Committee searches for new faculty

By Margan Keramat
The Student Newspaper

Cleveland-Marshall College of Law professors on the hiring committee will travel to Washington, D.C., for the Association of American Law School’s Faculty Recruitment Conference on November 11 and 12, 2005, in an effort to fill three faculty positions to teach in the areas of contracts, civil procedure, alternative dispute resolution, public international law, taxation, and trusts and estates for the 2006-2007 school year.

The number of professors who have retired from or left C-M along with last year’s search for a new Dean, prevented the hiring committee from filling the needed faculty positions, resulting in an unusual amount of spots to fill for the next school year, said Professor Deborah Geier, chairperson of the hiring committee.

See FACULTY, page 3

C-M prepares for accreditation review by ABA

By Kurt Fawver
The Student Newspaper

C-M’s accreditation will be under close scrutiny this spring. For three days in March, the college will play host to an American Bar Association committee that will evaluate C-M’s strengths and weaknesses.

Every seven years, each fully accredited school is subject to an ABA reassessment. Since 2006 is such a year at C-M, the committee will begin compiling a report on C-M’s strengths and weaknesses.

The ABA committee will examine the quality of the university’s academic program, facilities, students, faculty, staff, and curricular opportunities.

The bar passage rates of graduates and job placement statistics will also weigh heavily in determining C-M’s educational quality.

Professor evaluations revealed

By Ryan Harrell
The Student Newspaper

The Gavel

Professor evaluations revealed to the committee for the first time on page 11 for more.

See ABA, page 7

Ohio votes on election reform

On November 8, Ohioans will vote on four issues aimed at reforming Ohio elections. Gavel conservative and liberal columnists weigh in on whether these issues deserve your vote.

POLITICS, PAGE 9

Pushed out? Miers withdraws

Bush’s Supreme Court nominee withdraws amid increasing criticism of her qualifications for the Court. The Gavel looks at whether she was treated fairly.

OPINION, PAGE 6

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

VOLUME 54, ISSUE 2
NOVEMBER 2005

Firm gets nod for C-M project

By Ryan Harrell
The Student Newspaper

The firm of Collins Gordon Bostwick Architects, based in downtown Cleveland, has been recommended to design the renovation of C-M, pending approval by the CSU board of trustees at its November meeting.

The selection process is expected to be completed in the near future, and the firm will begin working on the project immediately.

See RENOVATION, page 2

C-M’s July 2005 Bar Passage Rates

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The selection process is a matter of cost and quality, and it calls for a committee to be formed.

In addition to Meurs, Professor Thomas Buckley and C-M Director of Budget and Administration Vicki Plata were on the committee, along with three members of CSU’s architecture and construction department.

Initially, 23 design teams showed interest in the project. Each team was headed by an architect, and the ABA committee reviewed each team’s qualifications and experience.

The committee was able to select the best team for the project, and the firm that was chosen is expected to begin work on the project immediately.

The committee is working with the architect to develop a detailed plan for the renovation, and the firm will begin work on the project as soon as possible.
state University, C-M students are already intimately familiar with the firm’s work.

Collins Gordon Bostwick headed the design of the C-M Law Library, as well as CSU’s College of Business and College of Urban Affairs.

Collins Gordon Bostwick also convinced the committee that they would be able to work in a multi-stage fashion, as C-M must remain functional throughout the construction of the renovation project. Mearns said that the University is already aware of the need for swing space in which to temporarily hold displaced classes. Mearns also remarked that big office may be affected early in the project, as the plans have always called for a grand entrance to be constructed at the southwest corner of the school.

Dean Mearns cited three major reasons for the selection of Collins Gordon Bostwick: First, the committee felt that they had an excellent grasp on the overall sense of architecture of CSU. Second, the firm had already proved that they could create effective transitions between new and existing spaces, as evidenced by the entrance to the library. Third, the firm is adept at making difficult decisions.

Mearns anticipates that the project will involve many tough choices. The entire renovation for the rest of CSU’s existing buildings, aside from the Law Library, is not enough to cover every item on C-M’s wish list.

Mearns outlined a two-step process by which budget choices will be made. First, the design team will estimate the cost of building and improving every desired element of the renovation as if money were incidental. This “dream project” will then be separated into individual components. Each of these components will then be given a cost estimate that is far more specific than the general estimate.

At this point the administration and the design team will decide which components will be built, as well as which portions of the design must be cut out of the project. Mearns said there are two approaches the design team could implement. Each component could be improved slightly or certain functions could be chosen to receive substantial upgrade, which necessitates the exclusion of other components.

Mearns said that while it is always desirable to make such decisions quickly, he does not want the eventual quality of the project to suffer in the name of timeliness, instead favoring a process that was done correctly the first time.

Student input is especially encouraged, Mearns said. While he realizes that no design under budget constraints will satisfy every student, he wants all involved to feel as though they received a fair chance for their concerns to be heard.

When asked about the balance between aesthetics and functionality, Mearns did not hesitate to say that the experience of students is the committee’s utmost concern.

“We cannot lose sight of the fact that this project needs to enhance the learning process,” Mearns said.

While the overall feel of the building will be updated from its present 1970s incarnation, special emphasis will be placed on improving technology access in the classroom and providing more pleasant lighting throughout the building.

Mearns finally emphasized the importance of C-M’s architectural style fitting into the city of Cleveland on a macro scale and underscored his belief that Collins Gordon Bostwick shares that commitment.

Citing the fact that the entire Euclid Avenue corridor will soon be improved as a major axis in the city, Mearns said it is important that a law school sitting on such an activated space be ingratiated in a pleasant way.

In this manner the newly-renovated C-M will not only enhance the experience of its students, but it will also enhance the city in which it is located.

The Dean’s Column

The current renovation project began in October 2004, while that study was being conducted. The purpose of the feasibility study conducted by Braun & Steidl Architects, Inc. was to assess the needs of the law school and the cost of renovating the facility to address those needs. In October 2004, while that study was progressing, Mrs. Iris Wolstein donated $5.2 million to CSU in memory of her late husband. Of that very generous sum, $5 million was to fund the building renovation project. The present total cost of the entire project is estimated, which includes the $5 million donated by Mrs. Wolstein.

In May 2005, the University published a request for proposals to be submitted by architectural firms interested in designing the plans for the renovation project. More than 20 firms submitted proposals.

Shortly after I started in July, CSU formed a committee to evaluate those proposals and to make a recommendation to the administration and the Board of Trustees. Pursuant to CSU policies and procedures, the committee consisted of six members: three members from CSU’s architecture and construction-management department, as well as Professor Thomas Buckley, Vicki Plato, and me.

In September, our committee narrowed down the list of architectural firms to five finalists. The committee has now interviewed the finalists and submitted our recommendation to the administration.

I anticipate that the administration will submit its recommendation to the Board of Trustees in November. Assuming that recommendation is approved, I anticipate that CSU will promptly execute a contract with the selected firm.

I am very pleased with the selection process. We benefited greatly from the expertise provided by the members of the committee who are professional architects and construction managers, and all of the members of the committee had a full and fair opportunity to participate in the process. I believe that the firm we have recommended will do an outstanding job.

But now the real work begins. After a contract is executed, the architectural firm will begin evaluating the results of the feasibility study. Although the information generated during the study is very valuable, no final decisions have yet been made as to what specific projects will be included in the renovation project.

The architects and designers will meet with various constituencies at the law school — including students — to assist us in determining what projects should be included in the renovation project. We do not presently have enough money to satisfy all of our existing needs, but we will set priorities and make some difficult choices.

I encourage everyone to participate in this process. Please share your views with me or any member of the renovation committee. And look for future opportunities to meet with the architectural team that will design the project.
Howard M. Rossen, founder of Supreme Bar Review, dedicated life to helping students

By Stephen Wolf
Staff Writer

Howard M. Rossen, the founder and director of the Ohio Bar Review and Writing Seminar, and later the executive director of Supreme Bar Review, passed away on July 26, 2005, at the age of 69. During his career, Rossen helped over 35,000 law school graduates pass the Ohio bar exam. Rossen began studying law at Duquesne Law School. However, his education was interrupted when the Berlin Crisis caused the activation of his Army reserve unit. Rossen later completed his law degree at C-M as a night student while working for the Labor Relations Board.

After passing the Ohio bar in 1964, Rossen started his own private practice while volunteering with the Legal Aid Society. Rossen co-wrote “The Smith’s Review,” a series of law outlines. After agreeing to tutor a group of law school classmates that did not pass the exam, Rossen discovered his calling. Every one of his students passed their next attempt. His reputation grew and more students sought his help.

Recognizing the business potential, he founded the Ohio Bar Review & Writing Seminar, which he ran until 1998. Rossen’s dedication to his students became legendary. He gave out his telephone number to all of his students and encouraged them to call any time or night when they had a question. Most of the calls he received at home were from students who were simply anxious about taking the bar exam. Rossen calmed them down and boosted their confidence in their ability to pass the exam.

One of Rossen’s former students, Jayne Geneva, C-M’s director of career planning, remembered hearing about an anxious student who called Rossen’s home phone at 2:00 a.m. and said, “I hope you don’t mind that I am calling you so late, but I didn’t want to bother you at work.” Geneva recalled that Rossen would go to Geneva’s house and help her prepare for the exam and wait for his students outside the testing site.

During the exam, Rossen would deliver a list of suggested study topics to students’ hotels to help them anticipate upcoming test questions.

“He was known to everyone and his help was available to all who wanted it during those harrowing three days,” Geneva said.

Rossen provided students with the tools to pass the bar

Professor Stephen Lazarus, a member of Rossen’s lecturing staff for several decades, remembered him as a teacher of teachers. When teaching on a law school level, he doesn’t receive the type of criticism that helps you be a better teacher. Lazarus said, “Howard provided that to those who worked in his seminars.”

Lazarus pointed out that some teachers give students the information and then let them sink or swim.

“Howard was not like that,” said Lazarus. “If Howard saw you sinking, he’d be there to lift you back up.”

Professor Stephen Gard, another long-time lecturer for Rossen, estimated that by 1998 Howard had trained ninety-five percent of the attorneys in Ohio.

“Even those (law students) from outside Ohio would take the course,” Gard said.

Professor Barbara Tyler remembered Rossen as a very likeable man.

“He always had a smile and a wave and was a real gentleman,” Tyler said.

Professor Karin Nickell said his strength in detail and strategy.

“During one particular year, he told the exam group that riparian rights had not been asked about in several years,” Mike said. Sure enough the question was on the exam.

Thinking back on the year Mike took her exam, she said, “He peeked the topic of the exam!”

The current director of Supreme Bar Review, Howard Rossen’s son, Marc Rossen, graduated from C-M exactly 30 years after his father died. Marc recalled that whenever the family went out, former students would approach and tell them, “If it wasn’t for your father, I wouldn’t be practicing law today.”

Rossen would assure them that it was their own hard work. But those who used his bar review course always felt indebted. Marc also remembered that while growing up he was not allowed to use the phone during bar review season. In the days before call-waiting, his father demanded that whenever their phone line be kept open for students.

In memory of this distinguished alumnus, the Howard M. Rossen Memorial Scholarship Fund has been established at C-M.

“Our goal is to raise $25,000 toward a permanently endowed scholarship fund,” said Rossen. “It is my hope that those who may have helped will now help our school by contributing toward this worthy goal.”

Marc hopes the scholarship fund will attract the best and brightest applicants to C-M.

If you are one of the many who feel indebted to Rossen or are interested in donating, here is a way.

Contributions to the fund may be made to the Cleveland State University Foundation (CSUF), designated for the Howard M. Rossen Memorial Scholarship Fund, Attn: Nicoletta Piottner, 2121 Euclid Avenue, LB 138, Cleveland, OH 44115.

Faculty hiring search goes national for new professors

Continued from page 1–

The AALS conference provides an efficient way for ABA-accredited law schools to search for new faculty members, Geier said.

Interested candidates submit a uniform form through AALS that is dispensed to all law schools describing their education background, work experience, scholarly works, and optional information regarding racial/ethnic background.

The total number of candidates in 2005 was 1,578, with 19.1 percent of candidates identifying themselves as minorities, Geier said.

Rossen’s former students and colleagues were invited to submit requests for the formation of a committee that would review candidates from outside the region. The committee’s faculty members were interested in candidates with teaching and research experience at the top twenty schools, graduated from the top of their class, there has to be something there.

Searching for new faculty members is an important factor not only because of its impact on a law school’s regional and national reputation but because of its impact in the classroom, Mearns said.

“Professors who have intellectually curious minds and pursue scholarship outside of the classroom are engaged in thinking about the law and bring their new ideas to the classroom,” Mearns said.

Once the hiring committee has interviewed all of the potential candidates from the AALS conference, the faculty committee members will decide who they want to come to the law school for the next round of interviews with the deans, faculty, and students. Local candidates will be looked at to fill the next round of vacancies, Geier said.

“If a candidate doesn’t have the requisite experience, the faculty will then vote, and candidates who receive 60 percent of the vote will move on to the next round of voting where faculty members will rank the candidates for each of the three positions,” Geier said.

The faculty’s ranked lists will then be given to Dean Mearns for his final decision on who will be offered faculty positions.

“Faculty recommendations will have a significant influence with me,” Mearns said. He added that the most important qualification is whether the candidate has the energy and ability to think freely with students, their potential to contribute to the community at C-M.

Mearns said that while in future hiring positions there will be a mix of those who have been developed and expanded and teaching certain areas through new faculty members, the current candidates will be looked at to fill the existing teaching needs.
Interviews produce mixed results

A continuation of one student’s experience with the full interview program

By Brian Sammon

On-campus interviews might be over, but the Interview Program is still going strong. Firms continue to call back students for second interviews, grilling candidates in yet another round of the FIP. For the qualified and well-prepared students, this is the time to shine like the supernovas that they are. As for me, my enthusiasm for the FIP was short-lived. I sent my resume to a dozen firms, and every opportunity to bring the discussion back to my qualifications, and why I was the best candidate for the position. This strategy also backfired, as she skipped over all of my glowing credentials and writing skills as full-time students, part-time 2Ls are not eligible for the FIP even though some may be seeking either summer or full-time employment opportunities. Part-time 2Ls who meet participating firms’ requirements for on-campus interviewing are excluded from the program by C-M’s 29-hour credit rule. This is particularly unfortunate for the part-time students who may be looking to replace their current full-time position with a clerking job in the legal field. Certain part-time students may also have more time and flexibility to offer firms seeking law clerks. Still, part-time 2Ls are excluded from the FIP. A handful of the students not eligible for the FIP have made independent inquiries with firms who participate in the FIP. Some of these firms are under the impression that they cannot review resumes sent by 2L part-time students outside of the FIP. The result is that these students are categorically placed with first semester 1Ls. Firms may or may not consider reviewing 1L resumes after the restricted time period has lapsed to comply with rules and regulations.

Jaye Geneva of the Office of Career Planning explained that the OCP of C-M has instituted a 29-hour credit rule. All students who have attained 29 credit hours prior to Labor Day are eligible for the FIP. “Most of the firms are looking at people who will have completed two-thirds of their law degree when they come to them in the summer,” said Geneva. “If you are ‘dinged’ because you don’t have enough law under your belt one year, you will rarely be considered by the firm the second year when you have completed more courses.”

The NALP does not have a rule requiring a certain number of credit hours to be met, but it is recommended that students have one credit hour of law under their belt for the fall interview program. Non-law students will not be considered for employment. The rules only restrict first semester 1Ls from job placement opportunities.

“It is better to wait until you have more on your resume or more courses to try for a position,” said Geneva. “Your chances are much better then of getting a position.” Geneva emphasized that 2L part-time students still have the option of sending resumes on their own or seeking jobs from Attorney postings.

But interviewing on-campus with participating firms will have to wait if the student falls short of C-M’s 29-hour rule.

By Jamie Cole Kerlee

Not all C-M students are discussing their resulting job offers from the Fall Interview Program. First-year students have to adhere to the strict American Bar Association rule prohibiting them from having any contact with career services until November and were not eligible to participate.

The National Association for Law Placement (NALP) regulations also preclude first semester 1Ls from participating. FIP eligibility is limited to 2Ls and 3Ls.

C-M is one of the few law schools offering a part-time day program. C-M is also renowned for its evening program. Part-time students take fewer courses during a semester, and a juris doctor can be earned in four years as opposed to three.

Part-time 2Ls have already survived their first year of law school. In addition to completing torts, contracts, and the first part of civil procedure, part-time 2Ls have presumably met the full year requirement of legal research and writing. Missing from their legal education are courses in property and criminal law.

Despite meeting the same legal research and writing skills as full-time students, part-time 2Ls are not eligible for the FIP even though some may be seeking either summer or full-time employment opportunities. Part-time 2Ls who meet participating firms’ requirements for on-campus interviewing are excluded from the program by C-M’s 29-hour credit rule. This is particularly unfortunate for the part-time students who may be looking to replace their current full-time position with a clerking job in the legal field. Certain part-time students may also have more time and flexibility to offer firms seeking law clerks. Still, part-time 2Ls are excluded from the FIP. A handful of the students not eligible for the FIP have made independent inquiries with firms who participate in the FIP. Some of these firms are under the impression that they cannot review resumes sent by 2L part-time students outside of the FIP. The result is that these students are categorically placed with first semester 1Ls. Firms may or may not consider reviewing 1L resumes after the restricted time period has lapsed to comply with rules and regulations.

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But interviewing on-campus with participating firms will have to wait if the student falls short of C-M’s 29-hour rule.
Student forms organization and revives old convictions

By Nicole DeCaprio

When I was younger I had strong convictions, but then I came to law school and my spirit was held hostage by a stack of 10-pound books. I just didn’t have time to care about things anymore. If I had any free time, I found myself plunged with the guilt that there was something I should be reading for class.

But, I’m a 3L now, and in my old age, I think back on my law school career and wonder what I have been doing for all this time. Basically nothing worth writing Grandma about.

So I dusted off those old convictions of mine and decided to start a C-M chapter of the national organization Law Students For Choice (LSFC). Their Web site, www.lawstudentsforchoice.org states that LSFC is “committed to educating, organizing, and supporting pro-choice law students to ensure that a new generation of lawyers will be prepared to successfully defend and expand reproductive rights.”

Today few law schools offer pro-choice law and opportunities for professional advancement are scarce. Together we are becoming a powerful, educated force that will defend and expand reproductive rights in the United States and across the world.”

Over 50 law schools in the nation have a chapter including Western Reserve University and Ohio State University. Maybe you too would like to start a student organization. Maybe one enterprising reader will start a pro-life group so we can get a good debate going and maybe an occasional cage-match. Bring it on.

If you have contemplated starting a student organization, here is what you need to do. First, complete a student organization registration packet available from Michaeline Carrig.

You’ll then need a faculty advisor and at least one officer to start with. For an officer, just get one of your friends or someone who owes you money.

In my case, it has been difficult finding officers because most of my friends are republicans, and I think they would get lynch’d if they associate with pro-choice people.

If you do not already have a faculty advisor candidate in mind, I suggest going to the faculty directory webpage. Read their bios, pit the professors against each other, and choose a victor. Then go talk to them about your group.

If you choose someone whose bio seems in line with your organization, they should be happy to be your faculty advisor. If they say no, just vow never to take one of their classes again. That’ll show ‘em.

Once you complete this packet, return it to Dr. Myers in CSU’s Department of Student Life, Room 102 of the University Center (UC). Once approved, contact SBA in LB28 so you can get some money.

Once LSFC is official, we will be hosting some interesting controversial speakers and will start some informative events around the law school. We’ll also be working with the Case chapter of LSFC and their Med Students For Choice group.

Hope all of you who feel strongly about the issue of reproductive rights will come out and support or heckle us, whichever.

Have you ever felt as though your brain would explode from information overload? Even though that feeling may be more familiar to some than others, the Information Systems & Technology department of CSU has decided to give us all a bit of a mental break.

Starting the weekend of November 5th, a series of changes will be implemented across campus that will combine many of the passwords that we use for a variety of systems into a single entity – Campus Pass!

Campus Pass will allow you to use the very same password for logging onto the network/CUSUNET, CampusNet, SkillPort online training and reference, ePortfolio, WoWnet Campus Wireless, AntiSpam, and Internet Dial-up (at home).

When you log into CampusNet for the first time after November 6th, you will be prompted to change your password. Once you have done so, simply logoff both CampusNet and the computer you are on, log back in using your new password, and the synchronization process is complete.

In case you don’t already have CampusNet access (and have not used SkillPort online training or ePortfolio), it is recommended that you contact the Call Center (x56050) today to request CampusNet.

By doing this you will not only have access to your class, account, and personal information but you will be able to take advantage of the single password access after November 6th!

But wait—there’s more, much more! As of November 6th, those who were inconvenienced by the problems with the POPmail system are going to be the very first ones to use our new e-mail system: Campus Webmail!

With Campus Webmail you can have access to your mail, calendar, meetings, appointments, and contacts from any computer with internet access.

And best of all, there are no limits! Each user will have an unlimited amount of space allowing you to keep all of your e-mails without worrying about filling your inbox. In addition to all of this, Campus Webmail can be set to work with Outlook and Eudora, so you can work within your own comfort zone.

Online training will be available for free to students, faculty and staff seven days a week. Special training sessions are being offered that are tailored to answer your questions and prepare you for this new system, so look out for the complete schedule from IS&T.

Here’s to your brain – CampusPass and Campus Webmail!

Courtesy of Brandy Hammond

CSU IS&T TRAINING ASSISTANT

Ohio votes on five statewide issues

Co-Editors-in-Chief
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THE GAVEL CAREER
NOVEMBER 2005 5

Student forms organization and revives old convictions

By Nicole DeCaprio

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In case you don’t already have CampusNet access (and have not used SkillPort online training or ePortfolio), it is recomended that you contact the Call Center (x56050) today to request CampusNet.

By doing this you will not only have access to your class, account, and personal information but you will be able to take advantage of the single password access after November 6th!

But wait—there’s more, much more! As of November 6th, those who were inconvenienced by the problems with the POPmail system are going to be the very first ones to use our new e-mail system: Campus Webmail!

With Campus Webmail you can have access to your mail, calendar, meetings, appointments, and contacts from any computer with internet access.

And best of all, there are no limits! Each user will have an unlimited amount of space allowing you to keep all of your e-mails without worrying about filling your inbox. In addition to all of this, Campus Webmail can be set to work with Outlook and Eudora, so you can work within your own comfort zone.

Online training will be available for free to students, faculty and staff seven days a week. Special training sessions are being offered that are tailored to answer your questions and prepare you for this new system, so look out for the complete schedule from IS&T.

Here’s to your brain – CampusPass and Campus Webmail!

Courtesy of Brandy Hammond

CSU IS&T TRAINING ASSISTANT

Ohio votes on five statewide issues

The purpose of this amendment is to create jobs and stimulate economic growth in Ohio.

The purpose of this amendment is to expand to all Ohio registered voters the option to vote up to 35 days prior to Election Day by mail or in person at the appropriate local board of elections.

The purpose of this amendment is to create a newly appointed board to administer elections that would eliminate responsibility of the elected Ohio Secretary of State to oversee elections.

The purpose of this amendment is to establish revised limits on political contributions, establish prohibitions regarding political contributions and provide for revised public disclosure requirements of campaign contributions and expenditures.

Election Day is November 8! Information located on State of Ohio Web site at http://www.sos.state.oh.us/
First-year students endure sabotage, pettiness

By Brendan Healy

October 2005

Your Student Bar Association is working very hard to meet the academic and social needs of the students at C-M. At the last senate meeting, the SBA created an Evening Student Task Force to explore ways to improve the quality of life for evening students and serve as a mouthpiece for the part-time program.

If you are a part-time student and wish to voice your concerns, please contact 2L Evans or Reginald Russell.

Additionally, the SBA has created a committee to propose further changes to the exam rescheduling policy. The current policy allows a student to reschedule an exam if he or she has two exams on the same calendar day.

Although this policy has met the needs of some students, it does not take into consideration those who have a 6:00 p.m. exam followed by a 9:00 a.m. exam the next day. Moreover, the policy does not consider evening students who may have exams scheduled on back-to-back days.

The SBA is also exploring ways to shorten the time that it takes for grades and class rankings to be posted. Jaime Umerley, chairperson of the Grade Posting and Class Ranking Committee, has thoroughly investigated the issue and will propose changes very soon.

Finally, I would like to thank all of those who participated in the SBA’s Indiana fundraiser. We were able to collect an additional $500 dollars for the victims of Hurricane Katrina bringing the SBA’s total fundraising to $1500.

As always, please feel free to contact me if you have any questions or concerns. Take care.

By Brendan Healy

SBA thanks students for generosity

In an act of cowardice and submission, Harriet Miers withdrew her nomination for the Supreme Court giving in to criticism about her qualifications and political pressure aimed at the White House.

At the last senate meeting, Miers cited a number of reasons for her decision to step down. Most prominent among them was her concern that the Senate Judiciary Committee would seek privileged internal documents that would undermine a president’s ability to receive counsel.

Although Miers tried to form a rational reason for withdrawing, no one believes this was her real reason for stepping down. It is well-known that social conservatives on the right were less than enthusiastic about the Miers nomination. Many of these groups felt betrayed by Bush’s nomination of Miers after his pre-election promises to nominate someone else in the Scalia/Thomas mold.

Miers was not what they were looking for, and they wanted nothing to do with her.

Rallying support against Miers, social conservatives let their elected officials know that this was not an acceptable nominee, and the politicians, conflicted between allegiance to the President and their future political careers, began to turn on Bush’s nominee one by one.

As the criticism of Miers among social conservatives and prominent republicans intensified so did the outrage demands that her name be removed from the nomination.

A withdrawal would avoid the political fall-out resulting from a battle within the Republican Party played out on a public stage and would appear to undermine any criticism directed at the President that he had picked the “wrong” candidate.

Not one to ever admit an error in judgment, Bush stuck by his candidate. In an act of deference that increased the right’s outrage against Bush and his nominee, he refused to consider withdrawing her nomination, and the pressure turned to Miers to personally remove herself.

What began as the social conservatives’ dissatisfaction that Miers was not the sure fire vote to overturn Roe v. Wade, quickly turned into an attack on Miers’ qualifications and intelligence that crossed party lines. Miers herself did not do anything to help her cause as a nominee.

She was poorly prepared to answer questions when meeting with the senators and apparently lacked the ability to properly fill out questionnaires.

But, Miers remained Bush’s nominee for one of most prominent positions in the United States. Because of this, she deserved the same respect and fair “up or down vote” that so many republican senators had insisted that John Roberts receive.

Still, no one on either side could muster much support for Miers beyond “we’ll see what she has to say in the hearings.”

It was becoming increasingly evident to the White House that Miers was quickly becoming a liability to Bush and the Republican Party at a time when they were already scrambling to put out fires and preparing for even bigger ones.

Miers had been the first female to break the gender barrier at her law firm in Texas, but Bush’s nomination of the Dallas Bar Association and the first woman ever elected to lead the state bar of Texas, and she was currently general counsel to the President of the United States.

When faced with adversity in the past, Miers had fought through it and emerged as a leader.

But rather than stand up in her own defense to preserve the integrity of her own name and the success that she had fought to achieve through every stage of her career, Miers turned away from the challenge.

In preparing to withdraw, Miers already had the stage set for her. When the Senate Judiciary Committee asked for documents relating to Miers work as White House counsel, Bush refused citing an executive privilege.

This event happened to coincide with a formal effort by conservatives to force the withdrawal of Miers.

The logic was withdraw now and save yourself the embarrassment that will result if you appear before the committee, which will surely strip you of any dignity you have left.

Miers was also aware of trouble the storm was in as a result of the Fitzgerald investigation and the added trouble of having the party split over her nomination during this time.

Bush, “reluctantly accepted” Miers’ decision by stating that it “demonstrates her deep respect for this essential aspect of the constitutional separation of powers,” or in other words “way to take one for the team.”

Bush’s inoptimum attitude as a leader was demonstrated by his inability to garner support for his nominee from his own party and his willingness to allow the social conservatives to intimidate his nominee into submission.

The social conservatives have reminded Bush who is in charge, and it will be no surprise when his next nominee receives glowing remarks from the right.

The following is the second in a six-part series following a first-year C-M student from orientation to exams. The rumors have all proved true. Law school does equate with high school.

The lockers and assigned seats, to the after-class gossip and cross-section love affairs. We have just substituted trappers with laptops and babysitters with designated drivers. What we realize is missing is organized sports and Saturday cartoons.

First-year students endure sabotage, pettiness

"When the storm passes and the tornado drops the house on us in December, I think it will be important to realize that our enemy is the wicked witch, not each other."

I do have to wonder whether the “sponsored” socials at our favorite bar are intentionally hosted on Thursdays because they know the most dreaded class on Friday mornings will take the 1Ls home early.

When the storm passes and the tornado drops the house on us in December, I think it will be important to realize that our enemy is the wicked witch, not each other."

"When the storm passes and the tornado drops the house on us in December, I think it will be important to realize that our enemy is the wicked witch, not each other."

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**Troubling diagnosis for the body politic**

By Christopher Friedenberg

The mystique of Roe v. Wade is that it is alleged to serve as some kind of ideological litmus test. If it turns red, a judicial candidate is a flag-burning Marxist; and if it turns blue, a Bible-thumping misogynist.

"The logical implications of Feinstein's comment raise very serious concerns; it speaks a certain Orwellian hue, namely "whosoever does not share my political philosophy is biased." It's an argument as fallacious as Bush's insistence that failure to blindly support his invasion of Iraq is equivalent to supporting al-Qaeda. Which may explain the White House's hallucinatory rhetoric linking Sad- dam Hussein with the events of 9/11. Miers is reported to have told Sen. Chuck Schumer (D-NY), "No one knows my views on Roe v. Wade. No one can speak for me on Roe v. Wade." What is not reported is whether Miers then stuck out her tongue and said "Nyah, nyah, nyah!" But at this point it wouldn't surprise me. The mystique of Roe v. Wade is that it is alleged to serve as some kind of ideological litmus test. If it turns red, a judicial candidate is a flag-burning Marxist; and if it turns blue, a Bible-thumping misogynist.

If anyone in the Senate really cares about the judicial philosophy of a potential Supreme Court candidate, the question that would really get under the skin is how they feel about the Lopez decision.

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**Student input guides preparation for ABA**

Continued from page 1--

A number of faculty members have expressed trepidation over the ABA's visit. ABA accreditation is critical for a thriving law school. It denotes a strong legal education and success of our law school. It grants its ABA accredited school is a key to many employers believe graduates will have a much more difficult time losing their job than a harsh reprimand. The ad ministration does not anticipate any problems and believes that the ABA's recommendations will be constructive.

"If anyone in the Senate really cares about the judicial philosophy of a potential Supreme Court candidate, the question that would really get under the skin is how they feel about the Lopez decision."

Never mind abortion, how about that Commerce Clause? Whatever candidate Harriet Miers may have expressed on the 1989 questionnaire, her responses to the Senate questionnaire this month have proved so scanty and incomplete that the judiciary committee sent her a letter asking her to do it over with "as much detail, particularity, and precision as possible."

But the grand inquisition is yet to come. Assuming that Miers doesn't withdraw her nomination, her confirmation hearing is scheduled to begin November 7th. And conditions are ripe for the most entertaining media circus since Clarence Thomas endured his bitter ugly passion, er, passage to the Supreme Court.

As the "pithball in size 6 shoes" runs the gauntlet with opposition from every color of the political spectrum, is it Miers the croony that every senator is looking for a reason not to support the plucky underdog about to beat the odds, our Seahuskit?

November is a sweeps month for television networks. Co-incidence? Perhaps. But I've heard a rumor that someone recently pitched to FOX a new reality-based game show called "So You Want to be a Justice?"

We could do worse. Perhaps our political processes have been degraded to this last twitches blip of excrenssence on the video monitor. But I, your humble colleague, will not be a constant.

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**THE GAVEL**

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Irene C. Keyse-Walker, Esq.
Tucker, Ellis & West, LLP

Petitioners Argument By:
Maria Chang
Christopher Dinda
Stacy Hannan

Respondents Argument By:
Brendan Gallagher
Julie Maglosky
Nathaniel McDonald

May it Please the Court...

For More Information Contact: Paul.Castillo@law.csuohio.edu
Ohio votes on election reform

Question: Are there problems with Ohio elections and are constitutional amendments the answer?

By Mike Laszlo
CONSTITUTIVE GAZETE, COLUMNIST

Still reeling from last year’s Presidential election, the left is now trying to accomplish what it could not in 2004 through unnecessary and destructive “reforms” to Ohio election law. In the “if you can’t win, change the rules” spirit, liberal activist group “Reform Ohio Now” has proposed amendments to the Ohio Constitution that would enable voter fraud, unfairly infringe on free speech, and create two new politically appointed bureaucracies with unlimited spending free from oversight from voters or elected officials. Here is why Ohio voters should vote “NO” on Issues 2, 3, 4, and 5:

- Not only is Issue 2 unnecessary, it will open the door to voter fraud. Under Issue 2, Ohio voters will be allowed to cast their votes up to 35 days before an election via mail or in person and will not be required to provide a reason for voting early.

- I am all in favor of helping those who need help to fulfill their civic duty, but this is going too far. What’s the point of having an “Election Day” at all?

- Current Ohio law on the issue is perfectly adequate: voters who are over the age of 62 or legitimately cannot get to the polls on Election Day can vote via absentee ballot - a convenience method that is available to everyone unencumbered.

- Furthermore, Issue 2 provides Ohio voters whose absentee ballots are not received prior to the election the opportunity to “cast a provisional ballot on election day.”

- Issue 3 aims to reform campaign finance by limiting the amount of money individuals, certain political groups, and corporations can contribute to a candidate. Voting in America is a civic duty, and those of us who choose to fulfill that duty by participating in our democratic process are able to do so. Furthermore, to ensure that every individual who wishes to have the opportunity, Ohio law provides numerous alternatives to in-person / Election Day voting.

- Issue 2 is simply unnecessary: if we can’t win, we can’t keep funneling big corporate money into their campaigns, and they want to ensure all Ohioans to have easy access to voting, they don’t want all Ohioans to have easy access to voting: they want to keep gerrymandering, issues off the ballot, since they are not representing adequately.

- Issue 3 also unfairly infringes on small business owners’ freedom of speech by preventing them from contributing to political campaigns by treating them as large corporations.

- Issue 4 aims to end gerrymandering, but the minority do not have the voting rights to make that happen. Furthermore, to ensure that every individual who wishes to have the opportunity, Ohio law provides numerous alternatives to in-person / Election Day voting.

- Issue 5 unashamedly steals from Ohioans the right to vote for the state’s auditor and chief elections officer.

Conservative rebuttal...

Voting in America is a civic duty, and those of us who choose to fulfill that duty by participating in our democratic process are able to do so. Furthermore, to ensure that every individual who wishes to have the opportunity, Ohio law provides numerous alternatives to in-person / Election Day voting.

Issue 2 is simply unnecessary: if we can’t win, we can’t keep funneling big corporate money into their campaigns, and they want to ensure all Ohioans to have easy access to voting: they don’t want all Ohioans to have easy access to voting: they want to keep gerrymandering, issues off the ballot, since they are not representing adequately.

Liberal rebuttal...

You know that “if you can’t win, change the rules” spirit you attribute to liberals? Isn’t that the same thing you Republicans are doing in the “nuclear option” with judicial nominees?

The truth is that once Republicans gained control of Ohio’s legislature they changed the rules so they would never lose again. These issues don’t give anyone “a blank check” on spending; spending is controlled by the budget process. Don’t be misled; get the facts for yourself.
A sampling of student evaluation responses

What did you like best about the professor and course?

"That the course is over."

"He tells you good stories about Timothy Leary."

"Tries really hard to make Clin Pro tolerable."

"Absolute Dynamo. Exhilarating. I was always on the edge of my seat."

"I hate this class."

"He scared the heck out of me. It was very exciting."

"Knowledgeable, and made the topic of Death fun." – Estates and Trusts

Why would you not recommend this professor?

"The grading is bullshit, and so is the teacher’s pet factor."

"[He] would best serve C-M by doing research alone in his office."

"More suited for teaching high school."

"Non-responsive, unorganized, unclear and unhelpful."

How could the course be improved?

"Snacks"

"Free beer"

"Calm down, take some Valium."

Additional comments:

"Rule against perpetuities is stupid."

"She’s a great teacher and gets the ‘high A’ from me. I’d give her a raise and promotion, etc..."

"Who is his barber?"

"He looks like Bob Ross, the painter."

"This class keeps our school at Tier IV?"

"I never knew milk played such an important role in the development of Con Law."

Oddball comments:

"Go Browns!"

"'Go Buckeyes!' (multiple)"

"Go Blue!"

"Go Texas!"

"Peter Rules!"

"Bang Bang Bang!"

"O’Neil Rocks!"

Good thing these are read by profs after grades are posted!
Students buck 6th circuit for 6 strings

By Shawn Romer

Saxur Warrn

Walking the halls, attending class, cramming in the library before class — they may seem like normal law students. However, Ryan Harrell, Nate McDonald, Paul Shipp, and Scott Kabot take on another identity outside the confines of C-M.

They are the Tortfeasors, a rock band comprised of potential members of the legal community.

The Tortfeasors were born in the fall of 2003 when then 1L students Ryan Harrell and Matt Mishak, who has since left the band, met and discovered each other’s musical interest.

As a much needed outlet to the rigors of law school, they, along with fellow founding members Paul Shipp and Nate McDonald, decided to meet occasionally to play and relax. As they became more serious, they decided the group needed a name when one day serendipity struck Ryan while he was in Tobacco Tower.

Ryan plays bass and sings limited vocals, Nate plays rhythm guitar and sings lead vocals, Paul plays drums, and Scott later replaced Matt as lead guitarist. 3L Nadine Ezzie occasionally contributes her skills on tambourine. They consider themselves a rock n’ roll band playing covers of the Rolling Stones, Cake, the Who, and Pearl Jam, among others.

By the time they perform their next show at the Employee Lounge, the Tortfeasos will have performed at several other venues on and off campus, including the Velvet Dog downtown Cleveland.

“Tortfeasors,” said Dinda. “If you make us a rock band, that means we’re serious about our music, but if something fun happens, we can still laugh about it. The Tortfeasos are like that. We try to keep the mood light and have fun.”

The best moment for the Tortfeasors was when they were asked to play at a non-law school event, the 2004 Cleveland Film Festival.

The Tortfeasors have built a name for themselves on campus, but they also maintain a solid local following.

Paul, Nate, Nadine and Ryan rock out on "I Will Survive" said it is a possibility.

Three of the four members graduate this year which will make cohesion difficult. However, Nate said they enjoy playing together, and the members are open to the possibility of continuing into the future.

Rumor has it that the Tortfeasors are competing with another band, West 21, for premier rock and roll status at C-M. However, West 21 band member Christopher Dinda expressly denied that claim.

“Our band does not compete with the Tortfeasors,” said Dinda. “If you make us look like we have some kind of rivalry with the Tortfeasors, like we’re Hillary Duff and Lindsay Lohan or something, then you are a low-life puke who watches too much VH-1.”

For the record, this reporter has not watched VH-1 since beginning law school, though he should, for he has missed the salient news that a rivalry does exist between Hillary Duff and Lindsay Lohan.

“The Tortfeasors are into two law school bands that plays law school functions and whose songs are mostly covers, said Michael Grossman, fellow West 21st band member. "We are a band that happens to be mostly law students, and we play all original material at public clubs and venues."

A source close to the Tortfeasors indicated that if any rivalry does exist, it is good natured. This source did admit that while the goals and the composition of the bands are different, the members of the bands regularly interact in a jovial manner.

LETTER TO THE EDITOR

Student proposes customer-service-oriented approach

Education is America’s largest industry. Have you recognized the law school as a service business? You should.

C-M holds itself out as offering a service for which it charges a fee. The business model for higher education is not unlike a cruise ship. So what should we notice when accepting others.

Do not be fooled by the fact that potential customers are turned away at the door while accepting others. While their recent performance prompted the placement office staff falls under the exclusive night club turning some potential customers are turned away to attract more customers.

Anyone who has engaged students in conversation the way I have knows C-M’s customers are dissatisfied along the preferred service drivers.

Individual service providers are most critical of all to change behavior.

Significant portions of the survey were biased, and it failed to get at the moments of truth that have deep and lasting impact on feelings of satisfaction. So what should be done? First, recognize customer service can be divided into two levels.

Level 1 is routine service delivery at a quality customers have paid for and expect in the value proposition.

Level 2 is the deliberate response to exceptional moments that fall outside the realm of Level 1 and have a disproportionately large impact on customer perception. Level 2 is where the moments of truth take place.

Think of this way: Level 1 is frequent, routine, procedure-driven, and rational, while Level 2 is rare, exception-oriented, almost always personal, principle-based, and potentially emotional.

So, for example, lectures fall under Level 1, but a meeting with the placement office staff falls under Level 2.

No doubt it is important to track customer perceptions about Level 1 performance (as the ABA and AALS survey tried to do), but the real payoff in terms of customer satisfaction and loyalty and intent to donate comes from managing to improve Level 2 performance.

Establishing a positive customer experience is integral to achieving customer satisfaction.

Organizations that implement customer satisfaction drivers into the business system achieve greater success than those that do not.

So what are those satisfaction drivers? The correct answer will come from custom research, but typically we find relational factors are significantly more important to customers than operational factors.

Preferred service attributes usually include (1) being treated as a valued customer, (2) being sure of privacy, (3) being treated fairly, (4) believing you have my best interests at heart, and (5) standing by me.

Here is what can be done. First, develop an evaluation program aimed at improving the overall customer experience.

Qualitative research will identify the moments of truth in the law school experience. I can suggest two here: problem resolution and performance measurement (with dimensions along (1) the meaningfulness of feedback and (2) the grading curve).

The next step will be frequent questionnaires measuring C-M’s performance during those moments of truth. Then most critical of all is to change behavior.

Individual service providers must be very intentional during the moments of truth and adapt to deliver a better customer experience along the preferred service attributes.

Greg Condra, 2L

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