The GAVEL

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 Tuesday,
April 7, 1992

Infra.

Letters ........................................ 3
Legionnaires' Scare ..................... 4,5
Of Blue Books, etc....................... 6
Law School News ......................... 7
Demjanjuk.................................... 8
Second-hand Smoke.................... 9
First Years Scrooged.................. 10
Go Ask Hank.............................. 11
Guide to Studying....................... 12
In Memory of............................. 13
Letters:

To the Editors of The Gavel:

A common complaint often expressed by business people about lawyers is that they lack common sense and business sense. There is no course teaching these senses, but they can often make or break a deal. I recently witnessed an example of a lack of common sense and business sense among some of our fellow law students during a meeting with representatives of the ABA accreditation committee.

The purpose of this meeting was to ask any questions that students may have concerning the accreditation procedure. The meeting was attended by about twenty students, including an officer of the SBA. Most of the questions that were asked concerned perceived shortcomings of Cleveland-Marshall and not the accreditation process. Most, if not all of these questions raised valid concerns about our law school. But this was an extremely inappropriate forum in which to raise these concerns.

I am not sure what these students had hoped to accomplish by asking questions that showed the shortcomings of our school. The committee was here to evaluate C-M and to decide if it should be an accredited law school. If they were to decide to take away its accreditation, our time and efforts spent while attending Cleveland-Marshall would be wasted.

To the Editors of The Gavel:

I would like to applaud The Right To Choose article by Andrea Rocco that appeared in your November/December 1991 issue. I too am particularly sickened by the attempts of the fundamentalist, reactionary movement to align themselves with previous true civil rights leaders such as Martin Luther King, Jr. To the vigilantes who break the law and brutally assault women exercising their fundamental right to enter reproductive health clinics, I have a few thoughts and suggestions.

A woman seeking an abortion may be poor and unable to care for a child financially and emotionally. Hospital deliveries average $1,000 for a two-day stay. Raising a child will cost $8,000 annually for merely food, shelter, and clothing. Abortions average $200. Can't you understand the choice? Perhaps the woman is a drug addict. Raising a child - what is she going to do with the child in prison? If she wants to have a child, will you? Perhaps the woman is a victim of rape or incest. Does she want to lie down in front of cars or cart a dead fetus around, why don't you really help women? Offer to adopt the unborn child, if it will be born with drug addiction, AIDS, or severe deformities. Set up a trust fund to support the woman and child until the child reaches adulthood. Ask your church or community to set up a trust fund. Be there to give help with the child as it grows. Raising a child is a lifetime commitment. Offer your time to a woman who needs to work to support her child. Advocate sex education for teenagers. Give your own children information about birth control. Teach your children responsibility for their actions.

Don't criticize a woman for exercising her right to choose unless you have a good alternative for her and her potential child. It is her body. She is a living member of the state. A fetus is not a living member of the state. Forced pregnancy and child-delivery is as equally horrifying as forced abortion. Let us pray (yes, pray) that women will still have access to safe and legal abortions in the future.

Joseph J. Ranyak

Instead of screaming "bitch murderers," sending your children to lie down in front of cars, or carting a dead fetus around, why don't you really help women? Offer to adopt the unborn child, even if it will be born with drug addiction, AIDS, or severe deformities. Set up a trust fund to support the woman and child until the child reaches adult age. Ask your church or community to set up a trust fund. Be there to give help with the child as it grows. Raising a child is a lifetime commitment. Offer your time to a woman who needs to work to support her child. Advocate sex education for teenagers. Give your own children information about birth control. Teach your children responsibility for their actions.

Don't criticize a woman for exercising her right to choose unless you have a good alternative for her and her potential child. It is her body. She is a living member of the state. A fetus is not a living member of the state. Forced pregnancy and child-delivery is as equally horrifying as forced abortion. Let us pray (yes, pray) that women will still have access to safe and legal abortions in the future.

Laura E. Ray, MA, MLS
Media/Reference Librarian
Bartunek Law Library
Law Building tested for Legionella bacteria

By Desmond Griswold

Recent tests have shown there is no evidence that the law school building harbors the organism that causes Legionnaires' Disease. Air samples taken from the building in November revealed no trace of the Legionella bacterium that causes the potentially fatal Legionnaires' Disease, according to Harlan Merwin, Cleveland State University's Director of Safety and Environmental Sciences.

Results of the air sample tests, released a few weeks ago, confirmed results of an earlier visual inspection of the building's cooling system. Legionella is commonly found in moist environments, especially areas where there is standing water, like those in cooling systems.

The environmental consulting firm hired by CSU to search for Legionella, Professional Services Industries, Inc., will return this spring to perform follow-up tests. In the meantime, workers will clean the building's air conditioning coils and empty drip pans where condensation collects, Merwin said.

University officials were moved to check for signs of Legionella in the law school after Professor Sheldon Gelman came down with pneumonia-like symptoms that are typical of Legionnaires'. Gelman, who spent four days in the hospital and three weeks away from school last fall, recovered with the help of antibiotics.

While preliminary tests showed that there was an 80% probability that he had contracted the disease, the most recent tests make it seem improbable, according to Gelman. He explained that state health experts had expected to see his body produce an increased number of antibodies to fight the Legionella organism if he contracted the illness. However, he did not.

Legionnaires' was also suspected in the illness of Professor James Flaherty, who spent six weeks away from school last summer. Flaherty said that he was never tested for the disease because he was responding to the antibiotics that his doctor had prescribed. Health officials, however, are now studying a blood sample recently taken from Flaherty to see whether or not he has a large number of the Legionella-fighting antibodies. The disease was also suspected in the recent illness of a female student. But according to Dean Steven Smith, the preliminary tests show that she has not contracted Legionnaires'.

Legionnaires' Disease takes its name from an outbreak that killed 34 people during an American Legion convention held in Philadelphia in 1976. Legionnaires' can lead to death if not detected and treated early.

While it appears that the Legionella bacteria is not present in the law school, Gelman said he is still worried that the building has contributed to the respiratory problems of students, faculty, and staff. When he first notified the university about the possibility of Legionella being present in the building, Gelman said that administration officials (who he would not identify) told him it would be too expensive to have the law school professionally inspected.

"I don't think the university has anything to congratulate itself on," said Gelman a few weeks ago at a meeting centered on the Legionella test results. "[The university has only] dodged the issue in this case."

Merwin, however, defended the university's response, saying that state health codes require building inspections only after two cases of Legionnaires' Disease are confirmed. As it stands, the law school has yet to register a confirmed case.

Still, Gelman and others at the meeting said that they are alarmed at the number of people associated with the law school who have suffered from respiratory ailments in recent years. Gelman pointed to a December 1990 study that details deficiencies in the building's ventilation system and overall air quality. While the 14 month old report makes numerous recommendations, Merwin acknowledged that the suggested measures are just now being implemented.

Merwin, who is the university's top environmental health official, said he never knew that the report existed until he heard about it last month. "We're now addressing each item in it," he confidently told the audience.
The recent “Legionnaires’ Scare” here at C-M seems to be winding down, as air sample tests and an examination of the ventilation system has reported no evidence of the bacteria Legionella present.

Thank God.

Because if this had in fact been a true cause for alarm, the university administration’s refusal to responsibly investigate when the question first arose this past fall could have had dire consequences for a large number of people.

We are a “captive audience” when it comes to the air we breathe in the law building. As such, it is the responsibility of the school administration to ensure that the air quality meets some minimal standard, or at the very least will not cause us harm.

This responsibility manifests itself in both the duty to maintain the air quality in the law school building, as well as the duty to investigate when the air quality is questioned, or becomes a conceivable health threat. While there is no solid proof of any negligence as to the former, the administration failed miserably as to the latter.

When Professor Gelman first became severely ill this past fall and was informed that there was an 80% probability that he had contracted Legionnaires’ disease, the official response of the university was that it would be too expensive to have the building professionally inspected. This was not only incredibly callous, but also stupid, when one considers the conceivable legal ramifications.

But that is getting away from the issue. What is of central importance is that the health and wellbeing of the law school community was potentially endangered, and the university reacted with its typical knee-jerk “deny and ignore” response, which is the unfortunate hallmark of this institution.

When the stakes are this high, it doesn’t matter if the prized "two confirmed cases" haven’t arisen yet.

Legionnaires’ disease can kill. This fact alone should have prompted some sort of immediate investigation of the law school’s air quality. When the stakes are this high, it doesn’t matter if the prized “two confirmed cases” haven’t arisen yet.

Legionnaires’ disease is an opportunistic virus that blossoms in hosts whose immune systems are weakened through illness, old age, or the stress of going on three hours of sleep and ten cups of coffee during exam week . . .

Perhaps this writer is a little over-sensitized to this issue because of the amount of time personally spent in the law building. However, when the issue involves a serious health threat to a large number of people, a little sensitizing is certainly in order.

The law school administration is also to blame for its failure to timely inform the law school community of the possible health threat after two professors became ill, both possibly with Legionnaires. The appropriate memo was only written after stories broke in the Plain Dealer about the possible health hazard.

It is evident that the administration did not want to cause needless alarm if there really was no serious health threat present. But shouldn’t we be the judges of what constitutes a “serious threat” when the issue is our health? This is especially true given the fact that an early diagnosis of Legionnaires’ disease is crucial to a complete recovery.

Regardless how much fresh air pours into the building through that checkered pattern of holes in the brick facade (I couldn’t resist), the fact remains that the university and law school administrations refused to acknowledge the possibility of a serious health threat, and conduct an immediate investigation. Period.

Once again, this university has emerged relatively unscathed with its sloping posture in tact. Its refusal to take the “high road” saved C.S.U. a nickel, and no one died in the process. I guess it was all worth it. I’m just glad that I’m not going to be around for the next time when the university is not quite so lucky . . .
... of blue books, parking spaces, and law school babes

By Charley Seitz

Some thoughts gathered after 2 1/2 years of roaming the hallowed halls of Cleveland-Marshall: The best thing about the second year of law school is that it isn't the FIRST year of law school. The best thing about the third year of law school is that it's the LAST year of law school. The best thing about the first year of law school is Memorial Day...

Am I the only person who sees the "No food or drink inside the library" sign? Am I the only person who thinks a sign in a law school might actually mean what it says? Am I the only person who has witnessed vermin scampering across a carrel in the library? Recently, I sat at a carrel that had chocolate enwrapped on it... clearly a case of negligent encrustation and, therefore, a library tort. If the sign DOESN'T mean no eating and drinking in the library, let's take it down and put a microwave oven and some vending machines in there.

If the guys working on the brick patrol outside the law school were the same guys who worked on the pyramids, the world would still be wondering what the pyramids were going to look like when they were finished! It's bad enough that the hard hats have made camp and locked up some more precious parking space, but do they really have to spend all the time INSIDE the school, having a smoke and checking out "law school babes"?

After 15 weeks of preaching about duty, loyalty, and faithfulness, my Business Associations professor went on a cruise during exam week and was unavailable for any questions that might have come up before, or during the exam. I guess that answers my question about whether a professor-student relationship is fiduciary...

Last year there was some squawking about alleged special treatment for students who were relatives of faculty members. These allegations, which were subsequently shown to be baseless, were made by a since graduated SBA member who majored in "talking with his neighbor" during class. I equate the presence of such faculty kin with an endorsement of the school by those professors. Call me naive, but I think our professors can afford to send their issue to "pedigree" law schools...

Speaking of faculty evaluation, what is the difference between "neutral" and "no opinion"? I know that a couple of years ago the SBA locked horns with the faculty over the content of the evaluation sheets, but is what we have REALLY the best vehicle for feedback to the professors and caveats to future students? I am either neutral or have no opinion on that one...

Hats off to the SBA for creating the book exchange. Not only did SBA acknowledge the outrageous prices of casebooks, it DID SOMETHING about them! Anything that knocks some of the "take it or leave it" attitude out of Barnes & Noble is good for CSU...

Speaking of bad attitudes, what is it with the support staff at C-M? Law students shouldn't have to stand there and clear their throats, and say "Excuse me" five times trying to get the attention of someone WHOSE JOB it is to assist them. Case in point is blue book availability season, when, for the most part, the people who work behind the counter seem annoyed at the presence of law students. By the same token, law students who look at their blue books only to find that the professor managed to grade an exam without making any marks whatsoever on the blue book should not lambaste the innocent staffer who retrieved it...

Speaking of making the blue books available, if the administration is going to allow students to see their exams, shouldn't the faculty be ordered to give SOME indication as to their grading criteria? Some professors are very diligent in doing so, others don't mark blue books at all. The ones that don't mark them at all should be required to inform their students of the practice, so those students don't unnecessarily annoy the "too busy with personal stuff" staffers behind the counter...

A reliable source told me that there was actually some pushing and showing in the registration line for Spring courses. THAT is an unspeakably bad commentary on: (1) the members of those so engaged; (2) the perception that certain courses/professors are "worth" showing to take or avoid; and (3) the apparent lack of choice in the schedule...

The Inter-session Trial Advocacy course is a monument to the good things that can happen at C-M when a hard working faculty member (i.e., Jack Guttenberg) twists the arms of the school's alumni, reminding them that THEY can make C-M grads better lawyers by sharing some of the knowledge they've acquired since graduating. The attorneys that came to help the Trial Ad students came from big firms, small firms, and government offices and agencies. It would be REALLY nice if the Placement Office could borrow Professor Guttenberg's rolodex. This Trial Ad course was a lot of work, but when you stop and think about how much work Guttenberg did into his own end of the course, and when you stop and think about the fact that he not only got dozens of attorneys to come to school and work with the students, but got a dozen Common Pleas Court judges to give up a Saturday to hear the final trials in their courtrooms, you realize that if you worked just half as hard as Gutenberg did, you got a lot out of the course...

Finally, the shortest month of the year is not February...it is the 4 weeks between the first and second semesters. Here we go again...

Unsuspecting law student on way to C-M... suddenly, up in the sky, it's a bird, it's a plane, IT'S A BRICK!!!!!!

Horrified Good Samaritans are too late... (might as well see if he has any cash on him)
Barrister's Bash Returns

The annual Cleveland-Marshall Barristers' Bash is right around the corner. The date is Saturday, March 21st. The place is the same as last year- Windows on the River, The Powerhouse in the Flats, 2000 Sycamore Road. The time is 8:00pm-12:30pm. The cost per person is $20.00.

For 1st years and others who have never attended, the dress is formal. Black-tie is optional. Sophisticated hors d'oeuvres are passed by cocktail waitresses. There's an open bar (2 of them) and an ungodly dessert table that calls you by name. The entertainment will be provided by an 8-piece band called "Northshore." They play popular pop music.

Tickets are going to be on sale Feb. 24-27 and March 2-5 from 12 noon to 2:00 p.m. & 5:00 p.m.-7:00 p.m. All tickets must be purchased by March 5. No tickets will be available at the door.

This year the SBA has worked out arrangements with the Holiday Inn Lakeside, downtown, to provided single/double occupancy rooms at a reduced rate. Renting rooms works out well because you can check in at 3:00 p.m., relax, use the facilities and have a pre-Barristers' cocktail party. The best advantage is that no one has to drive. Taxi vans will come to the hotel and go to the Powerhouse for approximately $5.00.

The cost of a room has been reduced to $52.00 plus tax. This is a significant reduction from Holiday Inn's regular rate. We need at least 10 reservations by March 7th to secure this reduced price by March 7th. For more information contact Meegan Lally at 228-1352. For reservations call Pamela Cottam at the Holiday Inn at 241-5100.

Freedman is Baker-Hostetler Visiting Prof.

Professor Monroe H. Freedman, an expert on Legal Ethics, is a Visiting Professor teaching Legal Profession this semester. He holds the Joseph C. Hostetler-Baker and Hostetler Chair. Professor Freedman, a Harvard graduate, testifies frequently as an expert witness on judges' and lawyers' ethics. He authored two books on legal ethics, receiving the ABA's Gavel Award Certificate of Merit for his 1975 book, Lawyer's Ethics In An Adversary System. In 1990, he published Understanding Legal Ethics.

From 1958 to 1973, Professor Freedman taught at the George Washington University Law Center. Cleveland-Marshall's Professor Gordon Friedman was one of Professor Freedman's students when he was in law school. Professor Freedman served as Dean at Hofstra from 1973-77, where he was the Howard Lichtenstein Distinguished Professor of Legal Ethics.

He has also served on numerous boards and commissions in the areas of legal ethics and professional responsibility. Professor Freedman teaches Tuesdays, 4:00-5:40 p.m. His office is in LB 213.

I.L.S. Moot Court Team Competes

For the second year in a row, Cleveland-Marshall was ably represented in the Phillip C. Jessup International Moot Court Competition. The Northern Midwest United States Regional competition was held in Akron, Ohio. The Jessup is widely considered to be one of the most prestigious Moot Court competitions, drawing entries from almost 300 law schools in some 35 countries.

Jessup fact patterns are devoted to issues of international law, usually involving questions of jurisdiction, sovereignty, environmental problems, international contractual issues, etc. This year's problem concerned the Persian Gulf War. In addition to the above mentioned issues, it raised questions of the law of war, treaty practices, oil production and exportation issues, and the question of when the use of force may be justified.

This year's Cleveland-Marshall team, in the words of one coach, "...came the greatest distance in the shortest amount of time." Opponents included Syracuse University, which went to the regional finals, as well as Thomas Cooley Law School, a team that was in contention until the very end. By all accounts, Cleveland-Marshall did well, with several opposing team members and coaches evaluating our arguments in a complimentary fashion. While not coming home with any trophies, C-M did earn a new degree of respect from regional opponents, including cross town rivals Case Western Reserve University (who won awards for Best Brief and Best Advocate).

Other recent ILS events include February lunchtime speaker Steve Kidder of Remminger & Remminger. Steve spoke about what's in store for businesses in post reunification Germany, and about how one ought to deal with its different cultural styles. ILS will also continue attending the Cleveland International Lawyers' Group luncheon and lecture series at the City Club.

Anyone interested in further information about ILS should leave a note at the ILS office at LB 25.
Why Demjanjuk Must Die.

By Scott C. Billman

Public concern still persists over the death sentence handed down by the Israeli Supreme Court to John Demjanjuk for crimes committed during World War II. In these harsh and turbulent days of homelessness, unemployment, deficits, and crime, too much fixation upon a person who is neither a citizen of the United States nor within the jurisdiction of our courts is counterproductive towards our ancient goal of building the ideal democracy. To alleviate some of this distress and needless captivation, I have compiled a list of reasons why the Demjanjuk death sentence must be enforced. Admittedly, this is not a comprehensive list, but all the popular poll responses should be here. So, “John Demjanjuk must die because:

- no one should desire United States citizenship so strongly that he would lie on his passport application.
- old men testifying about another old man and how he looked forty years ago are never mistaken.
- Attorney Alan Dershowitz says he might not because I visited Anne Frank’s hiding place in Amsterdam, and I sensed that her ghost wanted him dead.
- a contemporary Charles Dickens is looking for his own Sydney Carton.
- the survivors who were brutally and inhumanely treated did not want him to be Ivan the Terrible.
- because you do not have any doubts.
- the deterrent effect.
- because I visited Anne Frank’s hiding place in Amsterdam, and I sensed that her ghost wanted him dead.
- a contemporary Charles Dickens is looking for his own Sydney Carton.
- the spectators in the courtroom who spit and cursed him seemed to know all about guilt.
- what Shechem did to Dinah.
- what Jacob’s sons did to Shechem.
- an old Cleveland, Ohio auto worker dangling from a noose in an Israeli public square will teach the children all about Nazi terror.
- because you just don’t understand.
- because he’s not me.
- because he’s not you.
- because to think to ourselves that he could be innocent forces us to question our own prejudices.”

There. That should sway even the most ardent Demjanjuk proponent. If there are more logical, more proper, more reasoned answers, include them now. And then, our consciences clear, forget him.

Law's Bad Rap

By Joe Jacobs

I used to wonder if all the bad things people said about lawyers were true: you know - greedy, intellectually snobbish, cunning ego-maniacs. And I wondered how they got that way. Were most of these “blood-suckers” normal people before law school? Were they made this way?

With one semester of law school behind me, I’m pretty convinced that so far the students seem like good people, and for the most part, the teachers are helpful.

I am learning, though, that some of the teachers have quite an effect on us. I know that in at least one class, the teacher has threatened expulsion to anyone caught helping someone else with their research. I guess that teacher fears the absolute worst; students sharing work and depending on each other’s cooperation. Another teacher continually reminds us that where we will all inevitably stand on an issue depends on who is paying our bills at the time. On a few occasions already, yet another teacher has cut off good philosophical debate in favor of pushing his own agenda, the rule of law.

But then there are those teachers that everyone enjoys; the ones who make it clear that they are here for us, teachers whose agendas and personal philosophies aren’t written in stone. Good teachers encourage us to use our knowledge and positions to make things better for people. They challenge us to question the status quo. They remind us that the answers really are all inside of us.

I’m not convinced that all of us are here to make ungodly amounts of money. But I’m still wondering if we’ll be any different from those people who have made “law” a four-letter word.
Second-hand Smoke at Cleveland-Marshall

By William LaMarca

When I first began to investigate the problem of second hand smoke here at Cleveland-Marshall, it was done primarily because of its annoying characteristics and inconvenience. However, I then realized that this was a subject of great interest among the student body, faculty, and staff. I was prompted to continue researching the issue through praise and criticism of my efforts.

As I began to dig deeper into the subject of second hand smoke, I found that it's a much more serious issue than I had first realized. Only recently has medical science been able to pinpoint the harmful effects of second hand smoke on non-smokers. In 1986, the U.S. Surgeon General concluded that environmental tobacco smoke can cause lung cancer in healthy non-smokers. U.S. Surgeon General, The Health Consequences of Involuntary Smoking, 13 (1986). In addition to life threatening cancer, environmental tobacco smoke can also cause other health effects to the non-smoker who is exposed to it. The World Health Organization recently issued a summary of the proven health effects of exposure to second hand smoke: Irritant effects- eyes, nose, throat; Malignancy- lung cancer; Childhood development- low birth weight, slowed lung maturation, decreased attained height.

Furthermore, individuals with pre-existing health conditions such as asthma, bronchitis, cardiovascular disease, rhinitis, colds, and allergies often report more severe injuries due to second hand smoke than do healthy adults. It should be remembered that non-smokers are also exposed to the same occupational agents as are smokers. Certain chemicals in ETS (environmental tobacco smoke) may interact with other workplace toxins such as asbestos, thereby endangering the non-smoker. ETS substantially augments already existing indoor pollution concentrations of RSP, benzene, acrolein, N-nitrosamine, pyrene, nitrogen oxides, and carbon monoxide. This often superimposed on the health effects of certain working conditions, making their cumulative effects even more dramatic.”


Additionally, other recent medical reports have suggested that “brain tumors, cervical cancer, and cardiovascular disease—all potentially fatal—can also be caused by exposure to second hand smoke.” Slattery, Robinson, Schuman, French, Abbot, and Overall, Cigarette Smoking and Exposure to Passive Smoke Are Risk Factors for Cervical Cancer, 261 J. A.M.A. 1593, (1989). And as a warning to pregnant women, there are risks to the unborn child if the mother is exposed to environmental tobacco smoke. John, Savits, and Sandler, Prenatal Exposure to Parents' Smoking and Childhood Cancer, 133 AMJ. Epidemiology 123, (1991).

As a result of the many discoveries medical science has made, the system has begun to recognize exposure to second hand smoke as a significant harm. Due to this recognition of harm, the law has begun to implement remedies to those who have been damaged. In Ubhi v. State Compensation Insurance Fund, Car'n'Fiddle Restaurant, No. SFO-0341691 (California Workers' Compensation Appeals Board 1990), a non-smoking waiter alleged that his heart attack was caused by secondary smoke in the restaurant. The waiter was awarded $95,000. In Kufahl v. Wisconsin Bell, Inc, No. 88-00676 (Wisconsin Labor and Industry Review Commission 1990), a 25 year old woman was awarded $29,000 due to an allergic reaction to second hand smoke. The Commission concluded that her lost advancement opportunities and more limited employment options amounted to an earning impairment.

This acknowledgement of harm by the law seems to be directly proportional to the continuing discoveries of medical science, which can pinpoint the harm and tie it directly to the cause: second hand smoke. As this base of technical knowledge continues to grow, the regulation of the problem that society faces also continues to advance.

Now that I have realized that our smoking situation here at Cleveland-Marshall is much more serious than I had originally thought, it is my hope that the administrators of our school will consider the health and welfare of all who must use the law school building on an everyday basis. There is currently a proposal before Dean Smith to make this a smoke-free building. Any input with respect to this proposal from the students, faculty, on staff is vital if the Dean is to make an informed decision.
First Years Scrooged Out of Their Holiday Break

By Joe Paulozzi

For the past two years that I have been working on the Gavel, I have not been openly harsh or critical of the C-M administration until this present issue. The reason being, quite frankly, is that the administration has for the most part done a decent job during my short time as a student here. Even concerning such controversial issues as the grading policy, I have refrained from joining the critics because basically I believe that when it is all said and done, we are the one's who are responsible for what happens to us during our tenure here at C-M.

With that preface in mind, I would like to note that this year's "1-L's" have taken the brunt of some incredibly shoddy and myopic administrative planning. I'm referring to the fact that not only did this year's first year class have to deal with an inordinately short reading week for their midterm exams, but to add insult to injury, they had to forsake one-half of their Christmas break to come back to C-M and take part in a legal writing program.

Now granted, serious measures were called for because C-M's legal writing program has in recent years been atrocious. Although there are certain people affiliated with the program who do an extraordinary job with the few resources allotted, the program is none-the-less weak.

However, in attempting to remedy a bad situation, which is in itself a noble endeavor, the powers that be "dropped the ball" in forcing the first-year's to forsake half their holiday vacation.

Of all the time one spends as a student in law school, the first year is the most stressful and debilitating period to endure. One needs a substantial break at the half-way point to just calm one's nerves and take a decent breather. It is cruel and unusual punishment to expose a basically anal-retentive-competitive-compulsive-neurotic group of over-achievers to another set of assignments when one knows they will throw themselves diligently at the work as they have all semester long.

Their stress levels were already jacked-up from taking midterm exams with the benefit of a two-minute long reading "week." The word on that topic is that one faculty member insisted on special consideration for his/her scheduling needs, which resulted in the shorter exam week for all the students. Of course, I'm sure this professor had an incredibly good reason for pre-empting the interests of the whole student body for his/her own important needs.

I don't know, I'm sure the first-years will still survive and another academic year will go down in the books and all will be forgotten. Never-the-less, there still is no reason for the interests of students to be so cavalierly placed on the back burner, when their lives could have been made immensely less complicated and stressful with a very limited amount of consideration and planning. "The point is moot" for this year. Hopefully, it won't be forgotten next year.

* * * *

The Trodden and Trampled of history,
Some of whom live in our city,

With frightful eyes, we watch them carry garbage bags;
Crusty shirts, greasy hair: Sots and Hags.

With judging minds we think, "Oh my!"
"Wretched creature, homeless fly."

Think, if you will, of tables being turned,
Of circumstances and metaphysics churned,

A person not kicked, not kicked, but treated kind,
Given another phenomenology of mind,

Might he write a book and receive Pulitzer acclaim,
And she, through reason, put Aristotelian logic to shame,

Or both, working together, solving problems by answer:
Disappearing Mayans, deficit spending, a cure for cancer?

Things as they are, we will never know,
The Sot as Einstein, the Hag as Thoreau.

If praise instead of pain
Determines who is and is not sane,

Then as a society we unconsciously choose
To create undesirables; Awaken for an immeasurable wealth we lose.

-- By Frank Kragenke, Jr.

Lunch -larceny victim forced to scavenge.

No lollipops, to be sure, but no lunch either!

While I enjoyed the rebuttal to the smoking policy letter, and in fact had plans to write a similar letter lambasting writers of negativity, I find myself plagued with just that.

I am the first to laugh at seriousness, take anger and turn it to humor.

But my lunch was stolen!

My dear Revere-ware bowl, my borrowed stainless fork. Gone.

Quick! Someone rebut this letter with humor so I can laugh it off. And while you're at it-Lampoon my car towing incident. Please!

In Desperate cynicism,
MJM
Supply and demand. When you think about the unhappy parking situation at Cleveland State, think about supply and demand. The Music and Communications building sits where a friendly parking lot used to lie. That lot was not replaced. Supply went down. The Convocation Center was constructed and no additional parking lots were drawn into the plans. Supply went down. The University and College of Law are accepting more students than ever. Demand is up. Bummer!

Recently, Linda Simpson, an Administrative Assistant in the Parking Department, shed some light onto this ugly situation. Remember those memo's Dean Makdisi used to circulate? Well, the Parking Department contacted an individual in the Dean's office suggesting that law students be informed of the fact that Spring 1992 Parking Decals would be sold on November 11. I don't know about you, but I don't remember any memo in any mailbox telling anyone anything about any Parking Decal Sale. Bummer!

Ms. Simpson summed up the parking situation at C.S.U. and it ain't pretty. Here's the skinny. There are no new parking lots planned. To plan a parking lot, without having issued a separate bond to finance the purchase of the lot, the lot must be part of the plan for a building to be constructed. This was not done during the planning of the Convocation Center or the Music and Communications Building. To expand the Parking Garage, the bonds issued to finance the garage must be paid off before new bonds can be issued. Don't hold your breath waiting for the bonds attached to the parking garage to be paid off. They won't be paid off before every student here has graduated (or decided to earn an honest living and taken up a trade). Law Students will not be able to secure their own lot to park in. It is a tremendous idea, but it will not happen.

Now the good news. Parking Decals will be for sale on Monday, March 2, 1992 at the Parking Department in the Chester Building. The Decals will cover the remainder of the Spring Semester. 2500 Decals will be sold on a first come, first served basis. Costs are: $59.00 for a five day per week pass, $52.00 for a four day per week pass, $38.00 for a three day per week pass, $27.00 for a two day per week pass and $13.00 for a one day per week pass. Remember, Monday, March 2, first come, first served.

The parking situation will not be getting any better. The Gateway Complex downtown has eliminated hundreds of parking spaces for people who work in Cleveland. It will only be a matter of time before word spreads among downtown commuters that $1.50 parking spots are here and seventy cents covers the round trip Loop ride.

Until March 2, bring your quarters. Get here early. Consider missing as many classes as your professors will allow. Rumor has it that there's a nasty bacteria floating in the air in this building. Wrasslin' for parking spots can be unsettling, but breathing bad air is downright unhealthy. Now, that's a harsh toke! Aloha.

-- Hank Buck
Second Year's Guide to Studying

By Kim Lloyd

The only reason I'm writing this is because it's taken me a long time to come to certain realizations. Maybe there are others of you out there like me (God forbid), and what I have to say will help you. Maybe not. In any case, read on - you might be able to relate.

Law school is an interesting place. (Now there's a broad statement). I don't know about you, but it has sure taken me a long time to get used to it. (About two years to be exact). And I'm still struggling to conform.

Before I came to Cleveland-Marshall, I, like many others, didn't have to work very hard for my grades. Like so many stories you've heard over and over, I was one of those students who studied the night before an exam and got an 'A'. Now I'm not saying that every single class one takes in law school requires months and months of preparation. But, for the most part, it really does require a huge effort, even for the brightest people. Let's just say that the chances of one studying the night before a law school exam and still getting an 'A' are pretty slim. Yet, by the same token, one does not want to go overboard. The trick is knowing how to study.

Here is an example of "overboardness":

The first year student usually concentrates on the quantity and not the quality of studying. This is a typical first year boast: "I was at the library from 3 AM until 10 PM everyday last week." Although I may be exaggerating, you get the picture.

Now don't get me wrong. I am by no means advocating a life of a sloth. It is essential to get the work done. However, it's equally important to be able to put the whole picture together. (To be fair to the 1st year student who does study a lot, law is like learning a new language. The language is the first hurdle, and it does take twice as long when you begin). I have realized that studying the law is an art. That's why outlining is so important. So many students have utilized this method for so long. A good policy is to outline every three weeks. This allows the whole picture of what you've learned to come together.

Problems only start when you blow off your work. I've realized that there really is no substitution for diligence and hard work. But it's not that easy. It also takes knowing when to say "no". Getting the work done has to come before everything.

However, equally important is being able to keep things in perspective. Remember to have fun too. Get the work done, and then go out. Don't be like me and blow everything out of proportion. It's really not that complicated. Just don't lose your personality. There are other things in life besides the law.

I have just one more thing to say. I know that law school is competitive, but just do what you can do, and do it the best possible way that you can. In other words: "Don't compare yourself to others, for you may become vain and bitter. For always there will be greater and lesser people." Found in Old St. Paul's Church, Baltimore, Md. 1692. Compete. It's healthy. But try not to be ruthless and insensitive. We're all in this together.

- So, taking a look at the syllabus, I think you'll be pleased. You'll have to read 90 pages a night - ching! - 3 research assignments - cha-ching! - also an in-class midterm - ching? - a 24 hour take-home final, typed...

Just another health bonus of the law school building: arbitrary swings of the climate - control pendulum.

GRADUATION
DATE
CHANGED:

It is now confirmed that the graduation date for this year's spring commencement will be Sunday, May 24, 1992.

* * * * * * * *
**In Memory of Tammy Burckart**

Tammy Burckart, 23, a second year student here at Cleveland-Marshall, died Friday, January 24, 1992.

"Are you saying I can fly?"
"I say you are free."
-- Jonathan Livingston Seagull

A friend remembers Tammy...

"Die when I may, I want it said of me, by those who know me best, that I always plucked a thistle and planted a flower when I thought a flower would grow."

-Abraham Lincoln

What words can possibly do justice to the memory of such a special person who so recently blessed our lives with her presence? What is the way to express how happy we were then because of her and how sad we are now for our loss? Perhaps this difficulty serves to show that such deep feelings are incapable of understanding by the mind and are rather the exclusive province of the heart, stronger and more resilient as it is.

For those who knew Tammy, the words above and following, although accurate to the letter, can only begin to express what a beautiful and fascinating person she was. Nonetheless, let these words stand as a humble tribute to her and to the feelings many of us have for her.

It is tempting to write at length about who this wonderful person was. However, it seems more appropriate to simply state what was fundamental about Tammy. Loyalty and commitment to family, friends, and principle, regardless of what self sacrifice that entailed, served as the basis on which the rest of her many other attractive and admirable qualities rested. It was Tammy herself who best described what she was all about. In a book about her favorite classmates as a gift, she inscribed:

"Quotes of Lincoln in this book put into profound and eloquent words everything that creates my drive and makes me tick--God, truth, honesty, law, hard work, reason--better than I could ever hope to do..."

These traits along with many other characteristics, such as Tammy's delightful sense of humor, dignified manner, and her ability to uplift the spirits of those around her are what made her such an attractive and respected person.

A heavy sorrow for this great loss fills many hearts these days. As Lincoln himself said: "In this sad world of ours, sorrow comes to all; and, to the young, it comes with bitterest agony, because it takes them unaware..." Bitter agony, yes, but also, thankfulness and joy flows from our hearts when we think of our good fortune in having had the chance to know Tammy, if only briefly.

So, thank you God for making our lives much richer than they would have been otherwise. And thank you Tammy, a true friend, a brilliant person, an inspiration, and a gift to us all. We love you greatly and miss you dearly, but we will always remember you and endeavor to carry on your bright and generous spirit.

---

**Professor Haskins Remembered**

The legal community is saddened by the loss of Professor George Lee Haskins, who died at his home in Hancock, Maine on October 4, 1991. He was 76 years old.

Professor Haskins was a graduate of Harvard University and Harvard Law School. After serving in the army in World War II, he was a member of the United States delegation to the San Francisco conference which organized the United Nations. In 1946, he joined the law faculty of the University of Pennsylvania, where he held the school's oldest endowed chair, as the Algernon Sydney Biddle Professor Emeritus.

During the spring semester of 1991 he was the Joseph C. Hostetler - Baker & Hostetler Professor of Law here at Cleveland-Marshall, teaching a course in Land Transactions. The students in his Land Transactions class would be the last to study under Professor Haskins during his distinguished career, and the last to benefit from his penetrating intellect and years of practical wisdom in the field of real estate law.

Outwardly crusty and erudite, Professor Haskins was gentle and generous to those who came to know him. He will also be fondly remembered for his inexhaustible store of anecdotes, toward which, to the exclusion of classwork, we would try to steer his attention whenever possible. These included such sundry recollections as his childhood acquaintance with "Old Man Holmes" (i.e. Oliver Wendell Holmes, Jr.), as well as his catalog of photographs and other "field research" received from former U-Penn students on the people, places, and long-ago disputes chronicled in the Haskins "casebook". It was a tattered, yellowing folder of looseleaf caselaw chestnuts and typewritten commentaries, portions of which we estimated to date back to Day One of his teaching career, perhaps earlier.

Professor Haskins was the author of some 80 legal and historical articles and numerous books. He was a member of the team of scholars commissioned by Congress to produce a multi-volume history of the United States Supreme Court, pursuant to the Oliver Wendell Holmes Devise. His assigned volume, John Marshall: Foundations of Power, was published in 1981. His teachings and writings concentrated on the areas of property, commercial land transactions, wills, and legal history. He was also a noted expert in the field of decedents' estates. Over the past decade, his influence has been indirectly felt at Cleveland-Marshall by the students of recently departed Dean John Makdisi, himself a student of Professor Haskins at Pennsylvania. Makdisi dedicated his ubiquitous 1987 Workbook on Estates and Future Interests to his former teacher.

Professor Haskins is survived by his wife, Gertrude Haskins, a stepdaughter, Harriet Nicol, and, we are certain, by hundreds of grateful students.

-- By Gerald A. Monroe and David J. Wigham
THE GAVEL

Why is Jamie smiling, and whose doll is that on the wall?

Gavel poll #37. Submit responses to LB 23.

Unable to throw the curve, 3rd year Marilyn Miller throws a brick instead.

Slingin' the hash, and collectin' the cash.

Undercover A.B.A. Inspector Bob gathers information for his report ...

... while our accreditation plaque mysteriously disappears ...
Here's why over 20,000 lawyers admitted in Ohio since 1966 have been students of Ohio Bar Review and Bar/Bri...

- OBR is the only full service bar review course based in Ohio.
- Each student receives four separate volumes of material:
  1. an Ohio Volume containing twelve subjects, including summary outlines for each topic
  2. a Multistate Volume with detailed coverage of the six MBE areas
  3. a Multistate Mini Review Volume for last minute study
  4. a Multistate Testing Volume containing official questions released by ETS with detailed explanations prepared by the staff.
- You receive the longest, most intensive course available... 7 weeks, 24 sessions, 100+ hours.
- You will develop skills in answering multiple choice and essay questions.
- You are provided with a simulated bar examination covering BOTH essay and multiple choice questions.
- You are guided by a professional staff of 12 professors and practicing attorneys. (See back cover.)
- You receive personalized attention as needed and requested.
- The course is available to you in four forms:
  1. Live, in Cleveland, Columbus, Cincinnati and Toledo.
  2. Instruction by hi-fidelity tape to groups in major Ohio cities.
  3. Special cassette home study course.

See campus representatives:
Elaine Eisner-Walton
Eric Drake
Lori Replogle
Joe Paulozzi

Emphasis on MBE Preparation

27th consecutive year
Only Kidding

Q. Why did the lawyer staple the banana to her brief?
A. She was sending it to the court of "appeals".

Three lawyers are walking down the street. The first one walks into a bar. The second one walks into the same bar. The third one ducks.

Q. How can you tell when a first year has been typing his legal writing paper?
A. There's white-out all over the screen.

WORD SCRAMBLE
Ten words on the tip of every first year's tongue.

EFEEFCO
SAMELUNE
CUC
CHARRESE
NUPGH
TA-LIWL
LAWSTEW
SERSTS
FEBRIS
TIMMREDS

The Gavel
Cleveland-Marshall College of Law
Cleveland State University
Euclid Ave. at E. 18th.
Cleveland, Ohio 44115