

College of Law Library

Cleveland State University EngagedScholarship@CSU

1990s

The Gavel

8-1996

1996 Vol. 45 No. 1

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1996 Vol. 45 No. 1" (1996). *1990s*. 33. https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s/33

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1990s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.





Volume 45, Issue 1 Cleveland-Marshall College of Law, August, 1996

Prof. Streib Leaves C-M for PRESIDENT **Pettit College** Deanship

By: Evelyn L. Moya Staff Editor

On July 17, 1996, Prof. Victor L. Streib taught the last class he was to teach at Cleveland-Marshall. The well-respected professor, a nationally-known expert on capital punishment, criminal law and juvenile justice became the Dean of Pettit College of Law at Ohio Northern University in Ada, Ohio.

Prof. Streib taught criminal law and criminal procedure for 25 years, the last 16 at Cleveland-Marshall. He also taught several criminal law related courses at San Diego (CA) and New England (MA) Schools of Law. He received his JD from Indiana University in 1970.

Prof. Streib has been known to be so accessible that one C-M student called him at 2:00 A.M. with a criminal law question and did obtain an answer.

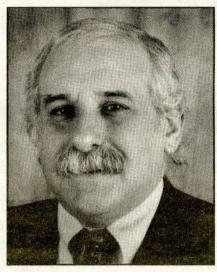
CSU **APPOINTS INTERIM** LAW DEAN

On July 30, 1996, Dr. Claire Van Ummersen, President of Cleveland State University, an-nounced the appointment of Cleve-land-Marshall Associate Dean Steven H. Steinglass to serve as Interim Dean of the College of Law. Dean Steinglass's appoint-ment follows the resignation of ment follows the resignation of Dean Steven R. Smith who left the law school in late June to head the law school in late June to head the California Western School of Law in San Diego, California. Dean Smith had been at Cleveland-Marshall since 1988. In naming Steinglass Interim Dean, President Van Ummersen stated, "Dean Steinglass combines impressive academic credentials with a distinguished career in pub-

with a distinguished career in pub-lic service. Since scholarship and public service are traditional strengths of our law school, we feel fortunate to have him leading the College through this transition pe-ried." riod.

Dean Steinglass, a graduate of the University of Pennsylvania (1964) and Columbia Law School (1967), joined the Cleveland-Marshall faculty in 1980.

see law dean pg. 5



STEVEN H. STEINGLASS INTERIM DEAN WELCOMES STUDENTS

I am writing you for the first time as the Interim Dean of Cleveland-Marshall. Our dean of eight years, Steven R. Smith, left in late June to take up new responsibilities as Dean and President of California Western School of Law in San Diego, California. Last spring after many years in the classroom and two years as Associate Dean of the College of Law, I was appointed Interim Dean by the law school faculty and the university administration. I hope to serve our students and faculty as well as my predecessor.

Whether you are a returning or a beginning law student, I believe you will find the Cleveland-Marshall 1996-97 academic year one of the see welcome pg. 3

MUTUAL AID AGREEMENT **PROVIDES** COMMUNITY **POLICING FOR** CSU

By: Jihad Smaili Staff Editor

On August 1st, Cleveland State University, the City of Cleveland and Cuyahoga Community College signed a Mutual Aid Agreement at Convocation Center. The Mutual Aid agreement has been over a year in the making and is an important enhancement of CSU's safety program.

The Mutual Aid agreement allows state police officers to enforce the law on city property within a large area that includes the campuses of Cuyahoga Community College and Cleveland State University. Police officers from all three forces will be able to engage in pursuit on city streets and will have the close cooperation of the other departments. It is a cooperative effort for community policing which enhances the authority of CSU on and off campus. The agreement paves the way for collegiate officers to share information, follow ups, and arrests.

"We have been working on this Mutual Aid Agreement for over one and a half years," com-mented Claire Van Ummersen, President of Cleveland State University. "The agreement is a wonderful partnership with the city and Cuyahoga Community College that will assist us in maintaining safety and security and helping our community and surrounding areas," added President Van Ummersen.

see policing page 5

Law Applications Down For 1996-'97, **But Diversity Remains**

REGENTS VOTE TO REDUCE FUNDING AND RAISE STANDARDS FOR LAW SCHOOL

By: Andy Nichol Staff Editor

For those of you who have forgotten about the Ohio Board of Regent's raging debate over the quality of student's being offered admission into Ohio's state-supported law schools fear not ... the board has spoken. On Thursday July 11th the board voted to reduce funding for Ohio's five state-supported law schools by holding the admission offers via tougher standards. The goal of the board is to have a nexus between state support and academic achievement, rather than sheer enrollment numbers. An admissions committee could reduce the number of offers for admission based on students' undergraduate grade point average in conjunction with the Law School Admission Test, both would require a higher index.

"We believe implementation of this plan will improve quality across the board," said Garrison Walters, the regents' vice chancellor for academic programs in a recent interview. "All of the schools will need to work harder to attract more highly qualified students." The law school's affected, in addition to Cleveland-Marshall, are Ohio State University and the Universities of Cincinnati, Akron and Toledo. For Cleveland-Marshall, the board's decision could mean as many as 150 fewer students than the current enrollment of nearly 800. If the board's decision goes unchallenged the enrollment reduction will begin in 1998.

impact of these cuts fall on the three northern Ohio schools who have made access to legal education in their region an integral part of their mission."

Under the new plan only

According to Steven Steinglass, interim dean of Cleveland-Marshall, "Virtually the entire

10 percent of any entering class may include students with lower academic credentials, thus eliminating some of the present criteria that admissions committees use to create a diverse student-body.

If the law school plan goes uncontested it will be phased in over the next five years and is expected to free up \$1.3 million to \$1.9 million a year for other higher education programs. This will leave the law schools with some very difficult decisions. The need to acquire additional funding could mean higher tuition and/or less full-time faculty, not a very promising solution.

Even though the number of applications received by Cleveland-Marshall College of Law for the 1996-97 school year dropped nearly 15% over the previous year, diversity remains. According to statistics received from C-M's office of admissions 1400 applications were received for the 96-97 school year. That's down from 1688 applications the previous year. Of the 1400 applications received, the law school extended 780 offers to see applications pg. 3

Surviving Your First Year

By: Barry Saxon Staff Writer

We're looking for the few, the proud, the marin . . . oh no, wrong intro, but close. Although it isn't the military, law school requires stamina, and like the song says, "You gotta have heart." Law school is not for the weak or fainthearted, and though it might at times seem that trial by fire might be easier, or even less painful than your first year of law school, you can and will survive.

There are three essential things you must do to effectively get through your first year at law school and pass your finals. They are: 1) prepare for class, 2) go to class, and 3) review and summarize what you studied in and out of class in a comprehensive outline to be used as a study aid for finals.

Prepare for class:

Read everything which has been assigned. This is more difficult than it might seem. You will read more material in one semester of law school than you have in a full year as an undergrad. The material you will read is not light reading, it is oftentimes complex and difficult to interpret and follow, but there is help. Invest in the case summary books which are available. Don't use them as a substitute for your reading, but use them for review and clarification.

Your profs will expect you to "brief" every case you read for class, (usually three cases per class - that's six to nine cases per day). At the beginning of the semester you should write out a complete and comprehensive brief for every case you read. This is an essential skill which you must learn and master. But, you will find that as you get into the semester all of your profs will pick up the pace and it will become harder for you to find the time to fully prepare a written brief of each case. There is a solution, the "book-brief." To effectively book-brief a case you'll need to develop a system that works for you. It isn't good enough to simply highlight the important passages in a case and it's even worse when you highlight too much. It is imperative that you include complete and detailed marginal notes which you can easily read. Since there usually is a lot which needs to be highlighted in a case you might find it useful to use different colors for the various parts of the case. By developing a color-code system you will always be able to quickly spot important parts of a case like the issue, facts, or holding.

Go to class:

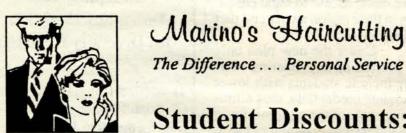
Going to class isn't merely showing up. Don't ever skip a class. There is no good reason for skipping a class, (except having tickets for the Indian's home opener).

Fact: this is law school, you will be called on. Fact: when you are called on your brain will turn to mush, your tongue will turn to Jell-O, and no matter how much you thought you knew before you were called on, you will know only that you have forgotten everything you thought you knew. You can avoid this most awful of all law school experiences by doing one simple thing -- volunteer. Although volunteering may not eliminate the possibility of being called on, the practice and experience of speaking in class can greatly lessen the sinking feeling of hearing your name being called.

Review and summarize:

Almost from your first day of classes you will hear others talk about the "outline" or study guide. You will be told to work on your outlines early. You will be told not to make your outline too long. You will be told not to make your outline too short. You will be told not to make your outline too detailed or to make it very detailed. But you will not be told how to prepare your outline. Everyone will talk about an outline, but no one seems to be able to describe it. Your outlines may seem to be as elusive as Bigfoot, something you know is out there, but something that no one has ever seen. Well don't despair. Help is on the way. As if you haven't spent enough money, here's something else for you to buy. Go to the bookstore and buy either an Emmanuel, Gilbert's or other course review book for each of your classes. These books usually have two primary components, a course summary outline, and detailed review material for the various topics covered in each class. Though these review books don't usually follow the order in which your classes will be structured, they do provide topic headings and a basic structure for your "personal outline." These review books are not substitutes for writing personal outlines. Repeat: THESE REVIEW BOOKS ARE NOT SUBSTITUTES FOR WRITING PERSONAL OUTLINES. The outlines you write are the outlines which you will use to study for your exams. To be effective study aids you must write these outlines yourself. You will find that there are some topics and concepts which you understand quickly, easily and are easy to remember, they will take up less space in your outline. There are also those topics which are difficult to follow and remember, you'll need to devote more space to them. Then, there are those topics that will be given special attention by your prof and you'll need to make sure you address them from her perspective. There is no such thing as a universal outline. The simple fact is that if you borrow someone else's outline, they will do better than you, so write and personalize your own outline.

The material you'll study in your first year of law school isn't too hard to learn, you wouldn't have made it here if it was. It's just the sheer volume of material which you'll cover which may seem overwhelming at times. But don't let it overwhelm you, thousands before you have made it and there is no reason why you can't too. So, don't lose sight of reality, have some fun, schedule some time off in every week for rest and relaxation and before you know it you'll be at Becky's celebrating the end of the school year. Good luck.



The Student Bar Association is proud to present the 3rd Annual

Student Discounts: Haircuts & Products

Appointments Not Always Necessary

Mon.-Fri: 9:00 a.m. - 5:00 p.m. Sat: 9:00 a.m. - 1:00 p.m.

1818 Euclid Avenue Cleveland, Ohio 44115 (216) 861-6044 **CASINO NIGHT**

September 21, 1996

Student Admission \$10 in advance \$15 at the door

Bring your friends and family for a fun evening of gambling, music, drinking and food.

Proceeds benefit Cleveland-Marshall College of Law

Adjunct Professor is C-M Connection to Montana Freemen

by: Evelyn L. Moya

Staff Editor

Walker F. Todd, former assistant general counsel and research officer at the Federal Reserve Bank of Cleveland and C-M adjunct professor who teaches a perspective course on Law, History and Economics (L 583) was catapulted into a mass media frenzy identifying him as a sympathizer of the antigovernment Freemen. The Freemen of Montana staged a stand-off with the FBI for 81 days until their arrest for among other charges, of fraudulent banking schemes on June 13, 1996.

When interviewed at his home in Geauga County, Todd immediately issued his disclaimer that he is not a defense lawyer for the Freemen nor a sympathizer. The Freemen's choice of a possible advocate was not totally misplaced however, because of the Freemen's familiarity with Todd's writings and criticisms of the monetary and banking systems.

In 1993, Todd presented Working Paper 9405 at the Western Economic Association International Conference. Working Papers are preliminary materials circulated to invite discussion and critical comment. Todd, a prolific writer on economic theory, natural law and constitutional issues may have unwittingly provided the philosophical premises for the Freemen's antigovernment rhetoric.

The initial link to the Freemen was established when the adult children of Freemen leader Daniel Petersen called Todd to help mediate for their family and the FBI on March 27, 1996, three days after the initial arrests. Todd was to become one of the 42 men who were tapped by both the Freemen and the federal agents to be a negotiator in the stand-off.

Not knowing any Freemen personally, Todd called on his friend Eugene Schroder, a prominent figure in the American Agrarian Movement to help find a meditor for the Freemen and the FBI. Shroder had organized tractor protests in Washington in the 1970's. Todd and Schroder drafted the 3-phase plan of the conditions of surrender.

The choice of negotiator proved difficult as the Freemen wanted a high-profile lawyer who would confront the FBI for them. The Freemen chose Gary Spence. Spence had embarrassed the FBI in 1993 by winning an acquittal for Randy Weaver on charges of conspiracy that led to the bloody confrontation in Ruby Ridge, Idaho.

Who are the Freemen?

According to Todd, most of the Freemen are Vietnam era vets whose lives have been in conflict with the government since the alienation suffered after the end of the unpopular war. Some are farmers who have fallen on bad times and blame the government for their losses. Some are fleeing from the law while others are just this decade's equivalent of the 1960's hippies.

Todd differentiates the Freemen from other militia groups in that the Freemen who claim a Christian fundamentalist identity are racist while the militias generally are not. Several of the Freemen were charged with participating in a check-fraud scheme; two were charged with threatening to kidnap and murder a federal judge; others were charged with helping federal fugitives avoid arrest.

What do they want?

The Freemen are hostile to the current government structure. They believe that the modern federal government has usurped he powers of the people. With their ideology centered on common law and Christian identity, the group has been known to indulge in "legal gobbledygook" which has also frustrated its counterpart Militia groups.

The Freemen want Montana to review the emergency and war powers of the state. Similar reviews have been done in Colorado (Schroder played a part) and in Michigan (where the Militias have played a part).

The Freemen also want a common law court system (a trbunal of 23 white men) and declare themselves as free men, not subject to the jurisdiction of the federal government. The Freemen have denounced the IRS and the FBI as unconstitutional bodies.

A Threat to America's Democratic System?

Todd does not see the Freemen and other antigovernment groups as capable of undermining the democratic setup. Yet he believes that the proliferation of such groups would make it easy for another Hitler or Mussolini to create a fascist regime. To this date, he believes that there is no singular person in the movement who "pulls the strings." Todd acknowledges that the Freemen's assertions are not totally unconstitutionally illegitimate.

Working Paper 9405

Sixty-six pages long and full of historical and anecdotal data about the Federal Reserve Board between 1931-1934, Todd's analysis of the Federal Reserve Board's monetary policy as a reflection of the times: the portrayal of a weakened capitalism and laissez faire and the dawning of Keynesian ideology; the movement from classical liberty to corporatist economic principles.

Todd's criticism of the monetary policy carried intonations of a totalitarian threat in the system of governmental exercise of war and emergency powers. This was the criticism which the Freemen have skewed to substantiate their claim of the illegitimacy of the current economic system....hence, their refusal to pay taxes and to circulate fraudulent Freemen drafts.

This report repeats Prof. Todd's disclaimer: NOT a Freemen lawyer nor sympathizer.

Welcome from page 1.

most exciting times in your student Law with the oldest night law school career. In this year and the next, the in the state but also the Ohio law

supporters who will see us through this difficult time. In welcoming you application's from pg. 1

admit. As of July, there were 289

law school will be celebrating its hundredth birthday. Our Centennial celebration begins this fall and continues through the coming year. We have invited U.S. Attorney General Janet Reno to help us kick off the Centennial in September, and next year we will be opening our superb new law library, among the 15 largest law school libraries in the country, housing the state's second largest legal collection.

Even though this will be a busy year for you, I encourage you to attend as many Centennial events as possible and to reflect on the history of this law school and its role in diversifying the legal profession. For when you chose Cleveland-Marshall, you chose not only the College of

school that was the first to admit women and one of the first to admit minorities. I know this will be as great a source of pride for you as it has been for the generations of law students who preceded you.

Elsewhere in this edition of The Gavel, you can read of our struggle with the Ohio Board of Regents. Though this is a deeply troubling situation, I want to assure each of you that even if the Board of Regents succeeded in its entire plan, it would have no effect on the students entering and continuing law school today. Let me also assure you that I do not believe the Regents will succeed. We are fortunate to have not only powerful arguments on our side but also resources of alumni and community

to law school, I welcome you to a school whose future is secure; I also welcome you into a proud history and into a community of teachers, administrators, and alumni eager to help prepare you for your role in the second century of the Cleveland-Marshall College of Law.



confirmed acceptances to the day and night program. Two-Hundred were registered for the day program and 98 were registered for the evening program. There are 113 undergraduate institutions represented with the average age being 28. While a final profile for this years entering class will not be available until late September, current statistics show that students in this year's entering class have an average LSAT score of 151 and an undergraduate GPA of 3.16. Approximately 50% of the incoming class are women, 14% are minorities and nearly 20% are nonresidents.

"Marshall Balancing Test"

By: Jihad Smaili Staff Editor

First, I would like to take this opportunity to welcome the first-year student body to the Cleveland-Marshall College of Law. Congratulations! You made it!

The first year of law school is unique. Although, unique could mean many different things to different people, and in order for the incoming first-year class to truly understand the meaning of the word unique as I use it here, unfortunately, they must experience the first year for themselves. Only then will they be able to truly appreciate the uniqueness of law school.

Nevertheless, since I have 'been there, done that, and I got the T-shirt to prove it,' I think that the least I can do for my fellow incoming first-year colleagues is give them some advice and hints on the 'ups and downs' of law school.

Since you guys are anxious to start off the first year, I am going to give you a little test before the ones that really count are upon you. You will invariably hear of the "balancing test" in every one of your classes. The typical "balancing test" entails having to balance the government's interest in protecting and safeguarding its citizens against the individual's personal interests in life and liberty. In order for a first-year student to succeed and still keep his or her sanity, I have developed what I call the "Marshall Balancing Test" [hereinafter "MBT"]. For a first-year student to pass the "MBT," he or she must be able to successfully balance the following factors:

Yes. There is a reason for listing this as the first factor to be examined. Grades are one of the most, if not the most, important Grades. factors to be considered by the incoming first-year students.

Your first-year grades not only mold and shape your perceptions of success as second and third year students, they also are important, if not essential, in landing a decent summer clerking job, which more often than not, will be a determining factor in a partner's decision to hire a new associate. I clerked at a firm over the summer and I would highly recommend the experience to all first-year students. Clerking is the field experience aspect of law school; it makes the picture complete. Also, usually, the higher one's grade point average is, the more likely it is for the clerk to land a job at a prestigious law firm, which in return translates into more experience and money earned. Instituting the parallel reasoning I learned in an undergraduate logic course, the conclusion is obvious: the higher the grades, the more money and experience you will earn, and your chances for clerking for a judge or firm of your choice increase as well. Nevertheless, in law school nothing is easy. Dedication is the key.

Law Review is another important goal that is closely connected with grades. Only the top 10% (which this year was a GPA of 3.60 or higher) of the first year class will be invited to join Cleveland State Law Review, and the top 20% will be invited to join the Journal of Law & Health. Law Review will be a great writing experience; not to mention the many advantages of having "Member, Cleveland State Law Review" listed on your resume'. Some firms require law review membership as a prerequisite for an interview.

When it comes to grades, one thing, and only one thing, is for sure: no grade is for sure, no matter how deeply you believe that you aced the exam or bombed it until the grades are posted opposite your number at the "Wailing Wall" (as some students refer to it). The bottom line is that grades are, or should be, the first-year student's first priority; weigh the grade factor accordingly against the

remaining factors.

Social Life. I know. You have heard it from everyone: "Say good-bye to your girl- or boyfriend (or spouse) because once you start law school, your social life (or marriage) will not exist, and if it does, you will have a hard time recognizing it!" Although there is some truth to those words, it does not have to be like that. Yes, you can have a social life and still get good grades. The key, I believe, is being able to balance the "MBT" factors. Although, once you officially are initiated into the mysterious realm of law school, your social life will never be the same again. This could have two different meanings: It could be good, again, if the time spent on your social life is balanced accordingly, or it could be devastating if overdone. The key when it comes to social life is moderation.

Professors. The setting: Contracts class on Monday morning, the first day of official classes. The room is jam-packed. Not much talking. Anxiety fills the atmosphere. Enter: the Professor. A hush falls over the crowd. The professor walks in, throws his jacket on the desk and welcomes us to the "beginning of our new life." Suddenly, he asked two students in the front seat what their favorite numbers were and began to count across and up the rows, until he zeroed in on an unsuspecting student like a strategic move on the board game The Battleship or a bingo game, and said: "You are the lucky one! Now give us the facts of the case." At that point, I had an excruciating feeling in my stomach. I began to question myself, as did most everyone else in the room, as to whether I had made the right career move. This contracts professor turned out to be one of the best professors I had the first year.

Unfortunately, not all of your professors will be good. And for some, even if they are good, there is something about the way they teach you the material that just turns you off. This is very unfortunate, if not unfair, to the student because sometimes, due to the professor's attitude towards the subject he or she is teaching, you will perceive the subject matter in a negative light and that will, most likely, lead to the harboring of prejudices towards that field of law even once you graduate and begin your practice of law. Unfortunately, a professor is capable of directly shaping your attitudes towards a certain concentration of law in a negative way, and this will adversely affect the way you perceive a certain specialty of law in your law career and the choices that you make.

Also, a professor naturally holds a very impressionable and influential position. Most all of the professors that I have had usually stick to the subject matter. Nevertheless, some will sometimes digress and, intentionally or not, throw in some of their own personal 'politics' in the mix. That also, I think, is very unfortunate.

The most important thing about professors is that they tend to prepare your final exams. So my advise is to study hard early in the semester and keep up with the class. But most importantly, since the professor will be thinking up the exam (at least most will) the best thing to do is to study the professor. That is right. Note what interests your professor in class and, by the end of the year, you should be able to predict the type of questions that will be asked.

Also, outlining is priceless and an art in itself. Try to avoid most commercial outlines. The best outline that you could have is one authored by you and your study group. Speaking of study groups, you should really form one, but be selective. A study group could either really help you or really hurt you.

In these post-O.J. Simpson days, the profession of law is not as highly perceived or respected as it used to be. The people's Law as a Career. perceptions of justice have been tarnished. There are many elements in the legal profession that work incessantly in dehumanizing the legal field. It is our duty and responsibility as students of the law and future attorneys of America to attempt to educate our friends and family members as to the true objectives and manifestations of the law.

Cleveland is an excellent city to launch a law career. I personally plan on staying in Cleveland upon graduation, and hopefully, by then, I will have a job. Cleveland is home to some of the most respected law firms in the country. Cleveland's top 5 law firms are as follows: 1) Jones, Day, Reavis & Pogue (1,014 lawyers; 246 partners); 2) Baker & Hostetler (459 lawyers; 149 partners); 3) Squire, Sanders & Dempsey (350 lawyers; 130 partners); 4) Arter & Haden (320 lawyers; 123 partners); 5) Thompson, Hine & Flory (334 lawyers; 157 partners).

Cleveland impresses me everyday. It is a beautiful city. When I first came to Cleveland, I did not think much of it. I regret not taking Living. the time earlier to go out and explore the many wonderful things that the 200-year-old city has to offer: the Rock-N-Roll hall of fame, the Flats, the new Science Museum, the Indians, the historical Warehouse District and the beautiful Downtown, just to mention a few. So, whenever you have some time, go check out the city.

Again, on behalf of the Editors of "The Gavel": WELCOME!!!

Disclaimer: all of the above listed advice and hints, including, but not limited to, any affirmations, analysis, assertions, averments, allegations, avowals, reasoning, declarations, conclusions of law or fact, are hereby expressly waived, and the preceding article was written and composed for the sole purpose of supplying information to willing and participating first-year Marshall law students that voluntarily, and without undue influence or duress, pick up a free copy of "The Gavel" and read through its contents, and no express or implied warranties, such as warranties of merchantability and fitness for particular purpose, exist because the reader hereby agrees that he or she reads this article at his or her own risk, and "The Gavel," including, but not limited to, the Editors, hereby publish this article "as is."

Inter alia:

by: Evelyn L. Moya Staff Editor

The Gavel inaugurates a series of articles that delve into the importance of a law degree in varied careers. Featured in this first issue is a Cleveland-Marshall alumna who served as a lobbyist in Columbus, Ohio.

Carol Ann Roe is a 1990 C-M graduate who is assistant professor in nursing at the Frances Payne Bolton School of Nursing at Case Western Reserve University. When interviewed for this article, Roe was both candid and guarded about the function, preparation and compensation for lobbysists in state capitols.

When asked to briefly describe "lobbying", Roe called it the influencing of a legislator to vote in accordance with the aim of the lobbyist. She sees it as an organized, disciplined effort to influence and educate the public policy maker. To be an effective lobbyist, she insists, one must truly like politics and the legislative process. Roe ranks personal credibility as the most crucial element in the lobbying effort. She emphasizes that a thorough understanding of the statutes, administrative rules and various sources of the law are indispensable. She sees lobbying as an educational process for the legislator designed by the astute lobbyist to influence the vote of the lawmaker.

Taunted with the question "So you can conceivably lobby for the opposite side after you have successfully lobbied for the other?" she replied: "In terms of what we do as lawyers, yes, I say one can lobby for the opposite viewpoint. That is why it is very important to understand the issues specifically if one is lobbying for a less powerful entity."

Roe had an admittedly deep personal interest in lobbying for the Ohio Nurses Association when the Ohio Nursing Practice Act was revised in Columbus. Roe had occupied academic, administrative and clinical positions at University Hospitals of Cleveland and Case Western Reserve University prior to being asked by the ONA to be its government affairs specialist. She was directly accountable to the Executive Board of Directors of the ONA.

Roe ranks as supreme the personal satisfaction in influencing legislation for the issues in which she believes. She also identifies that one of the negative aspects of lobbying was confronting the stereotype that government-level politics is mythical. "The perception that what the lobbyist does is unique is an inaccurate picture. Politics is everywhere...it is in the workplace, it is in education. People must understand that politics is about understanding people."

Roe predicts intense legislative activity in regard to health care, antitrust issues, outcome studies of different health care providers. She sees lobbying as a continuous effort for every citizen. "Our public policy makers must be educated," she declares. She acknowledges that if wellorganized, grass-roots lobbying like making telephone calls and writing letters to legislators, is just as effective as paid lobbying.

Lobbyists, we found out, are paid according to the capacity of the client-group. There are two types of lobbyists: single-client lobbyists (like Roe was when sent by the ONA to Columbus) and multiple-client lobbyists who are sought as full-time conduits to the legislators and who seek lobbying assignments as *occupation*.

Roe credits her choices of elective courses as highly instrumental in preparing her for the lobbyists role. Essential were: Legislation, Health Care Law, Labor Law, Administrative Law and Local Government Law. Public Policy was her main interest as a law student.

Her advice for a potential lobbyist is simple and direct: (1) be knowledgeable of the issues lobbied for; know what the client wants, (2) be open to the public policy maker; know the obstacles in support of the issue (3) maintain a high degree of credibility.

When asked to sum up the experience in Columbus, she said the most gratification came from personally making a difference. With her analytical legal mind, the nurses's heart beat in synchrony: "The production of widgets is not the same as seeing a patient through a health crisis. Health care professionals need to give the consumer the education necessary to make informed choices."

Law Dean from page 1

He entered full-time teaching after more than a decade in Wisconsin legal aid programs. He was Staff Attorney and later Director of Milwaukee's Freedom Through Equality (1969-73), an agency providing civil legal services to low income individuals; Director of Milwaukee Legal Services (1973-77); and Director and Associate Director of Legal Action of Wisconsin, Inc. (1978-80). During these years, he was a lecturer at the University of Wisconsin Law School as well.

School as well. At C-M, Steinglass teaches courses in Civil Procedure and Fed-eral Jurisdiction. He is a nationally known expert on Section 1983 Civil Rights Litigation and a frequent lecturer at continuing legal and continuing judicial education programs in Ohio and throughout the country. He is the author of a leading treatise on civil rights (SECTION 1983 LITIGATION IN STATE COURTS) and numerous journal articles and book chapters. Dean Steinglass has also argued two cases before the United States Supreme Court, Board of Regents v. Roth (1972) and Felder v. Casey (1988)Dean Steinglass will head Cleveland-Marshall during a critical time in its history. The Ohio Board of Regents has recently adopted a plan to reduce significantly the funding for public legal education. The effect of this plan will be to restrict the size of the law school and limit access to legal education. Dean Steinglass is outspoken in his opposition to the Regents' proposal and its implications for the College of Law: "For almost 100 years Cleveland-Marshall has played an important role in providing men and women in the greater Cleveland area with an opportunity to study law. Our part-time evening and day divisions have been the vehicle through which generations of Clevelanders have entered the legal profession. Our school and our graduates helped build this region, and in recent years we helped transform Cleveland into the prosperous legal and business community of the 1990s. Our citizens and our city will suffer greatly without the access to legal studies that is part of Cleveland-Marshall's historic contribution to the wellbeing of northeast Ohio."

Steinglass also noted that the Cleveland State University Board of Trustees, the Cleveland State University administration, and the Cleveland-Marshall Law Alumni Association have all voiced strong opposition to the Regents' plan. On the eve of the College of Law's Centennial, the Board of Regents' proposal seems especially ill-timed. Though Cleveland State University, founded in 1964, is a relatively new state-supported uni-versity, the College of Law traces its origins to the founding of the Cleveland Law School in 1897. In 1946 the Cleveland Law School merged with the John Marshall School of Law, founded in 1916, and in 1969 the Cleveland-Marshall Law School joined Cleveland State University. "The Centennial," University. "The Centennial," Dean Steinglass observed, "will give the legal community and our alumni an opportunity to reflect on the historic mission our school has pursued and will continue to pur-sue in northeast Ohio and through-

out the nation."

The law school is planning a celebration in the fall of 1996 to inaugurate the Centennial and a number of Centennial-related events. A highlight of the Centennial year will occur in the fall of 1997 when the College dedicates its new law library, presently under construction. Dean Steinglass noted, "This will be a state-of-the art, technologically superior facility, the second largest law library in the state and a major resource not only for the law school but also for the entire legal community." Dean Steinglass will serve as

Dean Steinglass will serve as Interim Dean until the law school completes its national search for a new Dean of the College of Law.

policing from page 1 "You will certainly notice a visible presence and increased foot and bicycle patrols and cruisers." This agreement will "free-up" Cleveland Police officers; now, as a result of the agreement, Cleveland Police are able to aid in the investigations and crimes which occur on CSU jurisdiction. Unified campus security and cooperation is the basis for the agreement. The best news was that all of this will not result in additional costs to any of the participants; actually, this agreement will most likely result in more efficiency, coordination and cooperation between the three forces.

are preventive measures, not reactionary ones. We need to get ahead of crime, and this agreement does that." President Thornton looks forward to working diligently with her two counterparts. "This historic agreement," added Thornton, "is truly a part of the 'new and stronger Cleveland.""

The City Safety Director likened the previous relationship between the three signatories to a cartoon strip that he read about twenty years ago, where, in one frame, there is a fly ball, and in the second frame, the ball is seen laying on the ground, and finally, in the third frame, both of the catchers would walk away from the scene exclaiming: "its yours!" "Now," the Director added, "the overlapping jurisdictions will be united and more effective."

5

President Thornton of CCC added, "what we are taking now MAKE A STATEMENT...

The Gavel is always seeking interested students, staff, faculty, and administrators to contribute to this publication. If you are interested, stop by the office, LB 23, or call 687-4533. The opinions expressed are those of the author and not the GAVEL. The GAVEL is not responsible for article content including factual matters.

Becky's

Downtown

TOP TEN REASONS TO GO TO BECKY'S

- Baby Becky Burgers are good food!
- 9. Got Milk? Loser.
- \$1 Rock Night is better than a Happy Meal.
- 7. No Tax Law quizzes.
- Pretzel Rods, Pretzel Rods, Pretzel Rods.
- Did we mention \$1 Molson Night?
- Guinness on draft.
- It's not in the Flats.
- Appetizers stimulate brain cells.
- 1. We have coat racks.

1762 East 18th Street 621-0055

THE GAVEL

Cleveland-Marshall College of Law Cleveland State University Cleveland, Ohio 44115 (216) 687-4533

Staff Editors

Andy Nichol Evelyn Moya Jihad Smaili

Staff Writers Starr Agle Steve Blount John Burns Mitch Goodrich

Going Solo: How One C-M Grad Did It

by: Evelyn L. Moya Staff Editor

Rose M. Fini, 1994 C-M grad, sat after hours at her desk at the Medina Prosecutor's Office to answer our questions regarding her solo practice. Since March 1996, however, Rose Fini has also been working at the Child Support Division of Medina County while maintaining a solo career as a lawyer in Medina and as a mediator in Cuyahoga County.

Asked how and why she chose Medina, the young lawyer relied on statistics which showed Medina as the fastest growing county in Northeast Ohio. Opportunity is better in a growth area than in a saturated area.

Rose Fini claims that having professors who were geared into a "practice perspective" rather than theory were the best source of preparation for solo practice. She also wishes that she had taken up more accounting-type courses and regards a course in Taxation as a MUST in general practice. Issues of taxation appear in self-employment, in domestic relations, in estate-planning.She regards the non-inclusion of Taxation in the bar exams for Ohio as a disincentive for students to learn the course where it is most valuable.

The Gavel was mostly interested in learning from Rose Fini the strategy she used in starting her practice and its costs. She was most candid and unpretentious as she discussed the various resources she utilized to get started.

One of the marvelous things this enterprising lawyer did was a lot of research: malpractice insurance, health care insurance, bar membership fees and access to law libraries. her advice is to do comparison-pricing before purchasing any kind of insurance plans. She also listed the purchase of a computer (including a laptop) and a printer as the most expensive. This is to enable her to present her correspondence to clients and the public at large with credibility and professionalism. Advertising was another expense. She issued about 250 announcement cards("real classy") to people she had known since she was a child ... impishly implying that as an Italian, one has plenty of relatives. She was asked to compare the effectivity of paid advertising as opposed to personal contacts and she rated the latter as most productive. Credibility and professionalism are essential and one's adds cannot substitute for the personal approach.

Rent is a fixed expense that must be kept low. She accomplished this by sharing an office with a lawyer whose field of practice did not conflict with hers. To maintain her mediation practice, she keeps an office at the Crown Centre (I-77 and I-480). This was set up so that there would be no conflict of interest with her position at the Medina County Prosecutor's Office. She eventually gave up the shared office and now counsels clients at their homes for estate planning.

Another expense which could potentially be prohibitive are : library and research facilities. She considers herself lucky for having a 24-hour access to the Medina Law Library. For access to libraries, one must gauge what is included in bar association membership fees. She considers Westlaw and Lexis on-line subscriptions as luxuries for the solo practitioner.

To keep abreast with legal literature, she reads OhBar and ABA jornals. Some journals come free with membership. For keeping in touch with what clients can relate to, she reads the local newspapers

Developing a Practice

The book How To Start and Build a Law Practice by Jay G. Foonberg encapsulates all the basic elements of starting a practice. Rose Fini derived major pointers from this book. The Book is published by the ABA.

Networking with other lawyers is another way to enhance your career, she says. hand in hand with networking is mentoring and making referrals. She acknowledges that there is plenty to learn in the practice which are not learned in law school. One must choose wisely from whom advice is sought and cautions that a healthy dose of skepticism be maintained. She believes that one should decide early on what one chooses to do or not to do. She knew she would not do criminal defense work. In fact, her longnurtured desire in public service found fruition in this current appointment at the prosecutor's office.

6

Marlene Jennings Vickie Jones Stacey McKinley Ed Palm Neil Rubin Linda Sandish Barry Saxon

Gavel Advisor Prof. Thomas Buckley

see: solo next page

BLSA WELCOMES INCOMING STUDENTS

By: Kelly M. McHargh-Jackson

On behalf of the officers and members of the Black Law Students Association (BLSA), I would like to take this opportunity to welcome you to Cleveland Marshall College of Law.

As stated in your student bulletins, the primary goals of BLSA are to articulate and promote the professional and educational needs of minority law students. Membership continues to be open to all those interested in furthering these goals. In an effort to accomplish these objectives, BLSA would like to extend an invitation to all interested students to become members of our organization. Always feel free to stop into the BLSA office to get information, advise or to simply take time out of your often stressful, always busy day to get to know the members of the organization. The new executive board consists of the following students:

Pres: Valerie Hollingsworth Vice-President: Kelly M. McHargh-Jackson Secretary: James Evans Treasurer: Vernon Frazier

BLSA looks forward to working in conjunction with other student organizations.

Now that I have dispensed with the formalities, let me share some general, but necessary information with you. I'm sure you've heard this before, but I'll say it anyway... law school is completely different from anything you've ever experienced. Depending on the choices you make, this can be a good thing or a bad thing. In an effort to make your experience a positive, and believe it or not, somewhat enjoyable one (contrary to what you've been told, it is possible), I would like to share with you three of the most important pieces of advise I was given during my first year:

1.) Obviously, studying and grades are important. If you plan to have the letters 'J.D.' behind your name in three years (or four, as the case may be), then always, ALWAYS be aware of that fact. However, studying and grades don't come as easily in law school as they did in undergrad. Some factors that assisted me in being successful in my academic endeavors during my first year were as follows:

a.) I got to know some great people who took an interest in my success. Some of these were professors (especially my Criminal Law ((Dean White)) and Contracts ((Professor Werber)) professors), others were 2nd and 3rd year students, many were BLSA members (yes, that was a plug). I was advised on everything from how to take an essay exam to what professors to take and to avoid in my 2nd and 3rd years (as you will find out, with the exception of your elective in the spring, you don't have a choice in your 1st year).

b.) I was fortunate enough to have been a part of what had to have been one of the best all-time study groups in the history of law school. From this study group arose some of the best friendships I have had in a long time. This is very important because the relationships that you establish now should be ones that you will maintain throughout your legal career. A word of caution about study groups however: keep them small, keep them serious, keep to the subject matter at hand and comprise them of people who will challenge you. In other words, avoid people who agree with everything you say.

2.) Now this is very important. You must, absolutely must take time out for yourself. It's called downtime, and it will keep you from going insane. This may sound dramatic but please believe me when I say, you will quickly burn out if you don't get something besides law in your life. Everyone told me to take a day to myself, a day in which there is absolutely no studying, no talk of law. I never could accomplish that. A more realistic goal is to just make sure you have your cases read, briefed and understood, and then take time to yourself wherever you can get it.

3.) Finally, a wise professor once told me that there are three kinds

solo continued from pg. 6

She values the alumni association at the school for offering CLE(continuing legal education) units at a reduced cost and for conducting the mentor-ship program.

Rose Fini advises the solo practitioner who is still trying to establish his/her practice to prioritize the value system in pursuing pro bono work. For example, a client who cannot afford retainer fees ("and mine are reasonable") may be referred to the Legal Aid Office. Altruism may be pursued in painting houses for Habitat for Humanity. One can minimize having to give professional services gratis.

What about those free seminars she held at a hotel in Independence? Those free seminars on estate planning and mediation both serve as public service and as marketing tools to generate clients (of the 50 who attended her mediation seminar, 2 beof people that a law student will have in their life:

a.) the kind that says the he/ she will be supportive of you and actually is;

b.) the kind that says that he/ she will be supportive, but really isn't;

c.) the kind that is flat out not supportive.

He then said basically to get rid of any who fall into the second two categories, because you can always find someone who will fall into the first. I must admit, I thought it was the harshest thing I had ever heard. But when you think about it, it makes perfect sense. If this is something you're going to do, then you don't need the extra stress on top of the natural, built-in stress of law school. So surround yourself with strong, supportive people who want nothing but the best for you. Let **no one** put roadblocks in your way.

So once again, welcome to Cleveland Marshall from BLSA. If you have any questions about BLSA or about first year in general, feel free to seek out any of the BLSA members, including myself. I'll be the one with the 'I-Can't-Believe-I-Was-Actually-Looking-Forward-To-Getting-Back-To-School' look on my face. Good Luck!

which is not necessarily legal advice (which must be paid for).

Lessons to be Learned

1. Not all hours are "billable" hours. Because there is a learning curve for any lawyer starting in practice, the time spent in cautiously serving the client is time spent which cannot all be charged to the client. One may spend 80 hours a week and still only be legitimately able to bill for half that or even less.

2. Flexibility. Even if one has "preferred" cases, a starting lawyer may have to accept cases to pay rent.

3. Mediation is an alternative law practice. Most people are unfamiliar with this non-adversarial approach and the lawyer who practices mediation may have to wait longer for the practice to be well-etablished.



Eligibility to apply for the OSBA Law School Student Scholarship. Two scholarships will be awarded: One award at \$1,500 and one at \$1,000.

Opportunities to interact and network with practicing attorneys through committee, section and district meetings as well as the OSBA Annual Convention.

Bar review discount. West Professional Training Programs, Inc. is offering all law school student members of the OSBA a discount off the full price of the West Ohio Bar Review Course.

A job resource for third-year students through our Resume Exchange Program that makes your resume available to firms that have positions available. *OBAR* also contains job listings.

S avings through discount programs. The OSBA offers savings through Jos. A. Bank Clothiers, long-distance telephone service, cellular phone service and more!



came clients; of the 20 who attended the estate planning, 10 became clients). Speaking in seminars, a lawyer can give legal information Editor's notes: The July 1996 issue of the ABA Journal similarly identified Fini's criteria for success:(i) marketing(ii) use of technology. Having a lot of money does NOT appear to be a criterion for success.Solo practitioners interviewed quoted \$6,000 to \$30,000 as start-up expense.

DEADLINE FOR SUBMISSION OF ARTICLES FOR THE NEXT ISSUE OF THE GAVEL: SEPTEMBER 30

(All submissions must be on disc - WP 5.0; include a hardcopy)

PERSPECTIVES ON BRIEFING

By: Marie Rehmar, Head of Reference Services, Law Library

If you're not yet sure how you go about "briefing cases", here are some sources of good advice, and to save you time, the specific page number. Different authors have different perspectives, but the basics are similar. The books are available in the Reserve Room of the Law Library. (And if you aren't a First Year student, try some of these titles for other types of useful hints.)

John D. Calamari & Joseph M. Perillo, <u>How to Thrive in Law</u> <u>School</u> 11 (Hook Mountain Press, 1984). RR KF 283 .C34 1984

Charles R. Calleros, <u>Legal Method</u> and <u>Writing</u> 89 (2d ed., Little, Brown, 1994). RR KF 250 .C345 1994

Ralph Canada, Charles Cheatham, & Tony Licata, <u>Surviving the First</u> <u>Year of Law School</u> 14 (Lord Pub., 1978). RR KF 283 .C36

John C. Dernbach et al., <u>A Practical Guide to Legal Writing and</u> <u>Legal Method</u> 20 (2d ed., F.B. Rothman, 1994). RR KF 250 .D47 1994

Gary A. Munneke, <u>How to Succeed in Law School</u> 31 (Barron's Educ. Series, 1989). RR KF 283 .M86 1989

Richard K. Neumann, Jr., <u>Legal</u> <u>Reasoning and Legal Writing:</u> <u>Structure, Strategy, and Style</u> 37 (2d ed., Little, Brown, 1994). RR KF 250 .N48 1994

Laurel C. Oates, Anne Enquist, & Kelly Kunsch, <u>The Legal Writing</u> <u>Handbook:</u> Research, Analysis,

LIBRARY STAFF WELCOMES STUDENTS

By: Professor Michael J. Slinger Law Library Director

On behalf of our Law Library staff I would like to extend a sincere welcome to our new students and welcome back to our continuing students. It is always exciting to begin a new year, to see old friends and meet new ones, to accept new challenges, and to learn more about law and the legal profession. The Law Library staff stands ready to assist you with your educational work and hopes you will call on us often.

This is a transitional year in the life of the Law Library, as we continue to prepare and plan for our new building with a scheduled occupancy of Fall 1997. As a result of the work that has gone on this Summer in conjunction with the new building, the present Law Library has been forced to shrink a bit in size, and we may also anticipate that on occasion we may have some brief noisy periods this year. We appreciate your bearing with us over the rough spots. The inconveniences are sometimes annoying but easier to put up with when we focus on the benefits we all will be receiving from our greatly improved facility that will serve all of you as students and later as alumni.

We are planning a variety of services and programs to assist you during the upcoming year. Please watch for details as we get further into the semester. In the meantime, please let me or other members of the staff know if we can help in any way. I hope to have an opportunity to chat with many of you this year. Good luck!

FACULTY NEWS

By: Rosa M. DelVecchio

Gordon Beggs assisted Community ReEntry, a Lutheran ex-offender ministry, in analyzing proposed legislation to restrict ex-offender employment and also consulted with them regarding legal issues relating to an application to operate a U.S. Bureau of Prisons community corrections center and a proposed contract to place ex-offender care teams in Cleveland public schools. He worked with area churches to consider the establishment of a Christian legal aid program in Cleveland and drafted a paper on the subject entitled "Defend the Rights of the Poor," which is being circulated within the church community in Cleveland and Washington, D.C. Professor Beggs' article "Novel Expert Evidence in Federal Civil Rights Litigation" was the lead article in the first law review volume ever to be published on the worldwide web. The publication occurred in April in connection with a conference on Law and the Internet held as part of the centennial celebration of Washington College of Law at American University. Professor Beggs gave a talk at a conference of the Christian Legal Society, held in February in Arrowhead Springs, California, entitled "Writing About Proverbial Practice", regarding his essay "Proverbial Practice: Legal Ethics from Old Testament Wisdom," which was published in <u>Wake Forest Law Review</u> in 1995. He also published a condensation of his "Proverbial Practice" essay as the Perspective in the ABA Journal in March under the title "Reap What You Sow." Professor Beggs developed a clinical simulation exercise on the mandatory disclosure and meeting of the parties required by Rule 26 of the Federal Rules of Civil Procedure. The exercise has been incorporated into the first semester Fair Employment Practices Clinic course work.

Paul Carrington delivered the invocation at the Third Annual Diversity Conference at CSU in May. Phyllis Crocker spoke on "Investigation and Pleadings for Post Conviction Relief Proceedings" at the Ohio Death Penalty Seminar, a CLE program co-sponsored by Theodore F. Stebbins, Esq., and the Cuyahoga County Criminal Defense Lawyers Association and held in Cleveland in May. Beverly J. Pyle also delivered a presentation at this seminar entitled "Post Conviction Relief Overview: The Process and the Present Crisis," and Professor Pyle also published "Changes to Post-Conviction Relief and Death Penalty Appellate Procedures: The New Provisions and the Potential Problems" in the <u>OACDL Vindicator</u> in Fall.

Louise P. Dempsey was invited to attend the Fourteenth Annual Meeting of the Visiting Nurse Association of America in Bal Harbour, Florida, in March. One of the workshops Dean Dempsey attended was "VNA Hometalk: A Model for Managing Chronic Disease via Telecommunications." This is a joint venture of a state-of-the-art telemedicine program using CSU as the support system for the VNA of Cleveland.

Patricia J. Falk published an article on "Novel Theories of Criminal Defense Based Upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage" in the North Carolina Law Review.

Joel Finer wrote two essay-entries, "Confessions and Public Morality" and "Torture and Philosophical Ethics," which were published in THE PHILOSOPHY OF LAW: AN ENCYCLOPEDIA by Garland Publishing.

Deborah A. Geier published an article in <u>Tax Notes</u> entitled "Cognitive Theory and the Selling of the Flat Tax" in which Professor Geier explores how perceptual biases may affect both taxpayers' impressions of the contours of the proposed tax base and their behavioral responses to the savings incentive.

Pat McCoy published two articles: "Banking System Stability and Soundness" in <u>Proceedings of</u> the Second World Congress of Lithuanian Lawyers in June (accepted for publication in Lithuanian) and

and Writing 81 (Little, Brown, 1993). RR KF 250 .018 1993

Helene S. Shapo, Marilyn R. Walter, & Elizabeth Fajans, <u>Writing and Analysis in the Law</u> 27 (3d ed., Foundation Press, 1995). RR KF 250 .S5 1995

William P. Statsky & John Wernet, Jr., <u>Case Analysis and Fundamentals of Legal Writing</u> 39 (4th ed., West Pub. Co., 1995). RR KF 250 .S73 1995 "The Erosion of the Business Judgment Rule in Banking" in <u>Bank Bailout Litigation News</u> in May.

Karin Mika prepared the Case Law Supplement to LEARNING FROM THE PENSION EXPERTS: DIVID-ING PENSIONS IN DIVORCE by Gary A. Shulman, a graduate of Cleveland-Marshall, and David I. Kelley and published by John Wiley and Sons.

Heidi Gorovitz Robertson served on the local panel for the ABA Satellite Seminar on Hazardous Waste and Superfund: RCRA and CERCLA at the Crossroads, and she spoke on brownfields redevelopment and the proposed Ohio law on environmental audit protection.

Alan Miles Ruben gave the Distinguished Alumni Lecture at the Central High School of Philadelphia in May entitled "China in the 21st Century: The Emergence of the Dragon." Central, founded in 1838, is the second oldest secondary school in the country and the only one authorized to confer the degree of Bachelor of Arts upon its graduates.

Frederic White published an article on "Ohio Apartment Owners v. Fair Housing Advocates: Battle Over House Bill 509" in the <u>ABA Residential Landlord and Tenant/Property Management Committee News-</u> <u>letter</u>. A member of the Law School Admissions Council Test Development and Research Committee, Dean White attended the semi-annual meeting in Albuquerque, New Mexico, in March. Dean White received a distinguished service award in April from CSU's Black Faculty and Staff Organization. He was also the featured speaker at the City Club's Under 40-Component for the Young Lawyer Round Table in May, and the Akron Board of Realtors featured Dean White as the speaker at the Prepare for American Home Week Fair Housing Luncheon in April.

UPCOMING CALENDER OF EVENTS

August 28	-"The Secrets of Success: Making On-Campus Work for You," speaker, Marsha Scanlin of Hahn Loeser & Parks, noon - 1 PM, MOOT COURT ROOM.
	-Office of Career Planning Open House; Resume deadline for Fall Interview Program.
August 29	-SBA Beginning of School Year Social, 4 PM - 6 PM, Student Lounge.
September 4	-Deadline for resume and preference from drop off for Fall Interview Program, 5:30 PM, OCP office.
September 5	-Law Review Sponsored Happy Hour, 4 PM - 6 PM, Student Lounge.
September 9	-SBA First-Year Senate Elections, Student Lounge, (times to be announced).
September 10	-SBA First-Year Senate Elections, Student Lounge, (times to be announced).
	-"Alternatives to the Fall Interview Program," 12:30 - 1 PM, Room 205; 5:30 - 6 PM, Room 208
September 18	-First day of Fall Interview Program
September 21	-SBA "CASINO NIGHT", 7 PM, Law School ATRIUM
September 26	-OCP "Power Breakfast" (subject, time, speaker & location to be determined).
September 30	-CENTENNIAL KICK-OFF, Attorney General Janet Reno, (invited speaker).
October 3	-OCP Open House for Evening Students, 6 - 7:30PM.
October 10	-"Evening Student Networking Hour," 5 - 6 PM, (details to follow).
October 17-	 -OCP "Power Breakfast" (subject, time, speaker & location to be determined). -Gala Reception Honoring Cleveland-Marshall Alumni Judges, Moot Court, 5 PM.

ATTENTION: FACULTY, STUDENT ORGANIZATIONS, AND STAFF. PLEASE NOTIFY THE GAVEL OF ALL UPCOMING EVENTS FOR PUBLICATION

"CONDEMNED TO DEATH"

9

(THE FIRST IN A SERIES OF ARTICLES)

By: Barry Saxon Staff Writer

I sat, waiting. He walked into the room, I stood up, reached across to him and shook his hand. My first thought was, I've just shaken hands with a dead man.

Wiley Davis is a convicted murderer. He is on death row in Mansfield State Prison awaiting his sentence. I've never met Wiley Davis before and it isn't likely that if I had, we would ever have become friends, we don't have much in common.

Actually, I don't know anyone who has anything in common with Wiley Davis. I didn't grow up in the ghetto. I didn't grow up with an absentee father. I didn't grow up with an older sister who was responsible for my welfare, who taught me how to be street-smart, who taught me how to fight and protect myself, an older sister, who at thirteen was a prostitute.

I came to meet Wiley Davis because I volunteered to help with the National Association of Criminal Defense Lawyers' Summer Postconviction Representation Project. For this project, they team law students up with lawyers representing indigent death row inmates in Ohio. Under a new Ohio post-conviction law, S.B.4, all inmates, including death row inmates in Ohio prisons must file a petition seeking postconviction relief by September 21, 1996. If the petition is not filed by this deadline, these inmates forfeit their right to review.

The state post-conviction review process is the way in which inmates can raise the critical constitutional issues which are at the core of, and test the reliability of decisions which have been made, and the fairness of their trial. Post-conviction review is a process which addresses those issues that are not included in the record of the trial or which have been brought up on appeal. These are issues which have denied these inmates their fundamental rights. Rights which may have been abridged include: perjury by a witness or a juror, ineffective assistance by trial or appellate counsel, or withholding of exculpatory evidence by the police or prosecutor which would have shown the defendant to be innocent.

Regardless of your personal feelings about the appropriateness of the death penalty, without post-conviction review, it is possible for innocent people and those who are undeserving of the death penalty to be executed in Ohio.

WOMEN LAW STUDENT'S ASSOCIATION

By: Vickie Jones Staff Writer

The Women Law Student's Association (WLSA) is the local chapter of the National Women Law Student's Association. The purpose of WLSA is to enhance the position of women in the legal profession and to provide women law students with support and networking systems. Every year WLSA sponsors guest speakers and workshops which speak to issues of importance to women and women law students in particular. WLSA also sponsors the Tammy Burkeholder Scholarship which is awarded to female students of Cleveland-Marshall on a financial need basis.

WLSA plans to attend the next National Women Law Student's Association Convention which will be held in Los Angeles in 1997 and all paid WLSA members are eligible to attend. WLSA sponsored activities such as WLSA's Annual Silent Auction help to make the participation of its members possible.

Congratulations to the WLSA officers for 1997: Nadine Koach, President; Vickie Jones, Vice-President; Kelley Cambell, Treasurer; Sherry Glass, Secretary. The officers extend to all first-years the invitation to become members and make active contributions to WLSA. Openings for first-years include Chairpersons on the Speaker's Committee and the Silent Auction Committee. Chairpersons of the Speaker's Committee organize monthly guest speakers and programs on issues that they believe significant to the law school community. Chairpersons of the Silent Auction Committee aid in organizing this annual fund-raising event.

Monthly meetings will be held the first and third Mondays of each month. All students are invited to attend. WLSA's office is Room 26 and will be open at various times during the year to provide information and assistance. You may also contact WLSA members by personal email or by calling 687-2343.

STUDENT ORGANIZATIONS AT CLEVELAND-MARSHALL

STUDENT PUBLIC INTEREST LAW ORGANIZATION

The Student Public Interest Law Organization (SPILO) is an organization of students, faculty and staff which recognizes the inequities that exist in our legal system and is dedicated to developing a more just society.

SPILO serves as a resource center for students seeking employment or volunteer opportunities which focus on public service. The group tries to raise funds to sponsor summer interns in public interest law. Finally, SPILO invites national speakers and organizes panel discussions on contemporary and controversial issues affecting our society.

SPILO holds activities such as domestic violence workshop; a Spring fundraiser; and addresses "Nontraditional Adoptions- in the Best Interest of the Children."

Meeting days and times will be announced.

ELECTRONIC FRONTIER FOUNDATION

The Cleveland-Marshall Electronic Frontier Foundation encourages awareness of both current, forthcoming, and proposed communications and information technology and the impact such technology has upon civil liberties, political organization, political identity and process, social interaction and community, economics, state sovereignty, and national security. No technical skills are necessary and open to all who have an interest.

AMERICAN BAR ASSOCIATION (STUDENT DIVISION)

The ABA is a voluntary membership association of attorneys. Cleveland-Marshall students are eligible for membership in the Law Student Division of the ABA. The membership offers many benefits such as the Student Lawyer magazine, low cost health insurance, discount car rental from Hertz, and free or low cost publications that will help you in law school and in planning your legal career. For more information on membership and benefits contact Terry Wike in LB 13.

STUDENT BAR ASSOCIATION

(WELCOMES STUDENTS) By Michele Berencsi

SBA President

Hello fellow students! On behalf of the Student Bar Association, I would like to welcome the first years and other new students to Cleveland-Marshall and welcome back all of the returning students. Hopefully you all had a terrific summer. I am looking forward to serving you this school year and my door is always open for your comments and concerns. I hope to see you all involved this year through SBA events and with the many other great organizations we have at Cleveland-Marshall. Have a fantastic year and make the most of this law school experience!

Federalist Society for Law & Public Studies

The Federalist Society for Law and Public Policy Studies is an organization of conservatives and libertarians interested in the current state of legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of government powers is central to our Constitution and that it is emphatically the province and the duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through its activities.

The Society seeks to reorder priorities within the legal system to place a premium on individual liberty, traditional values and the rule of law. It also seeks to restore a recognition of the importance of the norms among lawyers, law students and professors. In so doing, the Society seeks to advance the above principles and create an intellectual network extending to all levels of the legal community.

The Cleveland-Marshall chapter will sponsor guest speakers; debates among faculty members; students and members of the legal profession; discussion meetings; publications; and academic, legislative and pro bono research activities.

Membership in the chapter is open to any and all students, faculty and staff at Cleveland State University.

Asian Pacific Islander Law Students Association (APILSA)

As a group, Asian and Pacific Americans represent the fastest growing segment of the U.S. population. This group has only recently entered into the legal profession in significant numbers. The Asian Pacific Islander Law Student Association (APILSA) was formed to address the concerns of Asian students as well as to provide support to its members. APILSA is beginning its fifth year of service to the students of Cleveland-Marshall. APILSA welcomes and encourages all students, not only those of Asian descent, to participate in the many events APILSA sponsors throughout the school year. Many of these activities are aimed at educating persons to the many issues affecting Asian Americans. APILSA also offers a forum for its members to meet Asian American lawyers working in the Cleveland area through its guest speaker series and through its close ties with the Asian American Bar Association of Ohio. Meetings are held regularly with times and places usually posted a week prior to the meeting. If you would like more information regarding APILSA, contact any of the officers or leave a message at our office.

DELTA THETA PHI LAW FRATERNITY

By: Vickie Jones Staff Writer

The Delta Theta Phi Law Fraternity is an international professional law fraternity over 100,000 members strong. Delta Theta Phi Ranney Senate is the most active fraternal organization at Cleveland-Marshall and provides students with substantial peer contact, as well as a professional networking system. Throughout the year, Delta Theta Phi's various social functions establish an opportunity for supportive interaction between law students and the fraternity's many alumni. In addition, the Cleveland Alumni Senate offers various scholarships to second, third and fourth year students to honor academic merit and organizational involvement.

Congratulations to the new officers for 1997: Linda Sandish, Dean; Vickie Jones, Vice-Dean, Day; Kellie Rubesne, Vice-Dean, Night; Madelyn Haines, Clerk of the Rolls; Anne Brigham, Tribune; George Carr, Master of the Ritual. The position of Clerk of the Exchequer remains open. The duties of the Exchequer are equivalent to those of treasurer. Nominations for this position are open to all students and first-years are encouraged to run. Nominations for Exchequer will be accepted at the first Delta Theta Phi meeting on September 4. Delta Theta Phi will meet once a month. Please watch for a posting of those dates and times. Delta Theta Phi members encourage all students to visit the office in Room 26. You may also contact the members through email at dtp@omega.csuohio.edu or call 687-2343.

THE JUSTINIAN FORUM

The Justinian Forum is a bar association representing 250 attorneys and 14 judges of Italian-American descent in Cuyahoga County. The organization here at C-M was developed to work in conjunction with the bar association to promote and foster understanding of the roles of Italian-Americans in matters involving social justice issues. As an auxiliary chapter to the bar association we are invited to attend and be involved in all functions of the bar association. The auxiliary chapter works to elevate and maintain the standards of integrity and honor among the student body of the law school, while promoting legal, cultural and social activities.

STUDENT ORGANIZATIONS AT CLEVELAND-MARSHALL

Law Review

Law Reviews are the scholarly journals of the legal profession. In general, law reviews publish articles on new legislative developments and their legal impact, in-depth analyses of an area of law from a historical perspective or with a current focus, articles concerning recent case law and its significance, and reviews of new books important to the profession. Practitioners, judges, professors, and students all rely on law reviews for information.

In contrast to other fields, the scholarly publications of the legal profession are, for the most part, managed and produced by students.

The Cleveland State Law Review is a journal with a proud tradition. Four times a year, the Law Review publishes articles of both local and national significance.

Membership on the Law Review has been a traditional mark of an excellent law student. Potential employers highly value the membership.

Students may be invited to join the Cleveland State Law Review as Associate members at the end of their first year of legal studies either by virtue of their ranking in the top ten percent of their class or by successfully competing in a writing contest during the summer following their first year, if the student is a day student.. Students in the evening division may choose, instead to wait until the summer following their second year to enter the writing competition.

During the first year of Law Review participation, Associate members take part in the editorial work of the Law Review and produce a comprehensive Note on a topic of their choice. A select number of these Notes are published in the Law Review the following year. Successful completion of the Note may also satisfy the upper level writing requirement. Students who satisfactorily complete their Associate year attain the rank of Editor, assuming supervisory duties over the Associates and becoming more involved in both editorial and policy-making functions.

MOOT COURT

The Moot Court Board of Governors is a student organization and program designed to develop and to refine brief writing and oral advocacy skills. Students in the program are members of the Moot Court Board of Governors and they participate in interscholastic competitions, which are judged on the quality of written briefs and oral arguments.

Any student may become a member of the Moot Court Board and thereby be eligible to compete in national level competitions by completing L807, Advanced Brief Writing, and successfully competing in the upper division spring intramural competition. To compete in the 1997 upper division intramural competition, students must enroll in Advanced Brief Writing in the Fall 1996 semester. Between 12 and 18 intramural competitors are invited to join the Board. The balance of board members (0-6) are selected through a first year intramural competition which is part of the Legal Writing program. Qualified first year students compete inter-scholastically as second year year students with the advice and assistance of the Board.

Since 1985, Moot Court teams have earned fifteen first place brief awards in inter-scholastic competitions and have won the Benton National Moot Court Competition in Information Law and Privacy, the Cardozo Entertainment/Communications Moot Court Competition, the Jerome Prince Invitational Evidence Competition and the F. Lee Bailey National Moot Court Competition.

Moot Court is excellent for developing and refining your brief writing and oral advocacy skills.

JOURNAL OF LAW AND HEALTH

The Journal of Law and Health is a law review devoted to publishing timely and informative articles in the area of health and the law. Two issues of the Journal are published each year. Students are not eligible to become members of the Journal until they complete their first year. Students ranking in the top 20 percent of their class in terms of grade-point averages are automatically extended invitations to join the Journal as Associated Members. Students not scoring in the top 20 percent are invited to join the Journal staff upon successfully competing in the annual Summer Writing Competition.

Associate members have two duties: they subcite articles submitted for publication and write a Note. The Note is a paper written by the student and evaluated by the Editorial Board of the Journal.

BLACK LAW STUDENTS ASSOCIATION (BLSA)

BLSA is a national organization with chapters at law schools across the country. The C-M chapter of BLSA sponsors and co-sponsors various educational and social events throughout the year. Our biggest event is the BLSA Scholarship Banquet, which is held every year in April. Although BLSA's primary purpose is to provide assistance in preparation and retention of African-American law students, BLSA membership is open to all students.

CRIMINAL LAW SOCIETY

The Criminal Law Society consists of students and recent graduates interested in both prosecutorial and defense aspects of the criminal justice system. The Cleveland-Marshall chapter of CLS is not limited to those with a defense oriented point of view; rather, the group is designed to accommodate all students with an interest in criminal law. CLS was formerly the C-M chapter of the Ohio Association of Criminal Defense Lawyers (OACDL).

ENVIRONMENTAL LAW ASSOCIATION

The Environmental Law Association provides students an opportunity to meet fellow students with an interest in environmental law. Activities will include social functions as well as having guest speakers. If you are interested in more information, contact the office at 523-7551.

HISPANIC LAW STUDENTS ASSOCIATION

The Hispanic Law Student Association is dedicated to the advancement of Hispanics within the legal profession. The organization provides a support network for all Hispanic law students, and it seeks to establish and maintain mutual cooperation with the larger Hispanic legal community.

> LesBiGay Student Association

It is a student manuscript which focuses on an area or issue in the law relating to health, rather than a particular case or cases. The Note is quite often centered around proposing a solution to a current problem and has an analytical emphasis. The Note must be of "publishable quality" to be accepted. If the Note is accepted by the Editorial Staff, the student becomes an Editor. If you would like to learn more about the Journal of Law and Health, we encourage you to contact the Journal office at 687-4896.

The LesBiGay Students Association of Cleveland-Marshall is pleased to announce that Leslye M. Huff, President of the LesBiGay Law Students Association will present a paper at Yale University CHALLENGING BOUNDARIES CONFERENCE, sponsored by YALE Journal of Law and Feminism, on Nov. 8-10, 1996. For more information concerning the conference, or information concerning membership, stop

by Room LB-24, or call 687-2340.



Now **More Reasons** than ever to take Rossen's **Ohio BAR/BRI Bar Review.**

Course Includes:

Gilbert Multistate Workshop FREE!

> Ohio Essay Workshop FREE!

Study Smart[™] Personal Computer Software FREE!

> MPRE Workshop **FREE!**



To register call: (216) 696-1326 in Cleveland or (800) WE-PASS-U in Ohio.