started. It took 40 days, not including the 10 day finals period, for many C-M students to have all their final marks for the Fall semester. Noah built an ark and filled it with two of every animal on the planet in the same time. This can't be the way the grading process was supposed to work.

According to concerned SBA members, who met with law school administrators, the grading process is essentially four-part: (1) professors turn in their final grades to administrative staff by Jan. 17 (Fall semester's due date); (2) the staff essentially organizes the exams, numbers and student names; (3) the grades are then approved by the dean and submitted to the registrar, where they are processed electronically on *Viking* and finally (4) the IT department posts the class grades on the student Web page.

This process in its current state has obvious deficiencies, but those deficiencies are compounded when one or more of the steps aren't performed adequately. The consequences to students range from severe to plain inconvenient. Some students are basing major decisions on the results of their grades, such as whether to continue in law school, or whether to retake a course to graduate or whether they should apply for a certain offered job. In order to avoid these consequences, these deficiencies need to be remedied.

First, move the already generous grading deadline a week earlier, or stagger deadlines depending on when a final was administered. Staggered deadlines may encourage professors with multiple classes of exams to grade the exams in groups.

Second, part-time staffers should be added to help organize submitted exams.

Finally, the law school administration should hold professors accountable for meeting these deadlines. According to the recent meeting between SBA and school administrators, a primary deficiency stems from professors' disregard for the grading deadlines. Not all professors are guilty (no pun intended). Those that are, however, should be ashamed. I hardly think any professor would shirk on his or her duties if it involved a client. In a profession that prides itself on professionalism, timeliness, preparedness, accountability and responsibility, these professors should practice more of what they preach.

# When even slack won't relieve the tension

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

Although exams may now seem like a distant memory, it was not long ago that we had to deal with the Hell known as finals. Now that jangled nerves have settled, it is appropriate to reflect on the weeks preceding the exams, the exams themselves and the weeks following exams.

While my aspiration was to have all outlines done weeks before the exam period, I did not accomplish this goal. As a matter of fact, there were certain outlines that I had not completed until the day before that exam. Sure, this concerned me a bit but what more could I do at that

point. Needless to say, this seemed to cut dramatically into study time for each exam.

However, the actual study time I dedicated to each exam was moderate. I think that by creating and organizing the outlines at the last moment (although probably not a recommended test taking strategy), I was actually studying the materials without consciously drilling concepts into my mind.

After I finished each outline, I found a hidden corner of the library and tried to memorize the pages of materials. While this became a rather tedious task, I eventually got to the point where I could not go over the materials any more. When I reached this point, I knew that it was time to call it quits for that class.

While I tried not to worry about the exams, once I decided

to stop studying, that did not happen. The night before my first exam, I could not fall asleep. I did not consciously think about the next day's exam, but I could not get the materials out of my head. I would be about to fall asleep when, all of a sudden, factors, elements, defenses, etc. were flying around in my head. Eventually, I distracted myself enough to get some rest and fall asleep.

I have never dealt with anything like law school exams. As I sat down for each one, I told myself not to panic. After thinking about each question, I began to write frantically. I had to try to ignore the cramping in my hand, elbow and shoulder. Towards the end of each exam, my writing must have been nearly illegible as I tried to write about everything that I possibly could.

The only good thing about each exam period was when it was over (which luckily seemed like a lot less than three hours).

The only thing left was waiting for the grades. This was the scariest part. After reflecting on each exam, I wouldn't have been surprised by any grade I received (although I was pretty sure I was not going to get a D or F). But, I knew I had absolutely no way of knowing how my answers stacked up against the others in the class.

As the grades started to trickle in, I was pleasantly surprised. It seemed as though my studying style worked for me. I can only hope that it works for the next five semesters (with maybe just a little more work).

1L

First Year Life Part IV