Befor the Bar will cost a small fortune. Jayne Geneva ‘87, gives some serious advice on how to prepare for three important days.

CAREER, PAGE 4

Tuned In
BY CLARE TAFT
EDITOR-IN-CHIEF

It seems the entire world, the New York Stock Exchange included, watches the hottest reality TV show, live 24/7 from the Gulf of Mexico. See OPINION, PAGE 6

Exam Anxiety
BY CLARE TAFT
EDITOR-IN-CHIEF

The Bar really is that bad. But, after two months of studying seven days a week and three days of taking the exam, post-exam perspec- tives are encouraging. See OPINION, PAGE 7

Show me the money
BY CHRISTOPHER FRIEDENBERG
STAFF WRITER

Beginning this summer, C-M law students will be hit with a 9.9 percent increase in the cost of their legal education. Full-time C-M students will pay $32,700 more for next year’s tuition. The Cleveland State University Board of Trustees approved the increase at the end of March, after CSU lost $1.6 million of state funding last month. Governor Taft, responding to Ohio’s budget deficit of $162 million, reduced public funding of higher education by $39.2 million for the remainder of the 2003 fiscal year.

“Because the University swept salary savings from vacant positions, it was able to absorb this cut without coming back to individual colleges and departments to re- duce budgets for the current fiscal year,” said Vicki Plata, direc- tor of C-M’s budget and adminis- tration. “It would have been hard to make cuts with only four months left.” See BUDGET, page 3

U.S. Supreme Court Justice Antonin Scalia addresses a C-M audience March 19 in the Moot Court Room.

Continuing Court Coverage
By Michael Luby
STAFF WRITER

This month, the United States Supreme Court is hearing oral argu- ments on two concurrent cases involving issues of affirmative ac- tion.

Grutter v. Bollinger and Gratz v. Bollinger address the use of ra- cial preferences in admissions po- lices at the University of Michi- gan law school and undergraduate colleges. The principal question to be addressed by the Court is whether the use of racial prefer- ences in student admissions vio- lates the Equal Protection Clause of the Fourteenth Amendment. The Equal Protection Clause of the Fourteenth Amendment pro- vides, in part, that all persons within the United States shall have full and equal benefit of the laws, and no person shall be excluded from participation in, or be denied the benefits, of any program or activ- ity that receives federal financial assis- tance. The Court will revisit its 1978 de- cision in Regents of the University of California v. Bakke, which stated that a law school’s interest in achieving the educational benefits that come from a diverse student body is compelling, and that its admissions policy is “nar- rowly tailored” to serve that interest. Michigan argues its policy serves a governmental interest in diversifying the student body through its practices. The university also argues its admissi- ons policy was written to comply with Bakke, which colleges have re- lied on as precedent for years.

The main argument against Michigan’s law school policy is its utilization of a point-based system: This awards students points out of a possible 150 for being of any mi- nority race or ethnicity. Many schol- ars have argued that public policy dic- tates that continued racial progress cannot be achieved in America with the use of current systems such as Michigan’s. C- M Prof. Frederic White said, however, that when a school is only using race as a factor it is cause for alarm. He feels Michigan’s position in Grutter is strong in that Michigan’s policy allows a university to be more se- lective in admitting students.

C-M Assistant Dean of Ad- missions, Melody Stewart, said C-M does not use any form of race-based admissions. C-M will only look at race as one of sev- eral factors, including English as a second language and graduate schoolwork, once a student has been established in the “admis- sible range of students.” She stressed that if a student does not meet certain criteria relating to See ADMISSIONS, page 3
C-M plays host to ideological variety

By Steven H. Steinglass

We are about to collate two semesters of lectures, conferences, symposia and other events that each year transform the law school into a public forum.

In a happy coincidence, on March 19, the law school was host to visits by two outstanding public figures; a former member of the judicial branch of the federal government and the other a former member of the executive branch of the federal government: U.S. Supreme Court Associate Justice Antonin Scalia and Drew S. Days III, former U.S. Solicitor General under the President Clinton. The men were a study in contrasts.

In an open classroom in the Moot Court Room, Scalia taught Prof. James White and Prof. Stephen Lazarus’s Constitutional Law classes. Scalia described, with considerable passion, his reliance on an “originalist” approach in interpreting the Constitution and his struggles with both the text and his conscience in arriving at his decisions. Days, now a Professor of Law at Yale Law School, taught Prof. Susan Becker’s and Prof. Jackie Knapp’s Civil Procedure classes. Days’ mild and reflective teaching manner contrasted sharply with the Justice’s.

The following day, Days delivered the annual Bernard Kramer Scholar Lecture to a large audience of faculty, staff, students and community members on the challenges faced by the Solicitor General’s Office. We were fortunate to have two such notable visitors here, both of national stature and both of vastly different political perspectives, as living proof of the educational and intellectual diversity of the law school and its making in maintaining a free and open society.

SCALIA: Defends “textual originalist” theory of interpretation

Continued from page 1—

believe that the framers of the Constitution were more smarter than anyone around today.

During the question and answer portion of his presentation, Scalia fielded questions from students and attorneys from slavery. In some cases currently before the court. In response to the latter, Scalia said, “that would ruin the suspense.”

At times, Scalia’s answers became a lesson in the Socratic method asking students and faculty to defend their positions.

When asked how he “textual originalist” interprets the Constitution, Scalia defined the Framers, “the framers were not in a position to comprehensively eliminate all of slavery through the Constitution at that time. The document would have been rendered completely illegitimate. The three-fifths compromises existed to punish slave states. As long as states treated slaves as less than human, they could not count not count them, at the same time, as full people for the purposes of representation.”

The 67-year-old father of nine added that even the Framers themselves motivated by racial animus.

The Bush administration also worked to provide private funding for appear- ments of the case, contending free speech for outweighed any alleged violation of Buckeye’s rights. The Court agreed and found that merely allowing the vote to transpire was not enough to violate Buckeye’s rights. O’Connor wrote, “By placing the referendum on the ballot, the City did not enact the referendum and therefore cannot be said to have given effect to voters’ allegedly discriminatory motives for supporting the petition.”

Despite evidence adduced that city council members with a win and a nod circulated literature, sought to declare the site watered, urged the City Law Director to find a “legal shred” to deny the development and even the mayor dared Buckeye President Steve Boone to sue in a public meeting. One city council member, Sandy Rubino, even apologized to his constituents for voting for Buckeye’s construing site. Nevertheless, the Court did not Believe that Buckeye could “show that the voters’ sentiments be attributed in any way to the state actors against which it has brought suit.”

After Robart also facilitated a meeting for opponents of the apartments at a public building, which the Buckeye lawyers argued was essentially state action as an official imprimatur, which eventually led to the referendum. The Court found Robart lacked any culpability because the District Court dismissed the claim that he was responsible for “Buckeye’s felony and found no evidence that he orchestrated the referendum.”

The apartment complex recently purchased a home in Cuyahoga Falls. He suspected that economic, not race, was the likely culprit. “I think the reason the city wanted a residential complex to prevent tenants from owning what services would not be depleted for tax paying citizens,” Kohrs said.

The complex was completed after the Ohio Supreme Court held 4-3 that votes on administrative issues violate Ohio law.

“The Gavel

Buckeye suffers Supreme rout

Unanimous Court rules for Cuyahoga Falls in fair housing case

By Ed Pekarek

NEWS EDITOR

The U.S. Supreme Court decided on March 25 that courts cannot delve into the hearts and minds of voters and city officials with a claim equal Protection Clause inquiry derives only from a construction delay caused by a referendum process. The C-M Fair Housing Clinic represented the respondent, Buckeye Community Hope Foundation. The decision overturned a per curiam Sixth Circuit decision and the case was reversed in part, vacated in part, and remanded.

The Court said the tactical decision of jointly agreeing with the city to join certification of the referendum results precluded it from relying on an analysis of voter and city official intentions. Cases where election results went into effect were “inapposite” because of the distinction, according to the 9-0 holding. Justice Sandra Day O’Connor wrote a separate opinion, stating, “respondents never articulated a cognizable legal claim.”

Buckeye lawyers and C-M adjunct professors Ed Kramer and Diane Cirrino, as well as Em- ployment Clinic Prof. Ken Kowalski submitted a trial that suggested racist intent from both city officials and citizens to prevent the building of Pleasant Meadows, a 72 unit moderate income apartment complex. The Court was not persuaded, however, as the election was never certified.

Justice Antonin Scalia wrote an independent opinion with Justice Clarence Thomas concurring. Scalia visited C-M in March to prior the release of the decision (see p. 1). O’Connor also wrote, “in submitting the referendum petition to the public, the city acted pursuant to the requirement of its charter, which sets out a racially neutral petitioning procedure, and the city engineer, in refusing to issue the permits, per- formed a nondiscretionary, ministerial act consistent with the charter.”

The Court attacked the overall Buckeye legal strategy as well, noting inconsistency between Buckeye’s theories in brief and oral arguments. O’Connor commented, “in this brief and oral argument, respondents offer an alternate theory of equal protection liability: that city officials, including the mayor, acted in concert with private citizens to prevent Pleasant Meadows from being built because of the race and family sta- 1

tus of its likely residents.” O’Connor pointed to the fact that, “Not only did the courts below not directly address this theory of liability, but respondents also appear to have disavowed this claim at oral argument, focusing instead on the denial of the permits.”

Kramer argued that the denial of the building permits and the referendum process violated the Due Process Clause because it was arbitrary and capricious and said from the Court steps that it “ask[ed] voters to decide whether the site plan that the voters never saw, formed with consulting codes they never read.”

The Court disagreed with the theory, “by adhering to charter procedure, city officials enabled public debate on the referendum to take place, thus ad- vancing significant First Amendment inter- ests.” Scalia wrote separately “to ob- serve that, even if there had been arbit- rary government conduct, that would not have established the substantive due-pro- cess violation that respondents claim.”

Scalia also wrote, “freedom from delay in receiving a building permit is not among... fundamental liberty interests.”

Freedom from delay in receiving a building permit is not among the fundamental liberty interests.

“Freedom from delay in receiving a building permit is not among... fundamental liberty interests.”

to questions. One student asked, in reference to the Court’s opinion in Bush v. Gore, “What did it feel like to subvert the will of the people of Florida?” Scalia said, “It felt great.” Another student asked, “In the post-9/11 era of increased education admissions policies, and again the Justice declined due to the University of Michigan’s admissions policy cases currently before the Court.

Scalia was a Clevelandr from 1961- 1967 in private practice with Jones, Day, Cockley and Reavis. Scalia was in Cleve- land and was a Cleveland City League Citadel for Free Speech Award. Scalia drew criticism from both the local and national press when he refused access to the media at the City Club event.
Program gives minority students a leg up

By Eric Doehn

STAFF WRITER

The Minority Clerkship Pro-
gram is an initiative of the Cle-
veland State University Law As-
sociation (CSULAW) in conjunction with both C-M and Case Western Reserve Univer-
sity School of Law.

The program encourages law firms and other legal employers in greater Cleveland to consider a pool of talent that has been ig-
nored, said Ronald Adrine, chairperson.

The program is limited to 1Ls who are defined by the govern-
ment as minorities—African Americans, Asians, Pacific Island-
ers, Latinos and Native Americans.

Adrine said that every appli-
cation, along with a résumé
of each of the participants, is reviewed in the clerkship program, with the goal of providing employers a pool of qualified minority students.

The program encourages par-
ticipating employers to consider factors other than grade point average for hiring decisions. Nevertheless, employers are free to use whatever criteria they believe must be met to ensure a good fit before a clerkship position is offered, said Adrine.

The CBA program is distinguishable from other simi-
lar programs throughout the country. Unlike the Pledge to Di-
verseity enrollment constitutes a
campaign that has been organized, sponsored by the University of Clev-
eland, Colorado State University, and the University of Denver College of Law, in which each participating
firm agrees to hire at least one mi-
nority 1L. The CBA’s Minority Clerkship Program does not ob-
lige employers to hire anyone
interviewed. However, employers
who participate agree to inter-
view at least five members from the clerkship pool.

Doehn is a LL.

ACTIONS: Students support Michigan

Continued from page 1--

Students need to voice concerns

PC Lab speeds up; Students need to voice concerns

On any given day, computer-related complaints can be heard echoing through the PC lab in Law.

“Times, Internet connection speeds are at a glacial rate,” said L. Jack Thetgyi.

Although complaints like these have been circulating among students, the admin-
istration did not know about students’ con-
cerns, said Michael Slinger, associate dean and director of the Law Library.

CSU, which controls access to the Internet, knew of the overall problem, due to the large amount of databases placed on the server, but did not know about the connection speed bothered students.

Notwithstanding, a project will commence to increase Internet connection speed.

The project will replace the current 10MB shared system with a 100MB switch system. The project is scheduled to begin in late summer and will be com-
pleted by the beginning of fall semester.

Slinger said that while the connection speed may not be as fast as DSL lines stu-
dents use at their homes, the connection speed will be “much, much faster than the current system.”

Another problem C-M students have encountered with the computer system is slow login times for either the Windows or e-mail systems.

To solve this problem, approximately two-thirds of the comput-
ers’ RAM were recently upgraded from 128 MB to 256 MB. The remaining com-
puters are expected to be upgraded in the near future.

While the upgrade will increase over-
all speed of individual computers, Slinger urges students to save their documents to the H-drive, as opposed to the desktop, and to clean their e-mail account of un-
wanted e-mails.

By using these steps, individuals’ pro-
files will be smaller, will take less time to load, and as a result, the login speed will increase.

An added benefit of saving all documents to the H-drive is that the files are backed up regularly, Slinger said.

While the projects to improve speed are planned, the administration must con-
derway, Slinger is concerned about stu-
dents not voicing concerns.

“If students do have problems, they need to make the problem known,” said Slinger.

“We want to be responsive to students’ needs, but first, we need to be aware of these needs, so that we can investigate the program and take the necessary steps.”

EMPLEYMENT

April 8 at 5 p.m.

The 2003 Duvin, Cahn & Hutton Em-
ployment and Labor Law lecture, Stewart Schwab, will ask
How Hard is It to Win an Employ-
ment Discrimination Case? Evidence from Government Data.

CURE FOR GRADE POSTING ISSUES EXPLORED

Changes to C-M grading policies were proposed to avoid the long delays between exam taking and grade posting.

Many students returned to C-M for Spring semester, not know-
ing their Fall Semester grades.

“That will never happen again,” said Roslyn Perry, records administra-
tor.

Last semester, according to Perry, 11 professors turned in their grades af-
fter the exam grading deadline. Perry said she has proposed moving the grading deadline up a week for Spring semester but admits there is little, that she is in a position to strictly enforce any grade deadline.

Currently, after a student takes an exam, the exam results must pass through four different offices before a grade is posted on the C-M web page. Exams are turned into the records office, then redistributed to professors for grading. Preliminary grades are turned into the records office trigger-
ing a list of exam-takers to be sent back to the professors. Final grades are sub-
mitted to the Dean of Student Affairs where they are approved or rejected for reformulation.

Once approved, grades are re-
turned to Records which creates a fi-
nal spread sheet. A file is finally sent to David Genzen for posting on the C-
M website. If any one of these offices does not make a grades a priority, a cog in the wheel holds up the whole sys-
tem,” said Perry.

In addition to moving up the grad-
ing deadline for professors, Perry said that changing Spring Semester, all grades will be posted on the C-M website by the Records Office.

“This will eliminate any delay in posting once the final grade spreadsheet has

been completed.”

AFFIRMATIVE AC-
TIONS DEBATE

April 14 at 5 p.m.

The Federalist Society, sponsor Terrence I.
Pell, president of the Center for Individual Rights, and Raymond Vaavari, director of the ACLA of Ohio—two attorneys with opposing viewpoints—will debate the
two cases challenging the University of Michigan’s affirmative action policy. WCPN’s April Baer will moderate.

C-M’S NAMESAKE

April 24 and 25 in acknowledgment of the Bicentennial of Ohio’s Constitu-
tion. Prof. Kevin O’Neill organized a con-
ference on the Ohio Constitution with an opening address April 24 at 5 p.m. by Wis-
consin Supreme Court Chief Justice
Shirley Abrahamson. The conference continues April 25 at 6 p.m. and features speakers Michael E. Solimine, Barbara Terzian, Jonathan L. Ettin and others.

INTERNATIONAL LAW AND IRAQ

April 12 at 2 p.m. Michael Scharf will lecture on “International Legal As-
psects of the War in Iraq.”

CLASS ACTION SYMPOSIUM

April 30 from 4-6 p.m. Professors Sus-
anne Becker and Arthur Landever will present a Symposium on “A Novel Ap-
proach to Mass Tort Class Actions: The Billion Dollar Settlement in the Sulzer
Artificial Hip and Knee Litigation.” Pre-
senters include Kathleen McDonald O’Malley, the judge who presided over the case; Richard F. Scraggs, the plain-
tiff’s attorney; Richard Kennedy, the defendant’s attorney and James J.
McMonagle, the claims administrator.

Compiled by Jason Smith and Colin Moeller

BUDGET: Budget cuts cause more C-M belt tightening

Continued from page 1--

in the fiscal year.” Plata said CSU has only two significant sources of income:
state funding and tuition. “Something has to give,” said Plata.

Non-faculty staff positions are cur-
rently under a hiring freeze. Soon after the freeze began, a member of the law school’s circulation staff resigned. Until the University is able to hire a permanent replacement, C-M received permission to hire a temporary employee until June 30. C-M is awaiting permission to move forward on a perma-
nent hire. Michael J. Slinger, associate dean and director of the Law Library, said, “I don’t anticipate this to be a problem.”

Dean Steinglass called the decision by the CSU Board of Trustees to raise tuition “regretful, but not surprising.”

“The Board wants to maintain the quality of the programs. The alternative would require a major dismantling of pro-
grams,” said Steinglass.

Catherine Buzanski, financial aid ad-
министр, said the state budget cuts were primarily absorbed by the tuition increase. “The largest source of funding for the law students is the Stafford Loan,” said Buzanski. “The maximum per year a student can borrow is $18,500. Five years ago, 15 percent of the students on financial aid borrowed the maximum amount. This year, so far, 41 percent of the law students on financial aid borrowed the entire $18,500.

Many students are using the loan money for living expenses, and there’s less money available for living expenses because the tuition continues to climb,” Buzanski said.

“IT is premature to speculate anything about how the state actually will reduce our budget,” said Chin Koo, CSU pro-
vestigator. “We are still very hopeful that [fut-
ture] cuts will be at a minimum.”

But C-M officials remain guarded, im-
plying that the question is not whether fu-
ture budget cuts are expected, but instead how deep the inevitable cuts will be.

“We have not yet received any infor-
mation about our budget cut target for fis-
ca year ‘04,” Plata said before the in-
crease was announced. “They say no news is good news, but I suspect it is not good.”

April 2003 3

THE GAVEL / LAW
Law school deans question U.S. News rankings

By Christopher Friedenberg

U.S. News and World Report will release its annual rankings of professional and graduate schools in April 2003.

C-M usually ranks in the third tier of the news magazine’s influential and controversial rating system. But a majority of deans of the nation’s law schools contend the system is “inherently flawed.”

In a letter endorsed by Dean Steinglass and 163 other deans of American Bar Association accredited law schools, prospective students are urged “to minimize the influence of ranking on your own judgment.”

Jayne Geneve, director of the office of career planning, said she is skeptical that the rankings affect an employer’s hiring choices. With some firms, it “is more a measure of Ivy League versus Ivy League that makes the difference.”

“Second, third or fourth tier schools are not that cognizant of the school’s tier placement when they review résumés.”

Citing a 95.1 percent employment placement rate for class of 2002 in February, Geneva stressed that much of the “reputa-
tion of the law school” in the U.S. News rankings has “nothing to do with the actual quality of the school. More likely, people know the school because of their medical school or football team. Not having either, C-M is not in that league.”

U.S. News bases 40 percent of each ranking on a reputation survey sent to selected academics, judges and practitioners. The American Association of Law Schools (AALS) has sharply re-
buked the validity of that survey, holding that “no reputable survey of the bar can be valid because no one knows a sufficient amount about the nation’s law schools to rank them.”

Most deans agree, White said. “If you are not in the best school, you are better off without trying to be Yale or Michigan.” For one thing, White said, law schools don’t have the same financial resources to buy their way into the rankings. C-M couldn’t afford to. White suggested that C-M should try “to be the best school it can be, not try to be Yale or Michigan. It would be better for them to respond to that.”

Prof. Frederick White, who has responded to previous surveys, characterized the reputational basis of the rankings as “unscientific.”

The Scout motto of ‘Be Prepared’ was never more appropriately used as for this endurance test.

By Jayne Geneva

who can afford to study for the two months of
June and July and tend to feel fairly confident by
the time of the Bar examination. The less time spent studying, the less confident students feel, and the Bar does have a psychological ele-
ment to it. Many students do not feel they will need more than a week or two, or have been told so by well-meaning lawyers who took the Bar long ago. You will realize your mistake once you begin to study and by then it will be too late to rectify the situation.

Physical Comfort. Choose where you want to stay in Columbus, not according to where your friends are going to be, but according to your desires and means. You will not have time to party during this test. Do you want to walk over the bridge to the exam? Do you want to drive? What type of place within your budget afford?

The Ohio Bar Examination is given in the Veteran’s Memorial Hall in Co-

mum.

The simple answer to this ques-
tion is “Yesterday!” Preparation for the Bar examination constitutes more than just studying. Preparation in-
volves an all-encompassing approach involving mind, body, family, time usage, physical comfort and finances. Intellectual Preparation. You should have begun this when you first came to law school. The required core courses are basics on any bar exam. Yes, the subjects you thought you would just wade through are the ones that you need to know cold. Learn the core curriculum well.

The best mental preparation for the bar is memorizing materials. You must learn to retain memorized ma-
terials. The sooner you do this in your law school career, the less you will have to do upon graduation.

Physical Preparation. Create a study schedule, even while in law school, that permits you to stay healthy. Build in exercise and relax-
ation time. You will begin immedi-
ately to study for the Bar exam once you graduate. Your body will not need to adjust in any way if you prepare ahead of time. Many stu-
dents find they are unable to sit for long periods of time to study. Re-
member: you will be sitting for three days while you take the bar. Every minute that you take to use the restroom, walk around, get a drink or take a smoke break, a minute less you have to write your answers.

Family. It is often difficult for fam-
ily, significant others and friends to real-
ize that graduation is not the end of your professional study. They firmly believe that you are now available to party, to pick up your parents again, to be-
come more social. Warn them all ahead of time that you will emerge in August, not June. The first week of August you will become the person they remember.

Time Usage. The Ohio Bar Exam-
nation has one of the lowest pass rates in the country. To you, that means you will need significant time to study. Those

Knowing what the meaning of the word “is” is.

By Karin Mika

Legal Writing Professor

Q: English is not my first lan-
guage and I am having a hard time in my writing class. Is there anything I can do?

A: There probably isn’t one person here (sometimes faculty included!) that wouldn’t benefit from both basic grammar and composition classes, even as a refresher.

When applying to law school, most students are not aware of the level of knowledge about lan-
guage “nuance” that is required to be successful.

Natural born speakers have a hard enough time mastering those nuances. English as a Sec-
ond Language (ESL) students are especially challenged by nu-
ances such as those relating to the use of articles. The differ-
ence between using “a” and “the,” or even when to write, “a plaintiff,” “the plaintiff” or sim-
ply “Plaintiff” can be subtle.

Some students use the sum-
er as an opportunity to take English grammar classes at ei-
ther CSU or a community col-
lege. Cuyahoga Community College has a whole series of En-
glish as a Second Language classes. If you’re more the “study on your own” type, Mark Wojcik from John Marshall Law School in Chicago published a book called “Introduction to Le-
gal English,” which was written expressly for ESL students.

There is also a beneficial section in “The Legal Writing Hand-
book” by Oates, Enquist and Kumich. “The ability to speak or write perfect English has nothing to do with ability to learn legal theo-
ry. However, the fact of the matter is that all tests, including the bar exam, are written in En-
glish. Thus, anything that can be done to improve that skill will be integral to your success.”

Making a list and checking it twice, before Columbus

As the Scouts say, “Be prepared”
Outgoing SBA chief bids fond farewell

By Chris Tucci
SBA President

SBA officer elections this year were nothing short of heated. Regarding the four positions that were available, here is the breakdown: four students ran for President; four students ran for Vice President of Programming; seven students ran for Vice President of Budgeting; and three students ran for Treasurer.

Voting turnout for the first day was a record! After the polls closed at 8 p.m., well over 200 students had already voted. Congratulations to all the officer candidates for their great campaigning which was a big reason why we had a record turnout. Also, congratulations to the newly elected 2003-2004 SBA officers.

In closing, I wanted to take this opportunity to briefly thank every student on behalf of the entire SBA for allowing us the opportunity to serve the entire student body. Personally, I feel this was a great year for activities and fundraisers from all the student organizations.

Also, despite this being a very busy year for me, I truly enjoyed my position as SBA President and will greatly miss it after I depart.

Thank you again and good luck to everyone in the years to come!

Moot Court continues success

By Renee Davis
Moot Court Chair

C-M’s Moot Court program sent two teams to Washington, D.C. to participate in the American Bar Association Competition. The team consisting of 2Ls Susan Parker, Dean Williams and Jason Smith placed seventh out of 900. The 2Ls Suwannee Fuchs, placed third in the Competition of 2Ls Brendan Doyle, San Parker, Dean Williams and Anonymous 1L.

The team consisting of 2Ls Suwannee Fuchs, placed third in the Siegmund Fuchs, placed third in the competition in Chicago this week. The team also received best brief honors and Fuchs placed seventh out of 90 orals.

Goood morning, Baghdad!

The Reality of War in 24/7 News Coverage America

We probably should be worried about terrorist backlash, Middle East unrest, scud attacks, retaliation or growing resentment against the United States around the globe. Our minds, however, are locked on what has developed into a grand production, made all the more visually stunning by 3-D maps, satellite images and camera shots of precision bombs cleanly hitting their targets.

Face…ground forces. Again Americans were promised “access to the action,” and again have not been let down. Suiting up in fattigues, made distinguishable from the troops via blue vests, embedded journalists keep viewers connected with live reports from…well…they can’t say. Their presence is unprecedented and their access, a potential anedote for the “Vietnam Syndrome” that still runs deep through a nation compelled to second guess the decisions of its government.

We hang on their reports. Each night, we base our opinions of the war on what they have to tell us. If a specific journalist reports resistance, the war is not moving at the pace we expected. If another reports slow delivery of supplies, the U.S. was not as prepared as it expected for this war. If NBC correspondent David Bloom tells us from atop his Bradley vehicle that the third infantry division is stalled, we cringe, the Dow Jones falls and the press corps gets antsy. There are reports of resistance, sandstorms, casualties, prisoners of war, friendly fire and fratricide. With these reports there is talk of miscalculation and a need to redraw battle plans.

We thought we understood the mission…but this is not it. How can the Pentagon be correct when it tells us we are advancing, when Wolf Blitzer says there is “fierce fighting and resistance?”

The embedded reporters may bring America inside Iraq, but the view is an obstructed one. War is much bigger than the lens of any one camera or the sightlines of any one reporter.

By Chris Tucci
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C-M’s Moot Court program sent two teams to Washington, D.C. to participate in the American Bar Association Competition. The team consisting of 2Ls Susan Parker, Dean Williams and Bryan Kostura had a competition record of two wins and one loss.

The other ABA team consisting of 2Ls Brendan Doyle, Christopher Georgalis, and Siegmund Fuchs, placed third in the region with a 5-0 record and advanced to the National competition in Chicago this week. The team also received best brief honors and Fuchs placed seventh out of 90 orals.

Goood morning, Baghdad!

The Reality of War in 24/7 News Coverage America

We probably should be worried about terrorist backlash, Middle East unrest, scud attacks, retaliation or growing resentment against the United States around the globe. Our minds, however, are locked on what has developed into a grand production, made all the more visually stunning by 3-D maps, satellite images and camera shots of precision bombs cleanly hitting their targets.

Face…ground forces. Again Americans were promised “access to the action,” and again have not been let down. Suiting up in fattigues, made distinguishable from the troops via blue vests, embedded journalists keep viewers connected with live reports from…well…they can’t say. Their presence is unprecedented and their access, a potential anedote for the “Vietnam Syndrome” that still runs deep through a nation compelled to second guess the decisions of its government.

We hang on their reports. Each night, we base our opinions of the war on what they have to tell us. If a specific journalist reports resistance, the war is not moving at the pace we expected. If another reports slow delivery of supplies, the U.S. was not as prepared as it expected for this war. If NBC correspondent David Bloom tells us from atop his Bradley vehicle that the third infantry division is stalled, we cringe, the Dow Jones falls and the press corps gets antsy. There are reports of resistance, sandstorms, casualties, prisoners of war, friendly fire and fratricide. With these reports there is talk of miscalculation and a need to redraw battle plans.

We thought we understood the mission…but this is not it. How can the Pentagon be correct when it tells us we are advancing, when Wolf Blitzer says there is “fierce fighting and resistance?”

The embedded reporters may bring America inside Iraq, but the view is an obstructed one. War is much bigger than the lens of any one camera or the sightlines of any one reporter.

By Chris Tucci
SBA President

SBA officer elections this year were nothing short of heated. Regarding the four positions that were available, here is the breakdown: four students ran for President; four students ran for Vice President of Programming; seven students ran for Vice President of Budgeting; and three students ran for Treasurer.

Voting turnout for the first day was a record! After the polls closed at 8 p.m., well over 200 students had already voted. Congratulations to all the officer candidates for their great campaigning which was a big reason why we had a record turnout. Also, congratulations to the newly elected 2003-2004 SBA officers.

In closing, I wanted to take this opportunity to briefly thank every student on behalf of the entire SBA for allowing us the opportunity to serve the entire student body. Personally, I feel this was a great year for activities and fundraisers from all the student organizations.

Also, despite this being a very busy year for me, I truly enjoyed my position as SBA President and will greatly miss it after I depart.

Thank you again and good luck to everyone in the years to come!
C-M provides Bar survivor skills

This past February, I had the privileged punishment (or punishing privilege) of sitting for the bar exam. Everything I had heard and had been told about the Bar was true, multiplied times four. Yes, it really was necessary to study seven days a week for six weeks prior to the exam. Yes, all the elements for all the torts, not just intentional ones, and for all the crimes, even the inchoate crimes, had to be committed to memory. Yes, unless perhaps the applicant is a natural born genius, the MBE was sadistically horrific. None of the 2200 PMBR questions are anywhere near as exactly difficult as those faced by the applicant. The exam was brutal. I flubbed up two essays but also had a big surprise; a Corporation’s essay popped up. The topic was duty of loyalty and duty of care. Sitting at that table in Columbus, I knew the subject cold.

Corporations suddenly became an energized legal philosophy class about right and wrong. Fast forward to the bar, a Corporations essay popped up. The topic was duty of loyalty and duty of care. Sitting at that table in Columbus, I knew the subject cold. He created the 140-page Con Law outline. It was so much more than an outline, however. It gave the applicant multidimensional ways of thinking about Con Law, in a manner that would likely please the bar examiners. Because Con Law was not my strongest subject, I did my best to memorize O’Neill’s outline — not just the fundamentally rights and balancing tests — but almost more importantly, his critical thinking and analysis parts.

O’Neill had stressed in his outline: if you see a right to travel question, since Saenz, forget about equal protection and only, only apply the Privileges and Immunities Clause of the Fourteenth Amendment. His outline so strongly stressed Saenz that I took the time to actually read the case. Low and behold, an essay whose fact pattern was taken right from the fact pattern of Saenz popped up. But for O’Neill’s red flagging of Saenz, I would not have known the nuanced Con Law answer involving right to travel and would have applied equal protection.

C-M should be so proud of its professors. They are outstanding in so many ways. Including, but not limited to, the tremendous impact the C-M professors will have during the 3-day mental torture, known as the Bar, that awaits all law school graduates. Jaqueline Tresl graduated from C-M in December 2002.

Beating the Bar’s “Grim” by reaping benefits from C-M profs.

By Jaqueline Tresl

Thanks to Prof. Dougherty I even knew the nuances of the duty of loyalty and the duty of care. I filled my paper front and back and wished for more space. I had also been reading the Constitutional Law essay. Prof. O’Neill had been the lecturer for my review lecture on Con Law. He created the 140-page Con Law outline. It was so much more than an outline, however. It gave the applicant multidimensional ways of thinking about Con Law, in a manner that would likely please the bar examiners. Because Con Law was not my strongest subject, I did my best to memorize O’Neill’s outline — not just the fundamentally rights and balancing tests — but almost more importantly, his critical thinking and analysis parts.

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Elation and depression as the end of First Year nears

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

Time flies when you are having fun. While this popular saying may sum up some 1L’s views; I propose a new version. Time flies when you are going through hell.

We are now approaching final exams for the second semester. Where has all the time gone? The first semester went by quickly, but the second semester is going by even faster. I guess it is time to start (for those of us who failed to follow our original goals of keeping up with outlines this semester) preparing for final exams once again.

This semester, preparing the outlines and studying for exams will be more of a challenge. It seems that there is a greater amount of time for each class. Coupled with this, I have entered into a bit of a slump. The four-hour break between classes is getting used less for schoolwork and more for catching up on sleep and enjoying the spring weather.

I have kept up with the reading and have been preparing for each class (ok, there have been some classes when I was not prepared and prayed that I would not get called on). Even so, the fear of the Socratic method is long gone and I can usually work my way through it without looking like a complete idiot. However, the saying “no one briefs second semester” is becoming apparent and the norm. The use of eanned briefs has become more common for me. If I do brief cases on my own, they seem to be getting shorter and shorter.

Now that I am starting to think about outlines, I need to get into my mode from last semester. I am trying to collect a number of sources for each class, including commercial outlines, outlines from previous students, outlines from the Internet and my poorly organized class notes.

Once I’ve gathered everything, I am going to go through each of them thoroughly and try to compose my own outline. Hopefully, this process will start soon, and I can ignore the golf course calling my name. On the other hand, I can always do what I did last semester and wait until the last minute. It seemed to work last semester, why mess with a good thing?

However, for exams and look forward to completing our first year, there are two ways that one can view our 1L experiences. The first is an optimistic view. We are almost one third of the way through law school and, based on how quickly first year went, the real world is approaching fast.

The second is a pessimistic view. While the first year went by quickly, we still are not even half way done. Now that the excitement of a new experience is behind us, the next two years may crawl by at a snail’s pace. The real world, and accompanying real money, is not approaching fast enough.

For some, the end of 1L brings thoughts of dread as the “real world” fast approaches. For others, pure bliss, as it’s one step closer to graduation.

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