GRADING POLICY UNDER FIRE

FINAL GRADES
SEMESTER: Spring
YEAR: 1990
Cleveland-Marshall
CLASS: Law & Equity
INSTRUCTOR: Hammond

1506
1507   B+
1515   A
1517   B   1535
1520   A+ 1537   B
1521   A   1540   B+
1522   B+ 1542   A
1525   B   1543   A+
1530   A   1546   D
1535

CWRU FINAL GRADES
SEMESTER: Spring
YEAR: 1990
CLASS: Constitutional Law
INSTRUCTOR: Wakeman

1506
1507
1515
1520
1521
1522
1530
1535
1540
1542
1546

STRUCTOR: Curtiss
CLASS: Property

GAVEL
Volume 39, Issue 1
Cleveland-Marshall College of Law
October, 1990

THE GAVEL
Editor's note

The Gavel is always seeking interested students to participate in the writing, layout, or photographic aspects of producing the newsmagazine. All you need to do is stop by the office, LB 23, or call 687-4533 for more information.

We need reporters, photographers, editorialists, cartoonists, and those who are proficient with a word processor.

Students become staff members after having had two articles or equivalent contributions printed in the newsmagazine. Staff members qualify to participate in editorship elections at the end of the year. Three editors are elected, each receiving a full tuition waiver.

So if you are motivated by a need to be creative or a need to be fulfilled financially, The Gavel can be an excellent vehicle for meeting those needs. After all, cover:
The new style of The Gavel cover was abstracted from issues dating back to the mid-70's. The uncompromising dedication to unflinching journalism was the trademark of that era of The Gavel which we shall strive to ressurect in '90-91. (How's that for a noble rationalization?)

Next GAVEL Deadline ...
... is Friday,
October 19, 1990

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Letters:

Editor: If you’re a first year student, like me, you’re probably still walking around the law school—and life in general—in a constant state of confusion. It may not be that bad, but there are days I’m sure when all of us just don’t know what the hell is going on. The unfettered advice which we first year students get from second and third year students probably does little to ease the pain of our frustration. I’ve gotten advice ranging from “drink as often as you possibly can” to “read the material at least 3 or 4 times before class so you know it backwards.” But the one bit of advice that these upperclassmen have yet to bequeath to us is how to deal with the ever present (because you have to put up with him from contracts to torts) law student who uses class time to grace us with his beautiful voice and his infinite legal wisdom.

Don’t get me wrong. I’m not talking about the legitimately bright student who really offers something to the class discussion; the one who makes you think about the issues in a different light or clarifies a confusing case. No. I’m talking about the “Repeat Student”. You know him—the one who raises his hand and repeats to the professor a statement that the professor just made: “Now, let me get this straight, Professor. You just said exactly what you just said. Is that correct, Professor?” Or, maybe you have the irritating person in your section who, had she just read the material before class would not have asked the question that made the entire class wince.

But nothing can be as bad as an obnoxious student who laughs at another when he is legitimately trying to learn the law and asks a question. Obviously, the obnoxious student who ridicules others knows the answer so well he could have gotten up in front of the class that day and lectured on the subject (or so he thinks).

In short, I’d just like to say that I think law school is tough enough as it is—we don’t need to be pitted against each other. It is a certainty that we will all make a stupid comment in class sooner or later. Let us please try to remember that we are adults and that we are, after all, in law school—not grammar school.

Kim Lloyd

New Professors on Board

by: Eileen Vernon

After practicing law with Jones, Day, Reavis and Pogue for five years, Assistant associate Professor, Susan Becker, joined the C-M faculty to teach Contracts this fall. Becker told The Gavel, “Education has always been my priority, but I wanted to practice law to learn how theory applies in the real world”. Becker was involved in education related activities since her graduation, Magna Cum Laude from C-M. She taught legal writing as an adjunct professor and took an active role in the Law and Public Service Magnet School Explorer Troop. A word of advice for law students who want to teach—apply for a judicial clerkship. “It’s an excellent preparation for teaching.” Becker once clerked for the Honorable Robert Krupansky of the U.S. court of appeals, Sixth Circuit.

Prof. Susan Becker

Among the four new faculty members this year is Visiting Professor of Law, Lai Peng-Cheng, Vice-Dean of Fudan University, Shanghai, China. He is teaching the Chinese Legal System here at C-M. His areas of concentration are International Law and International Relations. Peng-Cheng plans to be in Cleveland until January, 1992 and is expecting his wife to join him this fall. He stressed the importance of learning the legal systems of other countries to promote cultural understanding that students will pass from generation to generation. Students are no different here than they are in China, he said, “Students and teacher become friends first, then they learn each from the other.”

Prof. Lai Peng-Cheng

Associate Professor of Law, Dena Davis, began her professional career as a teacher. She never had to make a decision between the practice of law and the challenge of teaching it. Davis’ field, bioethics, is fast moving and ever-changing. She plans to continue her research initiated as a Fellow in Bioethics at the Cleveland Clinic. Davis told The Gavel “Our technological society is on a roller coaster heading for conflict among ethicists, lawyers, and medical professionals. There is an increasing distrust of the medical establishment to let go and the law is not yet prepared to deal with it. For example, who will decide an issue such as suicide committed by seemingly rational adults who would rather die than subject themselves to medical treatment that won’t allow them to die”. This and other issues are going to require cooperative efforts among professionals in the field of bioethics. Courses such as Bioethics are helping prepare law students to deal with this dilemma.

Prof. Dena Davis

E. Donald Shapiro, Joseph C. Hostetler-Baker & Hostetler Professor of Law is teaching Law and Medicine at C-M this fall. He has taught widely in this field, and has written the widely used text, Law, Medicine and Forensic Science (with Curran) 3d ed., 1982. Professor Shapiro will be interviewed for an upcoming issue.
Grading policy fails:
CWRU's policy gives them the competitive edge

By Kevin L. String

Cleveland-Marshall's grading policy will most likely effect each of us well beyond graduation. It is therefore imperative that all students become aware of exactly how it works, or even if it works. In the past, the focus of the debate has been on its internal application. Basically, students and some professors complained that this school's official grading policy called for too many C's resulting in unwarranted low student GPA's. Proponents of the policy were attacked for "grading down" students without a reasonable basis for doing so. Whatever the arguments were that had been presented to the faculty in hopes that they would reform their policy obviously did not pass muster, and the status quo carried the day.

However, a new dimension to this debate has been exposed which needs to be addressed by students and faculty alike. This student wrote an article for last May's Gavel. The student's article for last May's Gavel

- Comparison of CWRU grading policy with Case, OSU, and Cincinnati grading policies.
- Analysis of the impact of grading policies on the competitive advantage of students seeking jobs.
- Discussion of the unfairness of grading policies and the need for reform.

Compare to last year's C-M graduating class:

<table>
<thead>
<tr>
<th>Class</th>
<th>CWRU</th>
<th>Case</th>
<th>C-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>GPA</td>
<td>3.12</td>
<td>3.09</td>
<td>2.83</td>
</tr>
</tbody>
</table>

Even taking into account annual fluctuations, the differential is staggering. About twice the percentage of students graduating from Case than C-M have at least a B average. If anyone has met a Case law student, they know that they are no more intelligent than we are. That is why this doesn't make sense. I have heard that C-M has a reputation around town as a school that gives out many C's and interviewers take that into consideration. Somehow that just doesn't cut it with me. I'll take the 3.09 GPA, thank-you. Besides, not all of us are applying for jobs in Cleveland.

Ohio State's policy also renders their average student a markedly higher GPA. Professors there hand out number grades where a score in the range of 85-93 is a "B" and 93-100 is an "A". This system not only provides the students with impressive GPA's but also fine tunes class ranking in a way that our policy cannot. The bottom line with Ohio State, as with Case, is that their system makes the C-M student look inferior to the uneducated and unsuspecting eye. OSU's system is so favorable to the student that two or three B's can still render an A average. For example, at OSU a report card may look like this:

<table>
<thead>
<tr>
<th>Course</th>
<th>GPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACT</td>
<td>90</td>
</tr>
<tr>
<td>PROPERTY</td>
<td>91</td>
</tr>
<tr>
<td>TORTS</td>
<td>95</td>
</tr>
<tr>
<td>CIV. PRO.</td>
<td>96</td>
</tr>
<tr>
<td>TOTAL AVE.</td>
<td>93</td>
</tr>
</tbody>
</table>

This translates into a 4.00 GPA for the OSU student, but a C-M student would only get a 3.50 GPA! Unbelievable, isn't it? Last year's graduating class at OSU had 50% scoring 90 (B) or better, translated; the top 50% at Ohio State graduated with at least a 3.60 GPA! That means that a 2.83 GPA at C-M equals a 3.60 at Ohio State. Are OSU students smarter than us? I doubt it. Are they the beneficiaries of a grading policy that works for them instead of against them? You can bet on it.

Cincinnati has the A+ system like Case but wouldn't release rankings. My bet is that over half of the students have a B average or better. (I have since learned last year's graduating class statistics: Top 25% - 3.37, Top 50% - 3.12. No surprises here. We can't compete with Cincinnati grades either.)

Hey, it's wakeup time. If C-M's reputation is going to improve it seems to me that the first step is to catch up with these other reputable schools in grading policy. Shouldn't we follow Ohio State's lead instead of Akron's plight? (Akron: 25% = 3.06, 50% = 2.73, almost identical to C-M.) Shouldn't we be able to compete on the same level with Case and Cincinnati students in the open market? Law school is hard enough without getting C's thrown in our face when our competitors are getting B's. In light of this information, I now find our grading policy an unjustifiable hindrance to the furtherance of our careers.

So you are a first year student wondering how tough its going to be to get out of here? Consider how tough it was to get in. The Admissions Office processed 1600 applications during the 1989-90 academic year; a 22% increase over the last year. Offers were made to 665 people. This represents a significant reduction in the percentage of offers made to the applicant pool over the last five years. In 1986 the Admissions Office made offers to 78% of the applicant pool. This year 42% of the applicant pool were offered admission. Of the 665 offers, 329 registered.

Since 1988, there has been a 13% increase in applications from people of color; but there has also been an 8% decrease in African-American applicants in this same period; with an 11% decrease in male applicants and a 7% decrease in female applicants. Despite the decrease in African-American women applicants, women of color applicants have increased by 9%. Enrollment for 1990 includes 296 whites (90%), 17 Afro-Americans (5%), 7 Hispanics (2%), 6 Asians (2%), 2 Native Americans (.6%), and 1 East Indian (.3%).

The first year class mean LSAT score is 34. Last year's mean was 33 and the year before 32. Average GPA for first year classes has also risen from 3.05 in 1988 to 3.11 for the 1990 entering class.

Statistics were abstracted from the Admissions Report, 1990.
Rethinking Our Grading Policy
Another View...

By Professor Stephen J. Werber

In last May's issue of The Gavel Kevin String raised a serious issue concerning the grading practices at our College of Law. The "Grading Guidelines," although not mandatory, play a significant role in our grading practices. There is no doubt that our grading practices result in graduation grade point averages substantially below those of students who graduate from Case Western Reserve, Ohio State University, and other law colleges whose students compete with our own for positions in the Cleveland metropolitan area. Our grading policy, which was put into place more than fifteen years ago, has served admirably to prevent wide disparities between grades received by students in different sections of the same course and has had other beneficial effects. Indeed, the guidelines have enabled our College to resist the grade inflation which pervades the academic community. The need for such guidelines remains strong.

On the other hand, the guidelines present serious problems. The grade levels utilized tend to demoralize first year students leading to a loss of self confidence. The overall grade point averages strongly suggest that we do not think highly of ourselves, our students, or our College. Resistance to grade inflation, a noble endeavor, has now isolated our College of Law from grading realities.

Our faculty must reconsider its grading practices in light of the ever-increasing capabilities and performance of our students. Never before has Cleveland-Marshall College of Law witnessed such excellence in its student body as it has in recent years. This excellence is reflected in admission statistics and has had a limited beneficial effect in placement efforts. Moreover, when given the opportunity, our students have proven their worth in all aspects of the legal profession.

Mr. String correctly stated that "our grading policy is an unjustifiable hindrance to the furtherance of [students'] careers." When our practice places the median grade at C+ for first year students and less than a B for courses thereafter, the practice denies opportunity to our students. That firms also look to class rank is not a sufficient means to limit the harm. First, the firms look to grades as the initial starting point. Second, the firms equate low grades with high class rank to a faculty determination that its students are not competitive with students from other schools. This is simply a false assumption, but it is there and it is real. That our students are as good as those from any other school is a fact as evidenced by the quality of the practice our students engage in and by the performance of our extracurricular academic organizations. Our grading practices must reflect this reality. Our grading practices must also reflect, as discussed below, another reality. In any school as large as ours there are also a number of students who do not meet minimum standards.

To fully understand where I am coming from the reader must understand my view of Resistance to grade inflation, a noble endeavor, has now isolated our College of Law from grading realities.

What a grade represents. At the outset, a grade represents the grader's subjective belief as to the quality of the work he or she has reviewed. This subjective belief is based on his or her individual experience as a student complemented by the grading experience he or she has gained over the years. For many, the grade also represents an evaluation of the student in terms of his or her ability to practice law. For example, when I enter a grade of "A," I am saying that this student can practice effectively at any level. When I enter a grade of "F," I am saying that based on a given performance this student should not be permitted to practice law.

Our guidelines reflect the grading experience of faculty members who attended law school in the late 50s and early to mid-60s. The guidelines also recognize that an objective overlay is appropriate to provide similarity of meaning to the grading process. The primary problem we now face is that our grading practices no longer reflect the reality of the law school community as a whole nor the reality of the marketplace which our students seek to enter.

We can recognize these realities while retaining our integrity in grading. A somewhat different objective overlay does not mean that we are no longer grading with integrity, it means that we are recognizing that our individual standards are no longer based on a valid foundation. Any effort to modify present practices must take into account not only the concept of integrity, but also the reality of potential reaction to any effort to change the existing guidelines.

Any effort to change the grading guidelines will meet with enormous outcry. Some will demand a sterner approach and others a liberal approach. Students will be fed inaccurate information. Trauma will be manifest. This is precisely what happened a few years ago when guideline changes were proposed. An open forum in the Moot Court room was necessitated. The dialogue which ensued, a kind word for the events that transpired, served only to harden preconceived positions. To prevent a repeat performance change must take some other form.

Although I would like to see the guidelines modified, we can attain the result without formal change. What is needed is an intelligent application of the guidelines based on the existing "Range Permitted." At the higher grade levels, B and above, first year class instructors can enter up to 49% of their grades at B and above. In upper division courses the percentage rises to 62%. Professors who grade toward the top of the Range Permitted could be out of compliance with the ranges for the lower grades. Even this is not a necessity. In these courses the minimum number of C and C+ grades is 48% which allows 52% of the grades to be in the B or higher range.

Maximization of the Range Permitted category and flexibility in the office of the Dean as to acceptable grades can resolve the low grade point average problem without modification of the guidelines. The questions are whether the faculty will do it and whether our students will accept it.

The more difficult grading question comes not at the high range, but at the low. Teachers in upper level courses rarely enter grades of less than C. Even teachers in first year required core courses tend to avoid grades of D and F.
**Memoirs of a First Year Law Student**

by Joe Paulozzi

Dear Mom,

I've got to get out of here -- I just plaintiff can't take it anymore. Tell Dad I joined the priesthood. After this, those three little vows would seem like a vacation. It all started during orientation week. I should have known right from the get-go when they started feeding us those lines like, "it's not that bad" or "you'll get used to it", that I was in some deep trouble. Any normal person at that point would have been seriously questioning: #1, exactly what was to follow in the coming months, and #2, whether he wanted to be around to find out.

Well damnit Mom, the good new is, I stuck it out and made it through orientation week with flying colors. If nothing else, I've at least got that for my resume. Unfortunately, the bad news is, orientation week ended about five weeks ago . . .

Remember that nice college graduate son of yours with the boy-next-door image and clear complexion who merrily tripped off to law school a few weeks back? Well he's now a chain-smoking, caffeine-guzzling, strung-out insomniac --and that's before I thought I might be having a small problem adjusting.

Oh, sure, it's not as bad as being run over by a thousand dirt bikes (as you liked to say), but it's certainly no Stroh's twelve-pack either, (as Uncle Marty used to like to say).

It's not that I mind all the work -- although I do -- it's just that I've forgotten what it's like to be a normal, lazy, good-for-nothing bum who slides by on a minimal amount of effort while crackin' open his next beer. I'm developing all kinds of terrible habits like studying on the weekends, preparing for classes, actually taking by books home with me -- that are RED-ALLY making me nervous.

What concerns me more though, at this point, is how to counteract this ancient Chinese torture device that they threaten us with every day. They call it... The Socratic Method. It works basically just like the game show "Jeopardy", except with a maniacal twist: you're never correct and the questions keep coming. Its gotten to the point where Fran in the snack bar is even starting to stomp me with questions.

Its not that I mind all the hypothetical legal questions -- although I do -- its just that I'm sick and tired of asking "But what if?" to everything I hear, utter, think, perceive, argue, imagine, read, or dream about.

On a more positive note, I really believe that my new lifestyle is going to do wonders for my health and fitness. The healthy combination of eating nutritionally-superior vending machine food washed down with black coffee, "Jolt" Cola, and Pepto-Bismol while bench-pressing my contract and tort casebooks daily has done wonders for my physique.

I don't know Mom, maybe I'm not suited to be lawyer. Maybe I should have gone into under-water nuclear ballistic testing like Dad wanted me to. Oh yeah, and speaking of Dad, please tell him to stop requesting the song, "I Fought the Law, and the Law Won" and sending it out to me. It's really not helping matters.

In Jurisprudence,

Your Son,

The First Year Law Student

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**This Old House**

by Stephen S. Vanek

Sometimes, by virtue of its structure, law school can make the law and legal problems seem artificial and esoteric. After all, many cases read by law students are appellate cases and many are not too recent. While this works to illustrate a principle, it falls short of capturing any sense of involvement, any of the "grist" that drives the "mill" of the law. For students more interested in the active side of litigation, the Housing Law Clinic, offered by Cleveland-Marshall in conjunction with Case Western, is worth investigating.

The Clinic is the brain-child of several attorneys at Housing Advocates, Inc., a public interest law firm. Offered for the first time in the spring of 1990, the Clinic allows students from Cleveland-Marshall and Case to actually represent clients under the close supervision of attorneys from Housing Advocates.

The purpose of the Clinic is two-fold. First, it allows law students the opportunity to supplement their classroom experiences with hands-on clinical work and to develop such skills as client interviewing, counseling, negotiation, the drafting of pleadings, and other basic litigation skills. Second, it serves an important societal purpose by advancing the rights of tenants who otherwise could not assert them. The long-term effect of such representation may serve yet another purpose, namely to improve housing conditions by forcing landlords to repair and maintain (where such laws exist). In many cases, the threat of litigation is the only means of forcing landlords into compliance with these statutes.

Professor Steve Lazarus, one of several faculty representatives, believes that another important aspect of the Clinic is that it sharpen's the student's personal views on the law. By allowing the student to be part of the whole dynamic process, the effect is often that the cases and clients become more than an artificial illustration or a non-descript rule of law. Students learn, perhaps for the first time, what it means to influence other's lives while at the same time influencing their own. Few other experiences in law school can serve this function.

Students who participate in the Clinic are expected to attend weekly seminars in addition to time spent in the Clinic office. Students receive four credit hours upon successful completion of the program. Requirements for enrolling in the Clinic include: completion of two-thirds of the number of credits required for graduation prior to enrollment, registration with the Ohio Supreme Court, certification as a legal intern with the State of Ohio, and the completion of one course in Evidence, or concurrent enrollment. Certification as an intern is required in order to allow students to practice (with supervision) under the State's student practice statute.

Interested students should contact either Professor Steve Lazarus or Professor Frederic White for more detailed information before spring registration, as several State registration requirements must be completed before the Clinic begins.
by Kevin String

Since my first semester at Cleveland-Marshall I have wondered why student leadership, in the Student Bar Association is so mediocre, resembling more of a high school student council than a graduate school student organization. For example, during last year’s officer elections, the eventual winners to gain attention distributed tea bags with the message attached that as President and Vice President, they will make a great blend. That of course remains to be seen. But why do we have to be exposed to this sort of gimmickery? Why do unimaginative campaign posters blanket our walls before, during, and worst of all well after an SBA election?

The proposition that some people will do anything for a vote is alive and well at C-M. During last year’s officer elections, some candidates were rudely accosting fellow students at the voting table. Candidates were actually standing within ten feet of the ballot box pressuring fellow students to vote for them. So much for integrity. Other SBA fiascos such as the infamous “newsletter” are well documented and have already been entered in the SBA’s rapidly growing Hall of Shame.

But just when I thought that SBA couldn’t surpass itself in the audacity department, a letter from SBA senator Deborah Wainey appeared in the May issue of last year’s Gavel. Wainey expressed gratitude that The Gavel was resting over the summer because she was tired of reading “vindictive” articles about those few (like her) who get involved. Evidently she doesn’t consider formal expression of one’s opinion through The Gavel a valid form of participation. While she gives great deference to those like her who spend their valuable time attending SBA meetings, she shuns those who spend their equally valuable time writing to The Gavel. She even goes so far as to characterize this type of expression as a form of apathy. Well, so much for rationality too.

Wainey’s message of elitism rings loud and clear; if you’re not one of us then your opinion doesn’t count, or when we want your opinion we’ll ask for it, and we’re not asking. As an elected senator, Wainey should be grateful that concerned students take time to write down their thoughts for public scrutiny. Instead, she seems resentful that students who write editorials containing harsh messages about certain people or organizations aren’t as truly concerned as SBA members.

Such arrogant rejection of student complaints about any organization is a clear breach of her duty as a senator. After all, aren’t letters written in hopes that our leaders will get the message? And aren’t senators supposed to be student advocates? The answer to both of these questions is obviously yes, but to me it seems crystal clear that Wainey has answered, no. This response by Wainey is a form of apathy far more offensive that the kind she alleges. It’s too bad that some SBA members often times gets defensive over criticism, but if their egos can’t take the heat they don’t belong in leadership roles.

This brings me to two points, or requests, I’d like to make. First, I want to encourage all students to use this forum as a vehicle for airing your opinions, compliments and criticisms alike -- no matter what the SBA says to discourage you. Second, I call on the SBA to begin reform by eliminating the election process and replacing it with voluntary entry. I stand by my belief based on observation and certain letters to the editor that an election tends to attract exactly the type of personalities that we don’t want in leadership roles.

This, of course, is not to say that there aren’t quality people in the SBA or that the SBA serves no useful function. On the contrary, the SBA is a valuable student organization, but it should not have to resort to a juvenile election process to perpetuate its existence. To put it simply, we’re adults now, and it’s time for the “vote for me” syndrome to stop. Let entry into the SBA be voluntary and then have in-house elections for officers like other campus groups do. We are law students, not high school kids.

After all, is it fair to deny entry into a campus organization because an aspirant didn’t get enough popularity votes? Of course not, yet in last year’s election, second year day student, Amy Patterson, was denied the opportunity to be a senator by one vote. I cannot help but wonder how many senators and officers would have disregarded the SBA had it not been for the thrill of being elected. Conversely, I can’t help but wonder how many truly concerned individuals were denied membership due to this process. It’s time for the SBA to turn off the elections and bring integrity to their own program. If not, what’s in store for us next, a Barrister’s Bash Queen?

The GAVEL

Editorial: SBA Must Grow Up

Do students even know who they’re voting for?
The Gavel

student organizations

moot court

by Julie Meyer

The Moot Court Board of Governors is a student organization and program designed to develop and refine brief writing and oral advocacy skills. No other course in law school demands as much effort or produces such practical benefits. Participation in Moot Court challenges the student to embrace research, writing, legal analysis, and oral advocacy. Such skills are essential to the legal profession.

All students who have completed one year of law school, and who have at least one full year of studies remaining after becoming members of the Board, are eligible to compete for a position on the Board. Two competitions for Board membership are held each spring semester. One is entered by students who complete the core course in legal writing and the other is entered by students who have completed Advanced Brief Writing.

Moot Court teams travel to such cities as New York, Chicago, San Diego, and throughout the Midwest. The competitions involve such diverse areas as Constitutional Law, Labor Law, Criminal Law, Tort Law, and Evidence. Teams from Cleveland-Marshall have competed with success against teams from schools on a nationwide level, and in so doing, have achieved a reputation of excellence. Since 1985 our teams have earned eight (8) first place brief awards and have won the Regional VI National Moot Court Competition, the Benton National Moot Court Competition in Information Law and Privacy, the Cardozo Entertainment/Communications Moot Court Competition and the Jerome Prince Invitational Evidence Competition. In the 1990 Products Liability Competition we were finalists.

For an opportunity to see what Moot Court is all about, attend our annual fall Moot Court Night Competition on November 8th in the Moot Court room at Cleveland-Marshall. The two teams on their way to the National Moot Court Competition will square off against each other in front of well-respected area judges. Moot Court is an important and influential addition to any student's curriculum. The challenge is as great as the reward. For further information, contact Julie Meyer, Moot Court Chairman, in room 17 of the Law Building, Professor Weinberg, or call 687-2338.

(Continued on Page 9)

law review

Law reviews are the scholarly journals of the legal profession. In general, law reviews publish articles on new legislative developments and their legal impact, in-depth analysis of an area of the law from a historical perspective or with a current focus, articles concerning recent case law and its significance, and reviews of new books important to the profession. Practitioners, judges, professors, and students all rely on law reviews for information. In contrast to other fields, the scholarly publications of the legal profession are, for the most part, managed and produced by students.

The Cleveland State Law Review, now in its thirty-ninth volume, is a journal with a proud tradition. Four times each year, the Law Review publishes articles of both local and national significance. Past authors include Shirley Hufstedler, Archibald Cox, Irving Younger, Geoffrey Hazard, and others. Subscribers to the Review include members of the bench as well as the bar and libraries, universities and law schools from Alaska to New Zealand.

Students may be invited to join the Cleveland State Law Review as Associate members at the end of their first year of legal studies either by virtue of ranking in the top ten percent of their class or by successfully competing in a writing contest during the summer following their first year. During their first year of Law Review participation, Associate members take part in the editorial work of the Law Review and produce a comprehensive Note on a topic of their choice. A select number of these Notes are published in the Law Review the following year. Successful completion of the Note may also satisfy the upper level writing requirement.

Students who satisfactorily complete their Associate year attain the rank of Editor, assuming supervisory duties over the Associates and becoming more involved in both editorial and policy-making functions.

Membership on a law review has been the traditional mark of an excellent law student. The "resume value" of working on the Cleveland State Law Review cannot be overstated; many of the larger law firms only interview and hire students with law review experience. However, the less tangible benefits are equally important: the opportunity to develop one's skill as a writer, as an editor, and as a researcher.

Any questions about the Cleveland State Law Review can be directed to the Editor-in-Chief, June Mary Makdisi, in Room 22 of the Law School, or by calling 687-2336.

women's law caucus

By press time, the Womens' Law Caucus will have sponsored three programs. The first program, a reception for students to meet the women faculty and staff was well attended. The room was filled to capacity prompting WLC to assure those attending that next year a larger room would be reserved. Two additional programs were offered in September: Imagery, co-sponsored by the SBA in cooperation with Career Placement, was a program that taught students how to put their best foot forward in job interviews and included segments on dress and body language, and, "How to study in law school" which included a panel of students and professors giving their views on the most effective way to prepare for classes and exams.

Coming up, Saturday, Oct. 7, WLC and Career Placement will sponsor "Super Saturday" and event for day and evening students intended to provide an opportunity to explore approximately ten areas of law in break-out sessions conducted by alumni practicing in the field. Information about "Super Saturday" will be...
Phi Alpha Delta

Phi Alpha Delta is the largest international law school fraternity in the country, consisting of over 120,000 members. Our list of alumni includes judges, lawyers, and politicians who have made notable contributions to the legal and political history of our country. Phi Alpha Delta was also the first law school fraternity to accept women as members.

The Mech Chapter, here at Cleveland-Marshall, consists of students dedicated to "bridging the gap" between law school and the professional community. We attempt to accomplish this task by presenting a variety of educational and social programs. Among the activities we are planning for the 1990-91 term are: a lecture by an expert in a legal or law-related field, educational assistance for first year students, fund raisers, induction ceremonies, and various social activities. Our first social was on Thursday, September 6th, and was well attended. Our next social is going to be on Thursday, October 18th, at 4:00 p.m. Also, we are planning on going to a Cleveland Cavaliers basketball game and, in the spring, a Cleveland Indians game. There might also be a ski trip to Pennsylvania this winter.

The Phi Alpha Delta officers this year are: Lisa Brown, President; Cincy Colohan, Vice President; Amy Virant, Secretary; and Rick Carpinelli, Marshal. If you would like a membership application, or just have a question, drop a note into one of our mailboxes, or stop by our office, which is located in room 27.

National Lawyers Guild

The National Lawyers Guild (NGL) is a nationwide organization of lawyers and law students which was founded in 1937. As a national group, the NGL has provided a variety of services within its goal to use the law as an effective political and social force in the service of the people. NGL lawyers and student members of various national chapters have participated in a variety of community projects, committees, and task forces which operate to serve people and effect social change. The national office for the Guild is based in New York and there are nearly 100 chapters throughout the U.S. in cities and on college campuses. Cleveland-Marshall College of Law has a local student chapter. The city of Cleveland also has a lawyers' group.

The NGL at Cleveland-Marshall has in the past attempted to provide students with information regarding social issues and the law through guest speakers, films, articles and other resources. This year the chapter hopes to organize activities which will give students an opportunity to combine what they learn about the law with their own interests in social issues.

The local NGL chapter is small and is always looking for students to participate. New Participants are especially encouraged to join us now as we plan for this year. Your input can focus the group on your particular interests and ideas. The time restraints of law school are well understood by all members and therefore, any time that members can contribute to the group is appreciated.

Stop by the NGL office in Room 25 in the basement, or look on the Guild bulletin board outside Room 12 for more information.

WLC

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distributed via mail boxes and posters beginning Oct. 15. Other programs now in planning stages will be announced in the next issue of The Gavel.

Sales of sweats, T-shirts and mugs will begin soon. Remember, be sure to order now if you want to use these items as holiday gifts. Reminder that to use a mug will conserve on the use of styrofoam that ends up in the land fills. The Graduate's Stein, now on display at the information desk, should be ordered now for delivery within six to eight weeks. Order blanks are at door of Room 26. These steins are personalized and prepayment is required.

Proceeds from all WLC sales are used for programs and scholarships.

1990-91 WLC officers are: Eileen Vernon, President; Amy Patterson, Secretary; Diane Meess, Treasurer. Vice-Presidents are: Kay Furio, Lynn Lorritts, Manuela Saric and Barbara Oswick. WLC Faculty Advisor is Stephen Lazarus. All students are encouraged to participate; there are no dues.
C-M Welcomes Melody Stewart

by Lawrence Watson

On September 10, 1990, from 5:00 p.m. to about 6:30 p.m. in the faculty lounge, Dean Smith hosted a round-table for minority law students at Cleveland-Marshall College of Law. The purpose of the informal get-together was to introduce the student’s to Melody Stewart, the school’s new Assistant Dean of Student Affairs. Ms. Stewart was happy to talk to students and said she would pursue an open-door policy with regard to the concerns of both day and evening students. “My goals are simple,” said Stewart. “I’m interested in helping the students that are here already to do better. I think that if you want to attract the better students, you should start by cultivating the talent already at your disposal.”

Her background in litigation gives her a deep respect for preparation, and she further said, “It’s up to the students to perform on exams and in classroom lectures, but there are things we could look into to make the resources more available.” Although she didn’t outwardly recommend the use of commercial outlines when preparing for mid-term or final exams, she did admit that their use in law school is a reality.

She responded positively when it was recommended that some organized effort be made to investigate and establish more scholarship money for students who find themselves financially strapped by the costs of law school. There are resources in the alumni and in the community that would be happy to help students find the money to buy books, outlines, and meet expenses during that period of time after graduation but before the actual Bar Exam, she commented. “Students who have to work while studying for the Ohio Bar are at a serious disadvantage.”

“Again these are topics we should bring to the alumni. We have an impressive array of alumni and it would be a waste to overlook the potential help they could be to today’s students,” she said. “After all, they’ve been here. They know the drill.”

Stokes removes name from Scholarship calls scholarship a mockery

by Kim Lloyd

Angered by a September 10th article printed in the opinion section of the Plain Dealer, Judge Carl B. Stokes has revoked the use of his name from an annual scholarship for black students at Cleveland-Marshall. Created by the Urban League in 1969, the $300 achievement award honored Stokes himself as the first black mayor of a major city. Stokes was quoted in the Plain Dealer as saying that the scholarship had “became a mockery.”

The article was written by CSU Vice President Jan Muczyk. In it, Muczyk called for public support in light of the events surrounding the Winbush controversy by “let(ting) politicians know through letters, petitions, telegrams and phone calls that CSU can solve its own problems, and that political intrusion is unwarranted and will not be tolerated.” After reading the article, Judge Stokes wrote a letter to CSU President John A. Flower saying, “Your refusal to respond to the politicians and their electorate who created the school, and fund it annually, mirrors the intransigent refusals of your predecessor Walter Waetjen, whose similar failures brought CSU and the city national disgrace, supervision by the federal government, and documented findings of racism in the university’s policies and practices.” He further charged that Flower has “failed to exercise the leadership and carry out the precedents established by Harold Enarson (CSU’s first president).

Judge Stokes helped to create CSU in 1965, raised funds to begin the Urban Studies Chair and gave his name to the annual student scholarship recognizing a black student’s achievement at Cleveland-Marshall. CSU spokesman Ed Mayor said Stokes’ wishes will be complied with but refused to comment further.

"quotable"

"make no little plans, for they have no power to stir men’s minds."
- Daniel Burnham

"Time is the most precious gift in our possession, for it is the most irrevocable."
- Dietrich Bonhoeffer

"The world belongs to the energetic."
- Ralph Waldo Emmerson

"Others may hate you, but they will never win -- unless you hate them back. And then you destroy yourself."
- Richard M. Nixon (Tricky Dick)
Werber on Grades

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Grades below B are rare in both Legal Writing and first year Perspective courses. Several teachers consistently enter no D or F grades in first year classes. Most teachers of first year courses enter far fewer such grades than permitted. The results of our refusal to recognize that some students do not perform to minimum standards, for whatever reason, leads to graduating students who fail the bar repeatedly before ultimate passage; who practice at minimal or worse levels of competence; and whose record weakens the reputation of our College. These results are detrimental to students, faculty, and the University.

The solution to the grading problem, and it is a problem, is simple. Faculty members must use the guidelines to raise the minimum grade point average and, at the same time, be more willing to enter failing grades. This will not be easy. Teachers have individualized standards of good and bad and do not suffer interference lightly. Nonetheless, it can be done. It should be done.

Editor’s Note: Professor Werber is one of our senior professors as he joined our faculty in 1970. He was a member of the Committee which first developed the Grading Guidelines. As Faculty Advisor to the Moot Court Board of Governors he has had ten years experience in comparing the quality of our student body to the best that other schools have to offer.

The GAVEL

photographs and memories

SBA SOCIAL WELL DONE

... by the way, where’s Angie?

An unidentified student tries to make time with a married student.

2nd year students Dave Reuven and Bob Whay enjoy their first taste of beer. They think they're going to like it.

I’m sick of pouring beer. I QUIT !!!!!

SBA provides plenty to eat and drink for first social.

All photos property of Clicko family photographers. Ask about our free turkey offer for group photos.

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Anonymity of Grading Procedure

By Kay Benjamin

It has come to the attention of the Dean, Faculty and Administrative Staff that many students have the perception that the exam grading process is not anonymous. This revelation was disturbing to all and this article is written to try and correct this impression. We also request that you respond to the survey at the end of the article which will assist us in making any necessary changes to make the anonymity of the exam process one in which you have complete confidence.

Exam Numbers: Exam numbers are available the last two weeks of class, reading week and the exam period. Each student is expected to take an exam number every semester. This number is to be used for each exam and will be used in reporting grades and reviewing the exam booklets. The exam number cards are color coded for easy identification. The exam numbers are keyed into a database system which is accessed by secret code and when an exam number list is printed, it is kept in a locked cabinet in the student records office. It a student misplaces the exam number during exam time he/she will be given the number if a student ID is shown or the student may be asked to take another number. This procedure of verifying an exam number for a student with proper ID is in effect throughout the exam process and as long as grades are posted on the bulletin board.

Grade Reporting: Grade reporting is a two-step procedure. After examinations have been graded, the professor enters the exam numbers and exam grades on a Law College Examination Grade Report form and submits this form to Kay Benjamin. She then places the student names next to the exam numbers and keeps the original on file and returns a photocopy to the professor. Any adjustments for class participation, assignments, attendance, etc. as stated by the professor and/or class syllabus may be made at this time. The professor then submits the final grades on the Law College Examination Grade Report along with a College of Law Advisory Grade Distribution Summary Form. The completed grades are given to Associate Dean John Makdisi or Dean Steven Smith for approval and then posted by exam number on the grade board.

Exam Review: Exams are available for review two weeks after the grade deadline and are shown for a total of four weeks. Spring exam booklets are shown for two weeks at the end of spring semester and again for two weeks at the beginning of fall semesters. A student must know his exam number to see an exam. This number will be provided by Kay Benjamin, if necessary. Students may not remove an exam from the viewing area. If a conference is scheduled between professor and student, the professor requests the exam to be pulled and the exam is given to the professor. If an adjunct professor requests an exam for a conference, we xerox the exam as a safeguard and mail the original to the professor.

What happens if things go a little haywire?
Scenario - A student rushes into an exam and forgets to get an exam number (even though exam numbers have been available for several weeks) and makes up a number, uses a portion of a social security number or horror upon horrors uses a number from a previous semester!

It is expected that the student will notify the records office immediately after the exam should any of the above situations occur. If a student makes up a number, uses a portion of a social security number, or uses a number from the previous semester, that number will be recorded in the data base system for that exam only and the student will be asked to take official exam number card for the remaining exams. If it is a number that has been assigned to another student, a new number will be assigned to take the place of the made-up number and the professor will be advised to make the correction on the bluebook.

If a student transposes the numbers she/he should again notify the records office as soon as possible so that the reporting process continues in an efficient manner.

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<td>1. DO YOU FEEL THAT USING AN EXAM NUMBER ASSURES YOU ANONYMITY IN THE EXAM PROCESS?</td>
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<td>2. Exam numbers are made available at the reception desk. It has been noted that if a crowd of students are picking up numbers at the same time there is a tendency for students to see the numbers picked. The numbers used to be placed in numerical order so that it was easy to guess who had what. Now exam cards are shuffled with the thought that a nosy person would be thwarted. SHOULD THERE BE A DIFFERENT SYSTEM IN DISTRIBUTING EXAM NUMBERS?</td>
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<td>3. It has also been noted that students unknowingly reveal their number to others who checking grades on the board. Many students hold something up to the grade sheet to isolate the number for all to see or point to the number and then announce the grade. Then complaints are heard that so &amp; so student knows my exam number and all my grades. SHOULD THERE BE A CHANGE IN THE WAY IN WHICH GRADES ARE POSTED IN ORDER TO ASSURE ANONYMITY?</td>
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<td>4. DO YOU HAVE CONFIDENCE IN THE ANONYMITY OF THE GRADE REPORTING PROCEDURE STATED ABOVE?</td>
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<td>5. WHAT WOULD YOU CHANGE ABOUT THE GRADE REPORTING PROCEDURE THAT WOULD GARNER YOUR CONFIDENCE IN THE SYSTEM?</td>
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<td>6. Based on space and staff availability the exam booklets are shown at the main counter on the first floor during designated times. Exam booklets are stored for two years and then destroyed. DO YOU FEEL THE EXAM REVIEW PROCESS MEETS THE NEEDS OF BOTH DAY AND EVENING STUDENTS?</td>
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<td>7. WOULD YOU CHANGE ANYTHING ABOUT THE REVIEW PROCESS?</td>
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Please complete and return to the Information Office on the main floor.