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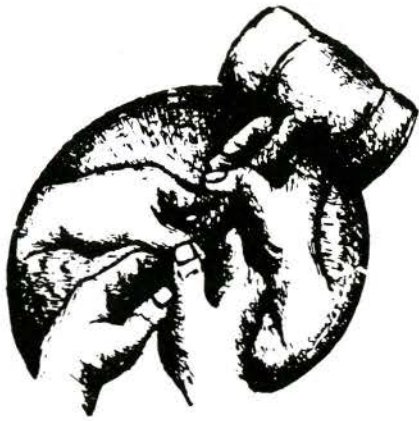
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THE GAVEL

Volume 40, Issue 1

Cleveland-Marshall College of Law

Sept./Oct., 1991

The GAVEL'S 40!

Dean &
Marilyn
Celebrate
GAVEL's 40th
Anniversary



Editor's Note

The Gavel is always seeking interested students to participate in the writing, typing, 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, you can't spend every waking moment studying, can you?

Next GAVEL Deadline is Monday, November 4, 1991

cover:

O.k., Ok., so Dean Smith and Marilyn Monroe don't really know each other. But it really is the 40th Anniversary of The Gavel. Stop by The Gavel office and check out some of the issues from the past 39 years. Then grab a pen and become a part of our 40th year. Remember, it's your forum.

The GAVEL

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Any interested students, including first-year students, are encouraged to become involved. The Gavel office is located in room 23, near classroom 12. Stop by, someone is usually in the office - if not, put a note in the envelope on the door.

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Infra.

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Letters:

To the Editors of The Gavel:

Last spring I wrote the article below with respect to our Law School's smoking policy, and it was published in the Cleveland State Cauldron. The Dean of the Law School was kind enough to send me a personal letter regarding his action concerning the problem. He told me that he had organized a committee led by Sandy Natran to solve this problem. Therefore if you have any comments or complaints, please direct them to Sandy Natran or Dean Smith. The article is reprinted below:

When I entered Cleveland-Marshall Law School in the fall of 1990, I was quite impressed with the facility, faculty, staff, and students. I saw the Law School as a well-managed, efficiently-run organization in regard to academic and non-academic matters. Generally, this early impression of mine has proven to be true. However, there was one very serious problem that quickly surfaced: the Law School's "no smoking policy."

As an economically-limited student, I was forced to pack and eat my lunches at the law school. At first, I was happy to find that like most restaurants and public buildings, there existed a smoking and non-smoking area in the lunch area. However, this characteristic soon proved to be purely superficial. I soon realized that the smoke from the smoking section propagated into the non-smoking section which essentially "constructively evicted" many non-smokers, including myself from the lunch area. I was forced to eat outdoors, which was not much of a problem until the snow and cold of winter arrived. Cleveland's harsh winter and the lunch area's hazardous smokey environment limited my lunch area to the first floor lobby, clearly a location not designed for eating. After several months of inconvenience and deprivation of adequate use of the lunch area, I decided to research the smoking policy. I found that the Law School is actually in violation of the University Smoking Policy.

The pertinent part of the Policy states:

II. Smoking may occur only in spaces designated for that purpose and at least one smoking area will be designated in each building on campus. Smoking is permitted in University vehicles unless objected to by non-smokers. Spaces may be designated within the following areas:

A. Cafeterias and other dining facilities, waiting areas, and lobbies **when ventilation is sufficient to enable non-smokers to use the facility without interference.**

III. In disputes arising under this policy, **the rights of non-smokers shall be given preference.**

After reading the policy, I realized that the issue is whether or not the ventilation in the dining area is sufficient for non-smokers to use the area without interference. I contend that the ventilation is not sufficient and, therefore, the Law School is in violation of this University Policy and possibly State Law. The ventilation system is so poor that smoke frequently propagates into the locker area, classrooms on lower floor and up the stairs into the lobby. I believe that there is a general agreement among faculty and students that the ventilation system is insufficient to support a smoking area.

I urge whoever is responsible (maybe the Dean, I'm not sure) for the enforcement of this policy to take proper action to protect the non-smokers from the hazardous health conditions that presently exist. I also feel the non-smokers have a right to the "quiet enjoyment" of the facilities, and they are presently being deprived of that right by being "constructively evicted" out of the lunch area.

I'm sure the Administrative Body at Cleveland-Marshall Law School is aware of this problem, and it is my sincere hope that action will be taken to find an effective remedy. All I am asking for is that they do their job and enforce the existing policy that they presently have before them.

William LaMarca,
Concerned Law Student

Thanks SBA!

To the current members of the Student Bar Association: THANK YOU! Your efforts in the book exchange helped me and many others save a substantial amount of money. You have proven your dedication and commitment to the needs of Cleveland-Marshall law students.

I am disgusted with the astronomical cost of

law books. Your exchange was the first significant step in combatting the problem. Thanks again. Let Barnes and Noble beware! We are sick of getting ripped off, and we are not going to take it anymore. I look forward to the next SBA book exchange.

Michael A. Schadek, 2nd yr.

NEWS BRIEFS

OCP to match Students with Potential Employers

The Office of Career Planning (OCP) often receives requests from law firms and others seeking to employ Upper-Division students as law clerks during the academic year. Although such opportunities are not right for all students, some students have a strong interest in such opportunities. At the present time, the OCP has no data base to enable it to determine which students are available for any given law-related position. The result is that good positions, which sometimes lead to full-time employment, often are not filled by Cleveland-Marshall students.

As one step in a series of moves designed to make the OCP a more effective office for all students, the OCP will be creating a data base of student profiles, including what areas of employment they are interested in, to match with prospective employers. If you are an Upper-Division student, please visit the Office of Career Planning in the near future and fill out a brief questionnaire designed to implement this program.

Street Law to hold Career Symposium

The Street Law Program will be sponsoring its 3rd Annual Non-Traditional Legal Career Symposium on Wednesday, October 23, 1991, from 3-6 PM in the Atrium of the College of Law.

Last year's participants included the American Civil Liberties Union, the Public Defender's Office, Cleveland Clinic, City Council, Cleveland Works, The Legal Aid Society, The Ohio Environmental Protection Agency and many other public interest groups, governmental agencies and private corporations.

All law students are welcome to attend the informal gathering. Tables will be placed around the Atrium so that students may speak to attorneys about their career options.

If more information is needed, please contact Pam Daiker, Associate Director of the Street Law Program at 687-6878, or stop by her office, LB-150.

SBA Booksale Bangs Barnes & Noble

By Desmond Griswold

Students "cheated" campus' Barnes & Noble bookstore out of more than \$22,000 this fall during the Student Bar Association's inaugural Book Exchange, an event that organizers say will become a permanent fixture at the law school.

Approximately 530 textbooks and study aids were purchased at half their retail value last month through the four-day book swap, according to SBA Treasurer Mark Gibbons.

Exact numbers are not yet available, but Gibbons reported that at least \$11,000 will be paid out to students who let the SBA sell their used books at the 50-percent markdown.

One student received \$262.50 and "about a dozen people received checks between \$115 and \$150," Gibbons said. "A check for \$65 was not unusual."

The \$11,000 in SBA sales means that Barnes & Noble missed out on a \$22,000 opportunity to sell law school books and study aids this fall at their full retail price.

Mike Kickel, Barnes & Noble's textbook manager, was surprised at how high the figure was. Yet, Kickel said, the actual lost business to Barnes & Noble was more than \$22,000, because

of the many students who bypassed the SBA and sold used books on their own.

"This kind of thing has been going on for years," Kickel said. "I wish we could work something out."

Barnes & Noble currently buys back used books from students at 50 percent of their retail value but only if the books have no more than 30 percent of their pages marked, according to Kickel. Barnes & Noble used books are then sold back to students for 75 percent of their retail value.

However, Kickel said that he will re-examine the bookstore's buy-back policy in light of the SBA Book Exchange's success this fall.

In the past, Barnes & Noble's buy-back policy was notably different. "During the mid-1980s, we were buying back just about anything," Kickel said. "The problem was that the heavily-cribbled books didn't sell. We ended up throwing them out because book wholesalers wouldn't buy them, either."

The SBA faced a similar situation. Although students deposited approximately 1,300 books and study aids with the SBA, about 530 that didn't sell had to be returned to students.

"The books that were heavily marked up were the ones that didn't sell well," Gibbons said. "There was also an overabundance of first-year

texts and a limited number of first-year students buying books."

Study aids, however, went fast, Gibbons said.

To cover the cost of administering the book swap, \$.50 was deducted from every \$10 of books bought. But SBA still lost money on the venture.

"This was done as a service for students," Gibbons said. "We were willing to break even or lose a little money. It seems that we lost maybe \$100."

Editor's Note:

If you can't find a text in next semester's book exchange, try Case Western Reserve's book store on Euclid Avenue at University Circle first before you succumb to Barnes & Noble's extortive prices. Case's book store sells legal text books generally at a significantly lower price than Barnes & Noble. They usually carry many of the textbooks you will need, and their prices on legal pads and other accessories are also much cheaper. So check at Case's book store first (located at 11111 Euclid Ave., right next to Severance Hall) before dropping a ton of money at Barnes & Noble.

Oliver appointed Associate Dean

Solomon Oliver Jr. has been appointed as the new Associate Dean at Cleveland-Marshall, taking the place of John Makdisi who left following the close of the 1990-91 school year.

Oliver has been a member of the law faculty for nine years. During that time, he has chaired several law school committees, including admissions and faculty appointments. He has also represented the faculty on the CSU Board of Trustees.

Oliver, whose specialty is federal civil procedure and practice, taught as a visiting professor this summer at two law schools in Czechoslovakia - Comenius University in Bratislava and Charles University in Prague. In addition to lecturing on the American federal judicial system and meeting with law faculty and administrators, Oliver also met with government officials to discuss major reforms in the country's legal and judicial system.

The new Associate Dean grew up in Bessemer, Ala., and attended the public schools there. He received his bachelor's degree in political science and philosophy from the College of Wooster. He earned a master's degree in political science from Case Western Reserve University, and a law degree from the New York University School of Law.

Prior to coming to the Cleveland-Marshall College of Law, Oliver served as Chief of Appellate Litigation and Chief of the Civil Division in the U.S. Attorney's Office in Cleveland. He also served as senior law clerk for the late Judge William H. Hastie of the U.S. Third Circuit Court of Appeals.

Oliver is a member of the Cleveland Bar Association's Ethics Committee, the Board of Trustees of the Cuyahoga Plan, and Board of Trustees of the College of Wooster.

ADMINISTRATION RESPONDS TO NEPOTISM ISSUE

Conversations with a number of students have alerted us to the issues that arise when a close relative of a faculty member takes a course from, and is graded by, a member of the law school faculty. While there are differing opinions on whether the anonymous grading system is adequate to resolve any potential problems caused by such an arrangement, it is important to avoid even the appearance of impropriety. With this in mind, special arrangements have been made this semester in one class. Furthermore, it is understood that the SBA will make recommendations to the faculty about a formal policy, and upon receipt of that suggestion we will consider whether this kind of formal policy is desirable. We would welcome any suggestions and comments.

--The Administration

Bar Passage Blues at C-M

-- are we ready for "mother of all tests?"

alumni
forum

By Kevin L. String

Nearly one year after Iraq's brutal invasion of Kuwait, which set into motion a chain of events that Saddam Hussein promised would lead to the "mother of all battles," a group of beleaguered Cleveland-Marshall graduates traveled to Columbus to sit for the "mother of all tests"--the Ohio Bar Examination. The similarities, however, end there. There is no doubt that the battle Saddam envisioned never rose to his expectations. What was supposed to be an Armageddon-like bloodbath ended up being a sophisticated fly-swatting. Truly, the "mother of all battles" line will go down as one of the grossest overstatements of the twentieth century. But to overstate the rigors of the Ohio Bar would be difficult, if not impossible. Like Coke, it's the real thing.

So now you are asking yourself, "Is this guy kidding? Surely, if I can survive Goshien's contracts final, I can handle anything." Save that for the 40 percent of C-M grads who fail the Bar annually. Instead, ask yourself the following questions: Do I know which subjects are covered on the Bar and to what extent? Am I confident that my professors and the administration are doing what they can to prepare me for the Bar? For example, do I know what a Bar exam essay question looks like? And am I learning how to deal with Bar exam multiple-choice questions (a different breed)? Finally, ask: Do I know what is required of me to pass this "mother of all tests?" If your answer is "no," then don't feel too bad--you are in the majority. It is ironic since it can be argued that preparing for the Bar is what law school is all about, yet the halls and classrooms at C-M are mysteriously silent on the subject -- kind of like how we treat the subject of death. Amazingly enough, most third-year students on the eve of graduation have no idea what await them. Their summer preparation becomes a "shooting from the hip" experience, taking things one day at a time. The net result--too many fail.

The faculty blames the high failure rate on the lack of quality students representing C-M in Columbus. So they will introduce this year the D+ with a promise to be more aggressive in weeding out poor students who should not be in Columbus in the first place. The faculty's answer may address part of the problem, but it does not address the complete picture.

I have a personal story to drive my point home. First, I had little idea what the Bar exam was about throughout my C-M years. My first clue came when, during the winter of year two, I discovered something called "Outline of Ohio Bar Exam Subjects" at work! Upon reading this document, two thoughts immediately crossed my mind: 1) Why didn't the school provide this information; and 2) I'm in trouble. For it was then that I realized that I would not be able to take every Bar subject and graduate on time. "Secured Transactions" would be impossible to fit in. So how bad could that be, right? Well, sure enough, two out of 24 essay questions addressed secured transactions. I got burned, plain and simple. The Bar review course helped me to handle the first question, but I never knew the second question dealt with secured transactions until the test was over. Was it a problem of poor quality student, or is something else wrong? Was I supposed to walk into someone's office during my first year and ask, "Is there something I am supposed to know that I don't know, that you would like to tell me?"

Now I hope some alarms are going off because this is serious business. While I don't suggest that C-M students who fail the Bar are all victims of circumstance, I am suggesting that the faculty and administration can do a lot more to help out in this area. For one, they can make available the "Outline of Bar Exam Subjects" to all first-year students. There can be more Bar-like exams given in our classrooms. Perhaps there can be a third-year student orientation where Bar-Bri, Nord, PMBR, etc. can present their programs and begin to gear students up for the Bar. At this time, recent graduates can offer advice on preparation and actual test-taking.

The Bar exam is not just another final; it is the "mother of all tests." It's a special test that requires special attention. It tests not only knowledge, but vast knowledge. It tests stamina, patience, memory, and most important, self-discipline. It places everyone on equal footing. Intelligence helps, but it is not the key. Instead, the key is preparation. Be prepared and ye shall pass, each and all. But the preparation is different in kind. This is not a cram session; it is a full-fledged training for an immense challenge. It includes preparing yourself physically as well as mentally. For most

of you, it will, and should, completely absorb your life. If approached correctly, it can be an exhilarating test of inner strength and a great personal victory. So don't ignore the inevitable. Find out everything you can about the Bar as early as possible. Don't be caught off-guard like I was. Your future depends on it.

July 1991 Bar Exam Essay Subjects:

- Contracts (2)
- Business Associations (4)
 - Agency (1)
 - Partnership (1)
 - Corporations (2)
- Torts (2)
- Evidence (1)
- Federal Tax (2)
- Trusts (1)
- Civil Procedure (2)
- Secured Transactions (2)
- Commercial Paper (1)
- Property (2)
- Constitutional Law (2)
 - First Amendment Rights (1)
- Professional Ethics (1)
- Family Law (1)
- Criminal Law and Procedure (1)

Note: Ethics replaces "Wills" question for this test only.



AND THEN I SAID TO HIM, "WHAT THE HELL DO I NEED A GODDAMN
BAR REVIEW COURSE FOR? I WENT TO CLEVELAND-MARSHALL!"

Mr. Foley, I see you are a Catholic ...

By Kevin Foley

It was the day I waited for all summer. No, it wasn't the day I find out if I have a permanent job at my firm. It was the day I found out if the stick was blue! Was Murphy Brown pregnant ?!?!? I came home from work, sat down in front of the boob tube, had a beer and a hamburger and anxiously waited. It wasn't long into the show that I knew the answer, and fortunately Murphy decided to have the baby...

Wait a minute, I can't write, say or even think that. How can I ever reach the pinnacle of my profession, the Supreme Court, with such radical thoughts? I can see the first question I would have to answer at the announcement of my nomination:

P.E.T.A.: "Mr. Foley you once said you ate a hamburger. Are you telling us that you would disregard the 8th amendment and actively support the cruel and inhumane treatment of animals?"

Mr. Foley: "WHAT?!?!?!?"

David Goshien: "Mr. Foley, give me the holding in Hurley v. Eddingfield."

Mr. Foley: "uh, uh... if my grandmother had wings... no... you can sue the bishop of Boston..."

Unfortunately, the questions would not become

easier at my confirmation hearings:

Sen. Biden: "According to an article you wrote while in law school, you said Murphy Brown 'fortunately' had the baby. Does this mean you disagree with Roe v. Wade?"

Mr. Foley: (At least it was an original thought. Nah, that won't work). "Senator, I simply thought it would add excitement to my favorite show."

Sen. Cranston: "If you were a writer on Murphy Brown and somebody gave you a substantial sum of money to change the script or to influence other writers, what would you do?"

Mr. Foley: (Probably call you for advice. Nah, that won't work). "Senator, I would follow my conscience and be my own man."

Sen. Hyatt: "You stated in that same article that you came home from work that night. You work at a defense firm, correct? Why are you always trying to advance the fortunes of the rich instead of helping the less privileged at a discount rate?"

Mr. Foley: (I didn't have the fortune of marrying into an obnoxiously rich family and inheriting my father-in-law's job, so I must attempt to earn a living. Nah, that won't work, either.) "Senator, I understand the importance of helping the underdog and I apologize for not concentrating my efforts on some worthwhile effort, like saving the whales. I now realize that the pro bono work I was doing for the nonprofit group that night was unimportant, who needs special olympics when there are bigger fish in the sea?"

Sen. Kennedy: "You said you opened a beer before the show, that seems to indicate to me that you have an alcohol problem. Is that true?"

Mr. Foley: (Much too easy). "Senator, I should have been more specific; it was near-beer, O'Doule's, I think, and I only had one."

Now we all know, or at least I hope we do, that these questions border on absurdity. But why must the Judiciary Committee go through this carnival every time a president nominates a Supreme Court Justice? It is as basic as one plus one that a conservative president is going to nominate a conservative candidate and a liberal president, a liberal candidate.

For some strange reason, both President Bush and Judge Thomas are being held out as abuses of the system; the court is too conservative, Clarence Thomas should not be conservative, and Bush began the political game by nominating a conservative. I finally understand the system... If Clarence Thomas were to espouse a liberal ideology, then his experiences as a federal judge are exemplary, but because he is conservative, his exemplary credentials are suddenly insignificant by comparison.

Oh, by the way, if you're wondering whether I was confirmed, I wasn't. Aside from my lack of the necessary intellectual capacity, one question, which was not even from a Senator, sealed my fate:

Gov. Wilder: "Mr. Foley, I see you are Catholic. It seems to me that you have too much allegiance to the Pope, is that true?"

The Ballot's Barricade

By Joe Jacobs

What exactly is it that bothers you most about our national and state government: Is it the lack of rational policies regarding crime, the environment, education, the economy, or drug abuse? Or is it all of these, including those people who do the governing? Whatever our disagreements may be with those elected leaders, we've all heard that this is the country where, if we don't like things the way they are, we can change them. We can even run for office ourselves! Why haven't we?

At a time when corruption in government shown on the evening news is as common as the five-day forecast, why can't we seem to offer a better choice for president than one whose main campaign promise, (Read whose lips?), was broken months after the election?

Is the American public truly satisfied with the progress of the drug war, the state of the economy, and the lack of any real learning going on in public schools? It seems once again we are asked to believe that the two political parties in power offer real differences between them. Why are there no other choices?

Consider the obstacles that are set before us if we should ever decide to run for president or governor in this state. The first blockade designed by the Ohio legislature is the need for roughly 40,000 signatures merely to have your name placed on the ballot. Of course, each state has different requirements, but Ohio's standards are considered among the most difficult in the nation. These signatures would be subject to considerable scrutiny, and could only be accepted before January in the year of the election. This incredible task of gathering signatures would have to be accomplished almost a year before the election.

If this sounds difficult, we should know that it wasn't always this way. Recall that today's Republican Party formed in July of 1854 and won plurality in the House of Representatives that year. With today's requirements they would not have been allowed on the ballot in any state in the Union.

What's the good news?

There are states that have not raised barricades against political hopefuls. In New Jersey, the requirement to be placed on the ballot for any election is less than 1000 signatures. Do they have every nut in the

See Ballot / p.11

First Impressions

first years break from studying to reflect ...

By Daniel Robert Modarski

As I sat in the Joseph W. Bartunek III library last week, thousands of intellectually provocative thoughts bombarded my brain. As any diligent and eager "First Year" would do, I attempted to comprehend the major enigmatic questions of law school. Why A could not buy Blackacre for a dollar, yet B could possess Blackacre by camping out on the land for a while. Why are A and B always the interesting and important parties to the suit and Z is always the trouble maker? Z is always the shifty guy that sells A the worthless deed, or pushes B into A and hurts C.

After grappling with these questions for hours, I determined that it was time I pack up my books and head home. While heading to the ground floor of the library, another disturbing thought enveloped me: when designing and constructing the Law Building, why didn't the University splurge and build stairs that would be wide enough for two people to pass each other? The stressful, stomach churning experience of wondering whether you will get half way down the stairs and find someone on their way up, is monumental and unwarranted. The rigors of law school provide enough stress that the ulcers of law students do not need any additional worries. (Is there a cause of action against a state university that subjects its students to intense mental anguish and distress in a library setting?)

Like many law school rights of passage, every Cleveland-Marshall student must face the "narrow-stair challenge". Accepting the inevitable, I meticulously prepared and rehearsed for the confrontation. The preparation, however, was all for naught. With my backpack on my shoulder, I absentmindedly headed down the steps, and it happened. I started down and another student started walking up. Like a squirrel that gets half way across the street and then indecisively and inexplicably stops, I froze. My able and experienced adversary hardly flinched and continued up the steps. Quickly, I assessed the situation. I slipped the backpack off of my shoulder and flattened myself against the wall. He squeezed by me and I mumbled an insincere and hardly audible "excuse me."

I realized it was over and quickly scurried down the steps. Although I did not leave the stairwell victorious, I did not shamefully back down. With the big confrontation behind me, I was able to concentrate on the truly important

See First Impressions / p.11

By Frank Krajenke Jr.

Terror, intimidation, fear, anxiety. No, I'm not plugging the next "Chucky" movie; these were my feelings toward entering law school. Here I was, a regular guy, not a superstar, taken from one corner of the Midwestern Industrial Complex and plopped into another sector, without friends or family.

My summer had been pleasant--spending time with my friends, Nicole and Lori, enjoying Michigan lakes, and playing billiards. Tranquility, sunshine, and peace of mind. Then came August 26.

As I walked into Torts for the first time, my grandfather's words flew at me like scattering shrapnell, emanating from the coldest and most remote corner of my memory: "Are you going to amount to something, or are you going to be a street-sweeper?"

Growing up in Mexico, I would sit on the patio with my grandfather while he sipped his Cuba libre and I my jugo de uva and watch the old men clean the calle. I felt sorry for them; not only did their work appear to be an exercise in futility, but they were poor, dirty, helpless. I wanted to help them, and I still do. All through my life, I have kept my eye on the calle. I have seen it kill some of my closest friends and ruin the lives of some of my family. What my grandfather meant was whether I was going to let the street interfere with my goals.

See Calle / p.11

By Andrew Dorman

After a taste of the "law school experience," it seems appropriate to reflect on the past month's events. We were greeted warmly by members of the faculty and student body on that tense first day of orientation when we all looked around wondering, "Who is the smartest?" The S.B.A. provided us with books/study materials at reduced costs, and for that we were grateful. They have also provided us with two social functions; it's good to see our tuition money being used for a worthy cause.

Some of us wisely opted to take the library tour, while some of us did not. Those of us who didn't are baffled on how to get a copy card and why the stairwells are so narrow. Isn't that a fire hazard? We have also discovered our packed lunches disappear if left overnight. (Or are they eaten by the construction workers?) A few of us have also had the displeasure of nearly being decapitated from the parking lot entrance.

We have been introduced to the "reasonable person," but just when we figure him/her out, he/she does something unreasonable. Some of our classes are "vague," while others keep us awake. Some of our profs are demanding, and some of them are cake.. We have also spent time in the bookstore trying to decide on which study aid is best and which ones, if not all of them, we should purchase. Who knows, when we finally make up our mind, maybe it will be time for the infamous bluebooks. ***



First Year Law Student Studying.

First Year Law Student on a Date.

Student Organizations at C-M

moot court

A student's ability to jump from the classroom to the courtroom can be very difficult because he/she lacks the essential skills. At Cleveland-Marshall, a student has the opportunity to acquire such skills through the Moot Court program.

Moot Court offers a student the opportunity to enhance his/her brief writing and oral advocacy skills. No other source in law school produces such practical benefits for the student interested in appellate litigation. Participation in Moot Court challenges the student to improve upon his/her skills in legal research, writing, analysis, synthesis, and oral advocacy.

The Cleveland-Marshall Moot Court Board of Governors has a long tradition of excellence in appellate advocacy. Most recently, all of the briefs entered in competitions by the 1990-91 Board of Governors finished in the top half. Those briefs included a Best Defense Brief in the Bailey Competition, a third place and sixth place brief in the National's Competition, and a fourth place brief in the Prince Competition. Further, our Bailey team was undefeated in four rounds of competition, but did not go to the final round due to a comparative scoring system. Many other Board successes can be seen in our

trophy case located in the school's atrium.

The 1991-92 Board of Governors has entered a variety of well respected competitions, and promises to improve upon the success enjoyed by past Boards. This fall Cleveland-Marshall will send two teams to the National Moot Court Competition, which originates in Dayton and concludes in New York City, and one team to the Benton Competition in Chicago. Spring competitions include the Jerome Prince Evidence Competition (Brooklyn, NY), the New Mexico Bioethics Competition, the Craven Competition (Chapel Hill, NC), and the Products Liability Competition (Cincinnati, Oh). Competitions involve thirty to forty teams from across the country. They center around current legal issues.

The Moot Court Board of Governors will be sponsoring its Twenty-third Annual Moot Court Night in early November. The Board invites students to see the Moot Court Program first hand. Representatives from the two national teams will argue before a distinguished panel of judges.

For more information on the Moot Court Program please stop by the office in LB 16 (687-3980) or contact faculty advisor, Professor Stephen J. Werber (687-2337). The 1991-92 Moot Court Officers are: Chairman, Greg Costabile; Vice-Chairpersons, Ann Bergen and Kelly Donohue.

national lawyers guild

The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic systems. The work of the Guild spans the spectrum of progressive causes and issues, and has had an important impact on the political development of the country.

Last year, the Guild presented a very successful luncheon featuring guest speaker Frank Wilkinson, who has the largest F.B.I. file. This year we are planning other events of interest, including a seminar about the environmental changes and the effect on the Native American.

The Guild is sponsoring a membership social which will be held in the early part of October. If you want to find out more about the Guild, please attend. Members of the Cleveland-Marshall Chapter as well as the Cleveland Chapter will be present to answer any questions you may have. We look forward to meeting you and having you participate in Guild activities.

The Cleveland-Marshall Chapter of the NLG is located in LB 25. If at any time you'd like more information regarding the Guild, please contact Lillian B. Earl or Shirley Tomasello, or stop by the office. * * *

international legal society

The International Legal Society is off and running again in its new and improved version for the second year. Plans for this year include sending a team to the Jessup International Moot Court Competition again and hosting the Ford Foundation's Symposium on Issues in International Law. Tentative plans are afoot to resurrect the Cleveland National Model United Nations Conference and to attend the United Nations Students in International Law conference in New York.

On a more local scale, the Noontime Brown Bag Speakers will kick off on Tuesday, Oct. 8 in Room 133 with our very own Prof. Elisabeth Dreyfuss addressing human rights and Amnesty International. You bring a brown bag lunch, and the drinks are on the ILS.

ILS members will also continue to attend the International Lawyers Group luncheon/lectures at the Cleveland City Club. September's speaker was from the Paris firm of Gide Loyrette Nouel. He discussed the relaxation of french foreign investment regulations and the expected impact and implications on the upcoming common European market in 1992 as well as how American lawyers fit into this scheme. October's speaker is an attorney with General Electric who will address international import/export issues. We don't yet know, however, what's for lunch.

Anyone interested in additional information about the ILS can get a schedule of upcoming events from Ann Fisher or T.J. Miller or leave a note under the door of the ILS' new office, in Room 25. * * *

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 Meck 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 that we are planning for the 1991-92 term are: A lecture by an expert in a legal or law related field, educational assistance for first year students, fund raisers, and various social activities such as Browns, Cavs, and Indians games. Our first social was a party on Thursday, September 19th. Our next social is going to be in the student lounge in October. We are also trying to plan some service activities such as voter registration, a blood drive, and a canned food drive.

The Phi Alpha Delta officers this year are: Mark Kikta, President; Cincy Coloian, Vice President; Victoria Fedor, Secretary; Ed Nicosia, Treasurer; and Kelly Kaschalk, Marshal. Our social chairperson is Ken Abbarno, and our publicity chairperson is Lisa Brown. 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 at LB 27. * * *

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 analyses 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 have included Boris Bittker, Shirley Hufstедler, Archibald Cox, Irving Younger, Geoffrey Hazard, and others. Subscribers to the Law 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 Associates 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.

journal of law and health

The Journal of Law and Health is Cleveland-Marshall's own specialized periodical that explores legal issues in various health-related areas such as medicine, insurance, biomedical ethics, psychiatry, and environmental law. We also deal in areas where one might not expect to generally find health issues, such as international law, criminology, constitutional law, and evidence.

The Journal is currently on the rise in a number of areas. Our membership is growing, our readership is increasing on a national level, and we are gaining a reputation of excellence and professionalism that goes beyond the Greater Cleveland area. In its sixth year of publication, the Journal offers students the opportunity to add depth to their legal education while gaining invaluable experience in writing, citing, and editing. In addition, members gain expertise in important and current issues of law, and have the opportunity to serve on the editorial board or become published in an upcoming issue. Current membership includes 16 editors and 28 staff members.

There are two ways to become a member of the Journal. First, if your first-year grades place you in the top 20% of your class, you will automatically receive an invitation to join. Second, you can be invited to join by successfully participating in the summer writing competition which is sponsored jointly every year with the Law Review. Those participants who show an exceptional ability to write will be invited to

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.

Participants in the Law Review program gain valuable experience in legal research and writing, as well as a unique opportunity to participate in the editorial and publishing process of an internationally distributed scholarly journal. Participation in the work of the Law Review also offers a chance to build strong friendships with fellow students. As colleagues and friends, all members of the Law Review work together to achieve the challenging goal of publishing a journal of the highest quality.

Further, membership on a law review has been the traditional mark of an excellent law student. Employers value the commitment and scholarship demonstrated by participation in Law Review. Law Review experience is a great asset in the interviewing and hiring process.

Any questions about the Cleveland State Law Review can be directed to the Editor-in-Chief, Laura Mimura, in LB 22 or by calling 687-2336.

women's law caucus

The Women's Law Caucus is an organization open to all students at Cleveland-Marshall. The WLC sponsors a number of activities during the year including sessions on how to study for exams, brown bag lunches for students to become acquainted with faculty members, as well as monthly meetings. Look for notices of activities in the lounge area. The WLC office is located in LB 26.

If you would like more information, stop by the office or see one of our officers; Valerie Arbie, Denise Carpenter, Larue Foster, Susan Linkeman, Kelly Kaschak, or Lori Sanborn. Good luck to all this school year! * * *

federalist society

Here is a quick quiz for all of you law students interested in an honest and open environment for discussing social, political, legal, and constitutional issues!

1) What do Justice Antonin Scalia, Judges Robert Bork and Richard Posner, Nobel Laureate Milton Friedman, Senator Orrin Hatch, and Professors John Ely and Laurence Tribe have in common?

2) What do Harvard, Stanford, The University of Chicago, and Yale have in common?

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become members of the Journal. The writing competition is open to full-time students in the summer between the first and second years of law school. Part-time students can enter either their first or second summers.

In the first year of membership on the Journal, students actively participate in proofreading and cite-checking of all articles which have been accepted for publication. In addition to these responsibilities as staff members, first year members write and submit a Note on a legal/health issue which interests them. This Note is generally completed under the guidance of a faculty advisor and will fulfill the College's Upper Level Writing Requirement. The student will also receive academic credit of two or three credit hours upon successful completion of the Note. This Note will also be reviewed by the editorial board of the Journal. Successful review results in the student's acceptance onto the board for the next academic year. As editors, second-year members of the Journal have the opportunity to oversee the entire publication process. For their efforts, additional academic credit will be awarded.

In addition to the publication of the Journal itself, our organization participates in a number of activities which are open to the entire student body. For example, the Journal will be hosting a seminar for those students who are also nurses. Many employment opportunities for nurse attorneys will be explored in conjunction with the American Association of Nurse Attorneys. Also, the Journal sponsors an end-of-the-year banquet which is open to the entire student body.

Any questions regarding membership requirements, upcoming issues, etc. can be addressed to either of the Co-Editors-in-Chief, Tammy O'Brien or Dan Richards, in the Journal office, Room 65. * * *

New Professors on Board

By Karen Edwards

Cleveland-Marshall's three new faculty members were in consensus on one thing--they all think the large, diverse student body and urban atmosphere here creates a stimulating educational environment.

They also have something else in common. Although seasoned in other careers such as journalism and governmental service, all of them are relatively new to teaching and share the newcomer's idealism for the field.

C-M's new full-time assistant professors include Linda L. Ammons (Administrative Law and Legislation), Patricia J. Falk (Criminal Law, Family Law, Social Science and the Law), and Susan Becker, a former visiting professor (Contracts and Civil Procedure).

Linda L. Ammons traded in a bit of celebrity status for her new teaching career--she was for the past two years executive assistant to Ohio Governor Richard Celeste and once served as a television talk show host, producer and anchorperson. But she doesn't mind at all. "I had decided it was the right time to do this (pursue teaching). It's interesting to see how theory and practice merge or don't. I've seen the practical side and it's now time to examine the theoretical."

She likes the urban setting of C-M because, "Real-world problems can better be related to the law here as opposed to the somewhat cloistered setting of a smaller college town." Despite the largeness, she noticed not a hint of the impersonality. "Everyone at the law school has been very helpful and warm--they gave me a great reception," she said.

Ammons has served as a special assistant to the director of Ohio's Department of Administrative Services and as a project manager for the Civil Rights and Affirmative Action Conference at Ohio State University. She once conducted a major labor study for the Columbus Urban League. Although a former resident of Huntsville, Alabama and Columbus, she is no stranger to Cleveland, having once written a thesis analyzing crime news in the Call and Post.

Ammons holds a B.A. in English from Oakwood College in Alabama, M.A. in Communications and J.D. from Ohio State



Prof. Ammons

University. At Ohio State, she was president of the Black Student Law Association and won the Black Student Leadership Award in 1987.

Continuing her interest in communications, Ammons has published chapters on libel and slander in the First Amendment Handbook and has written several other articles on mass communications law. She has also written on affirmative action issues.

Patricia J. Falk is another convert to teaching from a governmental post. For the past six years, she has been a trial attorney with the U.S. Department of Justice Antitrust Division investigating and prosecuting criminal bid-rigging and price-fixing under the Sherman Act. But she said she wanted a change because, "I've always wanted to teach, and this (the teaching position) will allow me to use my psychology background more."



Prof. Falk

Falk earned a joint J.D.-Ph.D. Psychology degree from the University of Nebraska-Lincoln with dissertation on "Courts' Citation and Reference to Social Science in Legal Opinions Involving Gay Individuals." While at Nebraska, she served on the Moot Court Board, law review, Order of the Coif, and won the American Jurisprudence Award in criminal law.

Although she taught psychology at Nebraska, law is a whole new ball game, she said. "Teaching law is more exciting and more challenging. Undergraduate education is largely passive, but legal education is interactive, constantly opened-ended discussion."

Falk finds C-M a big change from the University of Nebraska. "Both the faculty and the student body are much more diverse. But I'm really enjoying this," she said.

Falk's article "Lesbian Mothers: Psychosocial Assumptions in Family Law," was published in American Psychologist in 1989. She has also given presentations on juvenile delinquency and is currently conducting research on "Judges' and Attorneys' Perceptions of Factors Affecting the Role of Counsel in Juvenile Delinquency Adjudications."

Susan Becker's original goal in life was to be a star news reporter and she at least partially reached it, winning a Sigma Delta Chi/Press Club community services reporting award. But she has no regrets with the turn of events that resulted in her teaching law. She said she

enjoyed her former career as a writer, both freelance and for the Chagrin Valley Times, but it offered little chance for advancement.

So she came to law school at Cleveland-Marshall, figuring it would at the minimum provide a technical specialty for her writing and at maximum a new career. "I loved law school," she said. "And I especially like Cleveland State because the students come from so many varied life and work experiences which aids the educational environment."

For this reason, she was delighted when a chance to teach Legal Writing here came up in 1986 and later resulted in the visiting professorship and finally, the tenure-track position. "It was just fortuitous circumstances. The offer last year came right when I was about to take a Chicago teaching job," she said.

Becker worked for five years in litigation for Jones, Day, Reavis & Pogue at both the trial and appeals level in the areas of products liability, labor, business, and administrative law. She had conducted jury research (including mock trials) and once implemented a computer support system for complex litigation. Before that, she clerked for Judge Robert B. Krupansky of the U.S. Court of Appeals.

While at C-M, she was research editor of the law review and served an externship to Judge Leroy Contie, U.S. Court of Appeals for the Sixth Circuit. She is also a journalism graduate of Eastern Kentucky University.

Unable to completely leave journalism, she has just written two new articles--one on the "Use of Opinion Polls as Evidence," to be published in the University of Oregon Law Review, and the other on the "Discoverability of Information Held by Former Employees of a Corporate Party."



Prof. Becker

Monroe H. Freedman will join the full-time faculty this spring as the Joseph C. Hostettler-Baker & Hostettler Chair and will also teach Legal Profession. He is presently the Howard Lichtenstein Distinguished Professor of Legal Ethics at Hofstra, where he was dean from 1973-77. Before that, he taught for 15 years at George Washington University. Freedman has often testified as an expert witness on ethics. His 1975 book, Lawyers' Ethics in an Adversary System received the ABA's Gavel Award certificate of merit and was followed by

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New Profs.

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his 1990 work, Understanding Lawyers' Ethics.

The new adjunct faculty this year are:

Edward G. Kramer, Kermit J. Lind, and Marilyn Tobocman, practicing attorneys with The Housing Advocates, Inc., which represents low- and middle-income people in housing and landlord-tenant law. They supervise the students enrolled in Housing Law Clinic as legal interns.

Danny R. Williams, an attorney with Schneider, Smeltz, Ranney & LaFond, where he specializes in commercial, real estate, insurance, employment and bankruptcy law. He is teaching Trial Advocacy this fall.

Peter N. Kirsanow, labor counsel for Leaseway Transportation and formerly for Calfee, Halter & Griswold. He is a former city of Cleveland chief labor attorney and will instruct the new Sports Law course this spring.

Ballot

Continued from p.6

state running for office? No. It is common that less than ten candidates run for any office, and rarely do the voters have only two choices.

While there has been some success in federal and state courts in finding certain ballot-access requirements excessive and unnecessary, this fight has encountered great resistance from legislators. At least six states have recently either instituted new requirements or have increased the number of signatures required for ballot access. (see chart)

The solutions for the crises our nation has faced have always been found in new leaders, yet, today, there exists great resistance to this change from those who write our laws. Until these obstacles of ballot access are removed for all Americans, this country will continue to drift further away from the republic it claims to be.

STATE	LEGISLATIVE CHANGE	YEAR ENACTED
Kansas	New requirement: 5% of the total voting population*	1965
Hawaii	New requirement: 5% of the total voting population	1970
Arkansas	New requirement: 7% of the total voting population.	1971
Maine	Requirement raised from 1% to 5%	1975
Alaska	+ 400% increase in number of signatures	1980
Colorado	+ 300% increase in number of signatures	1989

* Total voting population is usually considered the number of people who voted in the previous gubernatorial or presidential election.

**Stats. from Smith, Judicial Protection of Ballot-Access Rights: Third Parties Need not Apply, 28 Harv. J. on Legis. 214 (Winter 1991).

First Impressions

Continued from p.7

questions of law school: Who is Ellis Diehm, and why is his portrait ominously hanging at the exit of the library? After hours of strenuous reading, I slip into the subsequent, near brain dead state of delusion and I am compelled to look into the shifty eyes of Professor Diehm. I feel like one of the termagant members of society in The Great Gatsby who were scrutinized by the ever present eyes of Dr. T.J. Eckleberg. Why does Diehm project such a questioning and evil look upon law students? Was he kicked out of Professor Goshien's class for being unprepared? Did he die from lung cancer by sitting downstairs too long in the smoke-filled lounge?

Why can't he be more like his companion, Judge David Meck, whose immortal presence hangs on the other side of the library security system? Judge Meck maintains the soothing, Mr. Rogers, eat-your-oatmeal-and-everything-will-be-alright type of look. When I am leaving the library, I always wonder if I have studied enough to satisfy good old Ellis. This thought usually troubles me and occupies my thoughts as I proceed to my car. But alas, my thoughts of Ellis Diehm fade and a more impending question comes to mind: Which state subcontracted project will be finished first, the construction on Intestate 77 or the repairs on the outside of the Law Building?



Calle

Continued from p.7

Like many, I carry the extra baggage of life's experiences into a place where one needs to be focused. The ability to stay focused will determine whether I can perform at a level necessary to be an academic success.

Though I am still frightened, the faculty has been tremendously reassuring, simply because they take the time to listen and explain issues. Also, students seem enthusiastic and friendly, which makes for an atmosphere conducive to learning. While my J.D. degree is a long way off, the calle is a little bit further away.

Federalist Society

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3) What will Cleveland-Marshall soon have in common with the above?

The answer to all three questions is The Federalist Society.

The Federalist Society is a group of conservatives and libertarians interested in the current state of legal order. Among the many principles it is founded upon, perhaps the most important is the free and open discourse of issues. This is accomplished through speaker meetings, group discussions, debates with faculty or members of the bar, and publishing newsletters. A yearly symposium is held at various law school chapters. Speakers at these symposia have included all of the distinguished individuals named above.

A group of law students at Cleveland-Marshall have been working for the past months to organize our own chapter here. Students who are interested in learning more about this new opportunity at Cleveland-Marshall should contact the following people:

Kevin Foley, President
 Jamie Callender, Executive Vice-President
 David Baloga, Administrative Vice-President
 David Crisafi, Treasurer
 Marilyn Miller, Secretary

Additionally, there will soon be an organizational meeting that all are invited to attend in order to see what The Federalist Society is really about. * * *

The Gavel

Cleveland-Marshall College of Law

Cleveland State University

Euclid Ave. at E. 18th.

Cleveland, Ohio 44115