C-M student

Angelin Chang wins Grammy

By Dan Kelley

Gavel Contributor

On Feb. 12, 2007, Cleveland-Marshall College of Law student Angelin Chang picked up a unique honor for a lawyer-to-be, a Grammy Award. The award for her performance of the virtuoso solo part in French composer Olivier Messiaen’s 1955 masterwork “Oiseaux Exotique,” or “Exotic Birds,” came against tough competition. Some of the premiere players in classical music, such as the Gewandhaus Orchestra of Leipzig and pianist Leif Ove Andnes were nominated in the same category.

The recording was made with conductor John McLaughlin Leif Ove Andnes were nominated in the same category. The recording was made with conductor John McLaughlin leading the Cleveland Chamber Symphony, an ensemble then associated with Cleveland State University. From the moment of its release, the recording prompted a unique honor for a lawyer-to-be, a Grammy Award. The award for her performance of the virtuoso solo part in French composer Olivier Messiaen’s 1955 masterwork “Oiseaux Exotique,” or “Exotic Birds,” came against tough competition. Some of the premiere players in classical music, such as the Gewandhaus Orchestra of Leipzig and pianist Leif Ove Andnes were nominated in the same category. The recording was made with conductor John McLaughlin leading the Cleveland Chamber Symphony, an ensemble then associated with Cleveland State University. From the moment of its release, the recording prompted a

You should know...

Summer and Fall Advising Scheduling

This year, first-year students will have advising sessions with Associate Deans Crocker and Falk and Assistant Dean Lifter during the week of March 26 prior to scheduling for classes.

Advising Schedule:

Day Sections

Section 1: Wednesday, 3/28, 3:45-4:45, Room 237 (after Torts)

Section 2: Tuesday 3/27, 3:45-4:45, Room 237 (after Torts)

Section 3: Thursday, 3/29, 3:45-4:45, Room 12 (after Torts)

Evening Sections

Section 61: Wednesday, 3/28, 7:00-8:00, Room 12 (after Torts)

Section 62: Monday, 3/26, 7:10-8:00, Room 12 (after Torts)

Information provided by Dean Lifter

Graduation Challenge kicks off

By Margan Keramati

Co-Editor-in-Chief

The Class of 2007 Graduation Challenge Committee held its kick-off event on Monday, March 5, 2007, in the law school atrium to encourage graduating 3Ls and the C-M community to contribute towards the Wolstein Endowed Scholarship Fund.

The 2007 committee’s goal is to raise $6,500 for the Wolstein Scholarship Fund. Students can choose to make an unrestricted pledge to C-M or designate their donations towards the Community Advocacy Clinic, Delta Theta Phi Founders Rom, Employment Law Clinic, Environmental Law Clinic, Housing Advocates Clinic, Journal of Law and Health, law library, Law & Public Policy Clinic, Law Review, Moot Court, law scholarships, or operating support.

The committee members were pleased with the kick-off event, said Kuboff. “Our goal was to get our message out to the student body, specifically members of the class of 2007. It was extremely pleasing to see so many students interested in investing in C-M’s future.”

Future events have not been set in stone, but there will be at least one other major event before the end of this school year, Kuboff said. Committee members will be sitting at a table during lunch and dinner hours to promote the challenge.

The 2007 committee is comprised of Bill Beseth, Greg Joivette, Scott Kuboff, Kathleen Locke, Joe Mieskowski, Jack Milh, and Jeff Stupp.

Mieskowski and Kuboff selected the 2007 committee members for their interest in and commitment to C-M and for their leadership and personal characteristics on a daily basis,” Kuboff said.

Jessup team returns with awards

By Daniel E. Thiel

Staff Writer

and Michael Tripi

Gavel Contributor

C-M’s Jessup international law moot court team competed in the Pacific regional rounds held at UCLA in Los Angeles on Feb. 16, 2007, and came back with awards.

The team was awarded three of the top five oralist awards, including first and second place. C-M’s team faced and defeated top tiered schools such as Washington and Lee University, University of California-Davis, and the University of Southern California.

The team, comprised of 3Ls Daniel Thiel, and Michael Tripi and 2Ls Mary Malone and Alin Rosca, competed at the competition. Although C-M’s team did not advance to the national rounds, they placed fourth overall in all raw scores.

Rosca was awarded top honor for best oralist, Thiel was awarded second place, and Michael Tripi was awarded fifth place.

California Western, the team that advanced to nationals, suffered their only loss to Thiel and Tripi.

The Philip C. Jessup International Law Moot Court Competition is a global moot court competition that deals with complex legal issues in public international law. Law schools from across the world compete by preparing legal briefs and then arguing before a simulated United Nations International Court of Justice.

The issues presented typically reflect novel questions of international law currently in the forefront of the international community.

For instance, this year’s issues closely mirrored the conflict surrounding Turkey’s struggle for
In debt we trust: speaker addresses city club

By Emily Honsa

C-M recruits talented and diverse students

The Dean’s Column

C-M recruits talented and diverse students

By Geoffrey Mearns

In my last column, I described the strategic planning process in which we are engaged this year, and I identified the six strategic goals that we have established. Our most important goal is to continue the implementation of our collective efforts to improve the performance of our students on the bar exam. Those efforts, which are focused on student success, have been the subject of previous columns and lots of conversations. So, in this column, I want to share with you what we are doing, and what we intend to do in the future, to achieve our second strategic goal - improving our efforts to recruit an academically stronger and more diverse student body.

In order to achieve this goal, we have recently created new admissions brochures. With the assistance of a team of marketing consultants, we developed printed materials that are more visually attractive. We also developed a new brochure, which emphasizes the variety and quality of the professional opportunities that are available to our graduates. We are now in the process of improving our Web site. As you know better than I, our graduates are much more likely to seek out information on the Web than to rely on printed materials.

Therefore, we are restructuring our Web site to enable prospective students to learn more about our law school through that medium. And under the leadership of Christopher Lucak, our new Assistant Dean for Admissions and Financial Aid, we plan to develop new strategies to communicate with prospective students by e-mail or other web-based sites.

This year, we are also enlisting dozens of graduates to assist us in recruiting admitted applicants. We have a very strong base of committed alumni, and they are willing to support the law school in many ways. I recently invited approximately 75 graduates from around the country to contact several admitted students, by e-mail or telephone, to answer questions and to tell these admitted students about the benefits of a C-M education.

I am so grateful for the assistance of these graduates, and I am confident that their efforts will help us achieve our goal. One of the many attributes of our law school is our close connection with the Cleveland legal community. As you may know, Cleveland is one of the largest and most sophisticated legal communities in the country, and we are located only a few short blocks from its heart.

In order to market this attribute and to demonstrate our close relationship with the practicing community, this year we are hosting four admitted student receptions at By Emily Honsa

Svetlana West

The prevalence of easy-consumer credit is frightening to Dr. Robert Manning, the author of Credit Card Nation: America’s Dangerous Addiction to Credit. A specialist in deregulation of retail banking, he recently served as editorial advisor for the documentary In Debt We Trust: America Before the Bubble Burst. Manning recently spoke at the City Club of Cleveland on the topic.

It is nearly impossible to find someone whose life has not been touched by the growing plague of consumer debt in the United States. As banks continue to loan to those who can least afford to repay, the new economic ‘deadbeats’ are those convenience users who pay their complete balance each month.

Most credit card user agreements, written in a quicksand, featuring terms so complex that even a quick survey of law students reveals virtual ignorance.

Manning, director of the Center for Consumer Financial Services at Rochester Institute of Technology, fears that the transformation of credit cards from earned credit to a social entitlement and income supplement threatens the very underpinnings of our society in several ways.

First, the undisciplined attitude Americans have adopted—a negative saving rate despite extremely low interest rates—will put them at a disadvantage against countries with a fiscally competitive economy. Additionally, the foreign policy ramifications may be frightening. If the country over-indebted itself, power on the world stage may shift to those countries that are in ownership positions.

On a micro level, Manning spoke about the encroaching nature of credit. He suggests that national credit card debt averages are at best unreliable and at worst deceptive because of the finance industry’s encouragement that people shift their unsecured credit card debt to inventions like home equity lines of credit. There is a very strong correlation between credit card marketing and a decline in savings.

Manning explained what an over-debited America looks like: consumer credit agencies, many sponsored by the credit card companies themselves, debt consolidation, suit misuse of foreclosures and bankruptcies. It is a state where as long as you pay your minimum payment, you are okay.

The problem with this system, according to Manning, is that it will cripple the very people it relies upon for support.

But Manning does offer practical suggestions to accompany his dire warning. Because of the magnitude of the problem, Manning warns that no one will be able to help. Relief from the crisis will come only from an emphasis on fair and responsible lending and the banking industry’s accountablity to consumers. However, these suggestions are more easily proposed than implemented. The banks rejected a three-year lawyer-supervised partial repayment plan.

Community based motivation is needed, as is greater regulation. Unfortunately, Manning indicates greater regulation is unlikely at this time because of the current composition of congressional committees.

Another idea designed to ameliorate the situation at present is the education of America’s new generations, now credit card marketing targets.

Some local schools are now instructing children about responsible credit use. Distribution for Manning’s collaborative film, In Debt We Trust, includes plans to reach a national community network in 40-50 major metro areas in the coming months. Manning is also raising awareness about policy issues and the importance of changes in the lending to sub-prime markets.

Award: Student honored for classical music

By Emily Honsa

Continued from page 1--

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Ohio Supreme Court to hear case on constitutionality of speeding cameras

By Kevin Shannon

Ohio Supreme Court is scheduled to hear a case that could determine the future of traffic cameras in Ohio. The case, Mendenhall v. Akron, is challenging the constitutionality of traffic cameras in Ohio.

The case involves a traffic camera in Akron that was ticketed for speeding on a city street. The defendant, Mendenhall, argued that the traffic camera violated his constitutional rights. The court will need to determine if the use of traffic cameras is constitutional.

If the court rules in favor of Mendenhall, it could potentially put an end to the use of traffic cameras in Ohio. If they rule in favor of the cities, it will allow them to continue using these cameras to enforce traffic laws.

The court's decision will have a significant impact on the use of traffic cameras across the country, as many other states have similar programs in place.

Jessup: Students debate international law

By Lindsey Renninger

C-M's Jessup team will be participating in the Jessup International Law Competition this spring. The competition is an annual event where law students from around the world compete by writing and delivering arguments for their team.

The competition is a great opportunity for students to gain experience in international law and develop their advocacy skills. The team will be focused on the case and working hard to prepare for the competition.

Journal hosts speaker on FDA problems

By Lindsey Renninger

The Journal of Law and Health hosted a lecture by Dr. Joseph R. Lex, an Assistant Professor of Emergency Medicine at Temple University. Dr. Lex is a well-known speaker, author, and editor of a variety of publications. The Journal hosts lectures to promote discussion and debate on important health care issues.

Dr. Lex addressed the FDA's battle with large pharmaceutical companies and the FDA's regulatory power. He discussed the FDA's role in regulating drugs and highlighted the challenges that the FDA faces in enforcing its regulations.

The lecture was well-received by the attendees and created a lively discussion on the importance of the FDA's role in protecting public health.
Intramural sports help reduce stress

By Tiffany Elmore
\n
Syracuse University

For most C-M students, maintaining a balance of personal wellbeing, rigorous studying and active job hunting is an exhausting effort. But don’t despair, because just an hour of sitting burns eighty-one calories. Still, an active exercise regime is linked to preserving health and reducing stress. According to MayoClinic.com, people should work out an average of thirty minutes each day for optimal health benefits. Churchill was incorrect in saying one cannot spare thirty minutes every day but are still interested in fitness and active recreation.

Many C-M students are taking time out of their busy schedules to foster the “athletic within” by participating in intramural sports, such as basketball, flag football and soccer.

The move will also expedite the current publication process, which can take up to two months to complete, according to Ivana Batkovic, administrative secretary for the Journal of Law and Health, Moot Court and Law Review.

“Intramurals are a chance to have a lot of fun and get away from the library for a while,” said Nick Hanya, 2L, and active intramural participant. Many students can attest to a lack of social activity outside of the classroom, but involvement in intramural sports is a great way to interact with fellow students. The aim of intramural sports is to develop leadership skills, maintain healthy lifestyles, and achieve personal growth. Participating in intramural sports completes the C-M experience for many former recipients of the Alonzo scholarship, who enjoys being active and a little competitive, Hanna said.

The Cleveland State recreation center offers many tools to help you get involved in intramural sports. Information can be found at www.csuohio.edu/recreation center for activity and schedule information.

By Annie M. Cavanagh

C-M Journal of Law and Health will begin publishing exclusively online

“An online Journal will and will continue to allow the Journal to reallocate funds that were previously budgeted for printing the Journal to the Journal’s other main function: hosting lectures like Professor Lex, of Temple University School of Medicine, who spoke at C-M and Professor Denno, of Fordham University School of Law, who will be speaking in the moot court room at 5:00 p.m. on April 5,” McGuan said.

“Another important benefit will be the money that is saved by moving the Journal online as the printed version can cost up to $500 per issue, according to Batkovic.

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“The move also reflects a growing trend in favor of using online services to communicate ideas as opposed to the more traditional print media, Krishna said. This trend was highlighted in a July 2006 ABA Journal article, which explained the growing preference for online sources as opposed to the more dated print versions. According to Krishna, last year’s editorial board made the decision to move the Journal online, and this year’s editor board is completing the transition.

In the month of February alone, over 1700 meals have been served since the program was established in 1999. One of BLSA’s priorities for the 2006-2007 school year was to increase its community service participation in the Cleveland area, according to Myla Humphrey, secretary for BLSA.

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Top ten things to know about the bar exam

By Marc D. Rossen

FOUNDER & DIRECTOR OF SUPREME BAR REVIEW

MARCH 2007

Spotlight on the Student

Anthony Ashhurst

By Paul Deegan

STAFF WRITER

Anthony Ashhurst is not your typical law student in a variety of ways. He raises questions in every class without fail. He is always willing to argue issues with fellow students or professors. His outspokenness often in- volves that “sour faced” look from his peers.

From all this, some students might have developed a view of Anthony as a “confrontational professor” since he is outwardly abrasive, aggressive, and difficult to avoid. But despite his outward ap- pearances, those who get to know him soon realize he is an honest, good-natured and good-hearted individual. Anthony looks significantly younger than he really is. Anthony was born in Philadelphia, Pennsylvania in the late 1950’s. He learned to depend on himself and became independent at 16. After high school, he earned an Associate’s Degree and then en- listed in the U.S. Army. Two years later, he became a commissioned officer, serving with Armor, Infan- try, and finally Special Forces.

While in the Army, he com- pleted a Bachelor of Arts in lib- eral arts, and after his honorable discharge, a Master’s degree in American revolutionary history. He taught history at both high school and college after a short period of time serving in law enforcement. He kept searching for what he wanted to do with his life, and after saving enough money, he decided to attend law school in hopes of one day arguing before the U.S. Supreme Court.

Anthony says that his past experiences have given him the skills needed to successfully get through the bar exam. “Being able to adapt to dif- ferent situations and the expecta- tions of professors is one of the most important skill I could have learned prior to attending C-M,” Anthony said.

Anthony also attributes his ability to succeed on acting his apparent, rather than his real, age. Most people think he is around 30, and he takes advantage of that by acting younger to fit in and keep his mind sharp. When asked what he thinks the most important attri- bute of a law student is, Anthony said, “The ability to adapt while comprehending and synthesizing the material.”

Some people perceive An- thony to be arrogant, abrasive, and difficult to avoid. Still, what some may perceive as arrogance or abrasive- ness is actually just self-assurance and confidence.

Long life and hard experience has taught him that individuals experience different feelings to take a stand can affect positive change.
How to become a member of C-M's moot court team

By Karen Mika
LEGAL WRITING PROFESSOR

By Aaron Mendelsohn
GAVEL CONTRIBUTOR

How does one get onto Moot Court after the first year of law school?

First-year students interested in moot court will submit their final advocacy project from the first year of law school?

Thereafter, the board sets up practice rounds prior to the actual competition that takes place in May.

Prior to the oral component, the moot court board holds sessions explaining how to do oral arguments.

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Students will then compete orally and argue both sides of the brief.

Four or five students tend to earn spots on moot court.

These students will become board members and compete in their third year.

Q: What are the main differences between the old FRCP and the new ones that went into effect on December 1?
A: The changes are extensive and involve amendments to almost all of the civil rules dealing with discovery. The main difference is that the rules now explicitly address e-discovery. Many issues related to e-discovery were previously handled through trial judges trying to figure it out on their own.

Q: What prompted the change in the rules?
A: The rules changes were triggered by the technology explosion of the past couple of decades. Not only mega-corporations, but also smaller businesses, and even individuals, are now creating and retaining almost all of their records in electronic form.

Q: What type of requirements do the new rules place on attorneys? How might the penalties changed for non-compliance?
A: One of the main requirements is that lawyers sit down with opposing counsel very early in the litigation to discuss whether e-discovery might present challenges in the case. If e-discovery is likely to be at issue, the attorneys are required to propose a plan to the presiding judge for managing those issues.

Q: How should companies go about preparing to comply with the new rules?
A: Every company, regardless of its size, needs to develop, implement, and closely monitor a document retention system that will make compliance with these rules possible. Each company needs someone familiar with business operations and rules of court to accomplish this task.

Q: Do you see these new rules changing the way companies do business?
A: I don’t foresee a radical change. Companies have long struggled with how to manage information and data retention, and when all records were written by hand and stored in manila folders. Electronic creation and storage of records have made running a business easier in some respects and harder in others. The federal courts have just raised the stakes in terms of negative consequences that might flow from bad data management policies.

Q: Will these federal rules eventually trickle down to the state rules and local rules? How does that process work?
A: E-discovery evidence is becoming an issue even in relatively simple cases, so each state will eventually develop its own standards.

A number of states, including Ohio, are looking very seriously at the federal model. But it is difficult to just take the new federal rules and integrate them into any state system. Each state has its own set of rules and its own reasons for having those particular rules. Many states’ civil rules differ significantly from the federal civil rules, especially in the area of discovery.

The process of rule amendments varies in each state.

Many states, including Ohio, have a standing rules commission or committee that makes recommendations to the state supreme court. The Supreme Court then publishes proposed rules for public comment and decides, based on the comments received and other factors including the judge’s individual opinion as to the wisdom of the proposed changes, whether to amend the rules.

Q: Will these changes affect the way Civil Procedure and Evidence are taught at Cleveland State?
A: I can’t answer for all other professors, but I am only lightly touching on the subject in Civil Procedure. E-Discovery could be a 3-credit hour course on its own.

Discovery rules evolve with technology

By Karen Mika
LEGAL WRITING PROFESSOR

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Corporate America and the lawyers who represent corporations are struggling to develop document retention systems that make sense from both a business operations and a litigation perspective. It is a daunting task.

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These students will become board members and compete in their third year.

Q: What are the main differences between the old FRCP and the new ones that went into effect on December 1?
A: The changes are extensive and involve amendments to almost all of the civil rules dealing with discovery. The main difference is that the rules now explicitly address e-discovery. Many issues related to e-discovery were previously handled through trial judges trying to figure it out on their own.

Q: What prompted the change in the rules?
A: The rules changes were triggered by the technology explosion of the past couple of decades. Not only mega-corporations, but also smaller businesses, and even individuals, are now creating and retaining almost all of their records in electronic form.

Q: What type of requirements do the new rules place on attorneys? How might the penalties changed for non-compliance?
A: One of the main requirements is that lawyers sit down with opposing counsel very early in the litigation to discuss whether e-discovery might present challenges in the case. If e-discovery is likely to be at issue, the attorneys are required to propose a plan to the presiding judge for managing those issues.

Q: How should companies go about preparing to comply with the new rules?
A: Every company, regardless of its size, needs to develop, implement, and closely monitor a document retention system that will make compliance with these rules possible. Each company needs someone familiar with business operations and rules of court to accomplish this task.

Q: Do you see these new rules changing the way companies do business?
A: I don’t foresee a radical change. Companies have long struggled with how to manage information and data retention, and when all records were written by hand and stored in manila folders. Electronic creation and storage of records have made running a business easier in some respects and harder in others. The federal courts have just raised the stakes in terms of negative consequences that might flow from bad data management policies.

Q: Will these federal rules eventually trickle down to the state rules and local rules? How does that process work?
A: E-discovery evidence is becoming an issue even in relatively simple cases, so each state will eventually develop its own standards.

A number of states, including Ohio, are looking very seriously at the federal model. But it is difficult to just take the new federal rules and integrate them into any state system. Each state has its own set of rules and its own reasons for having those particular rules. Many states’ civil rules differ significantly from the federal civil rules, especially in the area of discovery.

The process of rule amendments varies in each state.

Many states, including Ohio, have a standing rules commission or committee that makes recommendations to the state supreme court. The Supreme Court then publishes proposed rules for public comment and decides, based on the comments received and other factors including the judge’s individual opinion as to the wisdom of the proposed changes, whether to amend the rules.

Q: Will these changes affect the way Civil Procedure and Evidence are taught at Cleveland State?
A: I can’t answer for all other professors, but I am only lightly touching on the subject in Civil Procedure. E-Discovery could be a 3-credit hour course on its own.
**Does global warming warrant government action?**

**By Bradley Hull**

CONSERVATIVE GAVEL COLUMNIST

The U.S. Government must provide market-based incentives to businesses and individuals to effectively reduce greenhouse gas (GHG) emissions. The experts are concerned about “global warming.” Scientists have observed increases in the Earth’s near-surface air and ocean temperature. The explanation they most commonly provide for this phenomenon is that current emission levels have caused GHGs to accumulate in the Earth’s outer atmosphere and trap solar energy that otherwise would escape into space. Many predict that this will cause sea levels to rise, decrease the amount of fresh water available for consumption, and increase the prevalence and severity of storm systems.

However, scientists widely disagree whether the resultant environmental harm will be greater than trivial. Two examples illustrate the breadth of disparity among experts’ opinions. Terry Root, Senior Fellow at Stanford University’s Center for Environment, Science and Policy Institute for International Studies, recently remarked that with respect to global warming, “[w]e’re truly standing at the edge of mass extinction” of species. By contrast, Jay Zwally, current NASA scientist and the 1996 recipient of NASA’s outstanding scientific achievement award, is unconcerned. In 2005, he concluded that sea levels would rise only by 5 centimeters over the next 100 years and 1 meter over the next 20,000 years, even if the historical pattern of fluctuating warming and cooling cycles ceased and the substantial 1992–2002 temperature increase continued unabated. However, the U.S. need not wait upon the resolution of this dispute before acting. There is no downside to reducing GHG emissions.

California’s 2006 Global Warming Solutions Act and Governor Schwarzenegger’s October 18 Executive Order to implement its measure for the U.S. government to follow. The California plan establishes a target emissions reduction schedule whereby the Golden State will reduce its overall 2010 emissions to 2000 levels, its 2020 emissions to 1990 levels, and its 2050 emissions to 80 percent below 1990 levels. The Order primarily utilizes incentives as the main tools by which to reduce California’s GHG emissions. It provides for research tax credits, monetary and non-monetary incentives, public/private partnerships, investment tax credits, and accelerated depreciation. These incentives hope to encourage individual as well as corporate compliance and investment in GHG-reducing technologies.

The Order explicitly references studies finding that market-based mechanisms provide an important means for the most effective and efficient reduction of GHGs. These studies include those conducted by Stanford University, the University of California at Berkeley, and the Pew Center on Global Climate Change. In addition, the United States should follow the lead of the European Union Emissions Trading Scheme in implementing a “cap and trade” system. In such legal schemes, a governing body releases a fixed number of emission “allowances” per company. Each is then allowed to sell or purchase unused “allowances.”

The genius of this system is the incorporation of GHG reduction as a variable into a corporation’s calculation of the economic wisdom of a business move. These incentives and allowances must reward both the reduction of overall energy use and society’s shift toward the use of alternative energy sources other than carbon-based fossil fuels. Further, they must be available to both corporations and individual citizens, with manufacturing companies specifically targeted. As highly respected Atmospheric Chemistry Researcher Jim Schibke noted in 2002, the industrial sector is responsible for almost 40 percent of U.S. energy consumption. Some clamor exists for immediate governmental regulation of energy usage. Indeed, a Berkeley study found that regulatory schemes are complementary with (though not as efficient as) market-based solutions. However, given the tortured history of intervention into highly specialized private sector industries by untrained and self-righteous politicians, government should now play as passive a role as possible in reducing GHG emissions.

**Liberal rebuttal...**

The ‘cap and trade’ program for which you argue may prove to be an effective method for cutting emissions levels. ‘Cap and trade’ is a regulatory system that harnesses free market principles to reduce emissions.

It is a brilliant fusion of market efficiency and essential governmental intervention. Such a program worked wonders on the acid rain problem. The issue here is whether ‘cap and trade’ would work quickly enough to combat emissions before they become irreversible. Some scientists say that in the forms currently discussed, it would not.

I disagree with your contention that this nation has a “turtled history of intervention” by “untrained, self-righteous politicians.” It is Congress’ job to intervene. Where would this nation be without the EPA, FDA? The NIH? The NIST? These organizations are innovative and necessary. The NIAID is a prime example of this.

Sometimes ‘cap and trade’ programs offer the best balance between government control, which is in its worst form stultifies business. Unfettered industry, at its extreme, jeopardizes the environment. To protect our people and our earth, government has to take over when free market principles fall short.

Was the passage of the Fair Labor Standards Act one tragic episode in your “turtled history”? Was the creation of OSHA? How about Title VII? These all restrict various ‘highly specialized private sector industries.’

**Conservative rebuttal...**

Flip-flop. The experts (the majority of social scientists) find that out-of-wedlock birth is the factor most highly linked to U.S. poverty. In attempting to explain Cleveland’s poverty in September’s column, you ignored its exorbitant single parent birthrate. The experts (virtually all world economists, Chambers of Commerce, and small business lobbyists) find that raising the minimum wage hurts many in poverty, and small businesses. In October’s, you ignored both.

The experts (virtually all world economists) find that free trade benefits all trading-parties and nations and the U.S. In January’s, you ignored their findings regarding NAFTA effects on Ohio. Here, you finally accept many expert findings. Immediately, you then grossly exaggerate those concerning global warming’s harm.

For air regulation... The experts’ conclusions make no economic sense. USCAP declares its “environmental goal and economic objectives can best be accomplished through [a]...market-driven approach...[including]...cap-and-trade program...” Additionally, it proposes regulatory compliance via economic cost-effect measures.

The EIA found Bingaman-Specter’s bill “would cause little economic damage. Altering “allowance” quantities can allow fears of delayed emission reduction. Labor-funded liberals will likely ground the others because industry is America’s largest energy consumer, and unions would ultimately bear the compliance costs. “Punish business” is your columns’ only consistent theme. Conspiracy theories, anyone?
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Opinion

Bar Exam is waste of time, money and energy

By Kurt Fawver

The bar exam is pointless. There, I’ve said it, the heresy of all heresies. The bar exam is nothing more than an inane roadblock on the path to legal practice. It serves no functional purpose. It undermines the essence of legal education and it is ridiculously costly and time-consuming.

The bar exam, frankly, should be abolished as a requirement for legal licensure. I have never heard a cogent, convincing argument advocating the bar exam’s existence. So what then does the bar exam accomplish? Respectfully accumulated through law school and can, ultimately, gauge your ability to practice law. But is this what the bar exams were supposed to do?

The bar exam supposedly tests the retention of core subject material from law school, yet everyone takes at least one bar review course in preparation. Why? If we learned what we were supposed to, enough to be promising young lawyers, we shouldn’t need a bar review, should we? Of course not. A few subject outlines and some Nutshell guides should suffice. Yet, most law students shell out several thousand dollars to BarBri or Supreme Bar Review.

The truth is that no one really mastered contracts or torts or civil procedure their first year and, even if they did, they have since forgotten much of what they learned. The same applies to classes in any other bar subject, whether taken first year or last semester. We simply forget many of the minute caveats that the bar is so loathe to examine. Then, after graduation, we’re supposed to pull the mother of all cram sessions. We try to fit three years of learning into just a few weeks. We may have never even been exposed to some of the bar subjects before a review course, either. With this sort of tight timetable, and with so much hasty cramming, is anyone actually learning anything? If not, what is the bar exam really testing? The knowledge you gained through your law school curriculum or the short-term memory recall of your bar review course? I’m betting on the latter.

If this is the case, the bar exam becomes not a test of your ability as a potential lawyer, but a test of your memorization skills. There is less emphasis on understanding than on mindless regurgitation. You might as well substitute a game of Guess Who or Memory for the bar exam.

All the cramming and all those bar review courses are also completely antithetical to the legal education you just completed. How? Consider this: for three years, you plod through law school, trying to make out good grades, and then it’s all over. You earn your degree, but you’re still not a lawyer. You have to pass the bar exam to become one. So why is the JD necessary?

Is it preparation for the bar? Not really, given the aforementioned cramming and bar review courses. Those are the true, and perhaps most useful, preparatory tools for the exam. So were the last three years a waste of mental energy, when all you have to do is pass one test to become a lawyer? Maybe, and that is precisely why the bar exam undermines legal education. It deemphasizes those past three years of schooling and places your entire focus on one standardized test.

You might as well substitute a game of Guess Who or Memory for the bar exam.

Sure, you need a JD to sit for the bar exam, but that almost seems like a formality, no different than writing your social security number or listing previous employers. The goal of the future lawyer, and what everyone pours into your head the minute you enter a law school, is to pass the bar, not to attain your JD.

So, is there any reason the bar exam might be necessary? To ensure that new lawyers realize the peculiarities of practicing in a particular jurisdiction, perhaps? It seems to me that a single test is a terrible means of acclimating potential lawyers to jurisdiction-specific rules and regulations.

The knowledge required to practice law in specific jurisdictions could just as easily be imparted through continuing legal education courses. CLE courses are how many lawyers learn about important changes in the law. They are necessary and, in many cases, required in order to remain in good professional standing. There is no reason why bizarre statutes or unique procedural rules could not be learned through this method of licensing lawyers that could be used in lieu of the bar exam.

The problems with the bar exam are legion. It would take a book to catalogue the entire volume of information that we have to memorize to pass the bar exam. It is an unnecessary requirement for the practice of law.

We broke Iraq, and now it’s time to pay for it

By John Rose

By now we all know that Democrats won sweeping victories in the recent mid-term elections last November. In large part Democrats were swept into office because of the American public’s increasing dissatisfaction with the war in Iraq. Some Democrats ran on a promise to set a firm timetable for troop withdrawal.

By all accounts, the American public is just plain sick of this war. One recent poll indicated that almost 60 percent of respondents favor a scheduled withdrawal with troops to be out of Iraq by 2008. This same poll showed that almost 70 percent of those asked believe Congress is better suited to end the war than the President. This particular poll reflects a sentiment that has been expressed by many of the bar subjects before a review course, either.

The truth is that no one really mastered contracts or torts or civil procedure their first year and, even if they did, they have since forgotten much of what they learned. The same applies to classes in any other bar subject, whether taken first year or last semester. We simply forget many of the minute caveats that the bar is so loathe to examine. Then, after graduation, we’re supposed to pull the mother of all cram sessions. We try to fit three years of learning into just a few weeks. We may have never even been exposed to some of the bar subjects before a review course, either. With this sort of tight timetable, and with so much hasty cramming, is anyone actually learning anything? If not, what is the bar exam really testing? The knowledge you gained through your law school curriculum or the short-term memory recall of your bar review course? I’m betting on the latter.

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The problems with the bar exam are legion. It would take a book to catalogue the entire volume of information that we have to memorize to pass the bar exam. It is an unnecessary requirement for the practice of law.
SBA president thanks work for successful Barrister’s Ball

By Scott Kuboff

On behalf of my fellow SBA officers – Meredith Danch, Chan Carlson, Nick Han-na, and Jaime Umerley – I want to assure you that we remain dedicated to improving your quality of life here at C-M.

On March 3, 2007, over 250 faculty, alumni, and students attended Barrister’s Ball at the Hyatt at the Arcade in downtown Cleveland. The keynote of the formal affair was the awarding of several honors including: Faculty of the Year to Professor Kevin O’Neill; Staff of the Year to Israel Payton; and the Student Attorney Award to Colleen Aylward.

Ms. Troia was the first student recipient of the College Intelligency Award because she has exhibited high character, collegiality, and an outstanding commitment to C-M and the surrounding community during her three years of school.

I would like to thank the Vice President of Programming, Meredith Danch, for her hard work, dedication, and patience in making Barrister’s Ball a success.

Additionally, I would like to thank Ryan Feola and Bar/Bri for sponsoring this year’s event as well as their continual support of C-M.

Earlier this year, your Student Bar Association was successful in obtaining an additional allocation of $7,500 in General Fee funds. This additional allocation has enabled your SBA to increase the size of its special needs budget.

This year, SBA officer elections will be held on Tuesday, April 10 and Wednesday, April 11. As always, if you have any questions or concerns, please feel free to contact me at your earliest convenience.

SBA President

March 2007

Opinion

Legal writing department unfairly reviewed

By Kathleen Locke

Recently, the C-M legal writing department underwent an external review by three legal writing professors: Jan Levin from Temple University, Sue Liemer from Southern Illinois University and Judy Rosenbaum from Northwestern University.

As part of their review, the professors observed legal writing classes and met with students both in private and in open sessions.

In interested in writing an actual news article about the review, I attended an open session with the legal writing professors. I went in to the session hoping the professors would reveal some of their opinions. They had already formed an idea about our legal writing department, but I mainly expected that students would be there to voice various complaints about their respective professors.

However, what was actually discussed at the session left me doubting the wisdom in bringing these three professors in and skeptical of the actual effectiveness of this review.

As the session began, the professors discussed some of their initial criticisms with our legal writing departments in a manner that I initially thought was just surprisingly candid.

Going into the session, I had the impression that each of these professors had conducted similar reviews at other schools, and therefore, this previous experience made them qualified to come in and review our class.

So as the panel began to discuss some of their observations about our legal writing department in a “my school is better than your school” format, it was quickly apparent that at least in this session, they were simply evaluating their own teaching styles with that of our professors.

The panel went on to boast about the various programs that their respective schools offer to their students.

This was especially surprising because it revealed the lack of uniform evaluation of our school that the panel actually had as one of the professors bragged about a great opportunity that his school provided students – they are able to clerk for state and federal judges and actually receive credit for it.

Looking around, most students, who were already dumbfounded about the discussion thus far, looked shocked that she would actually boast about something that our school offers as well.

And, after awhile, it became completely insulting especially because our legal writing department has traditionally been one of the strongest programs at C-M.

Our legal writing department has not only prepared C-M students to have solid legal writing skills to carry them throughout summer jobs and clerkships, but the department has also been successful and nationally-recognized most court programs.

After taking a few blows, students began to defend their legal writing professors and the experience they had throughout their legal education. For example, while the legal writing panel clearly felt that students were best served with less classroom time, some students suggested that that particular approach would not have worked best for them.

And, after awhile, it became completely insulting especially because our legal writing department has traditionally been one of the strongest programs at C-M for them.

And while other students voiced specific complaints about their legal writing professors such as a lack of available ability and constant cancellation of student conferences, other students countered that they had their exact opposite experience.

What became very clear after much back and forth was that everyone’s experience really depended on what professors they had and what teaching style was most conducive to that particular student.

Such complaints could also be directed at any other professor students not just the legal writing department.

First-year students are in the unfortunate position of being placed in classes without knowing anything about that particular professor whose class they will be in for an entire year.

For the most part, second, third and fourth years have a heads up about what to expect when they take a professor, and even if they are not happy with their choice, at least they only have to put up with the class for one semester.

Maybe the solution would be as easy as matching incom-
2L over upset over CWRU professor’s use of biased book

Ilan Pappe. Ilan Pappe. That is a name that I haven’t heard since my swift exit from the ivory tower of academia. The name was enough to conjure up memories of frustration, academic politicking, and my disgust for what has become the “publish or perish” trend in academia. In truth, I don’t mind the pressure, even if what you are publishing is rubbish, even if it misconstrues history and blurs reality and assists to perpetuate ignorance and propaganda.

That was one of the primary reasons I left academia and entered the legal profession. Being based in reality is essential to the practice of law, while manipulating real facts was enough, Professor Bach was also responsible for bringing Jeff Halper to Case. As if using a book by Ilan Pappe was not enough, Professor Bach was also responsible for bringing Jeff Halper to Case.

And that’s the real tragedy. Professor Bach, you are a master of Pan-Arabism to a specifically Israeli History. The New Historians. Karsh comments, “[T]he publication of A History of Modern Palestine by a prestigious academic press [Cambridge University Press] is a sad testament to the pervasive politicization of Middle Eastern studies where the dividing line between academic scholarship and unadulterated propaganda has been blurred, if not erased.”

More serious is the book’s consistent report to factual misrepresentation, distortion, and outright falsehood. Readers are told of events that never happened, of nonexistent May 1948 Tantura “massacre” or the expulsion of Arabs within twelve days of the partition resolution. They learn of political realities that have changed, such as the Anglo-French 1912 plan for the occupation of Palestine or the contriving of “a master plan to rid the future Jewish state of as many of its non-Jewish inhabitants as possible.”

I think it is helpful to think of Israel’s right to exist in peace and security as a trial. Think of Professor Bach as the prosecution, as the one who has to prove his case. Not quite the idea the founders had when writing the Constitution. To say that the occupation of Palestinian territories, which most Israelis admitted were confiscated legally after the 1967 war, a war that was the result of an unprecedented, concentrated attack on Israel by its surrounding Arab neighbors; to say that this occupation is the sole cause of conflict and violence committed by Palestinian state is to state the effect without cause – a product of the very antithesis of human logic and reason.

As if using a book by Ilan Pappe was not enough, Professor Bach was also responsible for bringing Jeff Halper to Case. His presentation was nothing more than a selective application of facts and misrepresentations to present an ignoble point of view. Halper’s diatribe about how Israel’s “ultimate goal of colonial conquest was not supported by a single documented fact.”

He was strangely silent about what occurred before 1967, however, and that there was not one single fact before that date. He made no mention of the Gaza pullout, but much more importantly he completely ignored the tragic history of failed Palestinian leadership, beginning with the first Palestinian leader of the twentieth century, Mohammad Amin al-Husseini.

Al-Husseini initially focused his efforts on Pan-Arabism and a greater Syria – in particular having Palestine become a southern province of an Arab state with its capital in Damascus. And when the French army deposed Faisal, al-Husseini turned from a Damascus-oriented Pan-Arabism to a specifically Palestinian ideology centered on Jerusalem and reviving the Jews and the forefathers of Islam from Jerusalem.

He met with Adolf Hitler and the allies of the final solution. Until the end of World War II, the al-Husseini worldview was rather narrow, as many a propagandist for the Arabs and a recruiter of Muslim volunteers for the German armed forces. He incited a campaign of violence, murder, and mass killing of an unprecedented Jewish population in Israel, including the 1929 Western Wall riots and the Hebron and Safed Massacres.

Al-Husseini may be gone, but his ideology is still echoed by Hamas, Hezbollah, and others, including Iranian President Ahmadinejad. After World War II, the UN-approved partition of Palestine was rejected by the Arab countries. Israel, once again, had to fight for its independence. To this day, many Arab countries still deny Israel’s sovereignty and right to exist.

Obviously, there are only a few exceptions of a long tortured and shameful history of lies told about the Anta beating facts were to be presented in a court of law, those who call Israel an apartheid colonial nation are the ones who would want a prompt and quiet settlement before the merits could be reached.

Of course, this does not mean that I am for the occupation. In sharp contrast, I think we need to return to the 1967 borders, flush out the primitive and draconian ideology of the settlers, and put an end to the intolerable fortunes of the Palestinians in the West Bank.

But more importantly, occupation is not a devious Zionist plan that came to fruition magically. To every cause, there is an affect. Palestinians and Arab nations need to account for their contribution to the cause.

I have no problem with Professor Bach teaching Pappe’s book, as long as it is taught in conjunction with another book such as Efraim Karsh’s book.

Even The Idiots Guide to the Israeli-Palestinian Conflict would be more productive. The low point of the meeting on Monday was when two Arab students joined the discussion. I tried to tell them about what led up to 1967 war, and one of the students replied, “I’m not going to get into a historical debate.”

And that’s the real tragedy. Professor Bach, you are helping to perpetuate falsity and propaganda, ensuring that we will have to live for many generations more of ignorance and move further away from recognizing a more accurate history and reality that Jews and Muslims live in the Middle East.

But more importantly, Occupation, as a reputable academic institution of high integrity, you should be ashamed of yourself for this lie of oversight and intellectual degradation.

Yearehmiel Elzric, President C-M Jewish Law Students Association
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