The Grading Of C-M Faculty - The Commando Approach

By F. Lee Belli,
Learned Metacapals

All law students soon realize that grades are of utmost importance when applying for that first post-bar examination job. In fact, the first-year grades are magnified because these marks put the student on the Law Review/Summer Associate track. Whereas, good grades coming later in the academic career do not weigh so heavily. Law students also realize that even though they may prepare diligently for a course and subsequent exam, performance on that exam may not correlate with the amount and quality of preparation. There are also times when the student does not prepare so well but, because Jupiter aligned with Mars, the student gave the professor what she wanted and thus that good mark came forth.

One of the primary complaints of law students is that, in most cases, the entire course grade is given after only one subjective exam. And in many cases given by a professor who couldn’t teach his way out of a paper bag. The subjective aspect of law school is ingrained in the curriculum but it would at least be nice if one could learn something in class before the exam torture begins afresh each semester. The SBA distributes evaluation forms for every course. These are handed out during the last class (BEFORE grades are assigned) and students are given ten minutes to thoughtfully answer numerous questions about the course and instructor. If a student has the time, she can go to the library file and analyze these evaluation forms to determine the best professors for upcoming courses.

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It is our opinion that these forms do not tell the best story. Since grades are so important, the way in which a professor evaluates the student is critical, especially when one really doesn’t learn anything in the class. Until now, only word-of-mouth has been used to determine the best professors. To help alleviate this deficiency, over two dozen students were polled to give grades for the professors of courses they had attended. These grades express the entire course experience including the evaluation procedures of the particular teacher. The following list is the grade range and GPA for selected C-M faculty calculated from student responses. Also contained are some brief but telling anecdotal comments. No pains were taken in selecting a statistically random student population. Therefore, the grades are indeed subjective and could even be characterized as arbitrary (sound familiar?). The trends, however, deserve close scrutiny. Your legal career may depend on it.

Ammons, Linda. Grade range: A to F; GPA: 2.250. Broad grade range. Some students strongly like, some strongly dislike. Tends to piss off conservatives who don’t like her obvious liberal leanings during class. Is respectful and polite to students at all times.


Turn to page 8 for more faculty reviews...

Have you heard the saying “we’ve got a long way to go and a short time to get there?” Well, welcome to the SBA’s world. This semester is going to be packed with events and activities. Some will be big (Casino Night, March 9th and Barrister’s Ball, April 20th) and others will be smaller (socials, fundraisers, and banquets). The first event for this semester will be the “Warm and Wooly” drive for the area’s homeless. Please gather all of your unused and/or unwanted winter apparel including coats, gloves, hats, scarves, and blankets. It has been a very cold winter thus far. It is not over yet. When we dropped off the food from the Fall food drive, many of the homeless persons who helped us unload the food asked if there were any gloves. This was the impetus behind this drive. So, dig deep and find those old warm and woolies, they aren’t doing the moths any good!

Next, get your nickels and dimes together for the Spring Casino Night, March 9th from 8:00 p.m. until midnight. For those who are unaware, the decorating efforts in the Atrium have been funded through the Fall Casino Night. The funds from the Spring Casino Night will be used to further improve the school and for the Barrister’s Ball at the Rock and Roll Hall of Fame.

Speaking of the Rock and Roll Hall of Fame, we certainly hope everyone is getting excited about this year’s Barrister’s Ball. Plans and preparations are in full swing. Already? you ask. Yes! We are in contract negotiations with the Rock Hall for everything from the time and cost to who will cater the event. The one thing we do know is that the only supplier of alcohol is Executive Caterers. The cost of an open bar through Executive is very high and we’ll have to take a hard look at the idea of not having an open bar for the full four hours. Please feel free to approach Donna Andrew about this issue. (Preferably without sharp objects). She welcomes any suggestions about the alcohol issue or any other matter involving social programming.

Have you ever looked around you and noticed that something is just not right, maybe something is missing. Well New Year’s weekend that is exactly what happened to a law student when he realized that there was a great deal of empty space where a brand new television had just been. Just a little background, the SBA made the decision early last semester that something needed to be done about the television in the lounge. We looked into cable but it was cost prohibitive. Then Terry Wike called Primestar who said they were willing to donate satellite service if we would simply acknowledge that the service was donated by the Primestar corporation. We readily accepted the generous offer and proceeded to purchase a very nice television. Enter the fateful weekend. The television was appropriated for personal reasons by an unknown kidnapper. Because we have received no ransom note it seems safe to presume that the kidnappers are enjoying their hostage too much to negotiate return. As a result the SBA has ordered a new device that will allow the next new television (Yes, we get another chance at brassless box bliss) to be installed like those in rooms 201 and 202. As soon as the mounting device comes in the new television will go up. That’s the word for now. The SBA would also like to warn the students that there will be several different fundraisers over the course of the semester. Each fundraiser’s purpose will be.

For information on the Great Lakes Theater Festival’s courtroom themed fundraiser, “The Trial of Brutus”, call Randy Labuzinski at 241-5490 ext. 308

Turn to page 8 for SBA continued...
A Midterm Report Card For Our Own

By Neil Rubin: This article was originally submitted for publication in Oct. 95. The delay has caused the article to now have some factual inconsistencies and the timeliness of the comments has been obviously reduced. Some items have changed since the first submittal. These changes will be addressed in future publications. I did not find it necessary to revise at this point because the major premise as proposed here remains intact.

Since publication of the following list (in BOLD) in a prior GAVEL there has been a great response regarding it. No less than two dozen students approached me to say they agreed completely with the article. In fact, no one complained that it was biased. Donna Andrew, VP of Programming for the Student Bar Association, met with me at my convenience to discuss the problems and to get my recommendations on how to alleviate them. Dean Steinglass asked me to meet with him to discuss the problems and Sonia Winner, Director of the Office of Career Planning, also spoke to me with regard to the OCP's support of evening students. Dean Sierk even spent 20 minutes of Tax class to discuss it. Consequently, this simple list has made me somewhat of an unofficial spokesperson for the students in the Evening Division. I never envisioned the kind of response that was forthcoming. Consequently, I feel compelled to follow up on the progress made and to give "Midterm Grades" to those entities which were admonished.

Note: These midterm grades are offered as a guidelines for a full year term only to constitute 25% of the final grade. In other words, the 2nd semester grade will probably determine the final grade. If you have done poorly, there is still adequate time to turn the year around (Where previously have we heard that?) Rarely are failing grades given but they are possible.

The top 10 ways that Evening Division students are discriminated against at the Cleveland-Marshall College of Law.

10) The restrooms are really dirty by the time we arrive for class.

The restrooms are now filthy by the time we arrive for class. Trash cans are full, towel dispensers are empty, and stalls are littered with newspapers. Even the five-roll carousel of toilet paper in the mens' first floor restroom was empty for over THREE DAYS. One stall door latched in the mens' restroom opposite the snackbar has been broken for over two years. Students are only allowed to use two sets of restrooms in the Law School building with the others reserved for faculty and staff. Pressure must be put on the private contractors who service the building or get CSU custodial staff to tidy up during the day.

GRADE: D-

9) The snack bar closes at 6:00 pm, the coffee in the vending machine is unpalatable, and the food selection in the other vending machines is unhealthy and of poor quality. In the event that we indeed wanted to drink a cup of coffee and review our study materials in the lounge or atrium, the lighting is so poor in the evening that it is quite a strain to do so.

The snack bar still closes at 6:00 pm. The coffee in the vending machine is still unpalatable. I attempted to buy a "good" cup by selecting the buttons that gave "extra strong espresso" and what I got was 4 oz. of tea-colored water. Are those fresh coffee beans in the machine window real or just an illusion? There were at least three times that I saw during the month of September when the food machines had items in but one or two rows with the others completely empty.

Okay, so the SBA cannot sell coffee and food because the vending company's contract precludes it. But is there no way to pressure the company into providing better service?

The lighting in the Lounge has improved somewhat. Once the problem was pointed out, it was just a matter of replacing bulbs and turning the circuits on. The atrium still has a dungeon-like cast. This is obviously an aspect that was overlooked by the design architects. Oh well, "you can't make a silk purse out of a sow's ear". But wait! The SBA negotiated with the library staff to allow certain drink containers into the library.

Therefore, students with travel cups or athletic drink cups can enter and study if wanting to do so. This example of negotiation at least illustrates the responsiveness and willingness of some of those at C-M to work together to make things better.

GRADE: D- (food.), B (access to better lighting)

8) By the time Evening Division students arrive from their jobs, the pizza offered for social activities has already been scarfed and when more is finally ordered we are in class. (The only thing left is beer, and of course this is what we need to sit through 3 hours of class after a full day at work).

During al SBA-sponsored socials, a new wave of pizza, salad and wings arrives at 5:30 p.m. (And the wings cost big bucks). This is now prearranged with the Rascal House and it seems as if all students are given the opportunity to partake. Bravo SBA. A simple solution and one greatly appreciated.

The West Publishing Bar Review Course sponsored a pizza party at 4:30 p.m. All of it was gone and cleaned up in less than 30 minutes. Can Bar Bri do better?

GRADE: B

7) Other social activities such as receptions for prospective faculty are at times when we can not attend. Another example: The Follies was scheduled for a Thursday night at 8:00p. (What could SPILO have been thinking?)

The SBA scheduled Halloween parties for both families and students in the evening as well as the immensely successful Casino Night for grownup gamblers.

The Black Law Student Association scheduled two identical meetings one at 1:00p., and one at 5:00p. for the evening students. As a rule the Environmental Law Association, the Womens Law Student Association and the Hispanic Law Student Association have scheduled their meetings after 4:00p. so those students who could make it at least have had the OPPORTUNITY to attend. Thank you student groups. You are trying very hard and getting results. SPILO has yet to be heard. Maybe the Follies can be scheduled with a more sensitive perspective.

GRADE: B (Maybe a B+ here, but the Tribe lost The Series to Atlanta and I'm still in a foul mood).

6) Special speakers are only scheduled during the day.

While speakers are still scheduled for noon, receptions are held at 4:30p. Evening students, while not able to speak about the presentation are at least able to eat and talk.

GRADE: C

5) Access to the Office of Career Planning is limited. The staff is usually gone and the doors are locked by 5:30p.

4) Informational meetings for activities such as Work-a-Day are only scheduled before 5:00p. during the week.

3) Marvelous Monday and the vast majority of other career planning events only occur before 5:00p. on weekdays.

The OCP has expanded its hours on Monday and Wednesday evenings. Also Saturday hours have been offered and more will be forthcoming if the interest is shown.

The OCP now has office assistants who can give access to postings and reference materials. Students can now have 24-hour access to jobs via the Viking Jobline. Furthermore, there are plans to make all job postings
available on e-mail.

The Fall On-Campus Orientation meeting was held at noon AND 5:00 p. and the Judicial Clerkship Workshop will be held at 5:00 p. Other meetings were scheduled for 9:00 a.m. In addition, evening students can make appointments with OCP personnel for individual counseling.

Cleveland-Marshall is one of the largest law schools in the country and the largest in the state and yet the OCP has only two full-time professional staff members and one secretary. This is less than 50% of the staffing of those from comparable programs such as Chicago-Kent or Detroit-Mercy. So, while the C-M OCP is making great efforts, the office appears constrained by budgetary concerns. Okay OCP, a grade of A for effort, but see SUMMARY, infra.

GRADE: B

2) Courses that are of interest to many students are not offered at 6:00 pm. For example, Copyrights, Patents & Trademarks will have not been offered after 5:00 pm for AT LEAST THREE YEARS, INCLUDING THE SUMMER SESSIONS.

During the past summer session, Copyrights, Patents & Trademarks was again offered only at 10:00a. Why? During the summer, day students work too. A strong argument can be made that ALL summer courses should only be offered in the evening.

On a positive note, the new mail-priority registration procedure is a very welcomed change. To line up at Fenn Tower at 2:00 am to register for courses was maybe a good party but an absolute archaic absurdity. Thank you Deans Lifter and Sierk for implementing the new procedure.

A Writing Skills Workshop was scheduled for 5 weeks on Mondays from 10:30a until noon. Each session was to be led by a different instructor and covered items such as sentence structure and word choice. Would it have been so unreasonably time-consuming to schedule another session at 4:30p? Or, in the alternative, just schedule one session at 4:30p. That way, the day students would compromise by staying a bit later and the evening students would compromise by arriving a bit sooner. Or is it that evening students are inherently better writers than day students and would not be interested in the workshop? Seems to me that this is a valuable skill to be applied to legal practice whether currently employed during the day or not.

GRADE: D+ (Legal Writing Department you get an F, and no rewrites are allowed either!) AND THE NUMBER 1 REASON THAT EVENING DIVISION STUDENTS ARE DISCRIMINATED AGAINST AT THE CLEVELAND-MARSHALL COLLEGE OF LAW IS: 1) Course offerings are so sparse and the scheduling conflicts are so great in the Evening Division, that it is very difficult to acquire an adequate foundation for the bar exam or tailor one’s curriculum to focus on certain practice areas.

There are 141 non-Required Core Curriculum courses described in the 94-95 C-M Law Student Handbook. Of these, 25 are listed as “offered infrequently”-courses such as Appellate Practice, Class Actions, Computers and the Law and Ohio Civil Procedure. This is a conservative number of courses which are not offered on a yearly basis.

Other academic programs also have Handbooks and they too have courses which are “offered infrequently”. The big difference is that these universities have produced a schedule where the student knows when ALL courses will be available, not just those that are difficult to find. For instance, C-M could list in the Handbook: ‘Ohio Civil Procedure offered in odd calendar years during Spring Semester’. Or perhaps, ‘Class Actions offered every third year during the Fall’.

Pursuing the Evening Division listings in the Course Schedules for Fall 95 and Spring 96 it is easily seen that the offerings are meager, many require prerequisites and many popular courses conflict.

Anyone who has tried to develop a curriculum knows how incredibly difficult it can be. When persons in the Dean’s suite were asked to provide an historical listing of course offerings over the past couple of years to determine the distribution of courses, these schedules could not be produced. A more systematic approach is required and an accurate analysis of what has been offered would be a good start. Surveys of students designed to understand their interests would allow schedulers to adjust faculty availability and design course offerings accordingly. There are students who will volunteer to help perform this work.

Items 2) and 1) are the crux and most difficult of the problems facing the Evening Division and C-M in general. There is no quick fix. Issues such as accreditation, adjunct faculty restrictions, faculty salaries, and tenure are involved.

BUT WHO IS THE CUSTOMER HERE? We pay the highest tuition of any program at CSU. While the State Board of University Regents capped all state university tuition at a 6% increase during 95-96, law schools were excepted. Consequently, our tuition increased nearly 10%. This is more than double the current cost-of-living increase. We deserve better.

GRADE: D

SUMMARY: As one can see, the grades above are mixed. They should be much better. There are complex problems. And there are good intentions and valid excuses. But could you imagine meeting with a faculty member after receiving a final grade and saying to her: “Professor, I studied very hard throughout the semester. I briefed ALL the cases. I read ALL the notes. I practiced ALL of your exams on file. I REALLY thought about and discussed the law. But I still didn’t get a good grade.” Upon this impassioned plea she then replies, “Gee, since you tried so hard, I’ll change your grade to an A”. IT WOULD NEVER HAPPEN.

So to that, I will close with two profound axioms: 1) “The road to hell is paved with good intentions;” and 2) “The proof of the pudding is in the tasting.” It doesn’t matter the intentions or how hard you try Cleveland-Marshall, it is the RESULT that counts. If you cannot rectify the problems, you will continue to get poor grades. It is time to stop making excuses and overcome this negative inertia. There are plenty of intelligent professionals in the Evening Division who have solved these types of problems during their diverse employment experiences. Maybe it is time to listen to us.

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Plenty of Letters To The Editor . . .

Editors’ Note: The following are a number of letters that The Gavel received upon the announcement that the Street Law program at C-M was being removed from the Spring schedule. According to Dean Frederic White, Jr. it was a difficult decision to cut the Street Law program but it was necessary due to the fact that the University had a 5.5 million dollar shortfall in its funding. Dean White said that administrators cut Street Law based on an American Bar Association and an American Association of Law Schools study of C-M which found that “it was the least-law school related course offered.” Dean White said that cutting Street Law was not done gleefully but because it was the least essential law school course. “No budgetary decision can be made without hurting someone,” said White.

Dear Gavel Editors:

Recently, I picked up last month’s issue of The Gavel and was dismayed to learn that Cleveland-Marshall’s Street Law program may be on the verge of elimination.

This unfortunate news brought to mind Dean Smith’s parting words to my 1994 graduating class. He emphasized that as professionals and lawyers, we were obligated to give back to our communities. He said that pro bono work was desperately needed, and was an excellent way to improve our profession’s image. As I contemplate my law school career, it seems that Street Law was and is a good step in that direction.

As a second-year student, I taught Street Law to a class of Cleveland Public School sophomores. Standing in front of two dozen 16-year-olds was a humbling experience. I was compelled to translate and explain complex legal issues and terms into plain English, something lawyers do, and should do well, every day. This experience was quite a challenge; it also led me to the Czech Republic last summer, where I was invited by the European Law Students Association to present a law student’s view of teaching Street Law to high school students (The Charles University Law School in Prague is interested in adding Street Law to its curriculum).

During law school, it is incredibly difficult for students to complete course requirements, participate in moot court or law review, clerk and get a jump start on pro bono work all at the same time. Street Law enables law students to volunteer. It enables students to devote time to community service. It enables students to educate young citizens in the law. In return, law students earn credit hours. It is the classic win-win situation for the school and law students.

Teaching also gives law students a break from the typical lecture/exam schedule. It pushes students outside the law building to interact with the community and actually live a little during law school. And, as much as we dislike the inevitable comparisons to Case Western’s programs, Street Law is a course Case does not yet offer; in other words, Street Law remains a program that sets C-M apart from other law schools.

As attorneys and future attorneys, our education allows us to contribute and cope with a world becoming more complicated by the second. Others are not so fortunate. It is our job to educate the public in basic principles of law. This process begins in law school, not only by learning facts, contracts and civil procedure. But through programs like Street Law.

Sincerely, Andrea M. Muto Class of 1994

1. improved knowledge of the law
2. ability to synthesize legal information
3. understanding of the public perception of lawyers
4. oral skills practice
5. expertise in handling questions
6. ability to explain law to lay people by sharpening your ability to make legal issues clear
7. develop sense of professionalism and ability to work with other professionals.
8. self-confidence and the satisfaction of giving something back to the community.

In addition, the Code of Professional Responsibility calls for each lawyer to improve the legal system. Increasing public understanding of the law and the legal system is an effective way to achieve this objective.

Cleveland-Marshall’s Street Law Program is one of the oldest in the country. It was the first program established after Georgetown initiated the clinic in 1972. This year there are about 35 law schools that offer Street Law Clinical experiences in the United States. (There are also a growing number of programs in other countries like South Africa, Chile, Ecuador, Bolivia, Hungary to name just a few.)

The Cleveland Street Law program has been at the forefront of the national effort. The Cleveland program demonstrates the promise of local partnerships in public education where both the University and the local school district benefit from the results. There is also one additional benefit – over the years I have met several law students who participated in the Street Law program as high school students. Their desire to attend law school started with their exposure to law in the Street Law class. It opened the door to some new life opportunities for each of them.

This program has earned the support of both the law school and Cleveland State University.

Sincerely, Judith A. Zimmer, Deputy Director National Institute for Citizen Education in the Law, Washington, D.C.

Dear Editors:

As a former Cleveland Marshall College of Law Graduate, I was SHOCKED by the University’s decision to terminate the Street Law Program; not only for denying future law students the opportunity to teach young minds, but also for the loss of legal knowledge to thousands of area high school students.

The tragedy in cutting Street Law from the curriculum is in denying to school districts, both rich and poor, relevant legal learning. How much do you save, when the “messenger”, who can change the direction of a troubled youth and make a difference in his or her life, never arrives? The Marshall Students who taught in inner city school districts through the Street Law Program and brought students the message that, “YOU DO COUNT”, “YOU CAN MAKE A DIFFERENCE”, proved it by helping them win the Ohio Mock Trial Championships at numerous times during the Street Law Program. The Street Law Program always asked its participants to give more than you thought you had, and the rewards will come to you, not only grade wise, but in making an impact on a young mind. The program had one of the highest rates of its participants passing the bar, because you have to know the law to be able to teach it.

It’s unfortunate in education, that the accountability cannot come right away. But recently, having taught for 25 years, I attended a pre-trial hearing where the city prosecutor and arresting officer were familiar to me - You see, they were my former street law students! I respectfully seek the Gavel’s help in requesting the Cleveland Marshall College of Law to do the right thing - Reinstate the Street Law Program.

Sincerely, Ronald Rose, Esq.
Mentor High School, C-M Class of ‘91

Dear Gavel,

Of all my experiences at Cleveland Marshall (Class of 1981) the one that has had and continues to have the most impact on my life was the Street Law Clinical Program. Learning to explain legal information in a way that is intellectually stimulating, motivational and understandable to high school students presented me with both a great challenge and a terrific opportunity.

The primary reason to teach Street Law is the opportunity to boost the professional development of law students. The knowledge, attitudes and skills presented by the teaching of Street Law to high school students include:

Sincerely, Andrea M. Muto Class of 1994
Dear Editors:

On behalf of the Board of Trustees, staff and people served by Cleveland Works, Inc., I am writing to convey why Cleveland Works has always determined it to be essential that “Street Law” be taught to students who are trained at Cleveland Works for full-time jobs with health benefits.

Because more than 50% of the 1,000 people served by Cleveland Works have legal problems which are barriers to their employability, Cleveland Works has provided a legal clinic with five full-time attorneys who handle over 500 cases and people each year. Consequently, Cleveland Works believes it is essential that the people served adequately understand the scope and significance of their legal problems and the importance of becoming a law abiding, taxpaying, productive citizen.

Since 1990, over 3,000 people have come through Cleveland Works’ Street Law class learning how their behavior and life style have created legal problems and how their gainful employment and commitment to doing the right thing is paramount to controlling and shaping their own destiny.

We have been encouraged since our inception in August, 1986, with the ability of people to apply the legal knowledge they have acquired at Cleveland Works into improving their life style and the quality of their children’s upbringing. Cleveland Works’ instructors are four law school graduates of Cleveland Marshall College of Law. Through the encouragement of one of our own Board members, Elisabeth Dreyfuss, and our own attorneys, Street Law has really been quite valuable to Cleveland Works’ confidence that the people we serve will succeed in having a new respect for the law and a greater ability to live a good life.

Thank you for caring,
David B. Roth
Executive Director, Cleveland Works, Inc.

Dear Editors:

Please accept this letter as a response to your recent article in relation to the Administration’s decision to discontinue the Street Law Program.

As a Cleveland-Marshall College of Law Alumni and former participant in the Street Law Program I am deeply concerned about the Administration’s decision to terminate an educational opportunity that directly benefits the student body. Through my participation in the Street Law Program my third year, the experience of teaching complicated legal concepts to lay people has been an invaluable skill in my present practice. In addition, to be effective in the classroom, it was imperative for me to develop a general overview of a number of substantive areas of law. This overview greatly facilitated my process of preparing for the bar exam. I have consistently maintained that the Street Law Program is one of the most worthwhile courses that I took at Cleveland-Marshall and provided me the necessary skills to become an effective attorney in the real world.

In addition, I am concerned that the Administration may be overlooking the integral role the Street Law Program plays in the Greater Cleveland Community. Every year, hundreds of students and teachers are exposed to the law as well as alternative dispute resolution techniques. There is no doubt that these programs have made a substantial impact on the lives of the people the Street Law Program has touched.

From my own experience, I know of a number of my previous students that, as a direct result of their involvement in the Street Law Program, have chosen to pursue a legal career and have in fact applied for admission to Cleveland-Marshall College of Law.

Every year, law schools around the country attempt to implement Street Law Programs that are modeled after the Cleveland-Marshall Program. Cleveland-Marshall College of Law has long been recognized both nationally and internationally for their advancements in community law related education developed by the Street Law Program.

I would strongly urge the student body to express their concerns to the administration about the cancellation of such an integral and vibrant program.

Scott A. Williams, Counselor at Law
400 West Bagley Road, Berea, Ohio 44017

To Whom It May Concern (and I do hope that someone is concerned):

The Street Law Program absolutely should be preserved. Since participating in the program in the Spring of 1994, I have shared the great experiences I had participating in the program with my family, friends, other attorneys, and judges. I let them all know what a wonderful program Cleveland-Marshall College of Law sponsored.

My cooperating teaching at the high school where I taught was truly excited about the program and about the message it would send to the high school students. One of the very first things the cooperating teacher mentioned was that he was so excited to present to his students a young professional role-model. In my case, he told me that he felt it was an added bonus that I was a female, because he felt that it was so important for the female students to be able to identify with a female professional and to recognize all of the potential out there for those students who were willing to work hard toward success. My cooperating teacher also told me that he was sure the students would be motivated by a new face and the idea of all of the possibilities that were waiting for the students once they finished high school, and hopefully college, and went on to the working world. Because of the Street Law program, the high school in which I taught participated in the mock trial competition for the first time. The students did a great job and really felt the sense of accomplishment in preparing for and participating in the competition. Even some of the less outspoken students got involved in the competition. All of the students were exposed to all of the excitement surrounding Cleveland-Marshall College of Law and I was proud to be part of the law school that sponsored the program.

The Street Law Program allowed me to give something back to the educational system and hopefully to have brought some awareness to the students about how the law affects their lives. The Street Law program was a positive experience for me, and it would be a shame to end such a find program. Hopefully, the next time I mention the Street Law program and I get the usual response of enthusiasm and inquisitiveness about the program, I won’t have to tell the person with whom I am speaking that, without a second thought, Cleveland-Marshall decided to no longer sponsor the program. Let’s keep something positive for Cleveland-Marshall and keep the Street Law program.

Susan Priest Richlak, Attorney at Law

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Executive Blues -- Down and Out In Corporate America - A Book By G.J. Meyer

By: Ed Palm I first became acquainted with G.J. Meyer’s book when it was excerpted in the Sunday supplement of the Plain Dealer. The excerpt gave in brief detail the author’s experience in finding an executive position in corporate American after being fired from two upper-management positions over an 18 month period. I read the book in hopes of learning something new about finding a position or reinforcing what I already know. What I found was completely different. While the author advances the use of networking, the sending out of stacks of resumes and the constant use of the phones to follow up on correspondence, he also illustrates through the use of bad example what not to do when trying to find a position.

The opening scenario has Meyer talking to a corporate headhunter who has offices in Atlanta and New York City. There is a public relations position available at Holiday Inns and the headhunter wants to meet with him in N.Y. The author gives the headhunter’s secretary the information she needs to make arrangements for Meyer’s Wisconsin to N.Y. trip and he arrives early Monday morning. Unfortunately for Meyer, he is one week early for the interview and his contact is still in Atlanta. Meyer never gets a call back -- small wonder.

On page 10 the author acknowledges that his story is not one that draws sympathy from many, except maybe one percent of the population, yet this does not stop him from moaning and complaining about his predicament for the next 235 pages. In his last position at J.I. Case the author was earning approximately $120K with full benefits and expense accounts. When J.I. Case let him go they guaranteed his salary and benefits in full for 18 months. In spite of this Meyer only feels resentment for “the people who have put me here, who in the process of making a mess of my life have made a mess of Pam’s (his wife’s) and have left our three children without a place they can think of as home.” It seems to me that the author is responsible, not anyone else, for his situation and if he cannot maintain a household on 10 grand a month, perhaps he should not be put in such a responsible position in a large corporation. This logic seems lost to the author.

The author also bemoans the fact that there isn’t any loyalty in the workplace anymore. He does not reconcile this opinion with his hefty severance pay, which he received after a little more than a year on the job. He repays this consideration by calling the Human Resources’ out-placement personnel “geeks” and by holding the ones responsible for his hiring and firing and his severance pay in contempt.

In almost every one of the 55 chapters in the book there is an example of how this ivory-tower executive is dealt a bit of harsh reality but he never writes a word about what he can do for a company. There are examples where he turns down jobs because they are beneath him, or he takes himself out of the running because of pre-conceived notions (e.g., the company is too conservative). Perhaps the most telling example of the author’s reasoning is when he describes the waste at J.I. Case of money used for a single presentation of slides to a group of security analysts. The author makes the statement that the slides ended up costing 60K “the price of a Mercedes.” Despite the fact that his company is in financial trouble and is laying off thousands of workers, the author muses that instead of spending the money on slides perhaps a luxury automobile could be bought. He never considers using the money to put people back to work. I could go on but I think you get the picture.

This book is good instruction on the improper attitude one should have when job hunting. I advise its reading as a primer of what not to do when seeking a position.

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An Update On Student Government

By Mitch Goodrich

For the Student Bar Association (SBA) this has been a puzzling year. While offering the traditional diversions and support services that students have come to expect, it has also grappled with a continuing problem: a lack of representatives in upper class Senate positions. SBA activities have gone well this year (socials are generally well-attended, the mentoring program has attracted hundreds of new students and the SBA is taking itself off-campus both to serve and recreate in the community), but it is still trying to work out a method for electing members to the vacant Senate seats. Seats which were meant to be filled by third and fourth year students but which remained empty after last Spring’s elections. But in its attempts to work out a method to fill these open positions, the SBA’s actions have occasionally drawn questions and criticism.

Providing people for upper class evening positions has been a perennial problem for the SBA. The presence of these open slots not only shifts more of the work burden onto the officers, but also plays havoc with the representative nature of the SBA senate which is designed to have one student senator for every 40 members of the law college student body.

Ideally, these positions would be filled with elected representatives chosen by their classes in the spring and then beginning their terms in the Fall of the next academic year. But as no candidates were elected to the SBA last Spring from these classes, the mid-September elections were opened not only to new first year students but also to students from the upper classes who wanted to run for the open upper class seats.

The most hotly contested were the open seats for first year representative which eventually attracted 18 student-candidates. The competitive nature of the race led to a virtual papering of the walls with campaign signs, the distribution of position papers and campaign leaflets, and the disbursement of candy as inducements for votes. Virtually all of the campaigning activity was conducted by ambitious first years.

The results were mixed. The intense campaign encouraged relatively high turn out among first years and five candidates were elected by a razor thin margin over three other candidates who were less than a handful of votes away from being elected. SBA President Josh Marks says of these Senators, “The people who got this year are fantastic. They’re really, really good.” But the spots which had gone unfilled last year, remained so.

With this in mind, SBA President Josh Marks and SBA senator Michael Brennan came upon the idea of appointing the first year students, who had been narrowly defeated in their election attempts, to the Senate seats left open by the third and fourth year students. Many of these first year students had worked on SBA projects even after failing to win spots in the SBA election and had been essential in making up the manpower shortage caused by the Senate vacancies. After examining the SBA constitution Mr Marks and Mr Brennan concluded that they would need to amend the Constitution in order to allow the Senate to elect members to its body. So for the next SBA meeting, Mr Brennan wrote a proposed by-law establishing a procedure by which the President could so this.

At the meeting of October 1, the proposed by-law met with objections from some of the Senators. “When it was proposed that the Senate meet with these candidates first, the idea was contested on the grounds that it would take too long, because this was an emergency measure and we needed people,” said one Senator. Procedures, as many as three meetings (and hence a period of four weeks) would normally have to elapse before a student could be appointed Senator. The SBA violated its own procedural rules by doing this in just one. At the time, Marks felt this was necessary, “the problem was that we had a lot to do and we [the executive board] were all very stressed out because of not having more Senators to help. We wanted to get this thing up and running, get a cohesive body, and go forward.” Further, a few of the members of the Senate did not know the candidates that well. One First year representative said, “I only knew a few of the candidates from my section and from working at Casino night. I had no idea who any of the others were.” It was proposed that there could perhaps be a forum where the Senators could meet a slate of possible appointees so that they would have some basis from which to vote. But in the end, the members of the executive committee emphasized speed and a series of votes were taken by the Senate. First, there was a vote to accept the by-law change established by Mr Brennan (which had been amended during discussion of the issue). Then came two more votes: one, a vote to vote on the issue at that meeting, and another to vote on voting as a block. Finally, after a total of five procedural votes, the Senate voted on the by-law which passed on a vote of 15-2 with two abstentions.

The executive committee then nominated five candidates for the Senate and opened the door to further nominations, of which there were none. The SBA then voted to accept the five nominations as a block as new SBA Senators. As Marks explained of the Senate, “They were trusting our [the executive committee’s] judgement.”

The speed and manner in which these appointments were made raises some troublesome questions. Quite frankly, was this a way that particular SBA officers could provide places on the SBA Senate for their friends and associates? Marks denies this, citing in particular one appointee who had worked very hard but whom he had left off of his list nonetheless because the appointee was a former fraternity associate. “I wanted to be completely above board. I didn’t want to create an appearance of conflict-of-interest.” Additionally, Mr Marks adds that the students were picked for a very simple reason, “They went above and beyond, they really showed that they would be helpful people.”

Another question: why were slots intended for third and fourth year students filled by first year students? Mr Marks reemphasized that the third and fourth year students had two previous opportunities to run for office and had shown no interest and besides, it was the first year students who had shown the interest in working with SBA. “In three years I have never seen an issue which differentiated the first, second and third year day students. Even when the day and night students had opposing interests, we generally did what was best for the school. We felt that the best choice for the SBA were people who would work for the SBA and be good representatives.”

At the moment, the SBA is working out new procedures to avoid these ad hoc elections. One suggestion is that of adopting elected at-large positions, an idea originally proposed in the October 1 meeting by first year day Senator, Rachel Kabb. These positions would take the place of seats that were not filled by a class and would be open to anyone of any class or session who chooses to run. This semester, SBA is soliciting third year students to run for three third-year positions that are open because of resignations. In accordance with the Constitution, candidates will be asked to submit a letter of intention and then be given a chance to speak to the full Senate which will elect new senators from among the candidates. Details for this plan are coming.
Grading From Front Page

Davis, Michael. Grade range: B to D; GPA: 1.981. Entertaining and humorous in class. 60's ex-protestor who has liberal attitudes which come through strongly. Is lazy when preparing an exam. Grading of exams is very subjective with loose assignment of credit on questions. Tends to give low grades in Torts and higher grades in higher level courses.


Flaherty, James. Grade range: B+ to D; GPA: 2.667. Very un-PC, but knows his Estates and Trusts. Gives too much work for 2 credit-hour Legal Professions.

Gard, Stephen. Grade range: A to F; GPA: 1.893. Broad grade range. Teaches mostly Constitutional and Con Law related courses. Some people like him, some can't stand him. Exams are relatively short in total length so if you don't hit the points he wants, you're busted.

Garlock, Peter. Grade range: A to F; GPA: 1.365. GPA would be lower but we couldn't figure out how to calculate an F minus. Uses what he calls a "modified Socratic method" in Torts and Criminal Law so he can abuse students when he feels the need. A few students liked taking his Perspective course.

Johnson, Andrea. Grade range: C+ to F; GPA: 1.079. Cleveland native but visiting professor from California. Has adopted stereotype California flakiness. Makes mistakes in class and then when she tries to fix them, students become even more confused. Doesn't proof her exam very well and typos cause stress. Currently teaching innovative Telecommunication Law course by electronic link concurrently to a California law school and C-M.

Lazarus, Steven. Grade range: B+ to C; GPA: 2.675. Gives headache-inducing 8-question, 16-minute multiple choice quizzes with 6 possible answers that include answer combinations. Has a very cluttered office and many times a rambling, cluttered way of teaching, but is paradoxically effective in imparting the material. Really likes the Slaugh-

... SBA CONTINUED

explained and you will see the results of your one or two dollar investment. Plus you'll get the opportunity to win some really cool stuff.

The SBA officers and senators have all made commitments to spend their office hours in the office. Often various duties take us out of the office, but in order to be more accessible the office door should be open a lot more this semester. If your schedule does not match ours, please feel free to approach us in the school or call us at home. We all made the commitment when we were elected to serve you to the best of our ability. So please communicate with us.

Finally, the SBA welcomes comments and concerns at all times. We also welcome people who want to get involved but maybe didn't want to make the full time commitment. Because there is so much to do this semester, anyone wanting to get involved will be welcomed. Please talk to Donna Andrew or any other officer or senator about what you can do to continue making this school a better place.

Thank You Very Much!

By Wendy Zohar: The Cleveland Institute of Music deserves our thanks for agreeing to send us one of their finest student ensembles to play in the atrium last December. The presence of live classical music created quite a stir, as students and faculty poured out of classrooms and library to fill the atrium. I was as thrilled to hear the beautiful sounds of Haydn as I was to see our C-M community listening intently with quiet enjoyment. We discovered that the atrium acoustics are very effective for music. In the hope of repeating this pleasure, I am trying to bring a continuing series of ensembles from the Institute, to play in a similar context - from 12 noon until around 1, the dates depending on when groups are available. Any future performances will be announced, so watch the bulletin boards.

It has meant a great deal to me personally to be able to bring a little of the music world into the law school. Thank you for all your support.

For Your Information . . .

Dean Steven Smith will be leaving at the end of this year to go to Cal-Western in San Diego. The Gavel will have more on this in its next issue. Tough assignment, Dean.
Food for Health and Weight Loss

If you have been saying that you cannot believe you ate all that food over the holiday or if you have made a New Year's resolution to lose some weight, then this article is for you.

First, it is important to remember that 3500 calories translates into one pound. So, if you eat 3500 calories more than you need, you will gain a pound. If you decrease your calorie intake by 3500 calories, you will lose a pound. Also, if you increase your level of physical activity (i.e., exercise) you will burn up more calories and lose weight quicker.

A calorie is a unit of heat and energy. Each food has its own calorie or energy content when burned by our bodies. For example, one cup of skim milk has approximately 90 calories and one slice of bread about 75.

It has been widely recommended that 55 to 60 percent of our diet or calories come from carbohydrates (preferably complex ones i.e., not sweets), 15 percent from protein, and less than 30 percent from fat. To translate this recommendation, one would, therefore, eat daily: six servings of whole grain/bread/starch products (1 slice or 1/2 C equals a serving); five servings of fruits and/or vegetables (1/2 or 1 of an item equals a serving); two to four servings of low fat milk/dairy products (8 oz. equals a serving); two servings of meat/protein (two to three oz. equals a serving).

The following steps can also help change your eating habits into healthier ones: 1) Eat foods from the different food groups (fruits/vegetables, breads, meats, dairy products); 2) Cut down fat and cholesterol intake (eat lean meat and fish and limit your eggs to two a week, choose “low fat” foods whenever possible, trim fat from meat, and do not fry food); 3) Eat less sugar and sweets (select fresh fruits instead); 4) Avoid salty foods (add little or no salt at the table and cut down the amount of processed meats and cheese you eat); 5) Drink alcohol in moderation, if at all; 6) Eat more fiber and complex starches (whole grain breads and cereals, fruits, and vegetables); 7) Do more physical activity/exercise to burn up more calories.

For more individually tailored advice on diets and weight loss, call Health Services at 687-3649 for an appointment.

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ABA Student Division Pro-Bono Plans

By Wendy Zohar

For those who took part in WORK-A-DAY 96, a great thank you for all your efforts. You gave to the Cleveland community, and at the same time you gave to Cleveland-Marshall. Most importantly, you enhanced the spirit of pro bono public service, which hopefully will continue throughout your careers. Opportunities abound for more volunteering. Please get involved in the following pro bono activities:

The literacy program (working with young school children helping them to learn to read);

Habitat for Humanity (working on refurbishment of older houses for families in need);

VITA - the Volunteer Income Tax Assistance Program; ** Warm and Wooly Drive (collecting used hats, scarves, gloves etc to distribute to area homeless shelters)**

** Hunger Drive (collecting canned food to distribute to shelters ABA/LSD at Cleveland-Marshall has named February the Month for the Homeless. The program is intended to enhance our appreciation and understanding of the plight of homeless people, and gain insight into the problems of all kinds that they face daily. We are spearheading the program with several speakers, including Brian Davis, head of Cleveland's Coalition for the Homeless. Kevin O'Neill, who has championed the homeless in their legal issues, will introduce the participants. Please watch for details.

** In conjunction with the SBA, the ABA is holding a "WARM AND WOOLY Drive," to provide homeless people with some warm gear such as gloves, scarves, hats, sweaters, and whatever else we can find at home to help keep them warm. Please bring in items you may no longer need or wear, but launder them first. We will designate a box for you to drop off your used wooly items, at a specified location in the law building. As for all the volunteer programs, WATCH FOR NOTICES! Cleveland-Marshall is hosting the ABA/LSD 6th Circuit Spring Meeting, during the weekend of February 23-25, 1996. Seventeen Ohio, Kentucky and Michigan law schools are participating. C-M's Dean Smith and Dean Gerhart of CWRU Law School will speak. The C-M Work-A-Day documentary will be shown. There will be a tour of the Rock and Roll Hall of Fame, and a tour of one of Cleveland's homeless shelters, including a Hunger Drive. Students from C-M who are interested in attending any of the events of the weekend should contact Adam Abrahams, C-M ABA/LSD President, immediately at 595-9803, for details.

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C-M is kicking off a new pro-bono effort which will match students with public interest attorneys in the Greater Cleveland area. Contact Dean Jean Lifter for more information about how you can get involved.

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Construction Disruptions Move Inside

By: Ellen Quinn
Assistant Director for Public Services

As part of the new Law Library construction project, books have been packed up and shelves have been dismantled from the northeast corner of the basement level of the law library where government documents and regional reporters were previously stored. Construction of an electrical control room in this part of the Law Library began in late January and a plastic barrier will remain up while a crew builds a wall in that corner. The barrier and wall will keep dust out of the law library. Beginning in early February, as part of the construction, contractors will begin using jackhammers to remove the concrete floor. This will cause noise in the law library in the area surrounding the construction, although we do not know exactly when the noise will occur or how intense it will be. This aspect of the construction project is scheduled to last three to four weeks.

Contractors will be working Monday through Friday from 7 a.m. to 4 p.m. They do not anticipate working evenings or weekends.

If the construction noise makes it difficult for you to study, the University Library is available for your use. The University Library is located in Rhodes Tower. Regular hours of operation for the University Library for Winter Quarter 1996 (through March 16, 1996) are: 7:30 a.m. - 10:30 Monday-Thursday; 7:30 a.m. - 5:00 p.m. Friday; 9:00a.m. - 6:00 p.m. Saturday; and Noon - 6:00 p.m. Sunday.

We will keep you informed on the progress of the construction within the law library as it becomes available to us. Watch for construction update signs throughout the law library and law school building. Notices will also be posted on the network when you log into your student internet account.

We apologize for any inconvenience the construction within the building may cause you. It is a necessary part of the new law library building project and timely completion of this job will help keep the construction schedule on time.

Questions should be directed to Katherine Malmquist, Associate Director at 687-6873 or through her e-mail address of katherine@zipmouse.csuohio.edu or Ellen Quinn, Assistant Director for Public Services at 687-6913 or through her e-mail address of ellenq@info.csuohio.edu.
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Lexis and Westlaw Battles

Are Students Gain

By: Steve Blount

If you want to see the definition of competition in the legal market, walk through the library and take a peak in the computer room. There you’ll find Lexis and Westlaw terminals lined up like armies engaged in trench warfare. The real beneficiaries of this battle is us, the students. If one of these companies decided that it might be more profitable to invest its capital in, say, raising chinchillas, and one day it ripped out its terminals, do you think the other “side” would be willing to provide the same services to us that they do now?

Lexis and Westlaw are a professional students’ dream come true. All the information you could ever want, and practically all the paper needed to print it. While I prefer Lexis some people tell me that the key system on Westlaw and its correlation with the legion of Westlaw books and publications makes research on it easier. I, however, find the news section (nexis) on Lexis superior to Westlaw’s. I also find that Westlaw hangs up more often and is a bit slower to use, but then again Westlaw’s laser print quality is better.

I am astonished at the speed that Lexis can find an article. It does so by using vertical and horizontal tables to search for words. If you asked the computer to find a publication with the words “Write” and “Gavel”, it would search a giant table consisting of the entire lexicon of words in its database along its horizontal and vertical axes, and using some sort of indexing system, it would find the publications in which there is a match.

When you log on, you are facing a huge library, 4.3 times $10^{12}$ bytes of information, the equivalent of about 300 miles worth of books, or a third of the information in the Library of Congress or all of the books in Harvard’s libraries in the early 80s. When you select a library and file, you have already narrowed the amount of data to be searched considerably. Next, four or five mainframes split up the work and together search the table. Finally, we get our information, enabling us to reason out a solution using someone else’s analysis applied to another, similar situation.

Lexis and Westlaw are a law students’ best friend, but they should not be over-rated. One drawback of using these systems, is that when we graduate, firms often balk at the exorbitant fees charged to use these services, and good ol’ manual research is required. If someone only uses computer searches, then it becomes difficult to search without that crutch.

If you take a look at how Lexis and Westlaw pamper us with free online help, free software for home, nice publications, help from student reps., etc., you would think there are some real big bucks sloshing around these organizations, and you’re right. Lexis has sales of about 1.5 billion dollars a year, more than all the yearly law student loans put together, and about 15 percent of a mammoth company like Exxon’s yearly sales. With all this money behind them, it is no wonder we get treated so royally.

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Faculty News

By: Rosa M. DelVecchio

Linda L. Ammons was the keynote speaker for the fourth annual conference on family violence sponsored by the Cleveland YWCA Domestic Violence Outreach Program held in October. She also presented a paper on battered-woman syndrome and the African-American woman at the First World Conference on New Trends in Criminal Investigation and Evidence in The Hague, Netherlands.


Phyllis L. Crocker delivered a lecture on “Investigation and Pleadings for Post Conviction Relief” at a three-day Death Penalty Seminar, sponsored by the Ohio Association of Criminal Defense Lawyers, held in Columbus November/December.

The Sixty-First Cleveland-Marshall Visiting Fund Lecture was delivered by Professor Robert W. Gordon of Yale Law School, in November. His presentation was entitled The Struggle Over the Past: The Return to History in Legal Argument. Professor Gordon also conducted a Faculty Jurisprudence Seminar during his visit.

Deborah A. Geier co-authored an article, “Simon Says: A Liddle Night Music With Those Depreciation Deductions, Please,” with Joseph M. Dodge, which appeared in Tax Notes. The article explores the Tax Court and Third Circuit recent decisions regarding the depreciable of antique musical instruments, which have substantial value in the collector market used by professional musicians.


Dawn Martin delivered a presentation entitled 911: How Will Police and Fire Departments Respond to Public Safety Needs and the Americans with Disabilities Act? at a Faculty Seminar at the law school in November.

Alan Miles Ruben chaired a panel presentation of New Developments in Alternative Dispute Resolution before 250 members of the National Academy of Arbitrators as the Academy’s annual Education Conference at San Antonio, Texas, in November.

In November, Steven H. Steinglass spoke at a CLE conference co-sponsored by the State Bar of Wisconsin Section for Individual Rights and Responsibilities and the American Civil Liberties Union of Wisconsin Foundation. The conference title was “Rights in Custody: Litigating Against Prisons, Police and Mental Hospitals,” and Dean Steinglass delivered a lecture on “Section 1983 Qualified Immunity Issues.”

Alan C. Weinstein published a paper on “First Amendment Issues in Land Use Law: Regulations of Signs, Adult Entertainment Businesses and Religious Institutions.” This paper is the published version of an address he delivered at the Southwestern Legal Foundation Institute on Planning, Zoning and Eminent Domain held in Dallas in November 1994. The paper was published as Chapter 9 of the annual volume by Matthew Bender on Planning, Zoning and Eminent Domain.

Stephen J. Werber reviewed and commented on the Ohio Supreme Court case Gladdon v. Greater Cleveland Rapid Transit Authority at an Alumni Association CLE program at the law school in December. This case raises the important question of whether a section of the Ohio Revised Code which limits the liability of political subdivisions is constitutional. In addition, he lectured on “The Constitutional Dimension of Pending Federal and Ohio Tort Reform Legislation” at a CLE program on “The Changing Face of Tort Law” in November, sponsored by the Law Alumni Association.

Frederic White delivered a presentation, “Civil Rights and the Property Manager,” to the Akron Area Board of Realtors. Dean White’s donation of his speaker fees coupled with the proceeds of his program enabled the Board to award two scholarships, appropriately named The Frederic White Minority Scholarships.
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