Sony software open to hackers

In an effort to protect copyrights, Sony left its consumers’ computers open to hackers. The Gavel looks at how the software created a public relations nightmare for the company.

C-M bar passage rate drops to last in state of Ohio

Margan Keramatii

STAFF WRITER

The July 2005 Ohio bar results were announced on Oct. 28, 2005, and C-M’s Ohio bar passage rate dropped from seventh, in 2004, to last among the state’s nine law schools.

Of the 117 C/M graduates taking the bar for the first time, 84 graduates passed, with a first-time passage rate of 72 percent, dropping from 75 percent in July 2004, and of the 14 second-time takers, four passed with a second-time passage rate of 29 percent, rising from 27 percent from last year.

C-M’s overall passage rate dropped from 66 percent to 60 percent.

The administration’s reaction to the passage numbers is one of disappointment but not panic, Dean Geoffrey Mearns said. While C-M ranks lowest among Ohio’s law schools, the school’s passage rate for first-time takers has not dropped so drastically.

“In my estimation, if we’re ninth, that’s not good, and if we’re seventh that’s too low too,” said Mearns. “Everyone in the law school has a fair share of the blame.”

Mearns added that “The administration has to do more, the faculty has to do more, and the students have to do more.”

The faculty bar committee has looked at the correlation between student academic performance and bar passage rates and found that students who are academically strong do well on the bar exam, Assistant Dean for Student Affairs Gary Williams, a member of the

Financial aid department loses director

By Christopher Friedenberg

GAVEL COLUMNIST

Catherine R. Buzanski who has served as Cleveland-Marshall College of Law’s financial aid administrator for the past 12 years has moved on.

Medaille College, a private college in Buffalo, N.Y., hired Buzanski to be the director of financial aid.

While packing away her office on Nov. 18, her last day at C-M, Buzanski mentioned that “getting back to her roots” would be one of her last steps. While Buzanski was deeply attached and committed to C-M, the College of Law’s financial aid has served as Cleveland-Marshall for Admissions and Financial Affairs Jean Lifter cites several reasons for the changes.

The former curriculum was based on the traditional first-year schedule of Contracts, Property, Torts, and Legal Writing, supplemented by one semester of Criminal Law in the fall and one semester of Civil Procedure in the spring. This curriculum incorporated six courses for a total of 29 credits for full-time students, with 15 credits in the fall semester and 14 Credits in the spring semester.

The new first-year schedule has been completely revamped. Full-time first-year students will now take a full year of Contracts, Property, Torts, Legal Writing, and Civil Procedure, supplemented by one semester of Criminal Law in the fall semester.

The classes will be taught by a team of judges and professors who have been selected for their expertise in the field. The classes will also be weighted differently.

The core classes of Contracts, Property and Torts will be reduced from six credits to five credits each, with the spring semester accounting for only two credits.

Civil Procedure and Legal Writing will be increased from five to six credits with both fall and spring

Large Firm Attrition Rates in Ohio from 2004-2005

National trends indicate that associates are leaving large law firms at increasing rates. The following are statistics from large firms around Ohio:

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Office Location</th>
<th>Associate Attrition Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porter Wright</td>
<td>Columbus</td>
<td>-16%</td>
</tr>
<tr>
<td>Baker &amp; Hostetler</td>
<td>Cleveland</td>
<td>-13%</td>
</tr>
<tr>
<td>Calfee Halter</td>
<td>Cleveland</td>
<td>-12%</td>
</tr>
<tr>
<td>Jones Day</td>
<td>Cleveland</td>
<td>-12%</td>
</tr>
<tr>
<td>Frost Brown Todd</td>
<td>Cincinnati</td>
<td>-11%</td>
</tr>
<tr>
<td>Squire Sanders</td>
<td>Cleveland</td>
<td>-11%</td>
</tr>
<tr>
<td>Dismone &amp; Shohl</td>
<td>Cincinnati</td>
<td>-10%</td>
</tr>
</tbody>
</table>

Source: The National Jurist

Are dirty politics acceptable?

What are the rules of political engagement? Half nelsons, pile drivers and headlocks ensue as the Gavel columnists engage in mud-wrestling over the issue.

Opposition to the passage numbers is one of disappointment but not panic, Dean Geoffrey Mearns said. While C-M ranks lowest among Ohio’s law schools, the school’s passage rate for first-time takers has not dropped so drastically.

“In my estimation, if we’re ninth, that’s not good, and if we’re seventh that’s too low too,” said Mearns. “Everyone in the law school has a fair share of the blame.”

Mearns added that “The administration has to do more, the faculty has to do more, and the students have to do more.”

The faculty bar committee has looked at the correlation between student academic performance and bar passage rates and found that students who are academically strong do well on the bar exam, Assistant Dean for Student Affairs Gary Williams, a member of the

Sixth class added to first-year schedule

By Brian Sammon

STAFF WRITER

Know what it feels like to be a guinea pig? First-year students at C-M do. C-M is experimenting with the first-year curriculum, and this year’s first-year class is the experimental batch. This change came about in response to a majority faculty vote which implemented a change in the curriculum.

The previous first-year schedule consisted of one semester of Criminal Law in the fall and one semester of Civil Procedure in the spring. This curriculum incorporated six courses for a total of 29 credits for full-time students, with 15 credits in the fall semester and 14 Credits in the spring semester.

The new first-year schedule has been completely revamped. Full-time first-year students will now take a full year of Contracts, Property, Torts, Legal Writing, and Civil Procedure, supplemented by one semester of Criminal Law in the spring. The classes will also be weighted differently.

The core classes of Contracts, Property and Torts will be reduced from six credits to five credits each, with the spring semester accounting for only two credits.

Civil Procedure and Legal Writing will be increased from five to six credits with both fall and spring

seminars accounting for three credits each. This curriculum will bring first-year credits to a total of 30, evenly divided between semesters.

Assistant Dean for Academic Affairs Jean Lifter cites several reasons for the changes. The new curriculum will allow second and third-year students to participate in legal internship programs earlier. Because many of the programs require students to have 30 or more credits in order to participate, many students were short of the requirement by one credit under the former curriculum.

Moreover, being exposed to Civil Procedure in the first semester will allow students to better comprehend other courses and be better prepared for clerking posi-
Plan in place to address bar passage rates

By Geoffrey Mearns

The results of the July bar exam were released on Oct. 25. Many recent graduates of our law school passed the exam on their first try. For them, we were pleased and proud. Unfortunately, too many of our recent graduates did not pass the bar exam. Simply put, I was disappointed. For those who did not pass the bar, these results have delayed the realization of their professional dreams. We will assist them in overcoming this barrier to the practice of law.

For institutions, the immediate results suggest that we are not adequately preparing our students for the bar exam. Or perhaps more appropriately, that some of our students are not adequately preparing themselves for the bar exam.

But we must not panic or become pessimistic. This problem has been several years in the making and will take some time to solve. We have a comprehensive plan in place to address this important issue. Some aspects of the plan will take time to take effect. We are now reviewing other aspects to see if we need to revise or expand the plan.

In June 2003, the board of trustees passed a resolution directing the law school to develop and implement a plan to substantially improve C-M’s bar passage rate, which had declined during the previous decade. In response, Dean Emeritus Steven Stingl engaged a task force to serve on a committee to consider implementing a new student bar passage plan.

In December 2003, the committee submitted a multi-tiered plan to improve C-M’s bar passage rate. The plan calls for substantially reducing the size of the law school and significantly increasing the academic standards for admission. As an integral part of our effort to attract academically stronger students, we have committed more money to scholarships. The plan also includes a commitment to apply the full spectrum of grades. This will result in the dismissal of students whose academic performance fails to reflect a level of competence and proficiency demanded by the bar exam and the practice of law.

Although these aspects of the bar passage plan were promptly implemented, the effect of these initiatives – which are very likely to be very positive – have not yet been felt. The first class admitted pursuant to the stricter admissions standards will not take the bar exam until July 2007 at the earliest, and the first class to graduate pursuant to the more rigorous grading policy will not take the bar exam until July 2006. So, we need to be patient.

But we can do more now, and we will. For this academic year, we are offering a bar preparation course for credit. It is our hope that students who are most in need of this course – that is, students whose cumulative grade point averages are below 3.0 – will take this course. This course is intended to complement commercial bar preparation courses. It is not intended to replace those courses. All students should take a commercial bar preparation course before taking the bar exam.

Also, all faculty members are being encouraged to employ teaching and testing techniques that will foster better bar exam results. In the past, many members of the faculty have experimented with such techniques. I expect more faculty members will embrace this important component of the bar passage plan.

I have also encouraged the special committee to consider implementing a new student advising program. Presently, we have a program of assigning faculty members to serve as advisors to students. The purpose of the existing program is to give students advice on course selection and on other issues pertaining to their legal studies and the legal profession. For some faculty and students this program has been successful. But many students do not take advantage of the program for various reasons.

The new program I envision would focus exclusively on providing advice pertaining to the bar exam, and the student advising would commence at the end of the first year of law school.

At that point in a student’s career there is a great deal of information from which one can predict whether a student is likely to pass the bar exam. Indeed, there is a very strong correlation between two readily available factors – LSAT scores and first-year cumulative GPA – and bar passage.

Each student should receive an individual assessment of his or her predictive standing, and accordingly, each student should be encouraged to develop a course of study that is tailored to his or her risk factors. I expect such counseling will commence at the start of the next academic year. If any student wants an individualized risk assessment prior to next August, please see Assistant Dean Gary Williams.

Students must also accept personal responsibility for passing the bar exam. Students must pursue a rigorous course of study, and students must commit themselves to learning the law during their entire academic career – not simply hope to exam enough black-letter law after graduation to pass the bar exam. And after graduation, all students must commit substantial, uninterrupted time to the bar exam.

On behalf of the faculty, I assure you that we are committed to your success on the bar exam. We firmly believe that with our preparation and your hard work, you will pass the bar exam on the first try. Together, we will solve this important problem. All of our futures depend on it.
Bar Passage: GPA a strong indicator of success

Continued from page 1—

Bar passage rates drop, however, when student GPAs fall below a 3.0, where the passage rate for students between 2.9 and 2.75 was 60 percent, between 2.75 and 2.5 was 40 percent, and under 2.5 was 25 percent.

“We know the bar exam does not measure who you are, or how good a lawyer you are going to be, but there is direct correlation between having a high academic performance and bar passage,” Meams said. While C-M is looking to improve the school’s bar passage rate by admitting academically stronger students and enforcing a more stringent academic probation policy, there is no way to ensure a higher passage rate because this is a multi-dimensional problem, Williams said.

“There are two schools of thought in teaching students: one school of thought is to teach students so that they can pass the bar, and the other train students to be good lawyers,” said Williams. “Becoming a good lawyer is not an easy thing to do.”

“The bar would be easier for someone who’s been outlining all semester and working in study groups because when it comes time for the bar, it should only cost a bit of review,” Williams added.

The bar committee is focusing on whether teaching methods can be changed, or whether the spring semester should end earlier to allow graduating students more time to study for the bar, said C-M’s faculty said.

Last year, C-M’s faculty agreed to add an ABA-approved, three-credit bar passage course for students, which nominally “private” entities make public policy and the relationship generally between the “public” and “private” sectors.

Q: Any tattoos or piercings? A: Not only did I get my ear pierced but also my lips, nose, and stomach.

Q: How do you find the school with that hot guy in the art studio? A: I’m not sure yet.

Q: What do you do on Saturdays? A: I usually RAFF. There’s no denying the majestic power of Round and Round. You kids today, with your Ashlee Simpson and Bravado, it’s just like the old days when I was a kid.

Q: What do you think of your life so far? A: I think I most love him because he was famous in law school, a division of Cleveland State University, Catherine has an opportunity to run her own shop, to be the director of financial aid for an entire college with a staff of seven or eight working under her.”

The bar is more difficult now than when many employers took the bar, and employers need to be more understanding of student situations because preparing for the bar takes time and needs total attention, Crocker added.

“I think all of our students are capable of passing the bar,” said Crocker. “It’s not capability, but the other things that interfere that prevents students from passing.”

Buzanski: Absence will be missed

Continued from page 1—

Counsel, Melody Stewart. It was not an easy choice, but “professionally, it would have been crazy for her not to have taken the position,” Medallia said. “I think she’s capable of passing the bar, and she is working in financial aid as an entry-level position.”

Catherine Buzanski and Jane Stievater, no one knows the daily operations of the financial aid office better than Monique,” said Stewart.

Buzanski’s departure has been kept low-key by the administration. According to Stewart, “Catherine wanted to spend her time working here, but not the way she would like.”

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Choose a job consistent with career goals

Judge reflects on own goals and offers advice for aspiring legal professionals

By Judge Nancy Margaret Russo

Law students have their plates full with family, work, and of course, studying. It is fair to say that student’s thoughts are moving constantly among various topics.

The one constant thought seems to be, “What will I do when I finally graduate and pass the Bar Exam?” Graduates tend to think of this as looking for a “job.” But the focus must be not on a job but on a career. The most important question to ask is, “What type of career do I want to pursue with my law license?”

The law presents an endless sea of possibilities and opportunities for careers both conventional and unconventional. Law degrees are versatile, prestigious and relevant to every business, industry or service agency.

My own personal experience is an excellent example of what I am thinking outside of the box can lead you to your ultimate goal. I always wanted to be a Judge since I was 8 years old, but the path from then to now was hardly predictable or conventional. Regardless, the path wound its way to my goal, and I learned excellent skills that I use everyday, which are different skills than those I would have learned had I graduated and gone to work in a firm.

Here are some of my thoughts on the topic:

First: Do what you love. This is not a cliché; it is a mantra for success.

For example, if you love academics and study, then considering teaching law. Law courses are taught not only at law schools, but at every stage of education in both private and public schools.

If you are attracted to politics or public service, the world is really open to you: government, academics, private practice, firm practice, prosecutor/public defender offices, private industry. Each of these will provide you with skills that are transferable to public service/government work and elected office.

Second: Do NOT be seduced by the money or lack thereof. Why? Because money is not everything, and numbers tend to both dazzle and disappoint.

After law school, most of us feel drained, emotionally, physically and certainly financially. The danger is focusing on the money number and not the expectations that come with that. If you value your time in terms of spending it with friends, family or other interests, then all the money in the world won’t make up for the fact that you are working 80 hours per week and barely have time to eat or sleep.

I have often said that if you divide the salary of a young attorney by the number of hours he/she is expected to bill on an annual basis, then you might be working for much less than you think. On the other hand, if your ultimate goal is to be a partner in a firm or build your own firm, then you must put in the hours.

Those who enter small firms or fly solo have the added pressure of needing to not only generate business but also to service the clients of that business. That requires many hours including weekends and evenings. If you have a family, talk these issues over. If your family is going to be compromised by your absence due to a particular factor into your decision. That is more important, in the end, than the number on the tax returns each year.

Third: It is okay not to know what you want to do even if you already have the degree and license in your hand. I believe that very few people know exactly what they want to do with their working lives. I have often said that my dad and focus to be a lawyer from the age of 8 was sometimes a curse. I could not and would not consider anything else. Good thing I was accepted into law school and passed the Bar, as I was totally unprepared for anything else!

If you don’t know what you want to do, then what type of position should you look for? My suggestion would be to look for a position in the non-profit sector or government.

In the non-profit sector there are opportunities abound: from fundraising and human resource positions, to grant-writing, to social and community service of every type.

In government, the possibilities are endless: traditional prosecutor/public defender positions; probation/parole officers; social workers; administrators; elected office; service to government agencies, work for municipal, county or federal; magistrate positions; staff attorney/law clerk position; court staff positions; and work in law enforcement.

The employment possibilities for law- yers are limited only by your imagination.

C-M has always mentored, encouraged and supported me and many other people with diverse back- grounds and experiences.

This deliberate dedication to the diver- sity of the profession has enriched our legal community. It is the marriage of the law as a profession with the real-life experi- ences of the students that truly makes great lawyers.

Our training and skills are more adapt- able, versatile and applicable to modern life than any other job or profession. We have skills that many people need, so don’t be afraid to use the skills to serve in some untraditional way.

When you begin that career search or dream about life after law school, follow the college’s lead and be creative.

Dare to dream, accept no limits, and do what you love and you will do it well.

Minority externship experiences pave the way

By Jayne Geneva

DIRECTOR OF THE OFFICE OF CAREER PLANNING

LAW Firms, general counsel offices, organizations of Cleveland, and the Cleveland Bar Association have addressed the issue of low minority lawyer numbers by establishing two programs to increase the minority hires in the law profession in Cleveland.

A summer minority clerkship program in law offices was established in 2004 and a new judicial externship program for second-year students is scheduled for this summer.

In 2006, members of law firms and general counsel offices joined with the Cleveland Bar Association in creating a new summer clerkship program for first-year minority students.

An informal poll of both the student participants and employers indicates that the program was a success. Students were generally paid the prevailing salary of first-year associates for the summer.

Students reported intriguing learning experiences working in large firms, small firms, public interest organizations, and general counsel offices and employment and compensation.

The employers were extremely pleased with the students, their work product, and especially the way that these first-year students fit into the work environment that often had only second-year students involved.

All of these employers and additional ones will be participating in the program in the 2005-06 year, hiring first-year minority students. The number of 2006 minority students will be determined by what few jobs are available and by giving minority students an opportunity in their first year to work in their offices, they will have what the students’ appetites for working in the same firm or a different firm in Cleveland upon graduation.

Judges, many of whom sat on the committee establishing the clerkship program, wanted to know how they could also benefit from the clerkship program. Since the courts do not have funds to pay summer employees, the decision was made to ask law firms and others to donate money to the Minority Judicial Externship Program, creating a pool from which students would earn $6,000 over the summer to work in one of the courts in Cleveland, from federal to common pleas.

The committee is currently soliciting funds for this endeavor. The judges determined that students who had completed civil procedure would be best poised for work in their courts, and thus the program is open to minority second-year students (or third-year students in California). Applications for both programs are available from the Office of Career Planning (OCP). Resumes, personal statements, letters of recommendation, and other materials are due on or before the January deadline. OCP urges participants to participate in addition to the last minute to put the information together. A committee made up of representatives from the law firms and organizations involved in the clerkship program will review student applications. A committee of judges will review applications for the Judicial Externship Program.

These same participants then will conduct interviews. The OCP will hold a “How’s, Whys and Wherefores” meeting about the programs in January, prior to the interviews.

Legal Writing classes reflect differing styles

By Karen Mika

LEGAL WRITING PROFESSOR

Why is it that all of the first-year Legal Writing sections don’t have all of the same assignments as the same professor?

In answer to this I could ask, “Why aren’t you asking why all of the substantive classes don’t have all of the same assignments regardless of the same professor?”

The answer would be the same in both cases – people are different and classes are different. All of the legal writing sections cover the same material and are teaching the same thing.

However, each of us goes about covering the subject in slightly different ways and for different ways based on our experience with what has worked well in the past.

On top of that, we tend to cater to the individual needs of our students. How would you like it if all of the legal writing sections had an assignment due on a Thursday when your class was on a Monday, and Monday was a holiday?

Or, if the assignment was slated to be due on a Thursday, the very day that one contracts section had a midterm? Or, if I had the flu the previous week but was not allowed to change the due date of an assignment for the sake of uniformity? Or, if the class as a whole did miserably on a memo project, but I had to move on to research for (uniformity) knowing that my students could not write a memo?

There are also some variables that exist in teaching styles that account for differences. Believe it or not, the legal writing professors do not know everything about everything, and I would feel uncomfortable lecturing on some topics that my colleagues have a particular expertise in and vice-versa.

We also have some pedagogical differences (e.g., I do not particularly like to assign group projects while others think these are the most educational). Each year I find myself prioritizing on the basis of what I believe my class really needs in the time that we have. My colleagues do the same.

I hope that I am not incorrect in my assessment, but it seems to me that legal writing causes more stress than all of the other first year classes because assignments are currently due by the end of the week.

While you are involved in that, it is very difficult to objectively assess what is going on, and it always seems to be the perception that someone in someone else’s class is getting more, or better, or easier. If that were true, then things like student evaluations, job placement, and law review/journal participation would reflect that, but they do not.

If the assignments were spaced out like they were true, then a particular legal writing professor’s students would stand out in my upper level writing classes this year, but that has not happened either. I would hope that no one is lamenting the fact of a completely lock step curriculum. I suspect the results would be even more dire, and we hope the historical experience and evidence to back up that supposition.

Legal Writing
Dirty politics: political necessity or out of bounds?

Question: To what extent are hard-ball tactics acceptable in politics?

By Mike Lazzara

Conservative Gavel Columnist

First things first: it seems that the Gavel and my esteemed counterpart are of the opinion that in my columns, I’m “simply reverent to Kenneth Mehlman’s talking points” and have asked me to bring the discussion to a “personal level, for ‘the gloves to come off’ and to engage against the anti-war movement, and in particular, Plame’s husband, Joe Wilson.

Yet, much to the dismay of Democrats everywhere, the investigation did not uncover any evidence to support such accusations, and Fitzgerald had to settle for an indictment against Lewis “Scooter” Libby (not Karl Rove or Dick Cheney) for lying about when and from whom he learned that she worked for the CIA. (Incidentally, Libby was charged with violating Title 18, §1001 of the United States Code; the same charge Fitzgerald brought against Libby brought against 13 others who were accused of violating Title 18, §1001 of the United States Code; the same charge Fitzgerald brought against Libby brought against the anti-war movement, and in particular, Plame’s husband, Joe Wilson.

Let me be clear here, if Libby is found to have lied to Fitzgerald, he should face the consequences. The important point here is that the Democrats have created this circus to validate their Bush-lied to get us into Iraq agenda. So let us dispel that theory. The consequences that Iraq’s WMDs program was a serious threat began long before the Bush Administration.

In 1998: One of Two Impeached Presidents Bill Clinton: “If Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq’s weapons of mass destruction: a regime that has shown hostility toward the United States and the United Nations, and has continued and expanded programs that could provide the foundation for weapons of mass destruction.”

Then Secretary of State Madeleine Albright: “Iraq is a long way from [the USA], but knowing what happens there matters a great deal here. For the risk that the leaders of a rogue state would use nuclear, chemical, or biological weapons against us or our allies is the greatest security threat we face.”

Then Secretary of Defense Sandy Berger: “He will use those weapons of mass destruction again, as he has ten times since 1981.”

Then in 2002: Senator Ted Kennedy(D): “We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction.”

Then Senator John Kerry(D): “We are confident that Saddam Hussein retains stockpiles of chemical and biological weapons, and that he has since embarked on a crash course to build up his chemical and biological warfare capabilities. Intelligence reports indicate that he is seeking nuclear weapons.”

U.S. Britain, German, Russian, Chinese, Israeli, French Intelligence, and the UN (aka Hans Blix) agreed: “Iraq is continuing and in some areas expanding its chemical, biological, nuclear, and missile programs contrary to UN resolutions.”

The examples go on and on. So why would Democrats now have us look past the truth, adopt a new account of what actually happened and believe they, and we were duped into supporting the war?
One must only look to the nature of the party and its members—lack of integrity, accountability, and any sense of responsibility whatsoever.

Liberal rebuttal...

Apparently you are scared to address the actual topic we were supposed to debate. Instead, you chose to write about your own topic, perhaps thinking I won’t be able to rebut you in 200 words. Wrong.

Security is a “circum” – at least we didn’t spend years and millions of dollars investigating a blow- job. Republicans compromised national security by leaking a CIA agent’s identity. They did this either deliberately or else they were just too stupid to check if she was undercover before they told reporters her name in order to smear her husband. Also, Fitzgerald is calling a new grand jury, so it’s not over.

On Iraq: all the quotes you cite are taken out of context, which is your party’s MO. Those quotes from 1998 were made because Saddam had just kicked U.N. weapons inspectors out of Iraq. Conversely, it’s still O.K. for pushing weapons inspectors in 2003 told U.S. leaders that Saddam did not have WMD’s.

Finally, here’s a laundry list you might like: a list of Republicans under indictment, investigation or arrest—Bill Frist, Tom Delay, Scooter Libby, Karl Rove, Randy Cunningham, Jack Abramoff, Bob Taft, Stephen Hadley, Michael Scandlen, Kenneth Tomlinson….I could go on and on, but I’m already ashamed for you.

By Paul Shipp

Liberal Gavel Columnist

The landscape of politics was fundamentally altered on a national level during the 2001 presidential election. The reason? Karl Rove.

Rovian political tactics have been used so repeatedly in the last five years that they have become predictable. The general strategy involves attacking and discrediting political opponents and ignoring or blurring the issues by attacking them to controversial topics like religion.

These tactics were so out of bounds that George H. Bush (Bush 41) fired Karl Rove from his administration for attempting them. But W. has embraced Rove and continues to bitterly divide our country with these tactics.

Let us visit a few examples. In the 2000 primaries, Bush (with Rove at his side) attacked war hero and former POW (and fellow Republican) John McCain. Rove usually protects his candidate by setting up dummy political groups (like Swift Boat Veterans for Truth) to carry out his smear attacks.

Another example was the swift boat of decorated veteran John Kerry, who actually served his country in a war, unlike five-deferment Cheney and Air-National Guard Bush. This same tactic is currently being used against decorated war hero John Murtha, a democrat and hawk Congressman from Pennsylvania.

So far, Murtha has been called un patriotic and most recently, a congressman from Ohio called Murtha a “coward” on the floor of the House—a violation of House rules resulting in several minutes of boos from fellow representatives.

The most prominent example is the Valerie Plame case, whose name we only know because Republican administration officials leaked it to reporters during their effort to attack and discredit Ambassador Joseph Wilson, whose only crime was publicly disagreeing with phony intelligence used to justify the war in Iraq. Regardless of the legal outcome, the leak occurred because there was a concerted effort to attack and discredit Joseph Wilson.

Here is my general laundry list of some out-of-bounds political tactics: attacking veterans, discrediting candidates because of their spouse, referencing a candidate’s religious views, equating pro-choice with anti-religious, paying journalists to push administration agendas in their columns, hiring actors to pose as White House press and lob softball questions to Scott McClellan, having officials telephone journalists to reprimand them for disagreeing with the administration on air or in print, changing White House press transcripts, lying on television and then denying it later when confronted, labeling those who disagree with you as “un patriotic,” refusing to let the media show the human consequences of a war, and playing on citizen’s fears. Republicans have used these tactics since 2000.

There was a time in this country when politicians dealt with issues like education, healthcare, jobs, the environment, and the economy. Disagreement, freedom of the press, and the flow of information were considered vital to a functioning democracy. There was a time when a politician’s religion was personal and not a talking point of their platform.

Rovian politics have sharply divided our country. The Republican-controlled House, Senate, and Presidency have been in lockstep with Rove’s tactics until recently. The break has been caused by the President and Congress’s low approval ratings.

The only thing that will stop Rovian politics (aside from criminal indictments) is voter rejection of dirty campaigning. Real debate about real issues must replace this compulsive—like atmosphere of oppressing dissent and strong-arming the media.
By Brendan Healy
SBA President

First, I would like to thank everyone who made the Case v. C-M football event a success. The event raised awareness of breast cancer, and we complemented it with a raffle to benefit the Susan G. Komen Breast Cancer Foundation, for which we raised $480.

The Athletics Committee, composed of Keshia Christy, Mandy Shaeber, Norm Schroth, and chairperson Scott Kobih did an excellent job planning the game and should be congratulated for their hard work. I would also like to thank Nadine Ezzie for her hard work in obtaining the great raffle prizes that undoubtedly led to the raffle’s success.

I think those who donated blood in the SBA/JLSA sponsored blood drive. Your donations helped save or sustain 81 area patients. SBA senator and JLSA President Mark Merins worked hard to make the event a success.

Although we will continue with our charitable efforts next semester, we will emphasize your needs even more. One important event that will likely affect C-M students is the direction of the law building renovations.

We recognize that there is not an infinite amount of money available. However, a substantial portion should be earmarked to address students’ needs. Although it would be wonderful if our law school could afford extensive, superficial improvements to its exterior, the focus should be more pragmatic.

We suggest improving common areas to create an environment conducive to learning, strengthening the clinical programs, and ensuring that the needs of all academic and social student organizations are considered in the process. Please share any further suggestions.

Your SBA feels strongly about this issue and will work with C-M’s administration, CU and the board of trustees to ensure that students’ needs are recognized.

On behalf of my fellow SBA Officers, Nadine Ezzie, Scott Kobih, Keller Blackburn and Matt Mishak, good luck on final exams and we hope you have a wonderful break. Please feel free to contact me anytime with any questions you may have.

By Aaron Mendelsohn
Gavel Consultant

As law students, I don’t know how many of us keep up with current events, let alone news and developments in technology, but a very discouraging story broke in early November that caused a major stir in the entertainment and information technology industries.

This occurred when Mark Russinovich, a systems engineer and author of the Symantec’s Norton Internet Security, discovered a rootkit embedded in the Digital Rights Management (DRM) software of several popular new releases from Sony BMG Records.

For those that are not technologically advanced, a rootkit is a tiny piece of code that creates a hidden space on your computer. In the space created by its rootkit, Sony decided to install its copy-protection software so users could not remove it. But what this also did was open a security hole on every Windows users’ computer that ever played one of Sony’s discs that included the rootkit, one that could be easily exploited by hackers.

Those in the know and with enough tech-savvy skills could then write a virus to exploit this vulnerability and hijack a user’s system at the root of it. Pretty nasty stuff, no doubt.

Microsoft was one of us went to college during the proliferation of gigabit campus networks, peer-to-peer software, Napster and mp3 downloads, we all recall the music industry’s reaction to copyright infringement. Ever slow to catch up with technology, the recording industry invested millions of dollars into protecting their intellectual property.

Sony BMG, the world’s second largest record label, contracted with a British software development firm called First4Internet to design a copy-protection system call XCP. When you insert a Sony BMG CD with XCP into your computer’s CD-ROM drive, you have to agree to install a special music player first, which also installs the rootkit.

The music player then limits and controls how you use the disc and the number of “backup” copies you can make. To top it all off, Sony BMG’s rootkit also reports back to the company every time you play a song.

Nowhere in the user agreement is there any mention of this rootkit, and if you don’t agree to Sony BMG’s terms, you cannot use the disc in a computer, leaving you basically no choice. Doesn’t sound quite right, does it?

Well you’re not alone; this really rubbed a lot of different communities the wrong way. First, the information security community was extremely distraught.

It’s hard enough to ensure security compliance when you have to worry about Trojans, worms, spyware, and viruses, but new rootkits installed by music CDs are an issue.

Next, the entertainment and music industry took notice. It’s not the secret the RIAA and MPAA have been fighting piracy since the beginning of the new millennium, but compromising actual paying customer’s home computers is not the way to do it.

And lastly, the legal community took action as several class action lawsuits in multiple states and nations have been filed against Sony BMG to repair the damage done by the rootkit.

Sony BMG, on the other hand, has been pretty mum on the entire situation. When first interviewed by NPR in early November about the issue, Thomas Hesse, Sony BMG’s president of global digital business said, "Most people I think don’t even know what a rootkit is, so why should they care about it?"

Ulta… well they do now, that’s for sure. And with a few exploitations of the rootkit already circulating the Internet, anyone who ever bought and played one of these discs in a computer would be wise to take action.

To Sony BMG’s credit, since Hesse muddied those infamous words on national radio, Sony BMG has taken some corrective measures, but only after the public relations flap.

These include terminating the use of the technology, offering an online patch to fix the rootkit, and recalling every one of the 53 titles that went to market with the embedded rootkit. But the damage was done, and one of the largest media conglomerates in the world has been made the fool.

As litigation continues, and hopefully deters this from happening again, there is only one thing I know for sure. I’ll be very reluctant to allow any future Sony products into my house for a very long time.

Sony ensnared in consumer flap
Software protects copyrighted music but leaves PCs vulnerable

By Aaron Mendelsohn

As law students, I don’t know how many of us keep up with current events, let alone news and developments in technology, but a very discouraging story broke in early November that caused a major stir in the entertainment and information technology industries.

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As litigation continues, and hopefully deters this from happening again, there is only one thing I know for sure. I’ll be very reluctant to allow any future Sony products into my house for a very long time.
As a second-year part-time law student and former intern, I believe the medical physician in my sixth year of private practice, I was rather curious to hear what Dr. Joe Lex (a.k.a. Joe Law) would have to say about the pharmaceutical-physician relationship at his presentation on Oct. 19. While his humorous and at times self-deprecating comments were certainly well received considering the nature of the audience, the substance of his remarks were hardly more than a self-serving, axe-grinding tirade. A collection of sensational headlines, unscientific anecdotes, suspect statistics and irrelevant original investigation.

As a fellow physician and primary-care provider with probably as much or more real-world pharmaceutical company experience than our expert speaker, I feel compelled to denounce the defamatory comments Dr. Lex levels at physicians generally and specifically expose those comments as a self-contradictory, baseless smear of hospital to the seasoned, battle-hardened, academic legal worth.

The drug reps do not have practice and development and provide most of the funding for the studies that advance scientific evidence. If newly developed drugs were not given patent protection (which ultimately expires), we would never have “generics.”

New drugs are not merely shown to be “better than nothing.” In explaining that the FDA requires a showing better than placebo, Dr. Lex conspicuously failed to mention that placebo response rates are generally positive and in some trials may run as high as 50 percent or more.

The bulk of Dr. Lex’s data on pharmaceutical-physician relationships comes from small surveys of predominantly resident physicians. The strength of this type of data falls near the bottom of the scientific hierarchy of clinical trials and carries little more weight than “expert opinion.”

The results of these surveys at best are hypothesis generating. To extrapolate results from drug rep interactions with over-worked, under-slept physicians-in-training at a teaching hospital to the seasoned, battle-hardened, skepticism-clad, real-world-primary-care physician is not just credible.

Everyone in private practice knows that the drug reps are there to sell, but we are more than just selling their drugs. Just how egollish and naive does Dr. Lex think we are?

Dr. Lex’s presentation failed to reach what should have been his thesis. Specifically, does the nature of today’s pharmaceutical-physician relationship lead to inferior healthcare outcomes at the expense of higher total healthcare cost? This question alone has actual meaning and relevance and would have created a perhaps worthwhile and educational discussion. But as Dr. Lex’s presentation showed, we were essentially living in this world, imagine it was avoided on purpose.

The broad banishment of “samples” that Dr. Lex calls for is fundamentally flawed. I personally believe, dominantly elderly patient population literally hundreds of dollars in free samples annually. There does not exist a generic equivalent for every medication and without sample support, some of my patients would not be able to afford their medication. How could this be good policy?

And this list only represents a handful of the more amusing, propositional or erroneous points I was able to counter during the course of Dr. Lex’s remarks. From a law student perspective, it is equally disturbing and unfortunate to consider that Dr. Lex’s presentation was sponsored and funded by the C-M Journal of Law and Health.

Furthermore, a brief re-inspection of Rule X section 4(b)(1) of the Ohio Rules of Court for the governance of the Bar of Ohio, which deals with the hours and accreditation of Continuing Legal Education states “the program or activity shall have significant intellectual or practical content and the primary objective shall be to improve the participant’s professional competence.”

Further, under 4(b)(2), “the program or activity for attorneys shall be an organized program of learning dealing with matters directly related to the practice of law, professional responsibility or ethical obligations, law office economics, or similar subjects that will promote the purpose of this rule.”

Each of these sections was constructed, it would be quite a stretch to find how Dr. Lex’s castigation of big pharmaceuticals and indictment of the pharmaceutical C-M could be related to “participant’s professional competence,” or that any material he presented dealt “with matters directly related to the practice of law.”

Unless the law has changed very recently, it’s still no more of a crime for physicians to accept pens, notepads and dinners from pharmaceutical companies than it is for practicing attorneys to be plied by the likes of Lexis and Westlaw with trinkets and meals.

The implications for C-M and the Journal of Law and Health could not be more dire. As this school and the formal publication was designed to foster greater local and national academic recognition, it is clear that better editor and journalistic judgment must be employed in the program’s presentation.

Unless entertainment value is the priority, marginalized, unfamiliar, impressionistic “experts” such as Dr. Lex should be rejected in favor of speakers with superior academic legal worth.

Charles R. Koepke, M.D.
2nd-year law student

OhioClout.org seeks to frame debate on practical issues

By Joseph Dunson

Governor Bob Taft is considering a plan presented by Ohio’s chief health officer Dr. James A. Siddon. To address spiraling costs of medical care in Ohio, Siddon has proposed the “Ohio Health Care Plan.” Among other things, the plan includes a cap on prescription drug costs. Siddon argues that limiting the cost of prescription drugs would increase the amount of money in people’s pockets and increase the amount of money in the state’s health care system. Siddon believes that the Ohio Health Care Plan will make it easier for patients to afford the medicines they need.

As a fellow physician, I believe that the Ohio Health Care Plan will make it easier for patients to afford the medicines they need. If we can reduce the cost of prescription drugs, we can help patients who are unable to afford their medications. Siddon suggests that capping prescription drug costs would also help patients who are unable to afford their medications.

However, Siddon’s plan has its critics. Some experts believe that capping prescription drug costs would not be effective in reducing the cost of medical care. Others believe that capping prescription drug costs would not be effective in increasing the amount of money in the state’s health care system.

In conclusion, I believe that the Ohio Health Care Plan is a good plan. It will help patients who are unable to afford their medications. It will also help the state’s health care system.

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