WELCOME SUMMER

GOOD LUCK WITH EXAMS.
Editors' note:

The Gavel is always seeking interested students, staff, faculty and administrators to participate in writing, typing or photographic aspects of this publication. If you are interested, stop by the office, LB 23, or call 687-4533 for information.

We need reporters, photographers, editorialists, cartoonists and those of you who are handy with a word processor. Staff members qualify to participate in Editorship elections at the end of the year. Three editors are elected, each receiving a full tuition stipend from the University.

If you are motivated by the need to create, or the need to remedy your unfortunate financial position, The Gavel can be an excellent vehicle for meeting those needs. After all, you can't spend every waking moment studying, can you?
On January 4, 1993, J. Patrick Browne passed away after suffering a heart attack. Professor Browne was with Cleveland-Marshall since 1969, initially working as a librarian. He was one of the most popular professors at CM, as well as a distinguished author and prolific author. The law school held a service celebrating the life and career of Professor Browne in February. Friends, faculty, staff, alumni, judges and students were in attendance. Both levels of the Moot Court Room were filled to capacity as those who knew Professor Browne shared some of their fondest memories. Professor Browne will be deeply missed as it is very unlikely anyone will be able to fill the void his death has caused.
ACCREDITATION BLUES

By Grant Segall

Cleveland-Marshall Law School is going on trial.

The American Bar Association held a hearing last Friday for C-M to explain why it has delayed keeping a promise to boost the law school's budget by $2 million per year. The ABA's accreditation team has the power to order a remedial plan, put the school on probation or even strip its accreditation, a move that would stop future graduates from practicing law in Ohio and effectively shut down the school.

Cleveland State University promised a boost in the budget last year after an accreditation team slammed the school's facilities, salaries and budget, calling the university "indifferent to quality legal education." Administration officials say they intend to honor the commitments they made, but need more time.

Student Bar Association President Afschin Pishevar doesn't buy the university's plea for more time. "Try to explain that to a bank when you take out a loan and you're late repaying it," he said.

Pishevar considers a promise delayed a promise denied, because timing was part of it.

Besides, the delay means less money overall, since the $2 million figure was to be yearly.

"The commitments are not being fulfilled. A good law school is suffering," says James P. White, the ABA's national consultant on legal education.

The ABA orders show-cause hearings only in about 1 of 100 accreditation reviews, by White's estimate. The University of Akron survived a hearing several years ago by promising to build an addition for its law school.

No one predicts disaccreditation for C-M. The ABA hasn't dropped a school from its rolls in at least 50 years.

But the ABA has put two schools on probation since creating that status a year ago. And the mere threats may hurt the reputation of Cleveland's only public law school, which provides many of the top judges, lawmakers and scholars in a leading legal community.

The ABA's demands are also likely to drive tuition upward, says Sims. Tuition has already risen faster for the law school's 900 students than for other CSU students in recent years.

Friction over accreditation is growing nationwide. Universities accuse the accreditors of micromanaging - telling C-M to offer a fuller schedule of Friday classes, for instance. And they accuse groups such as the ABA of self-interest in demanding higher salaries for members.

Carl C. Monk, executive director of the Association of American Law Schools, another group reviewing C-M's accreditation status, replies that accreditors must consider salary as a way to get and keep good teachers. C-M Dean Steven Smith, a former staffer for the law-schools association, says he has lost several professors here to better-paying schools.

Smith may leave C-M too. He's one of seven finalists to run the University of Oklahoma law school where famed congressional witness Anita Hill teaches.

Smith refuses to discuss his bosses at CSU but does admit the budget discourages him from staying.

C-M was inspected last February by a team of law professors representing both the ABA and the law-schools association, a voluntary membership organization. The team praised most of the instruction but called the facilities cramped and the budget (now $7.6 million) paltry. The team said low scholarships hurt minority enrollment, now 15%. It also said the average salary - $71,500 for full professors - was dwarfed by the average at comparable schools, including $88,200 at Ohio State, $87,500 at Cincinnati, $87,000 at Temple and $93,500 at Pittsburgh.

CSU promised the team to raise salaries to nationally competitive levels. It also promised to raise the college's yearly budget, starting with $900,000 in the 1992-93 school year and reaching a cumulative $2.075 million by 1995-6.

CSU had already addressed overcrowding by planning an $88 million complex to include a new law library.

The team's report questioned the promises' reliability. It cited the university's turnover at the top. (The past president left after three years, and the new one is not due until April.)

The report also accused CSU of having broken a 1989 funding promise to the law school. (CSU spokesman Ed Mayer says the university lived up to its interpretation of the promise.)

Since the report, CSU has made progress in developing and financing the new complex. But it has withdrawn much of this year's budget increase and delayed spending most of the rest.

The university finally said in December that it would probably need at least a year longer than planned for the overall increase. It blamed a fiscal crunch - a $4.7 million shortfall in the university's budget, caused by a 5% drop in university enrollment and a 9% drop in state funding.

CSU gave the ABA the news in a one-page letter. Sheryl King Benford, head of the law school alumni and law director of Shaker Heights, says it would have been more diplomatic to request, not announce, the delay and to propose a new budget schedule in detail.

CSU officials say they can't build up one school by plundering others. "While we maintain the accreditation...it's going to be a juggling act, no question," says Monte Ahuja, chairman of the CSU board of trustees.

The ABA doesn't care. "The public and the profession demands a certain quality," says White. "It may be that some universities someday, given the economic climate, can't afford a law school."

This article first appeared in The Plain Dealer

STUDENT HEALTH INSURANCE: IS IT WORTH THE COST?

By Scott Lawson

Over the course of my stint at Cleveland-Marshall, I've been covered under the student health insurance plan. I regularly choose Plan B. Plan B seems fairly comprehensive and, when I originally signed up for it, it cost only slightly more than the coverage I could have had under my wife's health plan.

In April of last year, I was referred by Cleveland State's Health Services to see a specialist at the MetroHealth Center. It was a single day visit and was not related in any way to prior treatment. While at MetroHealth, I met with a physician who examined me and ordered a number of diagnostic tests. A bill was sent to me for the cost of each of the tests and the cost of the visit. The cost for each of the tests was relatively minor. The cost of the visit alone, however, exceeded $200. I submitted a claim to the insurer which, at that time, was the Mid-West Life Insurance Company of Tennessee.

Mid-West balked at the cost of the visit. A Mid-West claims

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CSU CONTINGENT TRAVELS TO INDIANAPOLIS TO SECURE REACCRREDITATION

By Desmond Griswold

Cleveland State University's new president accompanied C-M Dean Steven Smith on a trip to Indianapolis last Friday to fight for the law school's re-accreditation at a "show cause" hearing of the American Bar Association.

The ABA show cause hearing was an opportunity for C-M to explain to the ABA why the law school should be re-accredited. The ABA has been reviewing C-M for the past two years and has the power to strip C-M of its accredited status, or place the school on probation.

In an interview before leaving for Indianapolis, Smith said he was confident C-M would be re-accredited by the ABA. Smith said he and CSU President Claire Van Ummersen and CSU Board Chairman Monte Ahuja would explain to the ABA that CSU was committed to correcting deficiencies at the law school that were identified by the ABA.

These deficiencies include not spending enough money on faculty, staff and programs, Smith said. C-M had promised the ABA more money would be spent on the law school this year, but a university-wide budget crunch prevented much of these increases from occurring. As a result, the ABA ordered the show cause hearing.

Smith said the ABA would be told that plans for a new law school library are on track; additional monies will be spent next year on the legal writing program, scholarships and academic support; and a fund will be established to match salary offers made to C-M professors being recruited by other law schools.

THEY SHOOT HOMOSEXUALS, DON'T THEY?

By Ruth Tkacz

To serve or not to serve? That is the question which has garnered so much publicity and inspired so much heated debate. Whether homosexuals, as a class, should be denied the opportunity to serve in the United States military. Not since the Supreme Court handed down its decision in Bowers v. Hardwick, 478 U.S. 186 (1986), have the legal rights of homosexuals come under such scrutiny. Discrimination against gay men and lesbians, unlike other oppressed groups, is sanctioned by the government and condoned by public figures. Behavior which is perceived to be against the "norm" appears to justify the denial of civil rights of this unprotected class.

Government regulations are fashioned according to this prejudice. Homosexuals may not serve openly in the military. They are also considered a security risk for purposes of civilian military employment. Policies abound with not so subtle discriminatory implications. Coupled with mainstream public sentiment that homosexuals are somehow agents of the devil, this discrimination flourishes. General Colin Powell and Sen. Robert Dole and Sam Nunn are found kicking and screaming at the thought ofchange. Upon the event of President Clinton's press conference announcing his policy of inclusion of gays in the military, one law student was heard to remark, "why don't we just shoot them!"

Perhaps some common sense (not to mention decency) should be infused into the debate. What is the reason for this invidious treatment? Irrational fear, lack of understanding, sexual insecurities, a narrow view of the world? Not very sound reasoning, to say the least. Discrimination is based on fear, and fear stems from lack of knowledge and experience. If the military ban were lifted the fear seems to be that homosexuals would run around half-naked, attempting to seduce everyone in the barracks (sometimes heterosexuals like to flatter themselves). But wait...didn't gays serve in the Persian Gulf? In fact, the government saw fit to suspend the ban against gays during that time. I guess the military needed everyone who was willing to tote a gun, regardless of their sexual orientation. Thus, the ban against gays is groundless. The American Psychological Association does not consider homosexuals to be mentally or emotionally unstable. Nor is there any evidence to support the notion that gays are incapable of doing their job in a professional manner. If sexual misconduct is the concern, the military need look no further than the Tailhook scandal which showcases the deplorable conduct of heterosexual men.

If a citizen chooses to enlist in the military, his or her sexual orientation is irrelevant as a qualifying factor. There is no nexus between homosexuality and employment instability, or lack of dedication, or lawlessness, or irresponsibility. Homosexuality is not an aberration. It is simply an alternative means of human sexual expression. Myths and stereotypes have no place in the debate for civil rights. The United States Constitution was not drafted as a tool for discrimination. As Justice Blackmun wrote in his dissenting opinion in Bowers, "The fact that individuals define themselves in a significant way through their intimate sexual relationships with others suggests, in a Nation as diverse as ours, that there may be many 'right' ways of conducting those relationships, and that much of the richness of a relationship will come from the freedom an individual has to choose the form and nature of these intensely personal bonds."

At issue are equal rights, not special rights. Gay men and lesbians seek to be accorded the same rights and privileges as all other citizens. It's not an arduous concept. Yet, gays continue to suffer a history of discrimination which at times is lethal. The choice is between suppressing one's sexuality and staying hidden or coming out and risking the loss of a job or even one's life. There is noting but a Hobson's choice that no heterosexual would make. Gay men and lesbians have served with distinction in the military and will continue to do so. They make positive contributions to all professions, but seek to do so without risk. The government cannot eliminate hatred or prejudice. However, rather than perpetuating the problem, the government should lead by example. President Clinton is moving in the right direction. Discriminatory policies must be struck down. The Constitution is forever weakened by selective enforcement of the laws.
PLEASE HOLD.

This is a response which may be acceptable in a business setting, but not in school. Law students should not be put on hold waiting for their grades. One semester’s grades often impact the student’s attitude and performance during the next semester. A law student prepares all semester to take one grueling exam that will not only reflect what he has learned in the past four months, but will also be the sole determinant of his grade for the class. Professors should be able to relate to this feeling; they were students once, too.

Students are trained to adhere to deadlines. The practice of law is inundated with deadlines-miss one statute and you could cost your client plenty. If a professor misses the deadline for turning in grades, the students wait until the professor finishes grading. In the meantime, the student receives an incomplete on his report card and has no way to measure the past semester’s performance.

As a student, I cannot judge my performance on an exam, I have to wait for the professor to assess my answers and assign my grade. Starting a new semester would be much easier if the previous one could be put to rest.

If any professors found a minute to read the Gavel but have not finished grading December’s exams, shame on you. Grades do matter to students; it is how we measure our worth, accomplishments and capabilities.

All right! Now the exams are graded and the blue books are available for the student’s viewing pleasure.

It is a great concept-review your blue book after your exams and see what you did right and what you did wrong. See what your professor thought of your interpretation of the law. I was overwhelmed with optimism the first time I reviewed my blue book because (besides the fact that I had never used one in undergrad, and least now I knew that one was) I thought I would gain great insight on my previous semester’s exams. What a joke! There was nothing I could glean form the graded exams that was constructive. Professors don’t even have to mark the page to grade. They read and apparently, the grade just come to them and they write on the cover of the blue book.

I had two thoughtful first-year professors who included an issue spotting checklist in the graded exam that not only helped them in grading, but also showed me what issues they expected me to uncover from the fact pattern and how well I found them. A glimmer of objectivity in a world of subjective grading.

Some professors do take the time to write comments in the blue book for the student’s benefit, but when the potentially valuable comments are completely illegible, they are ineffective.

I realize I still have a long way to go in changing my black and white thinking to a paler shade of gray, but, please, just give me constructive feedback so I can learn from my mistakes and master the law school exam.

Kelly Vaughn Rauch

COURT BACKLOGS

IN A RECENT issue of the Gavel, a Mike Royko article included statistics showing that divorce complaints are the most frequently filed complaints. One possible explanation is that tort actions, such as car mishaps, are frequently settled prior to complaints being filed. Whereas, divorce complaints cannot be settled before filing. One either files the complaint or remains hitched. I also find it hard to believe that divorce complaints are filed more frequently than criminal actions.

If we are talking strictly disputes then we must include the countless administrative hearings, and alternative dispute resolutions. If the statistics were supplied to suggest this as a reason the courts are backed up, I take exception to this reason. The divorce cases have their own court. So this reason does not explain why the Common Pleas courts have a massive backlog.

If the statistics were meant to show that more attorneys are employed in this area, I can agree for the following reasons: the domestic relations courts usually do not allow pro se divorses and, even if a settlement is reached, an attorney must file the papers, unless the settlement is for the parties to remain hitched. Due to my busy schedule, I have not had the opportunity to do any research, so if anyone has statistics that will dispel my beliefs, then by all means share them with us.

One last item, this massive backlog in the courts encourages settlements. Whether this increased pressure to settle is good or bad depends on whose shoes one is standing in, the judge, society, an insurance company, or the plaintiff.

James Blunt

C-M STUDENT SINGS THE PARKING BLUES

I AM WRITING this letter to register my outrage and distress over a CSU parking citation I received last month. My feelings emanate not from the amount of the ticket, but rather from the concerns I have for the safety of the student body and the university’s apparent decision to forego safety for the sake of profit.

This apparent choice to make a buck, rather than take minimal steps toward ensuring safety, is both disconcerting and insulting to those of us who pay tuition and purchase pre-paid parking permits, such as the one I bought.

For those who are unaware, CSU has recently opened four new parking spaces behind the law school. These spaces had formerly been equipped with meters. The decision to remove four meters and retain four other meters in adjacent spaces is arbitrary and irrational.

If the motivation was to make more close spots available to law students to secure safe campus parking, opening four spots as opposed to eight has not served this purpose. The motivation was to cut back on the areas where parking “police” would be needed, then the mere reduction in the number of meter spaces has not resulted in less work. A meter reader still needs to trek over to check the meters behind the law school.

I would hope the university is aware of the long hours students spend at the law school. Many of us arrive early in the morning and do not leave until after dark. In addition, many of those of us who work or have erratic schedules come and go several times a day.

These factors raise unique parking safety concerns for law students. The concerns have become more acute in view of the recent campus car-jackings and other incidents in nearby areas. Given the university’s poor financial situation, it’s doubtful that more close-in parking lots will forthcoming in the near future. Thus, the existing parking spaces must be maximized

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LEGISLATURE COMMITS FUNDS FOR C-M LIBRARY

By Jon Sinclair

An $11 million appropriation from the Ohio General Assembly in December moved Cleveland-Marshall one step closer to securing the financing needed to replace the school's library.

The legislative commitment comes at a time when C-M's accreditation status is being threatened. The national accreditation team that has been reviewing C-M over the past two years has pointed to the law library as one of the school's weakest points. While the C-M library is the largest law school library in Ohio, C-M also has the largest student body. Accreditation team members, as well as C-M's administration, want to see the law library expanded.

With the $11 million appropriation, C-M Dean Steven Smith said he is reasonably certain that blueprints for the proposed 17/18th Street Block Project will become a reality.

Funding for the project will likely be over three biennial budgets, Smith said. In addition to the most recent appropriation, another $10 million has already been set aside for the parking facility. Another $25 million is expected to be appropriated in July 1994, Smith said, adding that the December appropriation included language expressing the legislature's intent to complete the project.

The 17/18th project calls for a $70-90 million development of the block between C-M and Playhouse Square. As proposed, the completed development will include a new business school, a faculty/student resource center, a civic forum, an underground parking garage and a new law library which will span above East 18th street, connecting the law school with the new construction.

The dean said he expects contractors will begin submitting bids in 1994. Construction of the library should take two years and be completed in 1997 or 1998, Smith said.

The design of the new complex will likely be a far cry from the dark, square structure of today. "Almost all of our work involves the idea of movement and the sense of freedom that implies," said a spokesman for the project's architect, Ellerbe Becket.

Progressive Architecture magazine reported that Ellerbe Becket has produced a "series of buildings composed of curved surfaces and thin planes that seem about to fly apart or take off." Recent Ellerbe Becket projects include a renovation of New York's Madison Square Garden and a new medical research facility for the renowned Mayo Clinic.
LAW SCHOOL RESOLUTIONS

By Jon Sinclair

Over the Christmas break while you were home and the faculty was in Florida, I was patrolling the library pretending I had a higher purpose for being there. A friend of mine was there doing the same thing. So after we whined briefly about December’s exams, we decided to make a list of new year’s resolutions.

The piece of paper between us sat blank for a while. We were thinking, brainstorming. “Hmmm,” I said. “Ummm,” said my friend Pierson.

“Oh, I got one,” Pierson said. “Let’s resolve that we will not discuss exams once they are over. How’s that?”

“Excellent,” I said. “I can’t stand people who keep talking about the exam when it’s done and over.”

“Amen to that, my friend,” Pierson said while writing down the words “no post mortem discussion.”

“Say, that reminds me,” I said to Pierson. “What was the deal with Carla and Darla in that Crim Law question? I mean did you put something down about how Darla might have been liable to Santa if she fell on him in the chimney?”

“Gee, to tell you the truth I didn’t see that Santa slant in the question,” Pierson said. “But did you get the pornography charge against Darla when she sent that nude picture to Carla?”

“Pure brilliance,” I exclaimed. “No, I didn’t get that one.”

Pierson then said, “What about resolving not to use commercial outlines?”

“Good one,” I said to Pierson. “I can’t stand people who use those things. ‘Gilberts, schmilberts,’ that’s what my grandfather used to say. He told me he didn’t touch those things with a 10-foot pole when he was in law school.”

“Hey, now those are some words to live by,” Pierson said. “But I thought your grandfather worked in a turnpike toll booth.”

“Oh, he does,” I said. “But he’s got some great quotes, huh?”

“How about resolving not to stampede the professor’s podium after every class,” I offered as our third resolution.

“Amen to that,” my friend sighed. “I can’t stand people who do that.”

Pierson started to mimic some of our classmates. “Professor, will you do this or professor will tell me that,” Pierson whined. “Heck, last year I had to stay after class for an hour waiting while this dull kid told the prof about how the law worked in his hometown. Athens, I think it was.”

“Hey, take it easy,” I told Pierson. “That was me. I’m the kid you’re talking about.”

“Oops, I’m sorry.”

“Anyway, how about resolving that we will not ask others what grades they got on their exams?” Pierson offered as a final resolution.

“Man, that’s brilliant,” I replied. “I hate it when people do that. Who’s business is it anyway. People are just plain nosy.”

“Amen, to that,” Pierson said.

“Hey, Pierson,” I whispered. “Just between you and me of course, how did you do in Crim Law?”

Karen Edwards, 4th year evening SBA senator

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Elimination of the remaining metered spots behind the law school would be a positive step toward achieving this goal. Alternatively, CSU could leave the meters intact but refrain from issuing citations to those with parking passes. Presently, a student who has already shelled out money for a pre-paid or daily pass must still feed the meters. I can discern no logical basis for this double-dipping into students’ pockets.
WILL MANKIND EVER LEARN?

By Les E. Rockmael

“For the dead and living we must bear witness.”

These are the words that greet visitors at the newly dedicated U.S. Memorial Holocaust Museum. A museum built so that mankind should never forget the attempted elimination of the Jewish people by Adolf Hitler. What has mankind learned in the almost 50 years since World War II ended? If the results of a recently released survey about the Holocaust and the events in the former Yugoslavia are any indication, it would sadly seem that mankind has learned nothing.

In a recently released survey, 22% of the respondents indicated that it seems possible that the Holocaust never happened. An additional 12% of the respondents simply didn’t know whether or not the Holocaust took place. This total represents 1/3 of the American population being open to the possibility that the Holocaust was a hoax. The survey further indicated that 65% of the adults and 72% of the high school students surveyed didn’t know that approximately six million Jews were killed in the Holocaust. Finally, 38% of adults and 51% of the high school students didn’t know the names of Auschwitz, Dachau and Treblinka were the names of Nazi concentration camps.

If a lie is told often enough, it becomes believable as truth. It must be realized that these people surveyed didn’t just wake up one day and decide that the Holocaust was a hoax. This pack of lies is spread by historical revisionists and White Supremacy groups like the KKK and the Aryan Nation. These groups can be seen all over the talk show circuit and they widely distribute literature telling of the great Jewish hoax. Those who would change history have taken to calling the Holocaust the Haoxacaust. Don’t be deceived into thinking that the people who spread this trash are uneducated white trash. There are history professors at some of this nation’s finest Colleges and Universities who are part of the revisionist movement. It seems hard to believe with all the evidence that has been compiled and the living testimony of Holocaust survivors that there are those who would rise up and say it was all a hoax.

On television every day, the world is witnessing another Holocaust taking place. I’m referring to the events in the former Yugoslavia. Now it’s the Serbs who are attempting to eliminate the Muslims. Commentators refer to the actions the Serbs are taking as “ethnic cleansing”. Call it what you will, what the Serbs are doing today is no less outrageous than what Hitler did 50 years ago.

We can’t stand by and let history repeat itself. When Hitler was attempting his “Final Solution”, western nations stood by and did nothing. At the very least the allied nations could have bombed the railways that led to the concentration camps. It was a moral outrage then, and it’s a moral outrage now. I have seen commentators suggest that the U.S. has no role to play in the former Yugoslavia. This destruction of the Muslim people has been termed a European problem. I say wrong, it’s a human problem. Hundreds of thousands of Muslims have been murdered and forced from their homes. In addition, thousands of Muslim women have been raped by Serb soldiers. This madness has got to stop. It’s amazing that while a group of people will deny that one Holocaust took place, and at the same time we stand by and let another Holocaust take before our very eyes. Will mankind ever learn?

FINAL REFLECTIONS

By Herb Nussle

Now that the time for finals is near, a few thoughts on the rational behind them.

Studies have shown that the best way to learn is to have frequent exams in a small amount of material and to receive feedback from the teacher. However, law school does none of the above. Law school is to be an intellectual challenge and thus, most law professors administer only one exam. For first year students this means that summer employment after their second year and beyond may hinge on five exam days in May. If the student has two “bad” days, it’s too bad and better luck the next time you attend law school.

In addition, the grading of 70 or so examinations in 70 different handwritings; the majority of which become more illegible as the exam period progresses must be the most dreaded part of a law professor’s career. The school allot a professor about three weeks to turn in grades. This period of time is inadequate for a professor to spend the proper time grading the exams and is too long for the student who is waiting for the results.

I submit that having four, one hour exams, spread out over the course of the year would benefit students and professors. Students would, by necessity, be better prepared for class discussions and each exam could be utilized as a learning tool and a progress report for students and professors. The course grade would not be dependent upon a three hour time slot on one day of the year and would permit the student to have on of those “bad” days. Professors would benefit by having the students more prepared, leading to more student participation thus leading to more knowledge retained by their students. In addition, professors would not need to spend three entire weeks doing practically nothing but grading exams.

But seriously folks, since this will not happen during this millennium, let’s return to reality and move on to the test taking method every loves; the IRAC method. Why this acronym was adopted, I don’t know. The acronym should simply be “IR.” The conclusion to a final examination doesn’t matter and with the amount of issues which need to be spotted, there is not time to do the application. This leaves the student time to spot the issue, write the issue and attempt to state the rule before going to the next issue. Of course, if the acronym was “IR” this would not make much sense and law school would be an exercise in memorization. Precisely my point.
**ETHIOPIA ENLISTS C-M PROF’S EXPERTISE**

By Andrea Muto

The junk yard in Ethiopia’s capital probably looks a lot like junk yards all over the world.

But this pile of discarded metal and rubber is different. Its dubious collection of trash includes a larger-than-life statue of Vladimir Lenin.

That was a sight Cleveland-Marshall Professor Elisabeth Dreyfuss will never forget. A symbol once admired by some and feared by many, the massive steel-gray hunk of the father of communism now lies on its side amidst mounds of junk in the burning Addis Ababa sun.

Lenin’s likeness isn’t the only thing the Ethiopian people have rejected. After 17 years of repression under dictator Mengistu, a revolutionary government is struggling to incorporate human rights into a new constitution.

Dreyfuss, C-M’s assistant dean for community education about law, was one of only four professors world-wide invited to Ethiopia last fall to consult the Addis Ababa University law school in implementing a street law program. She also spent the two weeks with the university and government in workshops promoting human rights education.

“The transitional government has had its problems,” Dreyfuss said. “There are some 90 different ethnic groups that have developed different languages and cultures. At the same time, this is still a developing country. People use donkeys carrying things to market in the city; people in the offices use fax machines and MacIntosh computers.”

During the workshops, Dreyfuss emphasized including women in government and society. In many instances, culture and tradition transcend equality.

“Women in Ethiopia are still invisible,” she said. “Especially in rural areas, most women spend their time gathering firewood and water. They have been excluded from society.”

Dreyfuss also consulted with educators from the Addis Ababa University’s law school about the implementation of a street law program.

She said Ethiopian law students welcomed the chance to teach law to young people in their new democratic society.

Students spend five years in law school and begin their training at age 18. She said students must adjust daily to the creation of new curriculum and study as a consequence of the change of governments and a constitution that is still in draft form.

Dreyfuss said the materials and ideas she brought to Ethiopia were the same ones C-M students use in teaching law to area governments and a constitution that is still in draft form.

**STUDENT ACLU CHAPTER FORMED AT C-M**

By Kelly Vaughn Rauch

A student chapter of the American Civil Liberties Union has been formed at Cleveland-Marshall to educate young lawyers (and future lawyers) about the work the ACLU does and how they can become involved.

The ACLU is a non-profit, 250,000 member public interest organization devoted exclusively to protecting the basic civil liberties of all Americans, and extending them to groups that have been traditionally denied them. The mission of the ACLU is to assure that the Bill of Rights are preserved for each new generation. The rights guaranteed in the Bill of Rights include First Amendment rights, equal protection of the law, due process of law and the right to privacy. The ACLU also works to extend protection to racial minorities, homosexuals, mental patients, prisoners, soldiers, children in the custody of the state and the handicapped.

The ACLU does not defend the person per se, but the right to express unpopular views - in the belief that once the government is empowered to violate one's rights, it will use that power against all of us. The ACLU cannot take every case, no matter how legitimate. The organization itself selects cases that will have the widest impact on the greatest number of people - cases that have the potential to break new ground or establish broad precedents, that in some way can strengthen the freedoms that we all enjoy. The ACLU is looking to expand into new areas such issues of free speech concerning computer bulletin boards and right to die issues.

C-M members are encouraged to attend the Cleveland chapter committee meetings to understand how the organization functions. For example, at a recent meeting of the Legal Committee (which meets monthly to determine which cases it wishes to pursue) several students were able to see the concepts from their Constitutional Law class applied to current activities. The issues discussed included possible injustices occurring in the Cleveland area concerning overboard legislation, equal protection violations and restraints on freedom of expression.

The ACLU functions with the help of volunteer lawyers who take one case every year or two. The organization welcomes volunteers who want to help America's rights granted in the Bill of Rights. The ACLU has complaint analysts to sort through the mail and screen phone calls received by the ACLU in order to help the legal committee determine which cases they will take. The ACLU also hires law clerks to work each semester and during the summer. The analysts and the clerks research the issues and the law to help determine which cases the ACLU will take.

Students interested in joining the C-M ACLU chapter, or getting more information about the ACLU can watch for meeting notices in the fall or can leave their name and phone number in Lisa Gold's mailbox. Become active in protecting the rights granted under the Bill of Rights!
The Gavel

IT'S TIME TO LIFT THE BAN

By Les E. Rockmael

When President Bill Clinton took office, one of his first official acts was to announce his intention to lift the ban on homosexuals in the military. While it’s true that most presidents have not taken the lead in civil rights issues, the actions of our new president are not unprecedented.

Upon taking office, former President Harry Truman announced his intention to end the segregation of blacks in the military. There was an uproar at the time from within the military and from society at large. It took Truman two years to get his plan pushed through.

Immediately after President Clinton started getting heat on the issue of homosexuals in the military, he started floating modifications to his own plan. I would hope President Clinton will have the courage to see this politically unpopular plan enforced as originally proposed. The time has come for a complete lift on the ban of homosexuals from military service.

While I believe everyone is entitled to their own opinion, those of us who have served in the military can speak on this issue from our own unique perspectives. I served in the Navy for six years. One of my shipmates on the USS Clifton was an openly declared homosexual. By all rights, the ship captain should have had this sailor discharged in accordance with the military policy that states homosexuality is incompatible with military service.

But my captain decided not to have my shipmate discharged. This sailor did his job as well as anybody on the ship, if not better. His work performance was all that mattered to the captain. As to the other 159 sailors on the ship, I knew of no one who opposed the fact that this sailor was allowed to serve in the Navy.

Since the creation of the armed services in this country, homosexuals have served with distinction and honor in times of war and peace. This modern witch hunt to eliminate people from the military just for being homosexual has got to end.

According to the Gay and Lesbian Alliance Against Defamation, one percent of all homosexuals discharged from the military are discharged for sexual misconduct. The rest are discharged just for being homosexual. Misconduct is misconduct. It should not matter whether one is heterosexual or homosexual. The basis for discharging someone should be misconduct, not one’s sexual preference.

Where were the cries of righteous indignation when news broke of the Tailhook Scandal. It was at a Navy aviators convention where women unlucky enough to attend were forced to pass through a gauntlet of hundreds of male pilots. While passing through this line, the women were disrobed, fondled and forced to perform oral sex. The Navy’s response to reports of this incident were to cover it up. Only now is the truth finally coming to light.

A large number of European countries and recently Canada have lifted the ban on homosexuals in the military. These countries can be working models from which our military leaders can learn. No one claims that lifting the ban is going to be easy. Whenever change is instituted on a large scale, there are problems. But that does not mean that it can’t be done.

Our troops are taught the highest form of discipline and sacrifice. The whole purpose of a military unit is to think and act as one. There is no room for personal feelings or opinions to get in the way. During the time I served, unfortunately, homophobia, racism and anti-semitism were alive and well in the armed forces. Military leaders say that military life is not like civilian life. If this is true, then is it too much to ask expect our troops to rise above the hatred of the outside world and to do their duty as the defenders of our freedoms?

I am surprised by the attitude of General Colin Powell, chairman of the Joint Chiefs of Staff, on this issue. Powell maintains that lifting the ban on homosexuals is not the same thing as integrating blacks into the military. The general claims that while he cannot control the fact that he is black, homosexuals choose to be homosexuals.

Though not yet conclusive, modern science has made great strides towards proving that homosexuality is a biological happening and not one of choice. As a black man, Powell would not have achieved the high position he now holds if General Omar Bradley had his way in 1947. Bradley did not want to see the military integrated. The argument used by Bradley was as wrong then as it is today.

Those in favor of the ban on homosexuals argue that AIDS will run rampant throughout the military, and that homosexuals in the military will try to force their lifestyle on heterosexuals. These arguments are way off base.

Recent reports show that while the number of people infected with AIDS in the heterosexual community is rising, the AIDS rate in the homosexual community is declining. It would seem that the gay community has taken “safe sex” seriously. It’s members of the heterosexual community that are under the belief that AIDS cannot happen to them.

As far as the claim that homosexuals will try to impose their lifestyles on others, this claim starts with the assumption that one chooses to be homosexual. As noted above, this notion of choice is fast becoming outdated. Perhaps many of those opposed to allowing homosexuals to serve in the military are unsure of their own sexuality.

Serving in the military is one of the most patriotic things a person can do. It is repugnant to think that persons can be denied the opportunity to exercise their patriotism simply because they are homosexual. Many men and women have paid the ultimate price in defending our country - their lives. Do you think military armaments discriminate on the basis of sexuality?
STUDENT SATISFACTION SURVEY

By Karen Edwards

Usually the students of C-M are the ones being graded. But last November, students got the chance to “grade” their education here through an anonymous mailbox survey conducted by the SBA Excellence Committee.

What did students consider the worst problems at C-M? Not surprisingly, many of the students cited accreditation problems, the bar passage rate, and the school's consequent loss of prestige. Other recurring answers: parking, limited choice of course offerings/times (especially for night students), cramped classrooms and library, mediocre teaching by some faculty or adjunct staff, inadequate “hands-on” experiences, lack of access to activities/events for night students, and inadequate advising.

Students gave innovative suggestions on how to solve these problems. Many felt that a full-fledged alumni campaign would help the financial problems. Other suggestions included: assigned faculty advisors (especially for first years); periodic “rap sessions” between the dean and, faculty and students; revised admissions standards; tele-registration; course content adapted to bar exam; and a graduate assistant program.

The CSU administration was rated as a problem area, and a minority of students considered it serious enough so that the law school should break its CSU ties and become a semi-independent state law school. The law school administration was rated somewhat better.

“If the law school is running at a ‘surplus,’ those funds should be used to improve our facilities, programs, and professors, not to cover expenditures elsewhere in the university,” said one student. But other students cited the need to develop better relations with other parts of the university. Most students were pleased with the tuition rates, and some expressed a willingness to pay more if it would take care of the accreditation problems.

Students rated six categories—academics, auxiliary services, building/facilities, student activities, scheduling and administration—on a 1 to 5 scale, with 1 representing the lowest rate of satisfaction and 5 representing the highest level of satisfaction. See responses on the graph following this article.

Within academics, students were very dissatisfied with the bar passage rate and grading feedback; somewhat dissatisfied with the grading scale, academic advising and summer courses. Students were satisfied with the regular faculty but less so with adjuncts.

On the open-ended questions, most of the comments addressed grading. A dozen students criticized the curved grading scale as being unfair and/or a hindrance to C-M graduates in the job market.

“We should get an ‘A’ if we deserve it regardless of other classmates’ grades,” said first year student Ron Gainar. Others felt grades were delayed too long and blue book comments only vaguely justified the grade received.

Students were also dissatisfied with their experiences with various administrative offices around the campus and what they view as a “civil servant mentality.” Instead, they felt that a “customer focus” is needed.

Students also expressed concern about night and summer course offerings and the lack of academic advising. “Every new student needs a faculty advisor, not just a student mentor,” said one student. “What advising?” asked another.

Student ratings on student activities were just slightly above the middle of the scale although there was dissatisfaction with the way activities are funded. Night students said student activities and related enrichment programs are still not adequately accessible to them. Students were pleased with SBA's services but felt the organization was not as successful as an advocacy arm for students because, as one person pointed out, “it's like high school student council - no real power.”

The scores showed few strong feelings one way or the other in the auxiliary service categories. On the open-ended questions, comments were either very favorable or very unfavorable. Many students expressed gratitude to the library staff for their help with research assignments. However, others gave anecdotes about bureaucratic hassles involving their financial aid, admissions procedure or campus recruiting.

“The orientation stresses too much useless detail information and not enough of what you really need to know such as how to study for law school exams. Seminars stressing ways to prepare should be held continuously, and a legal writing 'help' clinic is also necessary,” said one first year student.

On scheduling, nearly half of the students were concerned about short reading weeks and a fall calendar ending only two days before Christmas. While several night students praised the mail system, many other students cited registration hassles and lines.

“The system is backward. In today's computer world, registration should be done on computers and the telephone. Call Ohio State for guidance,” said second year student Herb Nussle.

In the building and grounds category, nearly half of the respondents complained about the air and temperature control in the law building. They were also displeased with the building's size (too small) and inconsistent maintenance. Several students, after giving colorful accounts of missing or being late to class while searching for parking, suggested a “law school only” parking lot. Such a resolution was passed by the SBA this fall, but ruled out by the CSU parking department as being infeasible.

As for funding, students felt that the SBA should concentrate its efforts on services which directly benefit students or enrich learning and spend less on entertainment. Students advocated bringing more speakers to campus and holding more conferences and seminars.

Not all comments were negative. One case in point: “Law school is the best thing that ever happened to me!”

Only 60 of the 1,000 surveys distributed to students were returned. The low response rate itself says something about student apathy, and validity may have been hurt.

The Excellence Committee, chaired by second year student Mark Rossen, was formed last summer by SBA President Afshin Pishvav to target problem and strength areas at C-M and to formulate solutions. Students still wishing to express their opinions should leave them (anonymous if fine) at the SBA offices, LB 28, or call them in at 687-2339.
WHAT HAPPENED IN WACO?

By Les E. Rockmael

The siege in Waco is finally over, but not without a heavy price being paid. Eighty-four of the Branch Davidians including self styled prophet David Koresh died in an alleged mass suicide by fire. This after six continuous hours of having their compound flooded with tear gas by the FBI. Included among the 84 dead were 24 children. While Koresh and his followers could be held accountable for their actions, the children were innocent. In the immediate aftermath, confusion reigns and some questions need to be answered.

Did the Bureau of Alcohol, Tobacco and Firearms (ATF) conduct the original raid of the compound after losing the element of surprise? A lot of people wondered how Koresh knew to be ready for the ATF raid of their compound. To date, this question hasn't been answered. In the assault, four ATF agents were killed and several wounded. In a just unsealed affidavit, an ATF agent states that the element of surprise had been lost before the raid even began. According to the affidavit, an ATF agent who had been a plant inside the compound got word that Koresh knew of the impending raid. This agent left the compound and immediately headed for the raid staging area. The agent told his supervisors of the knowledge that Koresh had, but yet the raid went on. All along ATF has claimed that they never lost the element of surprise. If the information in the affidavit is true, then four agents lost their lives in a mission that was doomed from the start. If this is really the case, those responsible within the ATF have to be brought to justice.

Let's keep our stories straight boys. Another justification for stepping up the pressure in order to end the siege, was reports of ongoing child abuse. The FBI admitted that the intelligence data that it had was months old. At the same time, the White House insisted this data was more recently obtained. What's going on here? I hope this isn't the beginning of a cover thy butt mentality setting in.

But by far the most ludicrous claim the government made was when Attorney General Janet Reno stated that it was the opinion of those involved, that it was highly unlikely that a mass suicide would occur. The government missed the boat on this point by a wide margin. Wouldn't the name of the compound being "Camp Apocalypse" be a little bit of a tip-off to the average person that they weren't dealing with the most stable people? Additionally, it was claimed that the government believed Mr. Koresh when he claimed there was no plan to commit mass suicide. Well, if Koresh had lied about everything else up to that point, what made the government believe that he wasn't planning a mass suicide?

In no way am I attempting to mitigate or exonerate Koresh or his followers for the actions they took. Nevertheless, 24 innocent children were caught in the cross fire and when children are caught in between two factions of adults, they usually end up paying a heavy price. The parents of these children failed them by placing them in the middle of this situation in the first place. But the government also failed these children for not figuring a way to get them out before issuing their ultimatum to those inside the compound. I pray these children will find the peace and joy in heaven that they never got to enjoy in their short time on this earth.

THE FAR REACHING EFFECTS OF SUSAN B. ANTHONY

By Richard C. Dixon

Susan B. Anthony compared the common law rule regarding the rights of women in marriage to that of slavery and stated that the rule was a "blot on civilization". The rule which was set forth in Blackstone’s Commentaries on the Laws of England (1765-69) states in pertinent part that "the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection and cover, she performs every thing."

Known by many as the Napoleon of nineteenth century feminism, Susan B. Anthony would later state in reference to the common law rule that, "I declare to you that women must not depend upon the protection of man, but must be taught to protect herself and there I take my stand". American history is replete with women leaders who have demonstrated the truth in Anthony’s ideas; but Hillary Rodham Clinton in particular clearly exhibits why Anthony’s views are so important today and why the common law rule was in fact a “blot on civilization”.

Approximately 50 years after Congress enacted the Nineteenth Amendment granting Women’s Suffrage, Hillary Rodham Clinton graduated first in her class at the Yale University Law School. Upon graduation, the First Lady worked for the Legal Service Corp., became chairman of the Children’s Defense Fund, was a member of numerous boards and was deemed a top-ranked litigator. In the meantime, Hillary was recruited by a former Assistant Attorney General to serve as counsel of the House Judiciary Committee considering the impeachment of Richard Nixon and was offered various positions with the gold-plated law firms of New York City and Chicago.

Hillary Rodham Clinton, however, decided to pass up these offers and instead entered into a joint venture of sorts with Bill Clinton if Fayetteville, Arkansas. The role of Hillary in the marriage is a complete reversal of the common law rule which suspended the rights of women during marriage. Today, among Clinton's aides, the phrase, "Hillary said" is tantamount to an Executive Order.
A VIEW FROM THE BELLTOWER

By Ronald J. Russo

Here it is eight months after orientation and I finally think that I understand the concept of "thinking like a lawyer". Back in August, Dean Smith and various other associate Deans were espousing that we will attend law school and hopefully acquire the skills of "lawerly thinking", and that this "skill" would be required when we take our course examinations.

Well, as the months went by and after consulting various course instructors on what they want to see on their exams, I was still in the dark. I was told that taking a law school exam was "worlds apart" from undergraduate course testing and that we should just "know all course materials covered in class".

Come December exams, I studied and reinforced my somewhat sketchy legal knowledge into a tightly written outline that I committed to memory. After taking each exam I had a somewhat "cocky" confidence in the fact that I had achieved A's in each and every subject. After all, when you know the answers to the questions presented on the exams, what other results could occur?

Upon returning from what I thought was a well deserved Christmas break, the stark reality of mediocre grades were readily apparent on the grade posting board. What happened? Well, after reviewing my exam books with each professor, I was told that when taking law school exams ANALYSIS was the key and that most times there are no right answers! After all, judges can decide an issue of a case on either the plaintiff's or the defendant's side and it all depends how the facts and issues are presented by each side's counsel.

I was amazed! Why didn't anyone tell me that analysis was the key? It sounds simple enough, just apply the law to the issue presented; the key was not to take both sides and give the strengths and weaknesses each side possessed. This sounds easy to explain, but why didn't anyone tell me when I asked, or when countless first year student asked? If the first semester exams were supposed to "season" us on law school testing procedures, that I feel like I was rolled in peppercorns (not to be confused with the "peppercorn theory of consideration" as taught in contracts).

All in all, if frustration and humility are what I was supposed to experience, along with absorbing a fair knowledge of first semester courses, then the mission was accomplished. I only hope I have completed the trials and tribulations that go along with learning and implementing this mysterious "lawerly thinking process" in time for May exams.

By the way, the title of this article refers to the 1974 University of Texas ambush by one of its students. It seems that this student was frustrated with the practices, procedures and customs of the University of Texas. Instead of "tearing off" a letter like this, dealing with his frustrations, he climbed the University's Bell Tower and fired off a few rounds from his newly pur-chased semi-automatic rifle. Whatever it was that was bothering him, it sure would have been more constructive and healthy to try and work within the University's guidelines (or maybe even change them).

As for myself, I know where I'll be if I bomb my May exams! I'll be in the Deans office, appealing them. After all, I don't own any firearms; CSU has no Bell Tower; arguably, I'm psychologically stable and; this is law school, where due process is guaranteed!

WHAT HAPPENED IN WACO?
A Second Perspective

By Herb Nussle

For the previous two months, anyone with a beating heart has been overwhelmed with the news of the wackos from Waco, Texas. Recently, fifty-one days after the FBI and ATF originally attempted to overtake the cultists in their compound, they made one more attempt and what occurred was truly a tragedy. Eighty-six persons perished in flames, including twenty-five children.

When the news of the fire first aired, there seemed to be no doubt that these infernos had been started by the mad cultists inside. However, as the day progressed, the source of the fires became less clear the the possibility that the FBI and ATF were the responsible parties began to surface.

Now, some of our fearless congresspersons in Washington D.C. are calling for hearings to determine who was responsible for this tragedy. If all they want to know is the responsible party, I'll tell them right now. The responsibility rests with David Koresh and the other cult members.

Let's go back to before the FBI and ATF attempted to arrest certain cult members. There was solid proof that the cult had purchased over $40,000.00 worth of illegal firearms and explosives in 1992 alone. Next, when the FBI and ATF legally entered the compound, four members of the Bureau were gunned down; ordinary persons just doing the job they were trained to perform.

There are rumblings that family members of persons who perished in the fire may sue the United States government. This notion is preposterous. The government is not the responsible party. Where any lawsuit should be directed is at the members of the cult who survived and the estates of those members that perished. The parties suing should be the families of Convention and Frederick Douglas Moot Court Competition was held last month in Cleveland. Once again, the competition's final round this year featured a Cleveland-Marshall team.

First-year students Bruce Hodge and Benita Render received the Charles Hamilton Houston Award for their second place finish. The CM team, along with the first-place Indiana team, will
The Gavel

SCHOTT DEFENDER SAYS OWNER'S SPEECH PROTECTED

By John J. Chambers

Marge Schott got a raw deal. The owner of the Cincinnati Reds has been fined $25,000 and suspended from the day-to-day operation of the club for one year. Her offense? Not ties to gambling, not tax evasion, not even discriminatory hiring practices. Marge Schott was sanctioned by the executive council of Major League Baseball for speaking her mind. Granted, Schott has admitted to saying some rather offensive and unsavory things about people from various ethnic backgrounds. However, the last time I checked, even the most offensive and unsavory comments (unless found to be obscene as a matter of law) were still classified as protected speech under this apparently forgotten little document called the Constitution of the United States of America.

Quoted in Bill Sloat's column on February 4th in the sports section of the Plain Dealer was Cincinnati City Councilman Tyrone Yates who said, "the nature of her alleged offenses were simply too insignificant to go without punishment." Home-run king Hank Aaron was quoted in the same column stating that the lenient punishment handed out to Schott for her derogatory racial comments would give other owners "the right to do and say what they want.'

These comments are symptomatic of the "political correctness" movement which seems to be gaining more and more of a following as of late. Yates and Aaron are certainly two well-intentioned gentlemen, as are most people who espouse the concept of political correctness. Endeavoring to stamp out bigotry and racially offensive speech is, indeed, a noble goal.

The problem lies with the fact that in the United States all speech, however inane and offensive, can't simply be censored or punished because it might-or in fact does-hurt somebody's feelings. Here is a city councilman who advocates punishment for alleged offenses, hoping somehow that he can accurately categorize voicing a politically incorrect opinion as an "offense." The fact that Schott had admitted to the racial and ethnic slurs would seemingly do away with the notion that they were mere allegations, but Yates' comment is still troublesome in that it sounds like a line from an old Western, the one where the frontier judge comforts a despised outlaw by saying, "Don't worry, son, we're gonna give you a fair trial followed by a first-class hangin."

As far as Mr. Aaron's comment goes, well, maybe someone should inform Hammerin' Hank that people already have "the right to do and say what they want," as long as those actions or words do not cross over the line into illegality. Schott has not been found to have been discriminatory in her hiring practices or, for that matter, in any official capacity as Reds owner. She simply made some stupid remarks which, understandable, offended a great many people. Although her comments may be a further indication of the bigotry and racism in baseball today, they are a far cry from illegal. Once we begin to praise the punishment of citizens, whose freedom to express themselves was heretofore a constitutional guarantee, for merely vocalizing their uneducated opinions, how far are we from wholesale censorship? Is it such a good idea to apply the Bill of Rights only when it is "politically correct" or when people are sure not to get their feelings hurt or toes stepped on?

It is unfortunate that baseball's executive council has such a broad range of authority in punishing anything that it might determine is not in the best interests of the game; because while I applaud its attempt to eliminate racism in all its ugly facets from the ranks of Major League Baseball, the rights to free expression is not an outdated notion - at least it's not supposed to be.

LIBERALISM IS BECOMING PASSE

By John Chambers

Conservatism is making a comeback. President Clinton's efforts to shove a liberal agenda down the throat of a middle class that slowly is beginning to realize the "mandate for change" upon which the President so triumphantly rode to Washington is not exactly what was anticipated has stirred a conservative uprising.

Even here at Cleveland-Marshall, not exactly a hospitable climate for those whose political affiliations lean to the right of center, an association was recently formed to express concern over the liberal ideology which so strongly dominates our academic community.

Although the fledgling C-M chapter of the Federalist Society would like to make clear that it solicits participation from liberals as well as conservatives, the prominent display of such notable right-wingers as Ronald Reagan, William Rehnquist, Robert Bork and Antonin Scalia in the Society's introductory brochure leaves little doubt as to the ideology of this organization.

The Society made its debut on campus last week by sponsoring a faculty debate featuring Professors David Forte and Walker Todd. A better than anticipated audience of over 40 students and faculty were treated to a history lesson in which the philosophies and policies of Alexander Hamilton and Thomas Jefferson were alternately spurned and espoused.

It was your basic right v. left face-off, but it had an interesting angle. Not only did the participants examine the policies of these Founding Fathers in their own day, as well as the resulting repercussions of the implementation of those policies, the lecturers also attempted to envision how these two great shapers of our society would feel about current U.S. policies, economics, foreign policy and isolationism - both now and in colonial times - were the areas most heavily discussed.

While the Federalist Society does not expect to host any other functions until Fall, it is actively soliciting membership, topics for future discussions and requests for possible guest speakers. Anyone interested in the Federalist Society should contact Dave Seed, Eric Spade, Alex Nagy or Nate Malek for more information.
The Gavel

C-M MOOT COURT TEAM ADVANCES TO NATIONALS

By Melody Stewart

The Black Law Students Association Midwest Regional Convention and Frederick Douglas Moot Court Competition was held last month in Cleveland. Once again, the competition's final round this year featured a Cleveland-Marshall team.

First-year students Bruce Hodge and Benita Render received the Charles Hamilton Houston Award for their second place finish. The C-M team, along with the first-place Indiana team, will represent the Midwest Region at the National Competition in Houston this month.

Coordinators of the 1993 Douglas Moot Court Competition were C-M students Carla Elliot and Darnella Robertson. Elliot was a member of the team that took home the first place honors in last year's Douglas competition.

This year's arguments took place in the Justice Center courtrooms. The final and semifinal rounds were held at the Court of Appeals in the old courthouse. Competition judges included Common Pleas Judges Lillian Greene, Ronald Adrine and Randolph Baxter. Judging the final arguments were U.S. Court of Appeals Judge Nathaniel Jones, Ohio Court of Appeals Judge Patricia Blackmon and Summit County Common Pleas Judge Sandra Robinson.

The Midwest region consists of law schools from Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota and Wisconsin.

MOOT COURT MOVERS AND SHAKERS

The 1992-93 year has been a rewarding one for the Cleveland-Marshall Moot Court Team. Under the direction of faculty members Stephen J. Werber, Steve Gard and Steve Lazarus, five teams have competed this academic year.

The most recent competition was the University of Minnesota Civil Rights Competition. C-M was represented by Beth Ann Chandler and Nancy Nava. Professor Werber commented that the pair had "worked harder, learned more and came further than any other team" he had coached since 1981.

Chandler and Nava earned the Best Brief award and placed second overall, losing to the team from New York University. On their way to the final round, the two women defeated teams from Hamline, Washburn, the University of Wisconsin, the University of Minnesota and Albany. Receiving the Best Brief honor, they surpassed the efforts of the schools mentioned above, as well as Temple, Wayne State, Cooley, Catholic University and the University of Illinois.

Two teams traveled to the Region VI National competition last fall in Detroit and advanced to the semifinals. Region VI consists of all Ohio and Michigan law schools except for the University of Michigan. C-M Team One participants included Rachel Eisenberg, Jon Kunkel and Ruth Tkacz. Allison Drake, Guy Rutherford and Georgia Stanaitis comprised Team Two. Moot Court Chairman Chris Carney and Mary Riley were in New York City for the Prince competition. C-M was represented at the Craven competition in South Carolina by Donald Bagley, George Schmedlin and John Schoemick. Fort Lauderdale was the site of the Bailey competitions were the two C-M teams included Kate Keenan, Julie Loesch, Brian Krebs and Fran Wojten-Grisanti. Advancing to the Octofinals in Chicago at the Benton competition were Peter Shelton, Pam Skocic and Deborah Torrance.

C-M was also well represented at the Jessup International Law Moot Court Competition. William Flannigan, William LaMarca, Andrea Muto, Dee O'Hair and Afshin Pishavar won three of the four rounds, placing third behind Georgetown and Ohio State. Twelve schools were involved including SUNY Buffalo, Regent, the University of Indiana, Washington and Lee, Case Western Reserve, Akron, Capital, American and West Virginia. These five students entered the competition at their own initiative, working on their briefs over winter break and did not earn any academic credit for their efforts.

Representatives of C-M competed last month in the 1993 Jessup Moot Court Competition in Columbus. Standing left to right are William Flannigan, Dee O'Hair, Andrea Muto, Afshin Pishavar and William LaMarca.

SCRAPPY C-M EXCELS AT MOOT COURT

So you want to be a trial lawyer. You want to carry yourself in a courtroom with the aplomb of Clarence Darrow - or at the very least Arnold Becker. You study, you train, you study some more. But how do hone your litigation skills?

One answer is trying out for Cleveland-Marshall’s Moot Court team. Under the current guidance of Professor Stephen Werber, the program has grown into one of the strongest Moot Court programs in the country. Each year between 18 and 21 students are broken into teams and sent to various competitions across the country.

"Our program is limited to appellate advocacy," Werber said. "The subject matter of the competitions varies greatly, although many include aspects of constitutional law and the rules of civil procedure."

Each competition requires the submission of a 40-page brief on hypothetical case. The students then argue the case Continued on Page 17
orally before panels of judges who include practicing attorneys, law professors and sitting judges. Students are scored on both their oral arguments and briefs.

"Our teams hold from 10 to 20 or more practice oral arguments before we leave to argue in any competition," Werber said. "We average around 50 hours of practice because we know that in competition questions from the bench will be frequent and as demanding as any posed in actual appellate practice."

CM's Moot Court teams typically compete against such schools as Ohio State, Duke, Cornell, Boston College and the University of Southern California. CM teams have won the Region VI National Moot Court Competition, the Jerome Prince Evidence Competition, the Benjamin N. Cardozo Entertainment/Communications Moot Court Competition, and have twice won the Benton National Moot Court Competition.

During Werber's tenure as faculty advisor, about 80% of CM teams have reached at least the quarter-final rounds, and about half of the CM briefs rank among the top three briefs at their respective competitions.

So far this year, CM teams have competed in the Benton Competition and the Nationals. Both National teams reached the semi-final round. One National team was comprised of third-year students Rachel Eisenberg, Jonathan Kunzel and Ruth Tlacz, while the other team was made up of second-year students Alison Drake, Guy Rutherford and Georgia Stanaitis. The Benton team placed in the top half of all schools entered.

All students are eligible for Moot Court membership. In addition to participating in competitions, Moot Court members assist in the oral argument phase of legal and advanced legal writing courses. Students also compete in intramural competitions.

"Moot Court is far more than a competitive exercise," said Werber. "The entire program is designed to enhance students' written and oral communication skills, as well as fostering the ability of individuals to function as a team. The learning that these students gain is a major factor in their professional development and is highly regarded by law firms."

Werber said he is not surprised that CM Moot Court teams have been able to excel even though there is limited funding for the program.

"Many schools that we compete against have full scholarship programs and six-figure budgets, whereas there are no scholarships for our members," Werber said. "Yet, that seems to make the students resolve to compete even greater, the urban university underdogs going up against the big guns.

"Our students simply see this as an additional reason to perform to the best of their abilities. They put forth the extra effort and always bring pride to Cleveland State."

This article first appeared in CSU's Perspective Magazine.

OF BOOKS, BASEBALL AND BROTHERS

by Vicky Brunette

I chose a beautiful Sunday morning to begin that long, painful process of studying for final exams. Unbeknownst to me, my brother was in town. (He's one of the few people I know who will drive four and a half hours to catch a Cavs game). Just as I was settling down with my books, the phone rang. In light of the unusually fair weather he decided to go to the baseball game and invited me along. This, of course, was a perfect excuse to delay studying, at least for a few hours, and I happily accepted his offer.

One of the few fringe benefits of being a law student is that family members (at least mine) tend to empathize and feel compelled to pay. This day was turning out much better than I had anticipated. Not only was I not studying but it was bright, sunny, and I was sitting in box seats rather than in my usual left-center bleachers.

We watched as Paul Sorrento hit to the opposite field and knocked a home run over the left field fence. My brother then referred to me by one of my childhood nicknames, "Sac". As an eleven-year old hardball player I had the dubious honor of being called "Sac" because I was often called upon to sacrifice or bunt to move the runner over. I never really liked that nickname, it certainly didn't conjure images of home runs. Some fifteen years later, the name doesn't bother me as much.

His mention of that nickname sent me reeling back in time. At age five, when my brother was all of eight, he taught me how to throw a baseball, at least in his estimation, the "right" way. He took me out in the backyard every afternoon that summer and tirelessly placed the ball in my right hand; but it never went very far. He was frustrated and befuddled; had all this work been for naught? Whenever he turned around I would switch to my left hand and send the ball flying. He would turn to me in amazement utterly convinced that some other phantom player had hurled the ball. Years later, he admitted that he knew I was a lefty but secretly wanted to convert me to the other side. (He never succeeded).

I reminisced about our high school teams, summer leagues and eventually, as we got older, leagues for work. Most of the time we cheered each other on, but occasionally we even played on the same team.

I suppose there's no real point to this, save the fact that I had a terrific day. The sun was out, the Tribe beat the Blue Jays, I escaped from the world of law for a couple of hours and best of all, I realized that after all these years my brother is still my "big" brother.
FRANK JR. CONTINUES CELEBREZZE TRADITION

By Jon Sinclair

Perhaps no family name is so attached to Cleveland politics as Celebrezze. The name has the same familiarity in Cleveland as Kennedy does in Boston or Daley in Chicago. Frank D. Celebrezze Jr., a 1983 Cleveland-Marshall graduate, is the most recent member of this Italian family to follow his predecessors into public service. Celebrezze, 40, was sworn in as a Cuyahoga County Common Pleas judge in January.

Frank Jr. was preceded in public service by a long list of relatives. His grandfather, Frank D. Celebrezze, was a Notre Dame-educated attorney and veteran of two World Wars. He was also a Cleveland Municipal Court judge and Cleveland safety director.

Celebrezze's father, Frank D. Sr., graduated from C-M in 1956 and was a former chief justice of the Ohio Supreme Court and longtime member of the Cuyahoga County Court of Common Pleas. His first cousin and 1973 C-M graduate, Anthony J. Celebrezze Jr., was a former Ohio attorney general, secretary of state, and state senator.

As a member of the Common Pleas general division, Frank Jr. serves alongside his uncle, James P. Celebrezze, a 1967 graduate who serves the domestic relations division. Celebrezze’s great uncle, Anthony J. Celebrezze, is a retired federal judge and former Cleveland mayor who served as secretary of the Department of Health, Education and Welfare under President John F. Kennedy.

Celebrezze said he knew he wanted to continue his family's tradition of serving the bench at 14 when his father began serving on the Court of Common Pleas. He said he is not surprised at the growing caseload facing jurists.

"Dockets have quadrupled over the last 25 years," Celebrezze said. "They simply reflect what is going on in society. Today, there's more crime, more divorce, and people now are more like
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