Welcome To The Centennial Year

By: Steven H. Steinglass, Interim Dean

Welcome to the second semester of the Cleveland-Marshall College of Law’s 1996-97 academic year. By now I am sure that each of you is aware that during this year and the next, our school, founded in 1887, is celebrating its Centennial anniversary. I believe that you are especially fortunate to be studying law at Cleveland-Marshall during these celebratory years, and we too, the faculty and staff, are fortunate to be teaching and working here during this important time in our school’s history. Already we have heard about the legal profession and the economic vitality of the region. As we mark the school’s history of the six-county statelet of Ohio, I believe that for one hundred years and the next, our school has an honorable past and graduates—distinguished by their careers, I believe—will continue to serve and shape the legal community of Derry, North Ireland once again.

The Centennial also has an important role to play on our outreach to the community. It gives us an opportunity to open our doors to the local bench and bar, to other members of the university, and to all of our urban neighbors as we bring to campus some of the country’s outstanding legal scholars. On February 27 at 5:00 p.m. in the Moot Court Room, you will be able to hear just such a leading scholar when Columbia University’s Adolf A. Berle Professor of Law, John C. Coffee, Jr., presents Tales From the Dark Side: Settlement Classes: “Portable” Settlements and the Abuse of the Class Action. I urge all of you to come to the student sessions planned with Professor Coffee and to attend his lecture and the reception in the atrium afterwards. Professor Coffee comes to our college as part of the Centennial celebration and as the year’s first Cleveland-Marshall Fund Lecturer. The first student session is a coffee hour from 9:00 to 9:50 a.m. on Wednesday, February 26, in the Dean’s Conference Room (LB 109). The second is a wine and cheese gathering from 4:30 until 6:00 p.m. also in the Dean’s Conference Room on the same afternoon. You may read more about this distinguished guest elsewhere in this issue of The Gavel.

The Second Cleveland-Marshall Fund Lecturer of 1997 will be University of California at Los Angeles Professor of Law Gerald P. Lopez. You may look forward to hearing Professor Lopez’s provocatively titled lecture, The American Dream: April 1997, on April 3 at 5:00 p.m. in the Moot Court Room. Other speakers will follow Professors Coffee and Lopez during the year, and many other Centennial events, seminars, lectures, and celebrations will mark the College’s entry into its second century, not the least of which will surely be the opening in the Fall of one of the country’s largest... continued on page 6

Where Is Our Dean?

By: Jihad Smaili Staff Editor

On July 1, 1996, former Dean Steven R. Smith officially left the College of Law. The only thing that can be confirmed since his departure is that California-Western has named a new dean and we have not. Former Dean Smith accepted his new position last Spring and ever since then the Dean Search Committee has been under a continuing charge to find a new dean. More specifically, CSU President Claire Van Ummerson asked the Committee to submit two unranked names of acceptable candidates to her. Once in receipt of the two finalists, the President, upon the recommendation of Provost Harold Allen, would then submit her choice for dean to the Board of Directors for their approval. February is almost over and the Committee has not submitted two names to President Van Ummerson. According to Provost Allen, more than twenty candidates were initially considered and the Committee narrowed the field to four candidates in October. The four finalists underwent formal interviews and met with students, faculty, staff, administration and alumni last November and December.

Recently, according to Provost Allen, the Dean Search Committee requested further assistance in strengthening the dean-pool and the administration responded by hiring an executive search firm that will collect the names of qualified persons and submit them to the Dean Search Committee. The ultimate decision as to which two candidates will be submitted to President Van Ummerson remains vested with the Committee.

President Van Ummerson expressed disappointment that CSU’s affirmative action policies were not continued on page 6

The Sunday Which Has Never Ended

By: Kevin M. Mooney Staff Writer

On January 30, 1972, the Catholic community of Derry, North Ireland contested a non-violent civil rights protest march against the internment of political prisoners without trial. In the first few months of internment nearly one thousand people, almost exclusively Catholics were imprisoned in violation of their right to a fair trial as stipulated by international standards. The march was called by NICRA (Northern Ireland Civil Rights Association), a group formed to combat discrimination waged against the Catholic minority of the six-county statelet of Northern Ireland.

A crack battalion of the British parachute (paras) was unleashed on the crowd, the end result of which was the death of fourteen innocent men, and the wounding of another thirteen people. The tragedies of their slayings in the low lying Bogside area of Derry have been remembered as Bloody Sunday, a massacre that was quickly covered up by the British judicial system which exonerated the paras’ action.

On February 2, 1972, I gathered with 40,000 others to commemorate the 25th Anniversary of Bloody Sunday. We retraced the steps of the original civil rights march, in part to honor the slain men, but also to demand a new inquiry into the controversial events that officially claimed the lives of thirteen people. The official report stated that every single person was a paratrooper or gunfire. Neither does it account for the fact that not one of the paras suffered the slightest injury. Neither does it account for the fact that nearly one thousand eyewitnesses, who claimed there were no bombers or gunmen around, witnessed... continued on page 5
ALUMNI ADVICE
"Take advantage of the Alumni Mentor Program..."

By: Vincent T. Lombardo '81, Assistant Attorney General

Let me begin this column with a brilliant and original observation: Law school can be stressful, maddening, and even frightening. What to do? You can benefit from having a mentor, even if you are not stressed, mad, or frightened.

Most dictionaries define a mentor as an adviser, counselor, or teacher, and a good mentor is all of these things and more; he or she is also a friend. The March 1995 issue of the ABA Journal contained an excellent article on mentoring which stated that there are three components to being a good mentor. First, the mentor is a teacher, the "information professional." Second, the mentor is a "connector," a person who helps make the necessary connections for the mentee along his or her career path. Finally, the mentor is a friend, someone who manages the heart and spirit of the mentor-mentee relationship.

All law students can benefit from having a mentor. If you are finding law school difficult, a mentor can advise you on how to avoid the mine-fields ahead and on how to live up to your potential. But even if you are breezing through, a mentor can help: he or she is your link to life after law school. The job market is horrendous, even for students on Law Review. All law students can use a boost in finding a job; an additional letter of reference, a phone call to a potential employer singing your praises, an extra tip on how to interview with a demanding and difficult lawyer, information about an employer that may make you decide not to apply for the job in the first place. Your mentor can provide all of the above, and then some.

Moreover, a good mentor-mentee relationship continues after you graduate and land that job. Too many employers just give you a bunch of files and expect you to succeed with little or no supervision. Your mentor can give you information and general advice to help you cope: how to deal with certain judges, what local court rules to adhere to religiously, how to deal with particular adversaries, feedback on how you are performing. Your mentor can assist you just by being there: he or she is a constant reminder that you can make it. Your mentor survived, why can't you?

The Cleveland-Marshall Law Alumni Association has sponsored the Mentor Program since 1991, and even though some 150 students sign up for the program each year, many are always amazed that more do not. If you have not signed up for the Mentor Program, I urge you to do so. But bear in mind, the mentor-mentee relationship does not just thrive on its own. Like all other relationships, it requires work. Over the years, many students have told me that they signed up for the Mentor Program and never spoke to their mentors. However, just as many attorneys have told me the same thing about their mentees. The mentor-mentee relationship exists for the benefit of the mentee -- for your benefit. Therefore, the onus is on you both to sign up for the program and to maintain the relationship.

The Mentor Program is Cleveland-Marshall's most under-utilized resource. I hope that you will take advantage of this program. You will be glad you did.

Mr. Lombardo wishes to thank his mentee, Emily Hvizdos, 3L, for suggesting this topic. For more information about the Mentor Program, contact Mary McKenna, Executive Director of the Cleveland-Marshall Law Alumni Association, at 687-2368, or Mr. Lombardo at 787-3039.
When I signed up for Pro. Beverly Pyle’s meeting regarding doing pro bono work in Immigration law, I envisioned confronting the government’s stern laws on aliens. But having acknowledged the hurt and anger I felt upon hearing some freely expressed disdain for aliens while attending Prof. Lazarus’ Immigration class, I realized that I had to sign up for the volunteer project.

We waited for further instructions from the Catholic Diocese of Cleveland which had initially mentioned some cases but then the prospects from ProBAR seemed too good to pass up. I never imagined that Immigration law would be interesting except that I had gone through the process myself and any course being taught by Prof. Lazarus seemed so valuable even if it was the most agonizing way to earn credits for my J.D.

The files that came from ProBAR were brief and sketchy. Typically, on the last page of every file was an attestation by an interpreter that the translation was, to the best of her knowledge, the statement made by the petitioner. In the statement were dates that can be corroborated by news releases provided by the Associated Press, The Federal Dispatch, Amnesty International, Human Rights Watch and U.S. State Department Reports. More importantly, there were accounts of corpses, mutilation, rape, midnight raids and days of hiding in the mountains while barefoot and starving. Some files had accounts of a prison cell where the occupant was incarcerated with no room to sit, only allowed for a summary of our starved in the icestorm to rage. The following day, we drove into Harlingen through a continuous skating rink. By then I realize Bev Pyle was my own heathcine vision of GOOD. Not once did this lawyer raise her voice or throw off any lawyer antics at any of the many agencies staged for us to play to. Not one thermo-nuclear moment. How can anyone be so serene? How can anyone keep grilling me on direct and re-direct examination to “found fear” while driving through lacy ice in Texas.

Her manner conveyed the unwavering belief that to those to whom much has been given, much is required. That was why she came to Harlingen last year, why she brought us this time and why she is going to Guatemala in the spring. I thanked God quietly for allowing me to learn this lesson with her. At ProBAR, the worklist only allowed for a summary of our adventure. There were interviews to do, teleconferences with consulting lawyers in Dallas; letters, motions to type and then file. There were court hearings to do. And I kept hearing my heart in my ear.

We all celebrated when Lisa took lead counsel chair and won the first victory for the week. The Central America client wept and Lisa gracefully thanked the judge. Lisa and Yami, being fluent in Spanish did the major interviews with Central American clients. Patrick won some time for his client and is going back in February to continue the appeal. Meanwhile, Steve and I went back and forth to the Port Isabel Immigration Processing Center (a sterile name for the large, cold, efficient, and business-like, was a place that ran and left one starved in the mountains...hiding, running, not knowing when the next encounter with a human being, meant the end of a life that would never get completed. And yet, yet...the will to survive.

The judge took note of the “maturity” in Steve’s face and mine. After all, Steve and I remember well the two Kennedy assassinations, the Selma marches and Westmoreland’s numbers. The judge commended us for doing pro bono work while still clerks. He said that usually, corporate lawyers who are looking for “purification” come to ProBAR to represent the refugees. Wouldn’t JFK be so proud?

Kelly P. Carson, articulate, poised and business-like, was a study in equanimity which was betrayed by her recollection of an Algerian refugee’s gratitude: “I never knew that Christians were good people.” Kelly’s girlish chin quivered as she bit her lips. And then she told me to finish my brief by the end of the week.

The Immigration Pro Bono volunteer were: Lisa Blair, Yamile Benitez-Torvilo, Steve Coghlan, Patrick Yoyo and Steve Coogan all made it into Harlingen either a few hours or a few days ahead of time. Tutor and tutor slept at the children’s playroom, on the floor by the plastic log cabin to allow the cats to rage. The following day, we drove into Harlingen through a continuous skating rink. By then I realized Bev Pyle was my own heathcine vision of GOOD. Not once did this lawyer raise her voice or throw off any lawyer antics at any of the many agencies staged for us to play to. Not one thermo-nuclear moment. How can anyone be so serene? How can anyone keep grilling me on direct and re-direct examination to “found fear” while driving through lacy ice in Texas.

The Immigration Pro Bono volunteer were: Lisa Blair, Yamile Benitez-Torvilo, Steve Coghlan, Patrick Yoyo and Steve Coogan and the student, Elizabeth Shaming, Abu-Gedr, Matamoros, Beber, I saw visions of Gabriel Garcia Marquez’ characters except they were not wrapped in allegorical coffins’ nor were they the fancy bedouin scenes of camels and car-
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Visiting Scholar

By: Jihad Smalli,
Staff Editor

Cleveland-Marshall is proud to announce that Columbia University School of Law's Adolph A. Berle Professor of Law, John C. Coffee, Jr., will be the Visiting Scholar at the 63rd Fund Lecture on Thursday, February 27, at 5:00 p.m. in the Moot Court Room.

Mr. Coffee’s visit will include two days of discussions, classroom teaching and interviews with the Cleveland legal community.

Mr. Coffee is one of the nation’s most notable legal scholars and is widely recognized as an expert on securities regulation, class actions and complex litigation, criminal law and white collar crime. He is also notorious for his public criticisms of class actions which result in huge monetary gains for attorneys and miniscule amounts for their clients.

Don’t miss this great opportunity to hear Mr. Coffee so plan ahead to attend.

Welcome, continued from page 1

The law libraries. You will be informed of each of these special events as we confirm dates and places and identify topics and speakers.

The success of the Centennial depends, in large part, on the involvement of individual students and participants. We count on you for ideas and for help in creating a successful, memorable and rewarding career.

THE GAVEL
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Poems by Mooney

The Nation’s Seat of Power

Taking note of the times,
Bleeding sweat upon the pages of
this nation’s seat of power,
Hour after hours are mine;
Convicted that the apple is most ripe
when tucked beneath the foliage,
I have arguments to forward,
In a wish for justice and a chance
to embrace the night,
And to wrestle the stars from its hold;
There are people here with
monetary motivations,
Their intentions mix momentarily
with mine,
And how can they not;
I am in debt up to my arse!
I am feeding into the stained
dulled corners of these reading weakened eyes,
Learning this history,
And feeling my “felt necessities
of the times;”
He was a great and solemn man,
No greater than I,
But,
At what cost;
I am delving into this nation’s seat
of power,
No occupation more clearly enunciates the reality;
The Immensity is perplexing,
And I shall be happy living with
my simplicity.
Copyright 1996 K. Michael Mooney
Book #21, p.57

The Marching Season

Marched the mocked marchers
moving mayhem with their
voluntary martyrdom,
Parched and impoverished
with the price of protest petition
put to petulant kingdom;
The Queen’s Dominion shrank
sizes by the hours in the media
frenzy befriending us,
This Citizens’ Action Committee has cast doubts on this statelet
pretending it was,
An elected spectrum of opinion
and a democratic institution;
Although the Protestants have
come out swinging with nailed cudgels,
The police have halted us to
appease the Queen’s people’s
insult solution,
They bury us in British dust.
Copyright 1997 K. Michael Mooney
book #323 It’s Not In Solido p.14

Deadline for
Next Issue:
March 15
All submissions on disc,
5.0 Wordperfect

Dean, continued from page 1.

observed. According to policy, minorities and women should be included in the search. Compliance with procedure has delayed the anticipated time for naming a new dean.

Provost Allen cautions that even though the law school needs a dean named as soon as possible, we must bear in mind that “deanships are very demanding positions and the pools are not particularly large to choose from. Sometimes searches may have to be extended or expanded.”

Michele Berenese, SBA President and Student Representative on the Dean Search Committee, added that the search is continuing and hopes to have a dean in place by July 1.

Currently, Steven Steinglass is Interim Dean of the law school and was one of the finalists being considered by the Committee.

The law school clearly needs a dean named as soon as possible, according to the Board of Regents’ vote to cut funding, accreditation and review woes, face our school.

With C-M facing such challenges, any delay in naming a dean to champion the school’s interests into the 21st Century can only be detrimental to the school’s future.

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Faculty Releases Standardized Grading Sheet For Student Approval
By Steve Bloom
Staff Writer

Yes, friends, it’s that time of the year again. As you belly up to the bar to view your exams, take a moment to consider our grading system. Beautifully refined and gracefully bearing the aura of scientific rigor, the system exudes precision, capable of accuracy past the decimal point into the thousands.

Still, I have a few questions. For one, I’d like to know just how our sophisticated system of maintaining objectivity when grading our exams originated. Was it by accident, or by design? I am told that many years ago, a visiting professor, otherwise known for fairness and the ability to resolve student disputes in Solomon-like fashion, had extremely strong views on one side of a controversial constitutional law issue, and decided to ask a question about it on a final exam. When grading the exam, the professor quite literally shredded several of the students essays, and mailed them back to the students in cardboard boxes, with a note stating that if they had any questions, they should come visit him or her during office hours. As a result of the uproar that ensued, the faculty decided to institute the use of a standardized, highly objective grading sheet.

The faculty, having kept the secret for years, has finally given permission to The Gavel to publish it and to quell any doubts that students may have as to whether an element of subjectivity exists in the grading of their exams. Submitted for your approval:

THE CLEVELAND MARSHALL STANDARD GRADING SHEET

Point deduction

General
-40 Appears to know the course material well, but no better than the other students.
-10 Reasons well, but misses the point.
-10 Gets the point, but reasoning is spinach.

Structure
-15 Fails to reach a conclusion.
-15 There is no possible conclusion, but reaches one anyway.
-10 Does not use IRAC.
-10 Uses IRAC.
-35 Obviously just read Gilberts and never attended class.
-20 Obviously didn’t outline answer.
-20 Answer resembles too much of an outline.

Analysis
-10 Does not argue both sides.
-10 Argues too many sides.
-20 Point of view different from Professor’s.
-20 Simply gives professor point of view and shows no original thinking.
-15 Finds main issues, but fails to discuss side issues.
-15 Fails to find main issues, and simply discusses side issues.
-25 Cites every case since the invention of papyrus, but shows lack of clear legal reasoning.
-25 Reasons like Learned Hand, but does not cite any case law to support view

Minor point deduction
-5 Test at top of stack. Nothing to compare it with.
-5 Test at bottom of stack. Too tired.
-5 Test in middle of stack. Have to take off points to be fair to the students whose papers were on the top and bottom of the stack.
-2 Lousy weather outside.
-2 Grouchy significant other.
-2 Don’t like student’s exam number.
-2 Chair improperly adjusted.
-2 Haven’t deducted any points in 15 minutes.

Catch-all
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When: Saturday, March 8, 1997; 9:00 a.m. - 1:15 p.m.
Where: Case Western Reserve Univ. Law School, Room #157

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