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Cleveland-Marshall College of Law

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Conservative/Liberal Face Off



With the conclusion of the presidential election, Gavel columnists explore the possibilities of a truly united nation.

OPINION, PAGE 9

Drug Convictions Block Aid

Federal law prevents students who have a state or federal drug conviction from obtaining financial aid. The Gavel evaluates the rationale and effects of this legislation.

LAW, PAGE 3



Go to the Back of the Bus

The Gavel completes its two-part series on Project 60, the state law which allows seniors to audit public university classes.

LAW, PAGE 2



THE GAVEL

VOLUME 53, ISSUE 3 DECEMBER 2004 THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

C-M explores architectural options

By Ryan Harrell  
STAFF WRITER

Brutalism was an architectural movement that enjoyed its halcyon years during the 1970's. As the name suggests, buildings in this style consist of heavy, unrefined materials such as bare concrete and load-bearing masonry walls used as both exterior and interior aesthetics. This architectural style is present everywhere in the law building, built in 1977.

The energy crisis of the 1970's dovetailed with Brutalism's fortress-like sensibilities, resulting in heavy, windowless structures that were easy to heat. This style, however, fell out of favor with the advent of more efficient building systems and changes in architectural thought, which moved toward lithe, humane structures with more natural lighting. C-M's law library is a good example of such lithe.

Juxtaposition with the library has highlighted the predicament

See PLANS, page 3



Peter Kirner-Gavel

The Enduring Legacy of "Brown vs. Board"

Prof. Charles J. Ogletree, Jr. spoke on Nov. 9 about his experiences coming of age during the first post-Brown generation of African American citizens.

Ogletree's latest works, "All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education," has been hailed by historians, legal scholars and moral philosophers as a compelling narrative of his experiences.

SBA spearheads job recruitment initiative

By Christopher Friedenberg  
STAFF WRITER

The slate that won the Student Bar Association officer slots this fall, self-dubbed the "Integrity Party," made campaign promises to improve employment opportunities for Cleveland-Marshall College of Law students. Led by newly elected SBA President Nick DeSantis, 3L, the SBA is planning several new initiatives.

According to DeSantis, the student government hopes to co-sponsor an event with C-M's Office of Career Planning (OCP) that would help students secure employment with small to mid-size law firms during the spring semester. The SBA hopes to sponsor an additional networking event to help students make contacts with Cleveland area employers. The SBA has also formed a career planning committee, chaired by Michelle Maheu, 1L, whose mission is to identify and address student

concerns regarding the OCP.

Jayne Geneva, director of the OCP, confirmed that she met recently with both DeSantis and Maheu. "It is not an antagonistic relationship," said Geneva. While any effort that would increase the presence of small firms on C-M's campus would be welcome, "the crux of the matter is that it is not cost-effective for small firms to interview on campus," said Geneva. "Unlike big firms that can absorb over-hiring and do public relations, the small firms can't give up a day of billable hours to interview for one or two openings."

According to Geneva, "Most small firms don't even plan to hire until the spring." For students seeking jobs at small firms, Geneva said that those jobs were offered at various intervals throughout the year. "You have to dig for them on E-attorney and students often ignore resume collect and resume

See JOBS, page 2



Study Smart

1. Use your own materials.
2. Study reasoning rather than case names.
3. Prepare study outlines.
4. Develop an issue-spotting approach.
5. Practice exam writing.
6. Think positive.
7. Rehearse your exam two days prior to taking it.
8. Visualize success.
9. Eat right and get enough sleep.
10. Exercise.

2L frustrated with call of duty

By Christopher Friedenberg  
STAFF WRITER

Have you ever been called to be part of the courtroom action? C-M's Kristin Boggs has. The 2L has been called to jury duty five times over the past year.

Around Thanksgiving of 2003, Boggs received a letter of notice from the Northern District Court of Ohio. After filling it out and sending it back, the court began asking her to show up for jury duty. "I called them and told them that I was a student and they deferred my time to serve," said Boggs. "But they continued to call me during the school year."

Boggs was told the "only way to break the cycle was to show up and have the lawyer excuse you, that way it counts as time served."

So Boggs planned to make her court appearance to put her civic duty to rest, until the trial she was supposed to serve got postponed to the day that was scheduled for a mid-term exam for Prof. Weinstein's class.

Although Weinstein tried to help his student extricate herself from the scheduling conflict by asking Asst. Dean Jean Lifter to write a letter for Boggs to give to the court to excuse her from jury duty, Boggs was obliged to defer again.

"I'll probably get called again over winter break," said Boggs. "Besides the fact that sitting as a juror is the last thing I want to do after finals, it also interferes with the only time I have to work and make money."

"In the 25 years I've been teaching, this is the first time I have had a student have jury duty potentially interfere with classes. Then again, I've never been called for jury duty as a professor nor when I was a student," said Weinstein.

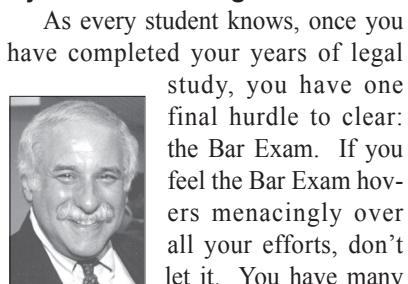
But, other C-M students have mentioned that they have not found themselves immune to the call of jury duty.

In most cases, the summons was quietly deferred until an agreeable court date, at which point, the potential jurors were usually excused from further duty. Or not so quietly deferred, as Boggs explained, getting a deferment "usually isn't a big deal, except for the one time the lady yelled at me."



# Bar exam success secrets

By Steven H. Steinglass



## The Dean's Column

As every student knows, once you have completed your years of legal study, you have one final hurdle to clear: the Bar Exam. If you feel the Bar Exam hovers menacingly over all your efforts, don't let it. You have many allies and advocates within the law school whose concern for your performance is as great as your own. And we have a plan to make it happen.

Last year, a special faculty committee (the "Committee"), chaired by Prof. Patricia J. Falk, took a thorough look at the Ohio Bar Exam and developed a strategy for improving the performance of C-M graduates on the bar. In short, following a careful review of what we have been doing at this law school and of successful programs at other law schools throughout the country, the Committee proposed: (1) enrolling a smaller and stronger entering class without neglecting the law school's historic commitment to opportunity; (2) increasing scholarship resources; and (3) hiring a Bar Exam coordinator and implementing a comprehensive bar support program. Members of the 2004 entering class are the first group of students to be able to avail themselves to all the plan's innovations, but there are abundant opportunities for returning students to reap its benefits as well.

Simply put, the plan envisions a smaller and stronger law school. For many years, we have been the largest law school in Ohio, but the plan calls for the law school to cede that title and to become one of the best. And why not? Our program of legal education is as strong as any in the state or region. Our faculty consists of committed teachers and scholars. Our students bring academic strength and a range of experiences to the law school. Our alumni, both regionally and nationally, are deeply committed to the law school, and our community has more resources than the rest of the state combined. We also have the strong support of CSU and the Board of Trustees, and we are part of a university that is redefining itself and renewing its commitment to excellence.

It is important to state outright, however, that the success of the plan rests heavily on your own perseverance. Every student must have trust in the confidence we had when we accepted him/her into our school. Quite simply, we would not have admitted you without a strong belief that you would be the kind of lawyer we would one day claim with pride. That said, the plan is only as good as your commitment to becoming

See DEAN, page 8

# Project 60 elicits varied responses

*Students, faculty and participants voice their concerns about the program*

By Eric W. Doeh

MANAGING/NEWS EDITOR

*This is the second in a two-part series examining the state-wide program which permits any person over the age of 60 to attend public universities tuition-free.*

About 25 years ago, the Ohio legislature enacted the Ohio Revised Code § 3345.27, mandating that all state universities and colleges permit any person 60-years-of-age or older to attend school on a tuition-free basis.

However, the legislation allows for each university or college to set rules for determining the availability of classroom space.

Complying with the legislation, CSU created "Project 60," specifically designed to allow Ohio residents age 60 years or older who have been a resident of the state for at least one year to enroll in classes at the university and any of its colleges tuition-free.

According to C-M Assistant Dean Jean Lifter, who serves as a liaison between Project 60 students and C-M professors, any student who wishes to enroll in a law class must first obtain consent from the professor. Lifter said, unlike traditional students, Project 60 students must register for classes after the last day of registration.

Donald Lesiak, a Project 60 student, said, "One of the problems with Project 60 registration is that it is always scheduled for each se-

mester the Thursday before classes start by which time registration has been closed for all classes."

Elaine Vincent, coordinator for CSU outreach programs, said that two days before classes begin, seats that have not been sold are available for Project 60 students. Vincent said students who want to enroll in courses at CSU must contact her office. "The university does not want Project 60 students taking seats from degree-seeking students," said Vincent.

Lesiak said by not allowing Project 60 students to register at the same

whether there were any available seats. Lesiak was later contacted and told that no seats were available.

However, in a later class, Lesiak met with a female Project 60 student who was admitted to the

students are allowed enrollment, a professor may decide whether that student may participate.

"If you treat these students with respect, you won't have any problems with them. If they want to engage you with questions and comments, I speak with them after class," said Prof. Kevin O'Neill.

There are professors who encourage participation. According to Prof. Lolita Buckner Inniss, "I welcome a good question that is relevant and beneficial to the class. If a question is not relevant, no matter the source, I will defer."

Many students at C-M have expressed favorable opinions about Project 60 students.

"Except for a random few who tend to use class time to locate answers to their specific personal concerns, most actually add to the class by giving another perspective based on their life experiences," said Meghan Schane, 3L.

According to Tom Stuckard, 3L, "It is good to have people who want to further their education regardless of their age."

There are some students and professors who believe that Project 60 is not such a great idea.

"I think that the seniors should not be allowed to participate, or participate in only a limited capacity. Frankly, they are distracting," said Brian Ambrosia, 3L.

Even professors who believe that Project 60 is a good idea feel that some of its students can be a distraction.

"I have had two students over the years who have behaved in inappropriate ways, and dealing with them took time and energy away from the enrolled students," said Prof. Dena Davis.

Currently, there are no limits as to how many courses a Project 60 student may enroll in. However, the classes are taken on an audit basis and Project 60 students do not earn a degree.



same class that he had been told was completely full.

Professors and students at C-M generally seem to share a favorable disposition about the program. "I think Project 60 provides a wonderful opportunity for persons with open and inquisitive minds to expand their horizons," said Prof. Susan Becker.

Both Lifter and Vincent insist that the professor has the ultimate authority as to whether a Project 60 student is allowed in his or her class.

Lesiak disagrees. "By the O.R.C., professors have the final authority over a student attending their class, but they are influenced by the law dean and the assistant law dean, Jean Lifter."

Even in classes that Project 60

## JOBS: Student reps plan for more on-campus interviewing options

Continued from page 1--direct."

"As I told Nick [DeSantis], 75 percent of all kinds of jobs are found through networking," said Geneva. One particularly effective way of networking for students is to attend continuing legal education seminars, Geneva suggested. "They're free for students in almost all cases, and almost entirely attended by practicing lawyers who are required to get their CLE hours in." The OCP has upcoming CLE events posted prominently in the corridor space by their office.

Why did the SBA form a career planning

committee? According to DeSantis, "A lot of students have expressed a feeling that career services does not do enough to help the ordinary C-M student find employment." While recognizing that some students are unaware of many of the practical obstacles that the OCP faces, DeSantis said there is always room for improvement.

The SBA hopes to "improve placement among students not in the top 20 percent by working with career services, and by the SBA providing programming of its own," said DeSantis.

"There's 800 or so students at C-M, and two of us in the office of career planning,"

said Geneva. "Actually, our office has recently been getting calls from law students from Toledo and Case asking us to help them find a job." C-M's OCP has a placement rate that is higher than the national average, said Geneva.

The local job market remains competitive. Geneva said, "Until corporations are making money, law firms are playing it close to the vest, hiring conservatively."

According to Geneva, successful job-seeking law students have told her that it takes as much time finding a job as taking a course. "There's no easy way," said Geneva, "you have to dig and keep digging."



# Government does not aid drug habits

By Tom Szendrey  
STAFF WRITER

“Have you ever been convicted of possessing or selling illegal drugs?” There has been much debate over question number 31 on the Free Application for Federal Student Aid (FAFSA). How much of an impact does the federal policy of banning aid to students who have been convicted of a drug offense affect C-M students?

According to Catherine Buzanski, C-M’s financial aid administrator, there has been almost no impact. However, she added that it is possible that students who know they will not be eligible for federal aid do not seek assistance from her office.

President William J. Clinton enacted the law in 1998. Since July 2000, students with a state or federal drug conviction for selling or possessing drugs (not including alcohol and tobacco) are excluded from federal aid. The time period ranges from a minimum of one year up to a lifetime ban.

In 2002, the United States Department of Education reported that over 29,000 students were denied aid as a result of a drug conviction.

If a student has finished an acceptable drug rehab program since his or her last conviction, the student becomes eligible.

Buzanski recalled a situation that involved a student who had documentation of rehab. Because of the rehab, the

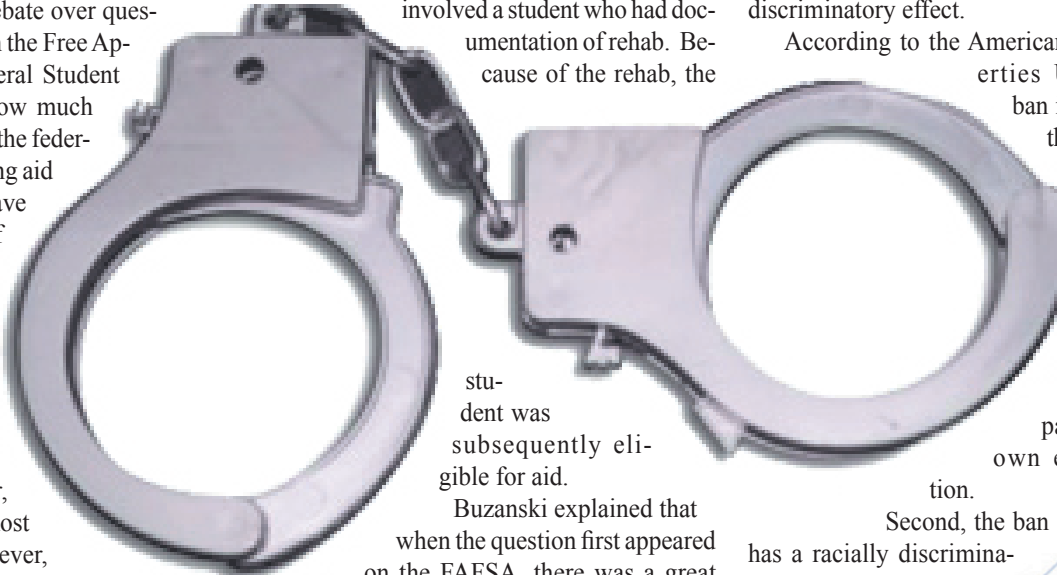
armed robbery.” Many groups also argue that, since drug law enforcement is racially discriminatory, the effect of the ban on aid has a similarly discriminatory effect.

According to the American Civil Liberties Union, the ban is wrong for three reasons. First, the law discriminates against people who are not able to pay for their own education.

Second, the ban has a racially discriminatory impact. Third, banning access to education is counter-productive.

Even Rep. Mark Souder (R-IN), who wrote the law, is not pleased with the way the law has been enforced. “This provision was clearly meant to apply only to students convicted of drug crimes while receiving federal aid, not to applicants who may have had drug convictions in years past,” said Souder. Souder supports changing the law to reflect the original intention: providing an incentive for college students to follow the law.

Students who have been affected by this ban have found some support. At some schools, a student who has been denied federal aid is offered an increase in school aid to compensate. Other organizations have sponsored scholarships to help the students stay in school.

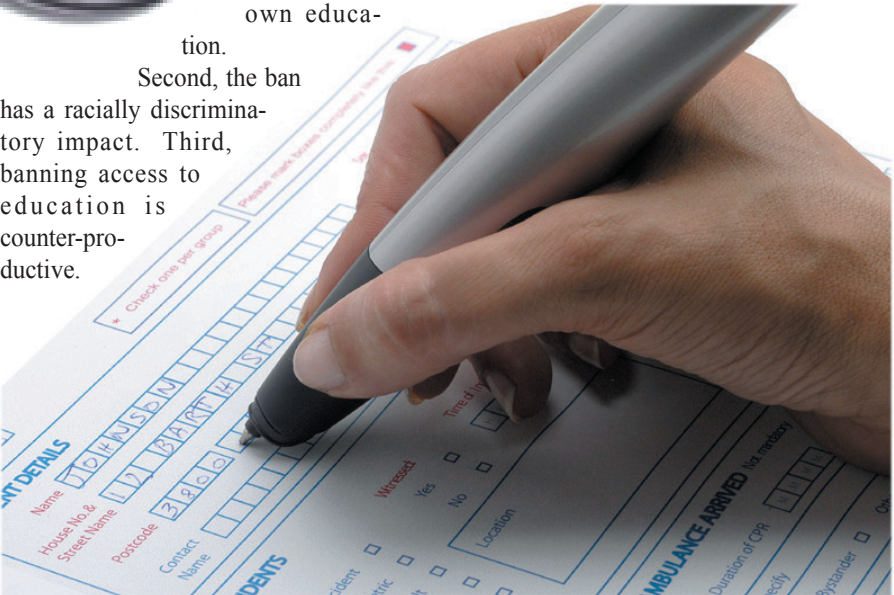


student was subsequently eligible for aid.

Buzanski explained that when the question first appeared on the FAFSA, there was a great deal of confusion. Some students did not answer the question at all, which meant their application could not be processed.

Also, financial aid officials were not prepared to deal with the many questions. “We had to learn. It was a lot of time at conferences, video presentations and discussions,” said Buzanski.

Numerous groups oppose the law. In fact, Rep. Barney Frank (D-MA) has introduced legislation that would reverse the ban. Concerned about the disparity of the law, Frank said, “There is no automatic ban for any other offense such as murder or



## PLANS: C-M plans for multi-million dollar face-lift

Continued from page 1-- the law building now faces. However, the \$5 million gift from Bert and Iris Wolstein will allow C-M to make improvements to the law building, renamed Wolstein Hall. This revitalization started in 2001 when an earlier Wolstein gift enabled Braun & Steidl Architects, an Akron-based firm, to move forward with schematic plans and architectural renderings.

These proposed changes were separated into two categories: changes in the appearance of the building itself and changes in the way the building functions as an educational facility. In the former category, the plans call for a grand entrance oriented to Euclid Avenue, similar in style to the colonnade that marks the East 18<sup>th</sup> Street entrance to the library.

This façade would also feature glazing similar to that used in Monte Ahuja Hall (CSU James J. Nance College of Business Administration) to forge a unity between the two sides of the street. Inside, the atrium would be drastically altered, with the addition of larger skylights, new railings and drywall surfaces covering much of the exposed brick walls.

Even more substantially, the plans propose removing the heavy X-shaped staircase at the south end of the atrium and replacing it with a simpler and more graceful

staircase at the north end, a location that would better facilitate circulation to all three levels. The plans also call for a reconfigura-

ent. The building also lags in Americans with Disabilities Act (ADA) requirements, compliance with which would make the

classrooms to be added and existing classrooms to be renovated to improve lines of sight and access to data interfaces. C-M’s student

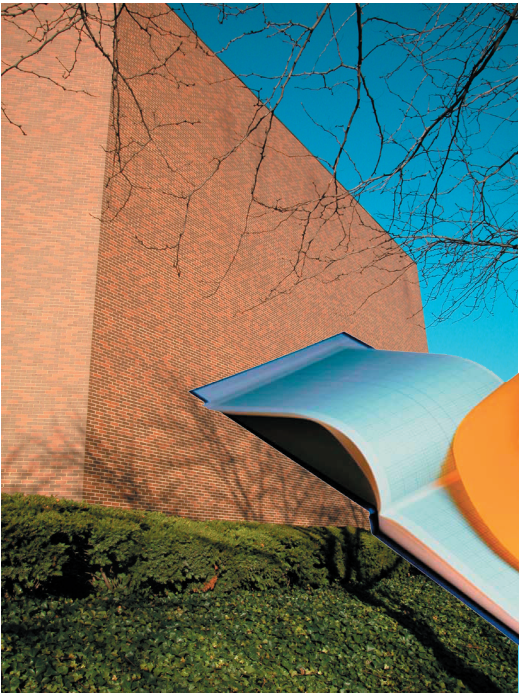
areas tailored to the needs of Trial Advocacy and Moot Court. In addition to the students, faculty and staff members would also enjoy expanded facilities.

Steinglass emphasized that this proposal represents an ideal list and that not all facets of it are feasible at the present time. Steinglass did, however, express his desire to prioritize “those improvements that would most benefit the students,” while also striking a balance with improvements to the overall appearance of the building.

The Wolstein gift now makes it possible for a commission, consisting of faculty and students, to weigh the options in a tiered format, examining various degrees of change that can occur and to solid-

ify a timeline for these changes, said Steinglass.

It appears as if the preference for changes that go beneath the surface may indeed mean that Brutalism will continue to dominate the visual surroundings of C-M, but administrators and students are hopeful that the cold concrete and brick will be tempered by an academic atmosphere that is warm and vibrant.



tion of the Inner Link, shifting its path along an exterior wall, where new windows would add an extra degree of safety.

Although less dramatic in appearance, the second category proposes changes that will have a greater impact on the users of the building. Advances in heating and cooling technology could allow a new mechanical system that would maintain building temperature more consistently than at pres-

building easier to navigate for its varied users. The plans call for additional large and medium-sized

and academic organizations would also receive a boost, with a vastly improved clinic area and new

crete and brick will be tempered by an academic atmosphere that is warm and vibrant.

*The Wolstein gift will help transform the law building from Brutalism to modern times.*





## Weighing your break options

By Karen Mika

LEGAL WRITING PROFESSOR

*Q: I'm a 1L and over holiday break I'm planning to take a long vacation. Most of my friends are talking about applying for jobs, with some having legal jobs already. I'm afraid that when I get back, I'll be behind everyone else. Do you think I should skip my vacation?*

A: From the perspective of someone who worked through most vacations, I must say that I wish now that I had taken a lot more vacations. As you probably know by now, law students tend to be the intense type.

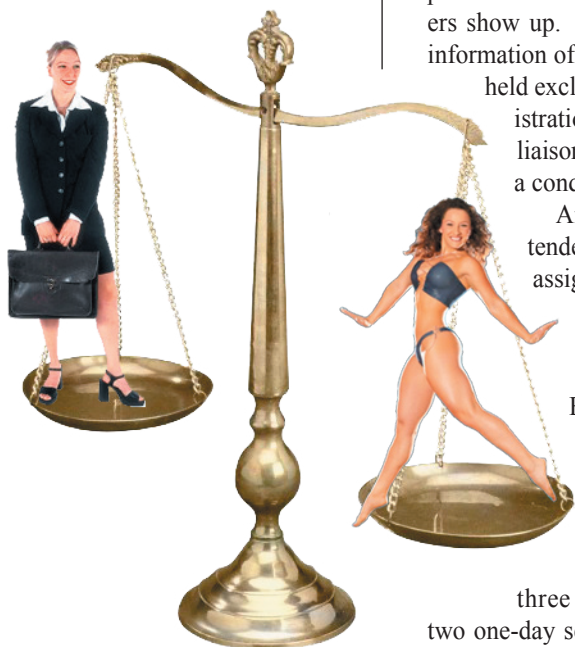
There are two schools of thought about what one should do over break.

The first is that you need to prep yourself for what life will be like after law school. The second is that life after law school won't afford you much time off, so why not take advantage of it now?

I can't say that the people who choose work won't wind up with somewhat of an advantage in the long run (in terms of experience and understanding more of the big picture). But I'm not sure it's worth taking advantage of other opportunities now.

After college I didn't see a vacation until I was near 30, and by that time it had lost any potential of being carefree. I know it's hard to believe, but there is supposed to be an element of fun that goes along with being in school. If you don't take the opportunity for a break, then school will become more of an onerous experience than you might think it is now.

I say that you have to decide for yourself what is best for you without regard to what others do. If taking a vacation will make you feel better about your return next semester, then that's what you should do.



## Training the media for court

*C-M alum helps legal minds understand the media through the lens of the law*

By Gary Hengstler

When the National Judicial College asked me to leave my position as editor and publisher of the ABA Journal in 2000 to create a National Center for Courts and Media, the prospect of creating a unique training facility appealed to me very much.

At the same time, I have to admit to having questions about whether there was a market for such a center. Were judges really interested in learning about the media and how to deal with reporters? Would journalists assigned to cover the courts come to workshops to learn how to do their jobs better? Would court personnel take classes on what the media wants and are entitled to?

Happily for me, the answer to my questions was a strong yes.

As evidenced by the string of high-profile trials in the nation's news, the media has discovered the courts as rich veins of human drama. And this heightened attention by the media is a cause of concern for many in the judiciary. The inherent potential conflict between the First and Sixth Amendments becomes yet another issue for judges to ponder when newsworthy cases land on their docket.

Fair trial/free press then becomes more than a theoretical seminar topic. The subject is a legal octopus with tentacles intruding into the case in ways not foreseen.

That many members of the judiciary are interested in gaining a greater comfort

level with the media is evidenced by the enthusiasm and attendance with which our five-year-old center has been greeted in our seminars and workshops.

Through seven on-site workshops at our new facility in Reno, Nevada, we have developed curricula not only for judges, but also for court personnel who are the front lines when reporters show up. Few courts have trained public information officers, so two of our sessions are held exclusively for those in court administration designated to act as the media liaison when the situation calls for such a conduit.

And last year, 54 journalists attended our workshop to help general assignment reporters — both print and electronic — better understand the basics in trial coverage to help improve media accuracy. Besides developing the curricula for the classes at the center, my job also takes me around the country, conducting one-day sessions for judges, court staff and journalists. During the next three years, we will be conducting two one-day sessions in each state or territory

to bring judges and journalists together to discuss areas of concern.

Nor are the court/media tensions limited to the United States. My position as director has taken me to Russia three times and Argentina once to conduct seminars. And that does not take into account the hundreds of foreign judges who come to the National Judicial College for consultation annually.

What is especially gratifying is when a judge in a nationally prominent case seeks our assistance in mapping out logistics at the court and securing training on dealing with the media when many reporters arrive. In both the Kobe Bryant rape case and

safeguards embodied in our Constitution.

The irony is that even though the First and Sixth Amendments sometimes cause conflict between the two professions, the courts and media are inherently in a symbiotic relationship. Neither can function without the other.

Let's face it; there is no free press unless judges say so. So the media needs the

courts for protection.

And there is no independent judiciary unless the public has sufficient trust and confidence in the court's work. Since few people personally attend court, the public's trust and confidence will come from media accounts of

the court's work. So the courts need the media.

Because our system requires the people to trust government officials, a high degree of transparency and openness is essential. To the extent that our work at the center fosters greater understanding between the courts and media, the nation is better served. That, in essence, is our mission.

Could the center have been started and maintained by a non-lawyer? Probably.

But, as is true in so many other areas of the non-legal work environment, a law degree provides a solid foundation for analysis. All I know is the foundation

provided me at C-M 20 years ago equipped me well when I practiced law and continues to be invaluable in the management of the center.

And for C-M students today who may be considering using their degrees in a legally related field, I believe that more courts will be adding the position of court public information officer because the media interest and demands are not about to abate. If anything, they will continue to increase, which will further push courts to have a trained specialist on staff to handle the media inquiries, the web site for public dissemination of public documents and for affirmative judicial outreach programs.

If my prediction comes true, the law degree will be an invaluable benefit for future public information officers in helping the media and the public get it right.

**COURT TV**





# Which candidate fits C-M the best?

By **Amanda M. Paar**  
CO-EDITOR-IN-CHIEF

**LeRoy Purnell**

*Q: Why do you believe you are a “perfect fit” for C-M?*

A: The question of “perfect fit” is one that I prefer to leave for others to determine upon reviewing all options, the needs of the institution and what skills I bring to the table.

My philosophy of deaning is in part addressed in *Deans of Color Speak Out: Unique Voice in a Unique Role*, 20 Boston College Third World Law Journal 43 (2000). I believe that the law school of the 21st century will be great if it can fulfill what has often been its forgotten function of service and concern for issues of community beyond the law school walls.

I bring my life experience and professional skills gained through local and national activities as a professor, a vice provost and attorney and a dean, to aid me in this endeavor. I have been a member of the Ohio bar for over 30 years and relish the opportunities that I have had at the state and federal level to not only promote the mission of the law school, but to serve the public interest as well.

*Q: What is number one on your agenda to accomplish at C-M during your first year?*

A: This question is difficult to answer where one has not had the opportunity to study and dialogue with faculty, students, staff and administration as to all of the challenges and needs perceived for the school.

The promotion of the school and raising its visibility on a national level would be a significant part of the agenda of the dean

during the first year and years to follow. Through the cooperative involvement of the entire law school community, opportunities for faculty, students and staff to enhance the reputation of the school will need to continue and intensify.

A law school is only successful if its graduates are successful. Thus, admission opportunities, financial support, bar admission and placement have high prominence along with supporting faculty in providing the education necessary to equip the school’s graduates with the skills necessary to “hit the ground running” in a competitive marketplace. Having faced similar challenges at NIU, I know the consistent effort that it takes to make progress in these areas over the long-term.

*Q: What skills have you learned in your present and past employment that you believe will enhance your success at C-M?*

A: I have over 12 years of senior administration experience and 29 years of experience in legal education. My time in central administration at The Ohio State University taught me valuable lessons on the interaction of central administration and individual colleges such as the law school.

My interaction with the legislature, the bar and the courts both in Ohio and nationally provide me with a firm base to further the goals of the institution and to advocate for and meet the needs of both the legal and non-legal community.

As a clinician and classroom teacher, I know the value of instilling not only theoretic knowledge of the law but commitment to the values and goals of professionalism as well. My experience as dean has added to my ability to

work with other faculty and with staff as colleagues. I have learned as dean to further value and to seek to meet the needs of students as partners in the law school community endeavor.

**Joel William Friedman**

*Q: Why do you believe you are a “perfect fit” for C-M?*

A: “Perfect fit” is a tall order. But, I do believe that I have a pretty good sense of the tremendous opportunity that this job offers someone with the vision, energy and personality to work with the faculty, staff and students to provide an environment in which every member of the law school community, and the institution itself, can maximize the potential for success.

Over the past ten years, I have been heavily involved in a variety of fundraising and other revenue-generating efforts. In the New Orleans not-for-profit community, I have headed an annual campaign that raised \$2.8 million, and a capital campaign that raised more than \$6 million from a donor base of only 5,000 families.

I also have had the chance to become very involved in the use of technology in law schools.

Over the past seven years, I have been fortunate enough to have been invited to speak to faculties at over 40 law schools, usually on the topic of integrating emerging technologies into the law school’s teaching and research missions.

As a lecturer for the Federal Judicial Center, the government agency that provides continuing legal instruction to all federal judges, for the past 18 years, I have had the honor of teaching every federal magistrate and district judge appointed to the federal

bench over that period.

Although I have not yet had the pleasure of meeting most of the faculty, staff or students, I have a strong sense that C-M is a much better place than it is given credit for. Moreover, I am equally convinced that there are ways of enhancing its local and national reputation among civilians, attorneys, other law professor and judges and that I am in a position to lead such an effort. I certainly would give it all I have.

Finally, while I was a law student, a buddy of mine taught me how to juggle. That skill has not only served me well in terms of entertaining my children and their friends at birthday parties, but has morphed into what we now call multi-tasking, an essential skill for any administrator.

*Q: What is number one on your agenda to accomplish at C-M during your first year?*

A: The easy and predictable answer is to significantly increase revenue generation through traditional fundraising and nontraditional methods. But raising funds is really the means to a series of ends, including increasing the school’s exposure on the local and national level.

*Q: What skills have you learned in your present and past employment that you believe will enhance your success at C-M?*

A: I have learned that arriving at a consensus about a particular decision is typically more important than the substance of the decision itself. As a corollary to that, I have tried to learn that a leader is best served if he or she keeps his own ego out of the way in trying to build consensus.

If you give interested parties the opportunity to be a meaning-

ful part of the decision-making process, they are likely to support that decision.

**Candace Zierdt**

*Q: Why do you believe you are a “perfect fit” for C-M?*

A: I believe C-M and I are a “perfect fit” because the goals of CSU, C-M and mine coalesce well. I want to be at a law school where the faculty, students, alumni and university administration truly want to improve the national standing of the law school. C-M has been moving in that direction and is poised to move to the next level of excellence. Further, the faculty and students are very similar to the faculty and students at the University of North Dakota and I feel very comfortable in the Midwest because I have spent the majority of my life here.

*Q: What is number one on your agenda to accomplish at C-M during your first year?*

A: Number one on my agenda is to increase the reputation and visibility of C-M. My first focus would be to make sure that a secure plan is in place and working to improve the student body. This requires focusing on decreasing the size of the student body and continuing and improving efforts to raise the Bar Exam pass rate.

*Q: What skills have you learned in your present and past employment that you believe will enhance your success at C-M?*

A: The skills that would most enhance my success are my ability to work with people from all walks of life and diverse viewpoints and to listen to their ideas and concerns. This allows me to build relationships and find common goals quickly.

## C-M plays “take away” with scholarship funds

By **Alex Hastie**  
STAFF WRITER

Earlier this fall, Brian Ambrosia, 3L, learned he had earned a scholarship through private donations to C-M. According to Ambrosia, this was welcome news for his financial situation. When one of C-M’s administrators asked Ambrosia to write a thank you letter, he obliged. Before writing the letter, Ambrosia checked his Bursar’s Office account online and learned that the scholarship had been made to C-M instead of him, said Ambrosia.

Ambrosia, like many students, received a scholarship upon his enrollment at C-M. However, his original scholarship from the university, had been subtracted by the amount the private scholarship had awarded him.

Scholarships, such as the Dean’s Scholarship, for example, pay for a student’s entire tuition at C-M. The problem is that, if a student receives further financial supplements from outside scholarships or from the school, the student is not allowed to exceed awards above the tuition rate. Thus, students like Ambrosia are left feeling cheated by the administration’s policy.

“I feel the school was deceptive in its handling of my situation,” said Ambrosia. In the end, Ambrosia’s newly earned private scholarship allowed the university to subtract that amount from the award it had been giving the third-year law student.

According to Catherine Buzanski, C-M’s financial aid director, there are no unused money in financial aid. “In financial aid you always award more scholarship money than you have available.”

Ambrosia has not

been satisfied by this rationale.

“I told the school that they should write a thank you letter, not me,” joked Ambrosia. The school was the only benefactor of Ambrosia’s hard-earned private scholarship. The money deducted from his original C-M scholarship had gone



right back into the coffers of the law

school. Although he had earned this scholarship, Ambrosia was no better off financially.

Buzanski said, “no student can get scholarship in excess of tuition. Scholarships are available for tuition, not living expenses.”

There are other problems with the C-M scholarship policies, such as why the school does not offer top percentile students greater scholarships after their first year. Such an offer could keep some of C-M’s brightest students in downtown Cleveland instead of spread out at more respected law schools.

“Had the school tried to keep me, then of course I would have loved to stay closer to home. But C-M seemed very apathetic about whether I transferred or not,” said former C-M student Sam Ruben who has since transferred to Duke University in Durham, North Carolina.





## SBA pres sets agenda

By Nick DeSantis

SBA PRESIDENT

On behalf of my fellow SBA officers, Stephanie Mercado, Damon Patton, Brendan Healy and Michael Laszlo, I want you all to know that we are very optimistic about the remainder of this year as we begin improving your quality of life here at the law school. We are targeting three main student concerns: job opportunities, food service and the law school's exam policy.

Students come to C-M not only to receive a great education, but more importantly, to secure gainful employment upon graduation. Your SBA plans to work with the office of career planning to broaden students' access to employment opportunities by bringing in smaller firms, government employers and other organizations. To achieve this objective, your SBA has established a committee chaired by Michelle Maheu.

Another issue your SBA plans to address is the quality of food service here at the law school. Many of you have commented on the poor service and quality of food provided by Aramark. To address your concerns, we have created a food service committee, chaired by Scott Kuboff, to work with the university and Aramark to remedy these problems. Already, this committee has proposed a resolution to increase the Side Bar's hours of operation.

Finally, last year's SBA changed the law school's exam policy to allow students, scheduled for three exams in a 48-hour period, to reschedule an exam. Although this change was a positive step forward, there is still work to be done. For example, your SBA plans to further change the exam policy to allow students, if they have more than one exam within a 24-hour period, to reschedule an exam. To effect this change (and several others), a committee chaired by Nadine Ezzie has been established.

Although we are energetically working to accomplish these initiatives, we cannot accomplish them without your help. We are in need of student representation on all of these committees. Therefore, any student wishing to participate is encouraged to contact myself or the respective committee chair.

## Blame game and basketbrawl

By Jason M. Smith  
CO-EDITOR-IN-CHIEF

Could mom and dad really go wrong taking junior to a fun-filled evening at a sporting event? This entertainment venue appeared to be a wholesome form of frolic that parents were able to take their kids to without the fear

**The  
Gavel**

Editorial  
Opinion

of exposing them to the violent and gruesome content of movies and video games. Now, even this seemingly innocent venue is not free from such gratuitous violence.

On Nov. 19, the actions of four athletes showed all of America that athletic events are no longer a safe environment for children, or, for that matter, even adults. Indiana Pacers Ron Artest, Jermaine O'Neal and Stephen Jackson took part in a brawl during the final minute of their game with the Detroit Pistons that involved fans in the stands and on the court.

The fight broke out after a spectator tossed a cup at Artest. Artest and Jackson jumped into the stands and delivered several punches to on-looking fans. As the events moved back onto the court, Artest and O'Neal unleashed haymakers on fans that had come to confront them.

While the explosion of media coverage and 24 hour sports channels may make such events

more visible in the world, brawls between fans and players are an unsavory part of the history of sports.

In 1912, during a MLB game, Ty Cobb, fed up with a couple of days worth of heckling by Yankees fans, vaulted into the stands and pummeled a man who couldn't fight back with his fists because he only had one hand, and that hand had only two digits. At least the most hated man in sports picked an adequate competitor.

In 1991, during an NBA game, Charles Barkley, who said he was aiming at a heckler sitting at court-level, spit on an 8 year-old girl. "I was tired, and I didn't have enough foam in my mouth. It went everywhere," said Barkley, attempting to alleviate himself of blame. Barkley must have received an "A" in Creative/Preposterous Excuses 101.

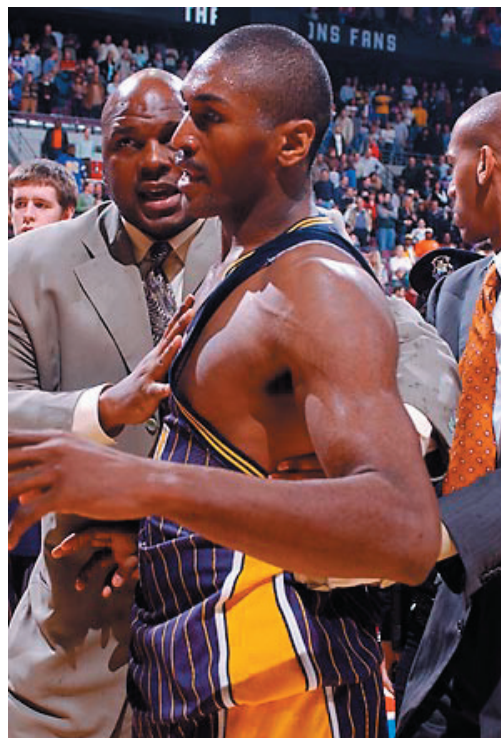
In 1995, during an NBA game, Vernon Maxwell lost his cool, jumped into the stands and punched a fan who had been heckling him. "If I had been there, I'd have probably cold-cocked him, too," said Maxwell's lawyer. This piece of lawyerly advice must fall into the category of good lawyering skills *not* taught in law school.

In 2004, during a MLB game, Frank Francisco, after being razed by fans next to the Texas bullpen, threw a chair into the seats hitting both a man and a woman in their respective heads. Francisco obviously was never taught the subtle differences between the "squared-circle" and the "bullpen." Anyone could make such a mistake.

While the most recent brawl in Detroit is obviously not unique,

it begs the question, who is to blame? Pundits have blamed everyone from the players, fans, security officials and society, in general.

While all of the above may share in the blame, the ultimate



responsibility falls upon the players. There are very few excuses that justify a player ever leaving the playing surface and entering the stands to confront fans. So, why did Artest find it necessary to confront the fan who threw the beverage container at him? Artest claims self-defense. However, as any law student, or any other rational human being, knows, one may only use a reasonable amount of force to claim self-defense. Throwing punches to defend yourself from a flying cup is as laughable a self-defense claim as unloading your machine gun on someone in retaliation for a spitball assault. It wouldn't be suggested Artest use such a defense in the criminal and civil proceedings that are sure to surface in the coming weeks.

## Local practitioner praises Steinglass

Dear Editor:

Here is something you may want to publish in you letters to the editor. Thank you.

Dear Steve:

Thank you for thinking of me with a personal letter about your retirement as Dean of C-M.

You have been, by far, the most effective, involved, devoted and, most important, approachable leader the law school has ever had. As a graduate and a practitioner in this community whose life is effected significantly by the law school, its teachers and students, I personally thank you from the

bottom of my heart for the care, dedication and devotion you gave to make C-M the premier law school for this community.

Let's face it, the effectiveness of the entire legal community in Cleveland is not effected one hundredth as much by Ohio State, Michigan, Yale or Harvard law graduates as by the lawyers from our school. Those lawyers comprise the overwhelming majority of the bar membership, the agencies and the judiciary.

Thanks to you, we live and work in one of the highest caliber legal communities in the United States.

Steve, great job! Thanks for be-

ing a dean, a mentor, but most important, an adviser and friend.

Very truly yours,  
Dworken & Bernstein Co., L.P.A.  
Patrick J. Perotti

# Mail Pail



## THE GAVEL

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# Power of publication

By Josh Dolesh

GAVEL COLUMNIST

I have cheated death today. The sickle may take me, but I will live on for eternity through my voice. I have become universal today. I have transcended race, ethnicity, sex and gender. I have swayed an audience today. I have given my opinion and made an impact on the realm of thought. I have overcome my fear of rejection today. I have proclaimed to the world how I feel. Today, I have written for the Gavel.

The great poets of our existence have expounded the virtues of the written word. Their consensus is that we become immortal through writing. The revolutionaries of our time praise the written word for its ability to create a spark that can ignite a conflagration of change. Historians praise the written word for its ability to document eras and create legacies of intellect. Attorneys praise the written word because it makes the law possible.

Most people will never get the chance to reach an audience as vast as that of the Gavel. The net may provide some recourse for those who must be heard, but web publishing, while shrinking the

world, has created an aura of unreliability novel to the medium. Alternatively, one can have her works published for a fee, but who has enough time and money to fund such a venture.

The Gavel is free. The Gavel is written by people who have something to say and is read by people who will make a difference in the world. There is no better place to influence people who, in turn, are going to influence the world as judges, lawyers, politicians and professors.

So, outside of the ivory tower reasons, why should you write for the Gavel? The ultimate reward for writing for the Gavel comes from the audience. I get the best feeling imaginable when someone tells me that my article was good and an even a better feeling when someone tells me that my article sucked. When people disagree with my article, I know that I have forced them to examine their beliefs, even if I have not persuaded them.

I know what most of you are thinking right now as you are reading this article; Mr. Dolesh has way too much free time. Yes, writing for the Gavel is work. I will not lie. Between class, upper level writing requirements and third semester writing, my computer

takes a beating. But my Gavel article is the one piece of writing where I know I am not going to be graded and this fact makes it all worth it. I often forget what it is like to speak my mind and throw precedent and citation to the wind. Sometimes, the hardest part of writing for the Gavel is resisting the temptation to throw in a citation sentence or two. “*Curse this profession.*” Joshua Dolesh, *My Brain: Ridiculous White Matter*, in *The Hell With Everything* (2003) (emphasis added).

If the idea of pleasure writing does not strike your fancy, then think of this: What do you have on your resume that has been published? Most students will not make law review and even less will get published.

The Gavel gives you the opportunity to tell your prospective employer that you have the drive to be heard and are not afraid to speak up. It also tells them that someone else thought your writing was worthy of publication.

You can even take a copy of the Gavel to your interview (preferably with your best piece in it). In addition, writing for the Gavel gives you the opportunity to enter contests that are not open to law reviews and other non-newspaper publications.

What does this mean? It means you do not have to write a 60 pager to try and get some recognition, which, by the way, can go on your resume.

By now I am sounding like a played out college deejay during a fundraising telethon, so I will wrap it up succinctly. Write for the Gavel. Take the time to add to the wealth of ideas that define truth. Continue the legacy that those before you have created. Conquer your fears.

# Open Mike

## 3L sounds off on recent events

By Michael Luby

GAVEL COLUMNIST

I could have promised I wouldn’t bring up politics, but then again I didn’t, so for the last time this year, much like a 1L’s hopes and dreams, just kidding guys, I rant on. Well, anyone and everyone who knows me knows that I make no apologies for my distrust of the Bush Administration. Much like the Butch administration of the Cleveland

Browns, it appears that the Dubya has taken anyone and everyone who opposes his ideas and wiped them clear off the White House map. In fact, you

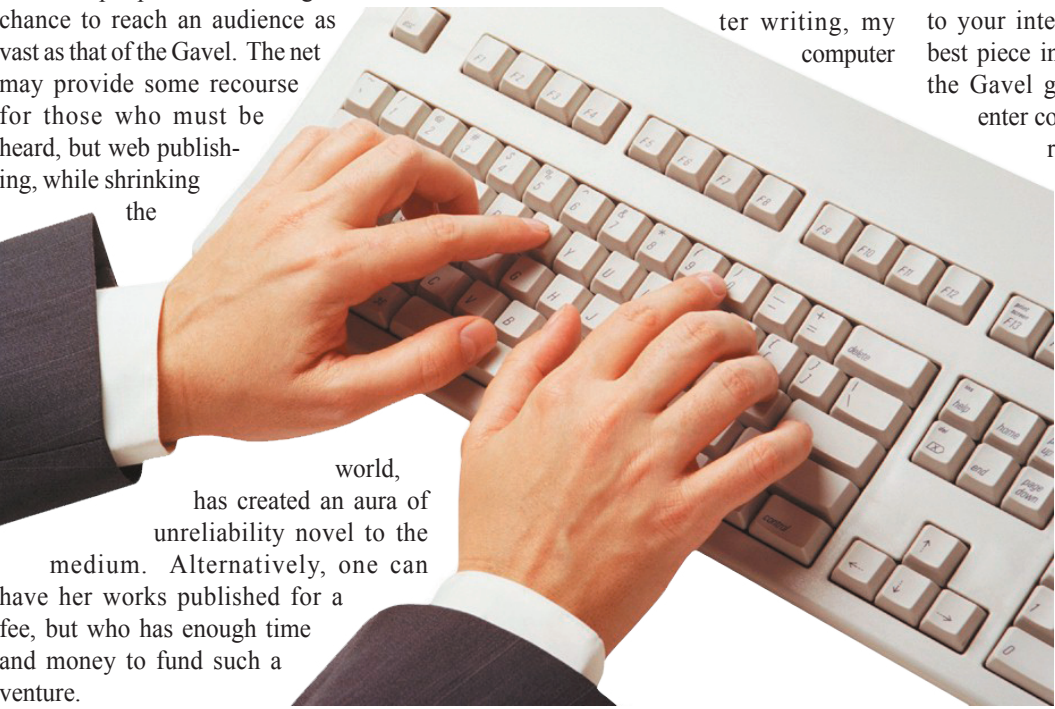
could argue that the Cleveland Browns and the White House have more in common than you care to believe.

First is the fact that both the Dubya and Randy Lerner got their jobs because of their dads. Second would have to be their single-handedly surrounding themselves with personnel who do nothing more than add to the media time. The Browns have Big Money and Willie “SMOKE” Green, who are mediocre at best. And then the Dubya has Rumsfeld and Rice who apparently survived the purging of “thou who shalt refuse to agree with the leader shall be dismissed,” much like the Browns saw in the off-season. Either way, it’s my opinion that you can’t get very far when you have no one to disagree with you. That’s, of course, why I’ll be waiting until the two-year switch, registration card in hand.

Recently, a coalition of U.S. Catholic Bishops announced plans to promote marriage. They stress that the goal is to maintain marriage and not only to limit homosexual access to the vow. Well, I was raised Catholic and went to parochial school for 13 years and the one thing I noticed that made Catholicism different from so many other religions is marriage. Marriage, that is, between a priest and a woman (or a lack thereof). That is what they should be focusing on. In fact, a 2000 study reported that of the 27,000 active priests at that time, less than 300 were under the age of 30. It is no secret that the Church’s strict old-world ways can’t maintain the ship for many more years to come.

Well, I told my editor I wouldn’t beat a dead horse but John Green makes it too tempting. According to *thesmokinggun.com*, Green, a building contractor and the alleged instigator in the Detroit basketball melee is prohibited from consuming alcohol by court order after receiving his third DUI conviction. Maybe the judge will be soft after realizing the Pistons can now coast into the playoffs.

And finally, since C-M has appeared utterly stagnant on the news-front, I sign off with a good luck to those first-year finals. And believe me, you’ll need it. It works kind of like Butch and the Browns. He needed some luck and just never got it. Happy holidays.



# Law school: privilege or chore?

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

I got a line from a song stuck in my head the other day, one that pretty well sums up my view of law school right now: “How can a privilege feel like a chore?” And because that’s exactly how I feel, I’ve been thinking about that line a lot lately. On the one hand, I realize that simply being in law school is a significant accomplishment and opportunity, but on the other hand, I think that a lot of the time I just consider it three more years of school – you study, you go to class, you freak out about tests, same as I’ve been doing for the last 16 years. So it would be fair to say that I regard law school as a chore right now – it’s something that I have to do, not something that I want to do.

So I’ve been trying to figure out how to transform my chore into a privilege, into something

that I enjoy doing. And in thinking about it, I remembered a principle my parents told me during my childhood: thankfulness and contentment in what you’re doing leads to happiness and motivation. So with the recent Thanksgiving holiday, I’ve been trying to think of some things to be grateful for about law school, some ways to make myself objectively content and ward away the nagging anxiety always hanging over my head.

I have to admit; right now I’m certainly not grateful or content in law school. I’ll freely admit that I’m struggling with a lot of things; law school has not come easily to me. A lot of people have told me that it’s totally normal to feel stupid and ignorant and somewhat depressed during your first year of law school and that things will eventually get better. While they might be right, that doesn’t really help me now, and exams are coming up quick. Hoping that things

would get better wasn’t really motivating me to enjoy what I’m doing now.

However, being in law school is a privilege. Of the approximately 182 million people in the U.S. above the age of 25, about the earliest age one would normally graduate from law school, only about nine percent have



“advanced” degrees, i.e. anything beyond a bachelor’s. Of these, only about four percent have a J.D. or its equivalent; despite popular opinion, only about 0.3 percent of the American popu-

lation above age 25 are lawyers (700,000 people). And of the slightly more than three million students currently enrolled in graduate or professional programs, only about four percent (115,000) are enrolled in law school.

So for those of you who are already enjoying law school and are doing well, good for you. I hope it stays that way. But for the rest of us, those who might be struggling a bit or who feel like we’re failing in some way, take some

confidence in the fact that you’re a member of a relatively select group of individuals. Whether we make law school a privilege or a chore is up to us, but simply being here should be encouraging.

*The Law Student  
The Few. The Proud.*



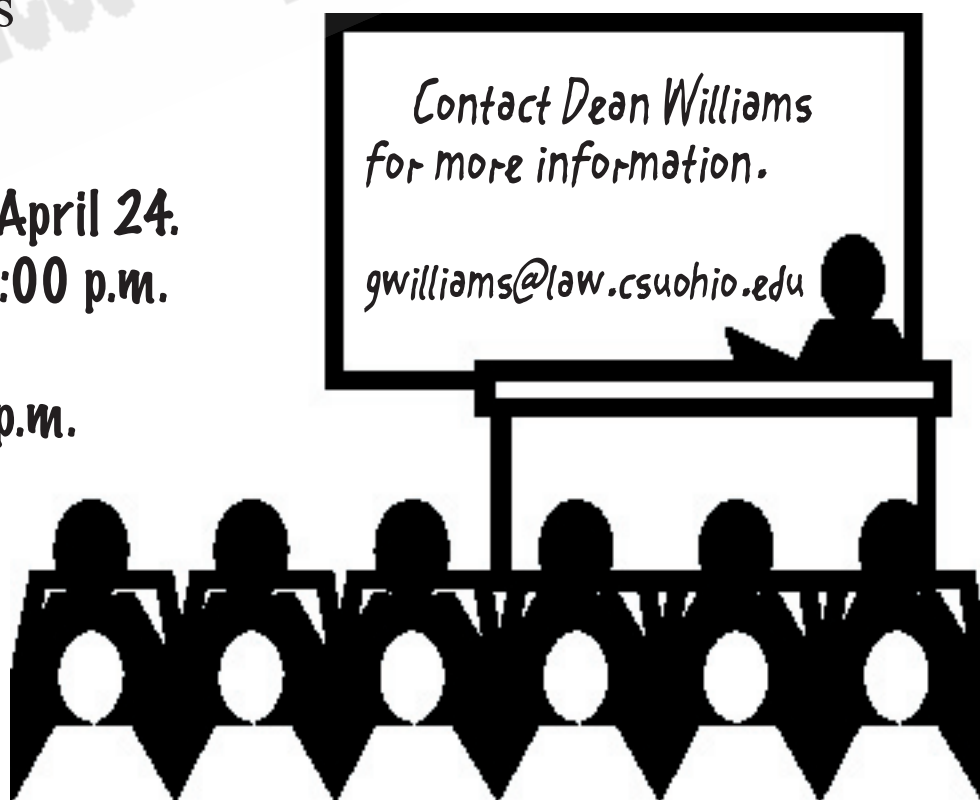
# Bar Exam Workshop

## GOALS:

- ☐ Increase students' substantive knowledge of torts, contracts, property, criminal law, constitutional law and evidence, the subject areas that are tested both on the Multistate Bar Exam portion and on the essay portion of the Ohio Bar Exam.
- ☐ Improve and enhance essay-writing skills
- ☐ Develop students' time management, financial planning and emotional preparation skills

**Two classes,  
Each class runs from Jan. 22 to April 24.  
Saturdays from 9:00 a.m. to 12:00 p.m.  
or  
Sundays from 1:30 to 4:30 p.m.**

Students are required to signed up for either DVD Bar Review or BarBri Bar Review. Students must pay a \$150 course fee. Sign up immediately at Student Services.



## Dean

Continued from page 2--

the student and lawyer we believe you are meant to be. You must take advantage of every opportunity that comes your way to prepare for the bar.

The Committee formalized a program that focuses exclusively on preparation for the bar. This year, Assistant Dean Gary R. Williams has added the demands of director of the newly developed academic support program to his recruitment duties and now has the responsibility for coordinating Bar Exam preparation activities, including supervising the law school's academic excellence program. Williams now offers a non-credit course developed around techniques to increase bar passage rates. All students are strongly urged to take this voluntary course, which may someday be offered for credit.

The manager of the law school's new academic excellence program is Daniel Dropko, whose background in teaching and lawyering makes him an excellent choice for heading up the program. If you sense you are not "getting it," you should immediately contact Dropko to schedule tutoring sessions and to investigate other aids to finding your own individual way through the world of legal studies.

In addition to these new administrative positions, we have a law school faculty that

is committed to making sure you get the kind of preparation you need.

The faculty voted to approve the bar preparation course offered at the law school this fall. The course would have been given for credit had the American Bar Association approved giving credit for such courses at its annual meeting in August, but the ABA deferred consideration of the issue. Nonetheless, the law school is committed to continuing to offer the course without credit.

Data gathered last year demonstrated a significant commitment by the faculty of moving away from the traditional model of one final examination at the end of the semester by incorporating more quizzes, midterm exams, research and writing assignments, problem sets and other feedback mechanisms in their courses.

The Committee recommended the use of multiple choice and bar essay types of exams and encouraged the use of closed-book exams. The Committee is working with the library to provide a law teaching resource center that, among other things, will allow professors to more easily access and exchange bar-type exams and other assessment tools.

C-M expanded and upgraded its website materials on "Academic Support and Bar Preparation." This website is password protected and may only be used by C-M

students. C-M has begun issuing again *The Bar Tender*, a newsletter designed to provide current and accurate information about the Bar Exam and hints about passing the exam.

The Bar Exam, like law school, is difficult because the profession and the public demand that it be difficult. There is simply too much at stake for it to be otherwise, but every law student has the ability to succeed in law school, to pass the Bar Exam and to become an accomplished attorney. Though studying for that final test is grueling and full of anxiety, most lawyers will tell you nothing quite surpasses the feeling of accomplishment that clearing that last hurdle does. That is a feeling that all of us - faculty, administrators and alumni - want you to experience and believe you can, and will, have.

As we review the data we have gathered over the last several years on the Bar Exam performance of our students, the most significant thing we learned is that the best predictor of success on the Bar Exam is success in law school. For the last several graduating classes, the pass rate of students who graduated with at least a 3.0 GPA was about 90 percent, while the rate of those with a GPA lower than 3.0 was less than 50 percent. Our review of bar performance also reveals that, in the last few years, part-time students have not done as well as full-time

students.

Since part-time and full-time students are admitted based on identical criteria, we believe the disparity is best explained by the different obligations these groups face.

Most part-time students work full-time, often in demanding occupations, and many have family obligations as well. Moreover, part-time students have a difficult time taking advantage of clerking opportunities, clinical experiences and externships all of which are valuable learning experiences. Nevertheless, for both part-time and full-time students, the message is the same: to reach your highest potential, all students must take law school seriously and you must take preparation for the Bar Exam as seriously as you take law school.

To pass the Bar Exam you must develop your own personal plan, an "Individual Bar Exam Plan," in which you address the courses you need to take, the effort you put into those courses throughout your entire law school career and what you will be doing in the all-important two months before the Bar Exam.

The commercial bar review courses are necessary, but not sufficient, parts of any strategy. It is also necessary to arrange your work and vacation schedules so that, to the extent possible, the exam will be your number one priority during that two-month period.



# “Come together”: An empty refrain



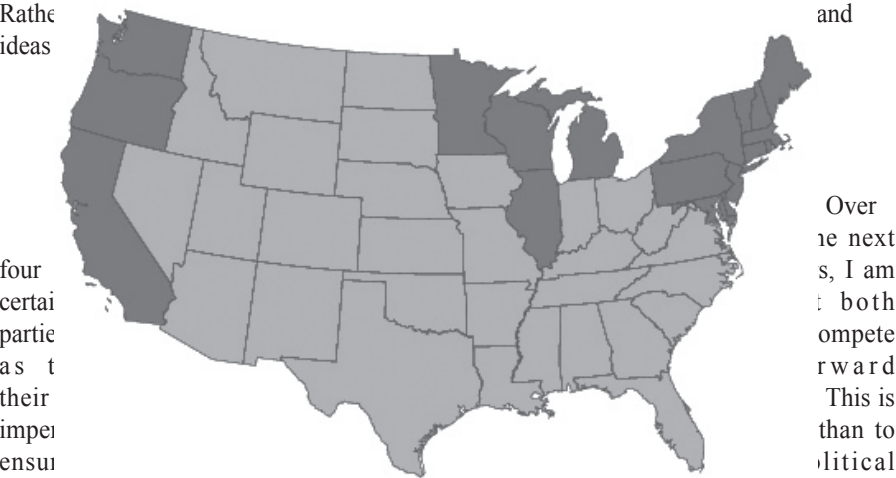
By Monique McCarthy  
GAVEL COLUMNIST

“The time has come for the country to come together” is a common refrain heard frequently throughout the country in the aftermath of any recent election. Though sung everywhere by the GOP, I am certain that had Sen. Kerry won, he would be leading this chorus.

This suggests that the U.S. is deeply divided, a reasonable assumption as many of us still see the country as a sum of red and blue states. However, as the Pledge of Allegiance reminds us, we are “one nation, under God, *indivisible* . . .” Despite the bluster, we believe the nation will survive and triumph regardless of who is in the Oval Office and in the Capitol.

The illusion behind this “come together” rhetoric is that it seeks to minimize the fact that the essence of capitalism is petition, true even in politics. President Bush has already made the new GOP members of Congress that “now is the time to get things done,” a statement made to inspire fear in the hearts of any Bush detractors. If the last four years were not an example of an extremely powerful president putting forward his agenda despite any and every opposition, the next few years will be interesting indeed.

Recently Bush expressed disappointment that the intelligence reform bill did not pass in Congress, despite his expectations to the contrary. This suggests that even though the country must come together, we need not assume the position as expected by the president. That is one of the joys of living in a democracy. Democracy does not equal consensus. Rather, it is the process of compromise and the exchange of ideas.



parties which leads to more competition. Perhaps more importantly, members of Congress not barred by term limits will do whatever is necessary to guarantee their re-election. It would be naïve to believe that self-interest does not exceed party loyalty.

Bush is the only one with nothing to lose. As he does not have to seek re-election in 2008 and it is highly unlikely that Cheney will run either, he knows that he has a limited amount of time to get things done his way. However, the “come together” refrain may be nothing but posturing if he continues to insulate himself further with a Cabinet of his most loyal and predictable confidantes. One wonders if the Bush administration even concerns itself with the plight of the average American. Until the economy shows significant strengthening and states like Ohio can provide well-paying jobs for its workforce, “come together” will remain an empty refrain. We may very well become a country, divided not by ideology, but rather by the more common denominator of whether we are one of the “haves” or the unfortunate “have nots.”

## Conservative rebuttal... Liberal rebuttal...

Monique suggests “come together” lacks substance, and I tend to agree. But I’m confused whether she thinks that is a good thing or a bad thing.

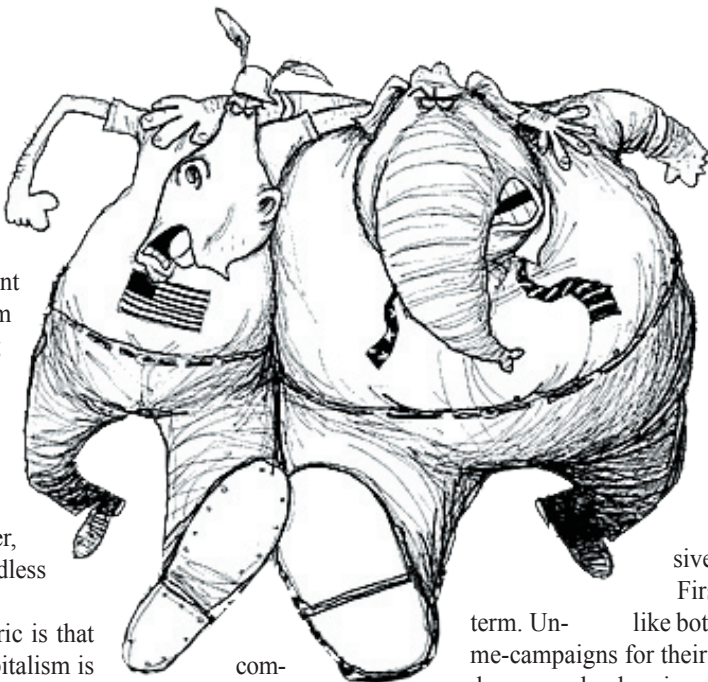
There is deep criticism of Bush for pushing his agenda, but also respect for the democracy that does not equal consensus. Is unity good only as long as you agree with liberal philosophy?

There is also a misguided effort to divide the country along economic lines, the so-called “haves” and “have nots.” Is the suggestion that there were 60 million haves that outnumbered the 57 million have nots? I don’t get it.

Perhaps the suggestion is that Bush’s policies will create an even greater wealth gap? Well, it’s already large, yet somehow Bush still got reelected. That tells me people don’t mind if CEO’s double their multi-million dollar salary as long as they feel ok themselves.

The fact is, division has and always will exist. The problem is the way we deal with it. Though Monique and I probably don’t agree on one thing, we are cordial and respect the other’s positions. If Washington were a bit more like that, perhaps all this unity rhetoric would just go away.

Question: Oftentimes it is said “to the victor go the spoils.” If this is true, why is it necessary that the country “come together,” Democrats and Republicans, especially since one of the fundamental reasons behind the formation of the two political parties is for the winner to perpetuate its ideology?



By Steve Latkovic  
GAVEL COLUMNIST

George W. Bush has done something that James Carville called the single greatest political achievement of his (Carville’s) lifetime. That’s pretty powerful. The question is, does Bush have some obligation to work with those who oppose his agenda? No, no he doesn’t.

Let’s begin with *what* Bush won. First, he did not win a national consensus on his policies. Roughly 57 million Americans voted against them. But 60 million voted for them. Bush won a mandate, not only for his approach on the war on terrorism, but all of his domestic reforms as well.

It is the spectacular nature of the win that is so impressive.

First, Bush ran one of the most specific campaigns for a second term. Unlike both Reagan and Clinton, whom both ran more generic, follow-me campaigns for their second terms (neither really had a viable opponent), Bush always made clear in what he would do in a second term. He never equivocated. In a time of war, with the old media screaming every day about more deaths and the “bad” economy and of Bush being responsible for overseas job loss (which is ridiculous), he managed to win by three million votes.

The more spectacular thing about his win, however, was the Republican gains in the House and Senate. I can still taste John Thune’s sweet victory in removing Tom Daschle, the Great Obstructionist. Hopefully Harry Reid got the message.

So *how* did Bush win? Some have said that “moral values” won it for him. Garbage. Liberals would like to think that because they can’t accept that moderates voted for Bush and need a scapegoat. But what about that infamous exit poll that said it was the most important issue to voters? Let’s have a look.

ISSUE	BUSH	KERRY
Taxes (5%)	57%	43%
Education (4%)	26%	73%
Iraq (15%)	26%	73%
Terrorism (19%)	86%	14%
Economy/Jobs (20%)	18%	80%
Moral Values (22%)	80%	18%
Health Care (8%)	23%	77%

The percentage next to the topic indicates how many respondents indicated that was their top issue, and then how many people for that issue voted for each candidate. Those tricky pollsters broke out what should have been three broader categories: economy, terrorism, and moral issues. Under this, 37 percent said economy, 34 percent said terrorism and only 22 percent said moral values. That hardly shows Bush’s win solely coming from “moral” voters.

Bush won by sticking to his guns and proving he is a worthy president. This election was really a referendum on Bush, and a majority of Americans said yes. When talking with liberals mad over his win, I rarely hear why Kerry would have been a good president, but rather why Bush should have been taken out. That’s no way to win our highest national office.

All this means that Bush shouldn’t budge an inch. He has no reason not to push the agenda he established during the campaign. In fact, it would actually be refreshing to have a candidate really do what he said he would do, wouldn’t it? For at least the next two years, it’s a Republican world.







## Spotlight on the student

### Katherine DeBoer

Katherine DeBoer is a legal writing tutor. What many C-M students do not know about Katie, however, is that she also participates in theater. Currently, Katie is acting in *The Christmas Carol Rag*, a musical version of the classic Dickens' tale with a few unexpected twists.

Prior to law school, Katie worked in both Los Angeles and New York. In fact, for a long while, Katie never considered any other career possibility other than acting. She said that there came a point though, "when the 'business' side of theater began destroying my love for the art." Katie did not want to taint her passion for acting, but still wanted to feel like she was "doing good" in the world.

It was at this career crossroads that Katie thought about law school. She said she "knew some exceptional lawyers with happy, fulfilling careers," who helped inspire her to go into the legal profession.

In comparing theater to the law, Katie said, "Law is not such an unusual career progression from acting as one might suspect, particularly if you want to become a litigator."

When asked how she manages to carve out time from her busy school schedule to devote to acting, Katie responded, "When you love what you are doing, I think you somehow find the time to make it all happen."

Katie did add, however, that this is her first time back on the stage since she began law school. She said that now that she is in her third year at C-M, the "pace and frenzy of law school has slowed down substantially and this seemed like the right time to tackle a new challenge."

What Katie enjoys the most about theater is that it is so dynamic. She said that in any piece of theater, creativity flows from many individual outlets: actors, the director, designers and musicians. These elements combine and "reshape to form a fluid and integrated whole," Katie said. More importantly, however, a piece of theater cannot live without an audience. Katie said, "The unique magic of theater is the symbolic relationship shared between the artists and their audience. At every performance, the actors and audience feed off of each other, so the piece changes and takes on new life with each new audience."

Katie said that the cast in *The Christmas Carol Rag* shares a unique comradery. "There is a sense of nurturing, selflessness and family with this group that is quite rare, as artistic temperaments go," she added.

Katie said there is a down side to theater, and that is the lifestyle of an actor. She said that there is so much uncertainty of where an actor's next job is coming from and that it takes constant effort to make ends meet "while scraping together enough cash to promote yourself and advance your career." Katie said this "effort" involves taking time off from the actor's "real job," to stand in long audition lines with "hundreds of others just like you, at cattle calls in the rain or snow for hours on end, managing to stay pretty and keep your voice warmed up long enough to give less than 30 seconds of your 'best.'"

Katie said that there are times when she would rather be on the road than in the books, but that "law school has been rewarding, challenging and more importantly, has given me back a tremendous sense of empowerment that I hope to someday channel as an advocate for others who feel powerless and voiceless."

Katie said she believes that "as future lawyers, we really should get involved with the community that we will eventually serve, whether it's by volunteering, working in the arts or joining youth programs or sports leagues." She said that by "getting involved in community activities that are meaningful to you, you maintain an important perspective on the world that exists outside the walls of C-M."

Catch Katie's performance in *The Christmas Carol Rag* at Kalliope Stage (across from Cleveland Heights High School), 2134 Lee Road in Cleveland Heights. The musical runs every Wed-Sat at 8:00 p.m. and Sun at 2:00 p.m. through Dec. 19. Student tickets are available for \$19. Adult tickets are purchased for \$27, Senior tickets for \$24 and children's tickets for \$14.



## Pixies rock the rubber capitol

By Ryan Harrell

STAFF WRITER

"I was basically trying to rip off the Pixies" – Kurt Cobain, on the origins of "Smells Like Teen Spirit"

Countless reviews of the Pixies have no doubt started with this quote, but it drives home a point more important than my own originality. To hear the Pixies is to see a blueprint of the current indie-rock scene. They are the Boston-built foundation that allowed Seattle to explode in the early and mid-nineties.

Yet after five critically acclaimed albums, tensions within the band caused its demise just as the sound it forged moved out of college dorms and onto the FM dial.

The Pixies seemed to benefit from the same phenomenon as the Beatles. In disbanding at the creative height of their career, they left a discography untarnished by the inevitable decline to a nostalgia act, or worse, has-beens.

In light of this secured position in music history, and the successful post-Pixies careers of its members, it came as a surprise when it was announced that the band would reform and tour, 12 years after its disintegration.

This tour brought the Pixies to the University of Akron's Rhodes Arena on Nov. 21.

After the self-conscious posturing of the opening band, the Datsuns, the good-sized crowd was rife with anticipation for the main act. From the opening notes of the Jesus and Mary Chain cover, "Head On," it was clear that although middle age

noise constructions to reverberated surf melodies. Drummer Dave Lovering was sparse yet forceful, while bassist Kim Deal remained the sweetheart of the band, smiling as she added her disarming voice to the dervish whirling around her.

The 75 minute set favored

the band's earlier material, which was more egalitarian, over the equally worthy latter material, largely dominated by Thompson.

The 1989 release "Doolittle" was played almost in entirety, and songs from the full-length debut "Surfer Rosa" also enjoyed prominence. Highlights included the pop gems "Where is my Mind?" and "Here Comes Your Man," the spiraling art noise of "Vamos" and the caustic "Monkey Gone to Heaven."

As the evening ended, Deal took center stage to sing her eerily voyeuristic "Gigantic," a fan favorite. As the final chords repeated, the band members wished each other good night, and for a brief moment the intervening years disappeared, and the past history of rock became the future once again.

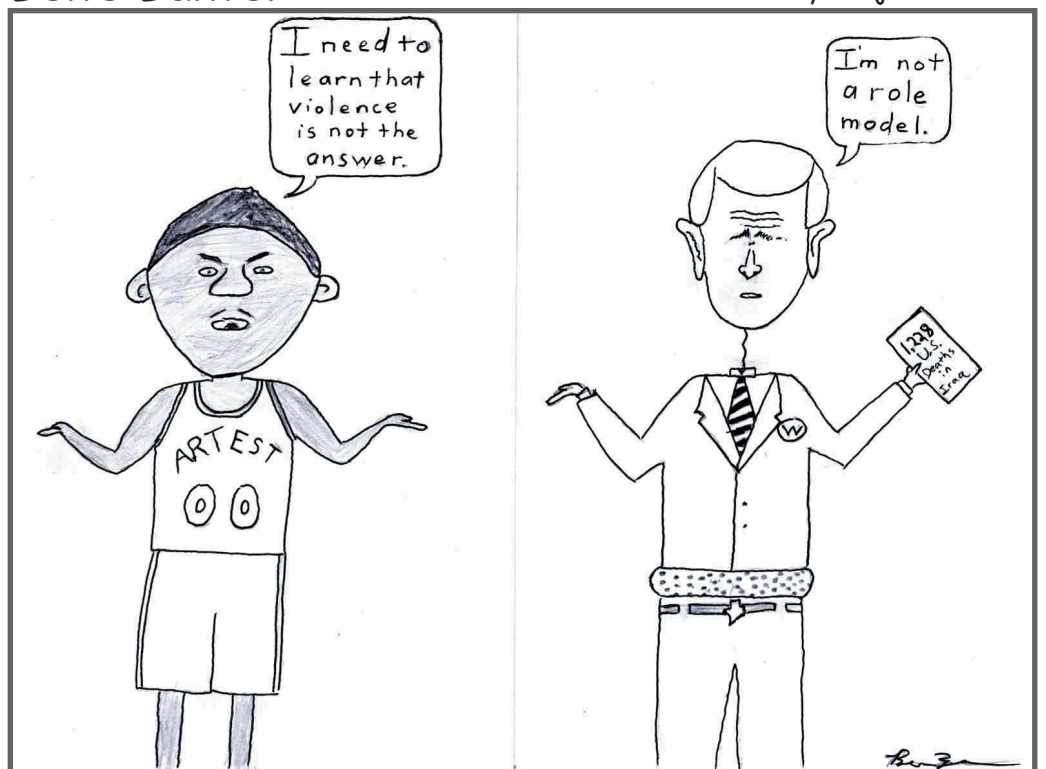


has crept into the appearance of the band, it has not subdued them sonically.

Singer Charles Thompson (aka Black Francis) had the same urgency in his unique voice, which ranges from a whisper to caterwaul, that was present when he formed the band in 1986. Joey Santiago's lead guitar lines whipped from angular

## Ben's Banter

By Benjamin Zober





# In the neighborhood (and a little beyond)

By Marie Rehmar  
CONTRIBUTING WRITER

Since it’s exam prep time, in this immediate neighborhood, that’s the high priority. If you haven’t known about some Law Library info that may help you, let me direct you to the web page compiled by Leslie Pardo: [www.law.csuohio.edu/lawlibrary/lawpubs/preparing\\_for\\_exams.html](http://www.law.csuohio.edu/lawlibrary/lawpubs/preparing_for_exams.html).

Break time is approaching. So, to think ahead:

- \* CSU Basketball at the Convocation Center
- Men’s Basketball Home Games:
- Thurs. 12/2 Clarion 7 pm
- Sat. 12/11 Kent State 5:30 pm
- Sat. 1/8 Youngstown State 5:30 pm

- Women’s Basketball Home Games:
- Tues. 12/7 Akron 7 pm
- Sat. 12/11 Toledo 3 pm
- Mon. 1/3 Illinois-Chicago 7 pm

Your CSU Student/Faculty/Staff ID gets you in free! Other tickets are \$5, \$8, \$10, or \$12.

\* CSU Homecoming: Sat., Dec. 11 at the Convocation Center. If you take any study break during exam time, Homecoming doesn’t cost you anything as a CSU student (or faculty/staff member) and food is included. You need a Homecoming ticket to get in; additional adult tickets are available for \$20, children under 12, \$15.

By the way – in case you haven’t been aware of the Campus Mail Bag <http://wapps.csuohio.edu/campusmailbag/>, a click from the CSU home page, it’s a useful place for finding out about campus events.

\* Looking for gifts? Consider some of the museum gift shops when you visit. Also, you may find something special right in “The Neighborhood” and places nearby. A few suggestions:

\* The 17th Annual Artcraft Building (2570 Superior Ave.) Open Studio Holiday Sale, Sat. Dec. 4th 12 noon – 7 pm & Sun. Dec. 5th 12 pm – 4 pm. For participating artists and a sampling of their work: [www.artistsofcleveland.com/artcraft.htm](http://www.artistsofcleveland.com/artcraft.htm).

\* CSU Starving Artists Sale (Ceramics) – Thurs. - Sat., Dec. 9-11, 10 am – 5 pm  
On Chester, just this side of the bridge over the Innerbelt.

\* Playhouse Square Center Gift Cards – Available at the Box Office 1501 Euclid Ave., by phone (216) 771-8403 (same as Ticket Office), or online.

\* Ohvations Gift Shop, 1605 Euclid – theatre-related items. Open before or after every show and Mon. – Fri. 11am – 5:30 pm.

\* The Arcade (between Euclid and Superior) and the Colonial Marketplace (another restored arcade, between Euclid & Prospect at E. 6th) have some unique shops and galleries.

\* Ten Thousand Villages, 2254 Euclid -- handicrafts from around the world. (216) 575-1058.

\* Frannie the Framer, 1938 Euclid – for that special picture framed. (216) 687-8756.

- \* Foods and restaurants – basic and/or new to you – many options for gifts and/or meals with out-of-town visitors:
- \* Asia Plaza – on Payne Ave. at E. 30th - retail, restaurant and grocery.
- \* Laura Taxel’s Cleveland Ethnic Eats is a great guide! The 2005 edition is now available for Reference in the Law Library (Ref TX 907.3 .O32 C588 2005) or get your copy at the C.S.U. Bookstore.
- \* West Side Market -- A Cleveland landmark. Across the River, on W. 25th at Lorain, but still close by. Bustling at holidays; retail and restaurants nearby. Mon & Wed 7 am – 4 pm, Fri & Sat 7 am – 6 pm
- \* The new Cleveland House of Blues is now open, at 308 Euclid Ave. (entrance on E. 4th), 216-523-2583.
- \* East 4<sup>th</sup> St. also has Pickwick & Frolic; Fat Fish Blue is at Ontario & Prospect; Winking Lizard is at 811 Huron; Rascal House at 2064 Euclid Ave., to mention just a few. There’s something nearby in every price range, and there’s always someone who could use a lunch or an evening out.
- \* Winterfest 2004 “Shop, dine and play in the city” with



Cleveland events, discounts, parking options and special hotel rates for your out-of-town guests.


\* 11th Annual University CircleFest, Sunday, Dec. 5, 1 – 5:30 pm. “A day of music, special activities and shopping for all.” University Circle museums and other institutions invite you and your family/friends to their Free Open House. Free shuttle.

\* Construction Developments: The new Idea Center at Playhouse Square is scheduled to open in early 2005! This joint project of Playhouse Square Center and WVIZ/PBS and WCPN FM/90.3 Ideastream, will bring radio, television, interactive broadband and the performing arts together for educational and other creative collaborative opportunities, taking advantage of digital media technology, to bring “educational programs, news and artistic performances to schools and communities throughout Northeast Ohio.”

Here’s to success on exams, and a great Winter Break!

## THE GAVEL

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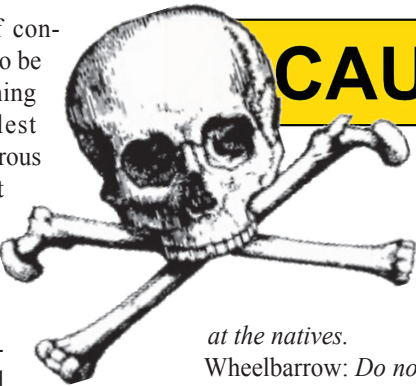
If you are interested in contributing to the Gavel, e-mail the editors at [gavel@law.csuohio.edu](mailto:gavel@law.csuohio.edu).

# Join us.

## You’re not really that stupid, are you?

Manufacturers of consumer products have to be liberal with the warning labels these days, lest they get hit with numerous pointless lawsuits. But for these, it’s hard to know whether the company is being outright stupid or if they’re simply targeting the most brain dead dumb among us.

- Air Conditioner: *Caution: Avoid dropping air conditioners out of windows.*
- Life saving device: *This is NOT a life saving device!!!*
- Condoms: *Do not return used condoms to the manufacturer through the mail.*
- Computers: *Keyboard not detected. Press F1 to continue.*
- Bread Pudding: *Product will be hot after heating.*
- Carbonated beverage: *Contents under pressure. Cap may blow off causing eye or other serious injury. Point away from face and people, especially when opening.*
- Fruit Juice Carton, on bottom side: *Keep Upright.*
- Mineral Water: *Suitable for vegetarians.*
- Champagne: *Remove label before placing in microwave.*
- Highway 26, Idaho Falls, Idaho:



**CAUTION**

- at the natives.
- Wheelbarrow: *Do not use when temperature exceeds 140 degrees Fahrenheit.*
- Glass cleaner: *Do not spray in eyes.*
- Electric Rotary Tool: *This product not intended for use as a dental drill.*
- Blow Dryer: *Do not use while sleeping.*
- Iron: *Never iron clothes on the body.*
- Coffee: *Contents may be hot.*
- Peanuts: *This product contains nuts.*
- Birth Control Pills: *Do not use if you are pregnant, intend to become pregnant, or might be pregnant.*
- Sleep Aid: *May cause drowsiness.*
- Slush Puppy Cup: *This ice may*
- be cold.*
- Almond Bar: *May contain traces of nuts.*
- Christmas Lights: *For indoor or outdoor use only.*
- Windshield Visor: *Do not drive with sunshade in place. Remove from windshield before starting ignition.*
- Guitar: *Made in America. Parts from Japan. Assembled in Mexico.*
- Trampoline: *Do not attempt flips or other acrobatic stunts.*
- Road Sign: *Caution: water on road during rain.*
- Entrance to a Cemetery: *NO PARKING: This car park is for the use of patrons only.*
- Sign at Park: *Soccer not allowed. Soccer may only be played in archery range.*
- 500-piece puzzle: *Some assembly required.*
- Push Mower: *Do not attempt to remove blade while lawnmower is running or plugged into an outlet.*







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