S.B.A. Names Kevin O'Neill Professor Of The Year

By: Kelly M. Jackson  
Staff Writer

The envelope please and the award goes to...Professor Kevin Francis O'Neill for his performance as “Professor of the Year”!

Fortunately, the spotlight and the applause have not spoiled Cleveland-Marshall's rising star. He graciously granted me an interview without hesitation because that's the kind of guy he is. It came as no surprise to me that he is a graduate of Cleveland Heights High School, the school which produces only the greatest human beings on earth! He received a B.A. in Film from San Francisco State University in 1977. Unable to find meaningful film work, he managed to do some non-union work in Los Angeles. Meanwhile, Professor O'Neill conducted tours at Universal Studios and wrote film criticisms until his big break came when he was given a small part in a science fiction movie called “Foess.” (Professor O'Neill is the one way in the background with his back to the camera turning dials and pushing buttons, dressed in a pseudo-military uniform with an orange face!) In 1980, he went to work for the Los Angeles Herald Examiner, writing a bi-weekly column on consumer affairs, but even then, the law beckoned. Having the desire to cover the courtrooms as a journalist, but being refused because of a lack of a legal education, Professor O'Neill decided to go to law school. Armed with a law degree, he intended to go back into journalism to cover the kinds of news that truly interested him, namely notable trials, cases dealing with constitutional issues. He enrolled at the “school down the street,” but somewhere along the way, he abandoned his plans to return to journalism and decided to see where the law would take him. He received his J.D. in 1984 and upon graduation, accepted an associate's position with the law firm of Smith & Schnacke (which eventually became Thompson, Hine & Flory). From there he went on to accept the position of Associate with Arter & Hadden. Finally in May of 1991, See O'Neill page 10

Pregnant Irish Nationalist Deteriorates In British Prison

By: Kevin Michael Mooney  
Staff Writer

The clock is ticking for Roisin McAliskey. Daughter of longtime Irish nationalist-political activist, Bernadette Devlin, and pregnant now eight months, she is Irish, was in Germany when the attack occurred, and that she is the daughter of Bernadette Devlin, who has continually stood up to and embarrassed the British authorities since her election to Westminster in 1965. Roisin awaits possible extradition to Germany for her alleged involvement in the IRA attack.

Roisin was initially detained and interrogated for six days without formal charges, as is frequently the case in the oppressive “legal” mechanism of Northern Ireland. She was pregnant but four months, and suffering a plethora of illnesses, including chronic asthma, and a debilitating eating disorder, and she is severely underweight. The authorities have refused her adequate medical attention for her ailments and have denied her proper prenatal care.

As a Category A prisoner, Roisin is considered a high security risk under the Emergency Laws of Northern Ireland. She is continually strip-searched throughout the day, including body cavity searches, even though she is restricted to “closed” visitation, whereby it is impossible for Roisin to have any physical contact with her visitors. Such inhumane, cruel and demeaning treatment has been a catalyst for an international outcry against the British government by the Irish government, the people of Ireland, Irish American humanitarian societies and groups such as the Center for the Administration of Justice and Amnesty International.

Worldwide protests have led the authorities to transfer Roisin from a men’s prison to Holloway prison, but her condition is still worsening. Her detention, and the conditions in which she has been made to suffer, have eroded her physical health and have strained her emotionally. Each day that she gets closer to giving life seems to be one step closer also to the grave. Furthermore, if Roisin gives birth to a living child, there has been speculation that she may be stripped of her baby, depending on whether the Holloway baby/mother unit is occupied by another woman and child when Roisin gives birth.

Amnesty International has taken the fight to the British government. Our help is needed as well. All students who are interested in the battle for human rights, see Irish Nationalist page 2

U.S. NEWS' LAW SCHOOL RANKINGS: FLAWED FACT OR FARCE?

By: Andy Nichol  
Staff Editor

Well, once again the time has come for U.S. News and World Report to publish their yearly rankings of the top 174 ABA-approved law schools. Many argue the merits of such a ranking system, but undoubtedly there are prospective students who use this information in choosing a law school.

Unfortunately, for the second year in a row C-M has ranked in the bottom tier. Why? Most notably, the ranking showed job placement (9 months after graduation) at only 53 percent. But, considering all of the forward progress being made both administratively and structurally at the law school, one begins to wonder what is wrong.

A closer look at the methodology will begin to reveal some interesting conclusions.

Our arrival into the lowest tier came last year. The drop from a previously higher rank was predictable, at least partially, on the law school's employment placement category mentioned earlier. This was due mainly to a low survey response rate from 1995 graduates. Even though hopes were high that C-M's ranking would rebound this year, it did not happen. Which begs the question, why?

A document provided by the Office of Career Planning may shed some insight. In a letter from U.S. News dated October 22, 1996, Editor Mel Elfin wrote that there would be a change in the data used in the placement section of the law school rankings. The change would put U.S. News' placement information in line with that of the ABA. According to Mr. Elfin of U.S. News, the result is that this year's ranking will use "the data from the class that graduated approximately 1-1/2 years prior to the survey period--in this case the 1995 graduating class. We expect the data to be virtually the same as you reported to us in early 1996." In other words, a mirror image of last year's data.

While this change in data collection procedures may be helpful to U.S. News, it has produced a carbon copy of last year's rankings, except that this year U.S. News rankings reverted back to the four-tier system previously used.

Rena Lubell of the OCP
See U.S. News page 9
The practice of criminal defense offers many rewards not usually associated with our profession. The greatest of these rewards is the chance to protect the liberties of other people.

In the hustle to make stronger sentencing laws, build more prisons, and limit the rights of criminal defendants, it is easy to forget that innocent people are charged with crimes. In such cases, a person's freedom, family and reputation can quickly be destroyed in the absence of vigorous and committed representation.

Undeniably, there are instances of governmental abuses of power and discretion which are directed toward innocent and guilty defendants. Criminal defense lawyers serve as a buffer in a system which is heavily weighted in favor of the government. Strong advocacy helps to level the playing field and protect the liberty of the wrongfully accused.

Innocent people who are criminally prosecuted feel no less fear and isolation than the guilty. The presumption of innocence has become politically incorrect and lends little solace to defendants. Lawyers who are zealous in their advocacy provide their clients with the hope and comfort they need and can't get anywhere else.

Defense lawyers are often asked how they can justify representing people whom they know are guilty of committing a crime. The guilty are just as deserving of competent representation as the innocent. Unless there are enough defense lawyers willing to provide their best skills and efforts to defend the unpopular people and causes, the criminal justice system will become too one sided to protect any person against the improper exercise of governmental power.

Good people sometimes commit criminal acts. The argument that they should be punished if they are convicted should be no more forceful than the argument that their rights should be protected by defense counsel. Loosely citing Thomas Jefferson, " Eternal vigilance is the price of liberty."

The practice of criminal defense provides lawyers with the opportunity to help people face and overcome difficult situations. The blend of creativity, communication skills and advocacy inherent in criminal defense should be appealing to any aspiring trial lawyer.
By: Jihad Smalli
Staff Editor

In reaction to some of the changes that have been instituted regarding the tested subject matter on the Ohio bar examination, the Curriculum Committee has been under a continuing charge to alleviate any potential adverse affects which may surface at Cleveland-Marshall. The most pressing issue at the hands of the Curriculum Committee revolves around whether a pass/fail option should be instituted.

By the February 1995 bar examination, Tax and Administrative Law were dropped from the essay portion of the Ohio bar examination. As a direct result of the new amendments, enrollment in Tax I and Administrative Law has significantly declined at Cleveland-Marshall. For example, in the Spring semester of 1994, a total of 170 students completed Tax I, night and day students combined, as compared to only 53 currently registered students today. Moreover, only 23 students signed-up for Administrative Law semester spring 1995, as compared to 50 students in the Spring semester of 1994.

The main issue before the Curriculum Committee is whether Cleveland-Marshall should implement a pass/fail option in order to increase student enrollment in Tax I and Administrative Law. People in favor of the pass/fail option argue that they should have the option in choosing whether they want to take Tax I or Administrative Law as a pass/fail class because those courses are notoriously difficult and, since they are not tested on the bar, students cannot afford to spend too much time studying and preparing for them. The only way to lessen the student’s fear of taking a difficult course, such as Tax I, when it is not tested on the bar examination, they argue, is for the school to give the students the incentive of the pass/fail option. After all, they go on to argue, grade point averages and bar examination scores are what really counts.

The arguments in opposition to the pass/fail idea revolve around the belief that pass/fail classes only encourage students to do the bare minimum that is required for them to achieve a “pass” in the class.

Another option which has been brought to the attention of the Curriculum Committee includes a unilateral move by Cleveland-Marshall to again require Tax I and Administrative Law as part of the core curriculum.

Whatever route the Curriculum Committee decides to take, one thing remains clear: notwithstanding bar examination requirements, Tax I and Administrative Law are two of the most important law school courses that are offered at Cleveland-Marshall.

Students should not use the bar-tested areas as a rigid plan in choosing courses. To the contrary, students should choose their law school courses based on the importance of the course to their attainment of a well-rounded legal education, and more specifically, based on any personal interests he or she may harbor.

With no doubt, Tax I and Administrative Law are extremely important courses and should not be passed up by students simply because they are not tested on the bar examination.

There are many areas that are not tested on the bar exam which could only be seen as important by a lot of attorneys, including oral advocacy, immigration, common sense, etc. Tax I and Administrative Law are two of those areas. If you do not take at least one of those two classes, under pass/fail or standardized grading circumstances, your legal education will undoubtedly be incomplete.

The importance of a class in tax to any attorney cannot be discounted. As Americans, taxes touch all aspects of our lives; if we like it or not. And as lawyers, taxes and their origin will play bigger roles in our future. For example, do you realize that punitive damage awards are taxed in some states? If contracts, torts or property, just to name a few, interest you, then your ability to maneuver yourself through tax statutes becomes increasingly important.

As it stands, the following courses are the only ones offered at Cleveland-Marshall under a pass/fail option: Independent Externship Law 805, Law Review 810, Law Review Editor 811, Journal of Law and Health 813, Journal of Law and Health Editor 814, Judicial Externship 815, University Hospitals Externship 816, Federal Public Defender Externship 880.

Furthermore, students can currently audit classes at the law school. The process includes having to indicate at time of registration your wish to audit a course. However, a student who decides to audit a course is still expected to pay the full tuition. Also, the hours are not included in the number of hours attempted or the number of hours earned on the student’s transcript.

Unfortunately, only a few number of students each year inquire about the audit process, and close to none participate in it. Students should note that they may be eligible to get the hours free if they fall within the 13-16 hour range which has a flat rate.

The members of the current Curriculum Committee include the following faculty members: Beggs, Dougherty, Flaherty, Lazarus. Members representing the student body include the following: Smalli and Huff. Ex-Officio Members include Malmquist and Becker. Guests of the committee are Benjamin and Lifter.

While most people are able to instinctively differentiate right from wrong, the ability diminishes when self-interest dominates. The conflict of interest, a much featured dilemma in real life, has been both a challenge and a downfall especially for the professional.

While every professional must uphold the public trust vested in him or her, the public has become both increasingly more dissatisfied and more demanding. Consider the number of disciplinary actions initiated against lawyers and physicians. A popular magazine has ranked lawyers with car salesmen as “most distrusted” persons. A national survey showed that thousands of unnecessary surgeries have been performed on patients, mostly women. And yet we saw a Special Prosecutor who finally succumbed to social and political pressure after he accepted a deanship in a major university by Malibu Beach. So much for “zealous” and “competent” representation. How about scientists who fake their experimental research findings for funding and prestige? The question is: Does the public which demands of the professions the “delivery of commodities” the same public that reproaches for unprofessional conduct and withdraws its trust?

Trust is a basic human need. Maslow taught that trust is the first value to be learned if a human being is to achieve self-actualization. Professionalism involves both trust learned and earned. How can the professional earn that trust as he struggles between being a counselor and being his client’s “hired gun”?, as healer and not just mere health care “provider”? Chief Justice William H. Rehnquist, in his speech last year before Catholic University law students characterized the trust between client and lawyer as “diminishing.” He observed that “the profit margin seems to be write large in a way that it was not in the past.”

As human beings, we hold a special contempt for crimes committed where trust has been betrayed, as in treason and genocide. For the professional, holding the self-interest at bay is a great challenge. Otherwise, with the erosion of public trust, we can catch a glimpse of our national decay.

Evelyn L. Moya

United States Attorney Externship
882.

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The most interesting data reveals that students who decide to take a class pass/fail usually perform exceptionally well in the class. It is with no doubt that a pass/fail class relieves some of the anxieties inherent in law school courses. However, the other side of the coin, dealing with the lackadaisical atmosphere of the course due to the lack of competitiveness which is an integral component of grades, has to be also examined.

Currently, the Curriculum Committee has submitted a proposal to the faculty for their approval. The results and details are still pending.

The bottom line remains clear: Tax and Administrative Law courses are a basic component of any legal education.
Student Bar Association's
ANNUAL BARRISTER'S BALL
Sat., March 15, 1997
at the Great Lakes Science Center

Kevin O'Neill receiving Professor of the Year Award from SBA President Michele Berenese 2L.

Financial Aid Assistant Administrator Jane Stieffvater, Bob Stieffvater, and Financial Aid Administrator Catherine Buzanski.

Valarie Hollingsworth 3L, Kelly Jackson 2L, and Teri Brown '96

SBA Vice-President of Programming Ronnie Huggins 2L, and Cuyahoga County Prosecutor Stephanie Tubbs-Jones

Heather Tonsing 2L, and Tony Petruzzi 3L

Interim Dean Steven Steinglass

Tracy Wilson 3L, student guest, Darya Jeffreys 3L, and Journal of Law & Health Editor-in-Chief Kate Ryan 3L
the GAVEL

Student Bar Association's
ANNUAL BARRISTER'S BALL
Sat., March 15, 1997
at the Great Lakes Science Center

Victoria Spencer and Richard Portale 3L

The Honorable George W. White '55,
Chief Judge of the U.S. District Court
for the Northern District of Ohio and
Catherine Ma 3L

Steve Spira 2L, Law Alumni
Executive Director Mary
McKenna, and Greg Roche 2L

Laquita Wright '96, Tonya Eldemire 2L, Soyna Ogletree 2L,
Andrea Nelson 2L, and Kelly Jackson 2L

Michael McHargh and Andrea Nelson 2L

Afshin Atabaki 2L and guest

Jason Sussman 2L and Amy Kennedy 3L

Jihad Smali 2L and Mark Wright 2L
WestBar has five Assistant Directors serving your needs in Ohio.
UPCOMING CALENDAR OF EVENTS

April 2
OCP - "Attorneys at Work" - Learn how to use a searchable database of employers throughout the country! Find out who's hiring and their hiring criteria. Guest speaker, Geddings Roche of Attorneys at Work. 12 Noon, Room 208.

OCP - "Law Practice Management Skills for The Solo/Small Practitioner" - Local attorneys will speak to issues facing lawyers in small firm settings. Anyone interested in building their own practice should attend. 6 p.m., Moot Court Room.

April 3
OCP - "Government Information Fair" - In the Atrium of the University of Akron School of Law. Sign up at the Office of Career Planning. Representatives from a variety of government agencies and offices will be available to talk with students regarding career opportunities in local, state and federal government. 2:30 - 4:30 p.m.

April 5
Westbar Review: Contracts - 1 p.m. - 7 p.m., Room 11; Agency, Partnership & Corps - 1 p.m. - 7 p.m., Room 12.

April 8
Professor William N. Eskridge, Jr. of The Georgetown University School of Law speaks on "The Case for Same Sex Marriage." 7:30 p.m. - 9:30 p.m., Moot Court Room.

April 9
Professor William N. Eskridge, Jr. is joined by Patricia Logue of LAMBDA (Legal Defense and Education Fund) for a discussion on "The Case for Same Sex Marriage." 12 Noon - 2 p.m., Moot Court Room.

April 10
OCP - "Faculty Chat, Job Opportunities Outside of Cleveland" - Professor David Snyder will speak to students interested in finding jobs in cities other than Cleveland. 5 p.m. - 6 p.m., Room 205.

ICE CREAM SOCIAL - Sponsored by S.B.A. and Ohio Bar/Bri. 12 Noon - 2 p.m., Student Lounge.

April 12
Westbar Review: Real Property - 1 p.m. - 7 p.m., Room 11; Comm. Paper & Secured Transactions - 1 p.m. - 7 p.m., Room 12.

April 17
OCP - "Health Care Law Career Forum" - If you are interested in health care law then you must attend this very informative program. 5 p.m. - 6 p.m., Moot Court Room.

April 19
Westbar Review: Torts - 1 p.m. - 7 p.m., Room 11; Evidence - 1 p.m. - 7 p.m., Room 12.

April 26
Westbar Review: Civil Procedure - 1 p.m. - 7 p.m., Room 11; Constitutional Law - 1 p.m. - 7 p.m., Room 12.

Attention Third-Year Students - Thursday's are for You!!! From 12 Noon - 1 p.m. stop in OCP with your lunch and join them for a roundtable support group discussion. Refreshments will be served. Please sign up in OCP.

AGGRESSIVE RECRUITMENT BY ADMISSIONS OFFICE RESULTS IN FIRST-RATE ADMITS

By: Donna Andrew

The efforts of the Office of Admissions to fill the seats for the entering class of 1997 are in full swing. Cleveland-Marshall, with the full support of Interim Dean Steven Steinglass and with Assistant Dean of Admissions Peg McNally at the helm, is making every effort to make this, once again, an outstanding entering class. Cleveland-Marshall's omnipresent goal of looking at what each candidate can bring to school is a time consuming and challenging process. But, it will most certainly be worth it when those seats are filled and the first day of the first semester arrives.

1997 is the year of this law school's Centennial celebration. Couple such a strong history with the opening of the school's new law library and it is easy to see why, along with a variety of other reasons, students are applying from all over the country for admission to Cleveland-Marshall. The school has received applications from students in California, Hawaii, Utah, Korea, And Canada, just to name a few.

So what is it that convinces the Admissions Office to award a candidate a position in the entering class. The first candidates offered admission are offered based upon their most basic credentials, the LSAT and grade point average. Every year the school offers many of the very best candidates admission to Cleveland-Marshall.

This already tough process of admitting the top candidates, has been recently complicated by a downward trend in applications to law schools, however. This is not a Cleveland-Marshall specific problem. There has been a downward trend in applications to law schools across the country. This has created a very interesting new twist in the efforts of the Admissions Office to fill seats in the C-M incoming class. Law schools are actually competing harder for fewer students.

The means of attracting students to various law schools across the country are both active and progressive. They include creative financial aid packages, active person to person phone calls by law school professors, Deans, and other admission staffers, and other specific efforts by law schools.

What is C-M doing to meet these new challenges? Just ask one of the busiest people at the law school right now, Asst. Dean of Admissions Peg McNally. "Our recruitment program involves faculty, students, alumni, and staff. Together we are offering prospective applicants the opportunity to learn about C-M," said McNally. Among the members of the staff working toward C-M's goal is Catherine Buzanski, who is helping to remove financial obstacles from any candidate's path who chooses Cleveland-Marshall. Dean Errol Ashby and Sonya Winner meet with applicants and assist them in learning about the opportunities available at C-M. Stay tuned for the arrival of the 1997 entering class, brought to you by the hardest working Admissions staff in Ohio!

ALL STUDENTS INTERESTED IN TAKING THE OHIO BAR

On Tuesday April 29, 1997, Marcia Mengel, Clerk of the Ohio Supreme Court, will visit C-M to answer some of the most frequently asked questions about the logistics of the bar exam. In addition, Bar Examiner George Sadd will also attend and will be able to speak directly to the grading of the exam. Although this will be focused primarily on those students who are graduating and planning to take the July, 1997 bar exam, other students are welcome to attend. Ms. Mengel and Mr. Saad will speak at 12 Noon and 5 p.m. in the Moot Court Room.
Tutors Needed for First and Second Grade Cleveland Public School Students

By Beverly Pyle
Legal Writing Instructor

As a service project of the Law Student Division of the American Bar Association, this year students Ian Friedman, Jeff Platko, Joe Sapinoro, Madelyn Hunter, Catherine Ma and legal writing instructor Beverly Pyle have served as volunteer tutors in the HOSTS program at Case Elementary School. HOSTS stands for Help One Student to Succeed. HOSTS is a nationally acclaimed mentoring program in which volunteer tutors work for forty minutes a week on a one-to-one basis helping a first or second grade student to learn to read. Mrs. Davis, the HOSTS Coordinator at Case Elementary, selects and prepares materials for the volunteers for each session.

Case Elementary is a bright, cheerful elementary school with a secure parking lot at the corner of Superior and East 40th street. The students in the program attend school regularly and each week eagerly await the arrival of their tutors. While the students thrive on the individual attention, the volunteers experience deep satisfaction watching their students progress.

So, if you would like a short break each week from the law school and would like to help a Cleveland student experience the joy of being able to read, call Mrs. Davis today at 361-4693 to become a HOSTS volunteer mentor. There is an on-going need for mentors and many time slots available from Monday through Thursday in which to work.

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Law Librarians Ask: How Do Law Students Use the World Wide Web?

By Mary Stance, Catalog Librarian and Mark Gooch, Government Documents Librarian

Technology in the Law Library's PC Lab or the modern laptop at home makes the Internet available to Law Students. Using a World Wide Web browser allows the Internet to become alive with graphics and is fun to explore. For some, the Internet is a source of entertainment while for others it is a valuable research tool. In the past few years the Internet has improved the Law Library's ability to serve law students. Students are encouraged to participate in the survey being conducted to show the many uses of the World Wide Web for law students. Please fill the surveys out in the library.

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THE GAVEL
Cleveland-Marshall College of Law
CSU
Cleveland, Ohio 44115

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Centennial Concert Series
...By Marshall's Bust They Play

By Evelyn L. Moya
Staff Editor

Musicians have enriched the quality of life at Cleveland-Marshall since they have responded to the invitation for the Centennial Concert Series. Coordinated through the efforts of Wendy Zohar (Class '96), herself a professional violist, the Concert Series has brought live classical music to the otherwise hurried, competitive and stressed atmosphere at Cleveland-Marshall. The Administration has been generous in its reception of the musicians from Cleveland's numerous musical art communities.

Typically, the programs last 45 minutes and cover the expanse of baroque, classical and romantic periods on string and wind instruments. The performances are scheduled at 12 noon or 5 p.m. on most Wednesdays.

The following have performed at the Centennial Concert Series:
December 4, 1996 - Gregory Daniels, cellist; and Jody Quinn, harpist. The couple performed works by J.S. Bach, Saint-

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Columbia Professor Sees Pathology in Class Action Suits

By: Evelyn L. Moya
Staff Editor

John C. Coffee, Jr., the Sixty-Third Visiting Scholar of the Cleveland-Marshall Fund, delivered a Lecture at the Moot Court Room on Feb.27 to an audience of businessmen, corporate lawyers, faculty and students. Prof. Coffee is the Adolf A. Berle Professor of Law at Columbia University and is a nationally acclaimed legal scholar.

Coffee declared that a class action suit, which used to be a plaintiff's weapon has become a defendant's ammunition instead. This happens when a company recognizes that it is cheaper to settle with potential claimants who have been exposed to the company's product but who have not manifested injuries yet. According to Coffee, the class action suit is increasingly being used by plaintiffs attorneys who compete among themselves so that the defendant is able to leisurely choose the cheapest settlement.

Coffee labelled these "portable" settlements as pathologic because they expose the future plaintiff to exploitation; disable the plaintiff from using the same attorney against the defendant in a latter suit; encourages interjurisdictional (something) forum shopping at the settlement stage; and precludes other actions against the defendant not certified for settlement.

Constitutional issues are involved when due process is violated because not all plaintiffs are adequately represented: a state court without subject matter jurisdiction can decide even where it is difficult to certify class action by state law. Oftentimes, the very same lawyers that are involved in the class action suits are also sued. Underneath the exhaustive background that the Visiting Professor provided on class action suits, the listener could hear the reproachful attitude towards the "pathological" practice of law. Earlier during the day, the professor introduced himself as "substitute teacher" in Prof. Patricia McCoy's Corporations Class and proceeded to conduct the class on insider trading and discussed how, and why the market, (in essence, all of us) are hurt by it.

Attorney/Lawyer, the face of Janus was never more delineated.

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The "Real" Interviewing Process at Cleveland-Marshall

By: Steve Blount
Staff Writer

When Cleveland's most respected law firm, "Dewey, Cheetham, and Howe," visited Cleveland-Marshall last Friday to interview students, they ignited a riot that left both the school's reputation and many of its students with black eyes.

It all began early last Friday when three partners entered the building. Specimens of legal respectability (those who had almost, but not quite, graded onto law review, having a 3.599 GPA) came out of the library and leaned over the edge of the balcony to see what was going on. While below, first-year students peered over the tops of their civil procedure and property books, and third-year students leaned over the tops of their stacks of resumes.

Suddenly, a group of students sprang up from the couches and began showing their resumes into the faces of the hiring partners. It turns out that these were students who had commendably graded onto law review, but were not granted an interview, due to the highly prestigious nature of the firm, and the fact they were not in their top one-quarter of one percent of their class. As the specimens of legal respectability realized they were being out-maneuvered, they slid down the banisters, while some jumped to the floor to get in on the action.

At this point, the whole scene became confused, as students tugged at the hiring partners, sometimes one on each arm. According to Archibald Peabody, Distinguished Professor of Tort at Western Case University, "Someone came out and started hitting people with a croquette mallet (it turned out to be a large gavel from the most court room). Mind you had come to Cleveland-Marshall that day to visit one of the hiring partners, Snidely Whipple Ash, who had authored a chapter in his definitive treatise on personal injury litigation, "Skid Marks."

Snidely, a short, thin litigator with a pointed nose who dressed like a chimney sweep, had started his legal career as a process server, at the suggestion of one of the members of the firm, Porteous Ogilthorpe, who later headed up his shoes for him in a local shoe store. After serving process for a few years, Snidely became disenfranchised and began to wonder how anyone with a same mind could continue in this line of work for long "when jail is always a possible alternative." So he began taking night classes at Cleveland-Marshall, and working for the Dewey firm during the day, where it was discovered that he had an amazing talent for extracting confessions from eye-witnesses to accidents. (Even the firm of Dewey, however, considered it going too far when Snidely obtained a confession over a grave of a man who had been electrocuted by a defectively designed toaster. They quit complaining, however, when a multi-million dollar verdict was returned in their favor, and consequently made him employee of the year). After graduating at the top of his class, Snidely continued filling the Dewey coffers, until he was eventually disbarred after being involved in a wiretap scandal. Faced with the dual prospects of returning to selling shoes or serving process, Snidely convinced the Dewey chiefs that they could use his talent for extracting information by allowing him to interview college students for positions with the firm (his favorite question was, "What is that horrifying 1 credit course doing on your transcript?")

The second member of the firm, Porteous Ogilthorpe, was a large, bald-headed, bespectacled man in his late fifties, who had two stubby legs that poked out from under a pair of pants, which gave him a sort of dancing air when he entered a court room.

The third party member to the entourage, Newt Smallwind, was a recent graduate of Cleveland Marshall who was brought on the interview so he could be placed behind and to the side of the students to throw them off balance. Although Porteous and Snidely looked like they had just been posted toward the edge of an open manhole, Newt couldn't have been happier, since he had been clubbed in the head by a gavel in a similar event which occurred one year prior, and he was now working for the most respected and distinguished firm in Cleveland.

Finally, things began to settle down in the building. A student, on his way out the door, picked up a pile of resumes and hurled them into the air, the papers fluttering to the ground like autumn leaves, with the resumes with the lower GPA's on them chasing the students back to their studies. Then, the campus police arrived. They escorted the three members of the firm out the back door, under heavily armed guard, Newt smiling, and Porteous blubbering and waviering his hands over his head.

Another day in the law student's quest for a job.

New Immigration Law Narrows Doors to Courts

By: Evelyn L. Moya
Staff Editor

Asylum representation is likely to become a greater challenge than what the ProBAR volunteers experienced last January in Harlingen, Texas. The new immigration statute signed by President Clinton last September is scheduled to take effect on April 1.

The striking feature of the new law is the elimination of judicial review in cases of applicants seeking asylum from persecution. Asylum applicants arrive at the U.S. border without proper documents.

Under the old law, an applicant denied asylum can appeal to the Board of Immigration Appeals. However, the new law requires that the applicant files an appeal within seven days (most likely pro se unless services a la ProBAR are available) and there would be no review by the Board of Immigration Appeals or a non-executive branch judicial bench.

There would be more persons sent back across the borders to suffer the fates from which they attempted to escape.

A judge who heard one case we represented for ProBAR lamented the harsh end of the Attorney General's discretionary power to waive deportation of a legal immigrant who becomes deportable because of a criminal offense. The new law also terminates the rights to review. The alien becomes deportable no matter how minor the committed crime was or how extreme the hardship would be for his spouse and offspring (who may be US citizens themselves) (a withholding of deportation was usually given after showing proof of extreme hardship).

Could the new law then breed a new underclass of single-parent families?

A forewarning to you legal resident aliens out there who have committed less serious offenses for which the sentence could have been one year (although your sentence was not), if you committed any of those offenses twice, you are deportable because thou hast committed a crime of moral turpitude (e.g. maliciously cutting a landmark tree in Colorado).

Watch out for state laws which include stalking as a crime of moral turpitude. In New York, shoplifting is such a crime.

The challenges facing both aliens and their lawyers are numerous under the new law. What remains to be seen is how adequately the law addresses the concerns of those who campaigned for its legislation.

U.S. News from page 1 provided a much more accurate comprehensive view of the students that graduated 9 months ago. Of all of the 1996 graduates who were sent employment surveys from OCP, 96.4% responded, and of those who responded 88.5% have secured employment in the legal field. The average salary is $42,000. Therefore, this is a more definitive snapshot of the employment status of recent C-M graduates.

One notable aspect of the U.S. News survey is the ranking by judges/lawyers. What makes this a somewhat distorted profile is that of the 2000 surveys sent out to judges and lawyers throughout the country only 33% responded. As a result, except for the nationally known law schools, only the regional law schools that are in proximity to those who responded will receive a favorable ranking.

When you take into account the less than proficient information gathering techniques used by U.S. News it suggests that the rankings are a rather grossly inaccurate profile of the largest law school in Ohio that graduates the largest percentage of practicing attorneys in Northeast Ohio with the largest number of sitting judges on the bench. So what's in a ranking anyway? Not much, I guess.
Faculty News

compiled by Evelyn L. Moya
Staff Editor


Prof. Jason C. Blackford recently published a two-volume work, "Business Organizations." The work is a practical explanation of the various forms in which businesses can operate. The limited liability company and the registered limited partnership present important alternatives to entrepreneurs. The book is published by Banks Baldwin Law Publishing Co., a subsidiary of West Publishing.


Prof. Denia Davis wrote the following: Tell Me a Story: Using Short Fiction in Teaching Law and Bioethics, J. Legal Ed. and It's My Canvas, II Bioblaw (July-Aug. 1996). She presented a paper entitled "Rational Suicide and Predictive Genetic Testing" at the Works In-Progress Group at the Center for Biomedical Ethics at CRUW School of Medicine on Feb. 4. On Feb. 14, she presented "The Child's Right to an Open Future: Yoder and Beyond" at a Symposium on the 25th Anniversary of the Supreme Court's decision in Yoder v. Wisconsin, at Capital University Law School. For 1996, Garland Publishing has two of Prof. Joel Finer's works: Confessions and Public Morality; Terrors and Philosophical Ethics in THE PHILOSOPHY OF LAW: AN ENCYCLOPEDIA.

O'Neill from page 1
Professor O'Neill became the Ohio Legal Director of the American Civil Liberties Union (ACLU), where he was responsible for supervision all ACLU litigation in the state of Ohio. He also lectured on constitutional issues, conducted CLE seminars and explained law and ACLU policy to the news media.

I asked Professor O'Neill about his most memorable cases, one of which was what he calls his "Homeless Dumpling Case." By means of settlement in February of this year, Professor O'Neill was able to stop the City of Cleveland from carrying on a process of transporting the homeless against their will, out of the downtown area and "dumpling" them on the outskirts of town. Professor O'Neill had a lot invested in this case because he had to do an extensive amount of legal work, interviewing the homeless about their experiences with Cleveland police.

Professor O'Neill is also involved in a First Amendment case which is still pending, a case which is the result of the City's beginning to enforce a peddler's licensing fee of $50 a head against any vendor who takes to the sidewalks to sell newspapers. Both the Nation of Islam, which distributes The Final Call, and the homeless which distribute The Homeless Grapevine, have fallen victim to these fees which O'Neill sees as being a way of discouraging the distribution of these papers. At the District level, Professor O'Neill was able to obtain a permanent injunction barring the enforcement of this licensing fee. However, the Appeals Court reversed this ruling. O'Neill has petitioned for a rehearing, which is still pending. If this motion fails, he plans to file a cert petition to the U.S. Supreme Court.

The case that Professor O'Neill is most proud of is his successful representation of Holocaust survivors in a First Amendment challenge to an injunction barring the simultaneous presence on accursed Nazi war criminal John Demjanjuk's street, of protesters with opposing views on his return. O'Neill's clients sought the opportunity to share the forum with the fact that they do learn from him, proves he is right.

Wishing to know more about what makes Professor O'Neill such a great professor and all around nice guy, I decided to pursue the reason for his success. I asked him if there are any advantages to being married to an attorney, and he explained that there is a high level of support and understanding of the pressures that fall a lawyer and of the hours that See O'Neill page 11

So just how did Cleveland-Marshall become fortunate enough to land such a great professor? Well, in August of 1993, thanks in part to Dean Steinglass, Professor O'Neill came on board as an adjunct professor, teaching a Constitutional Law course. Even then, in a July 1994 student poll, he was among three professors cited most often as being the school's best professors. From the fall of 1995 through the spring of 1996, he was a Visiting Assistant Professor of Law. Finally in the fall of 1996, Professor O'Neill will assume the position of Assistant Professor of Law. His areas of teaching include Evidence, Contracts, Constitutional Law, externship seminars and, beginning in the spring of 1998, he will finally have the opportunity to teach the subject he truly loves, First Amendment Rights.

One of the innovations that Professor O'Neill brings with him to CM is his now famous "expert panel" approach to teaching. This method derived from his own experiences as a student which includes a deep dissatisfaction with the way he was taught at "the school down the street". He found himself spending more time in class worrying about being publically humiliated and less time concentrating on the substance of the course. Professor O'Neill feels that it is better to give students advanced notice about when they will be called upon and what they will be responsible for. An expert panel on any given day consists of 3-5 students. He has found that the level of preparation for panel members is very high, which for the students relieved of the stress of being called upon, can relax and pay attention. This also explains why you will never see Professor O'Neill humiliating or degrading a student. His feeling is that it is not necessary. The level of admiration and more important, respect, that his students have for him, coupled with the fact that they do learn from him, proves he is right.

Wanting to know more about what makes Professor O'Neill such a great professor and all around nice guy, I decided to pursue the reason for his success. I asked him if there are any advantages to being married to an attorney, and he explained that there is a high level of support and understanding of the pressures that fall a lawyer and of the hours that See O'Neill page 11
CSU Sets Up $300,000 Emergency Loan Fund

By: Evelyn L. Moya
Staff Editor

Cleveland State University has announced that it has $300,000 to establish an emergency loan fund which students may tap into in cases of emergent need. However, the university only made a suggestion that the fund could be available for students by Spring 1997. Queries about how the fund was established could not be verified.

In October 1996, The Gavel published an article by law student Ed Palm about the David Meck Fund, an emergency loan fund for Cleveland-State University students, Palm, needing financial help for living expenses, was shocked when informed that the emergency fund had always been depleted, mostly by delinquent debtors. Response to the article was mainly ofaghast and embarrassment that loans were given to several students in the past to the detriment of those in present need of aid and the apparent inability of the Financial Aid Office to hold the debtors accountable.

Cologn of the legitimization of data collection, the Administration is studying the ways and means of resuscitating the Judge David Meck Fund. Vicki Plata of the Budget Planning Office and Catherine Buzanski of Financial Aid, have indicated that as of now, law students still may not have an immediate source of emergency aid although there are nascent efforts to remedy this concern.

O'Neill from page 10

Mediation Results in Semester Conversion At CSU

By: Evelyn L. Moya
Staff Editor

Cleveland-Marshall College of Law is no longer unique in being the College run on a semester system. Quarter-scheduling gave way to semester conversion as a result of "interest-based bargaining" between faculty and administration on Feb. 10. The agreement was reached without the presence of a legal counsel. Facilitated by W. Kenneth Evans, a mediator with the Federal Mediation and Conciliation Service, the semester conversion takes effect in the Fall of 1998.

Barry Saxon, staff writer for The Gavel and student member of the University's Board of Trustees was quoted in the Plain Dealer as lambasting the conversion because it serves the interests of the students better.

However, Law students have started questioning whether the new university-wide semester conversion would likely result in heavier congestion at the bookstore, the parking areas and the libraries. One of the disadvantages of the quarter terms is the inaccessibility of the Main Library on the weekends when the Law School is still in session and the rest of the campus is on its quarter break.

With the semester conversion, hopefully, the University can coordinate the services that all students have come to rely upon.

would be chosen and finds it to be, in his words, "deeply flattering and humbling". When his pending cases for the ALCU are concluded, he will begin to put more of a focus on scholarly endeavors. He plans to finish a few chapters in a book that he is collaborating on with Professor Weinstein. He also plans to finish a law review article by the end of the summer. He won't take on any new cases for a few years with the exception of appellate cases for the ALCU which takes far less time than full trials.

Finally, I asked the "Professor of the Year" if he had any advice for students and he drew from a lesson he learned from his hero, his father Mark Patrick O'Neill. His advice: "While your career choice requires that you throw yourself into the practice of law, it is very important not to let the law consume your life and make you one-dimensional person."
MULTIPLE CHOICE EXAM

QUESTION: IF BAR REVIEW COURSES WERE LAW SCHOOLS, WHICH ONE WOULD YOU GO TO? (HINT: BELOW, SUBSTITUTE THE WORDS "BAR REVIEW COURSE" FOR "LAW SCHOOL")

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   • JUST OPENED IN 1996;
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