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THE GAVEL



Volume 46, Issue 3 Cleveland-Marshall College of Law Dec., 1997

CLEVELAND-MARSHALL CAPTURES FIRST PLACE AT NATIONAL MOOT COURT COMPETITION



*Front Row: Rebecca Dessoffy, Linda Erkkila and Janene Patchan.
Back Row: Professor Kevin O'Neill, Mark Bennett, Randy Taylor, Mait Shuler and Professor Steven Werber, Faculty Advisor.*

By Andy Nichol
Staff Editor

On November 21-23, 1997, Cleveland-Marshall College of Law hosted the 48th Annual National Moot Court Competition. The performance by the C-M teams was exemplary. In all, C-M received honors for First Place Team, Third Place Team, First Place Brief on behalf of the government, Third Place Brief overall, Second place Brief on behalf of the accused, and Best Advocate in the Preliminary Rounds. C-M's domination of the Competition was the result of long hours of preparation by the students, as well as skillful coaching by Assistant Professor Kevin O'Neill.

The participating Region VI Law Schools were: University of Akron, Capital University, Case Western Reserve University, Cleveland-Marshall, Thomas M. Cooley, University of Dayton, Detroit at Michigan State University, Northern Kentucky University, Ohio Northern University, Ohio State University, and Wayne State University.

The National Moot Court Competition is an inter-school appellate moot court competition sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers to develop the art of ap-

pellate advocacy. The Competition consists of two rounds of arguments: regionals and finals. For purposes of the Competition the United States is divided into 14 regions. Region VI includes all ABA accredited schools in Ohio and Michigan plus Northern Kentucky University. This year 11 schools sent 21 teams to the Region VI Competition. Sponsorship rotates among the participating schools.

Participating as judges in the Competition were 22 judges from the United States District Court, Cuyahoga County Court of Common Pleas and the Court of Appeals of both Cuyahoga and Summit Counties together with over 100 members of the bar.

The judges heard arguments concerning a right of an accountant to deny the filing of a false income tax return when not under oath or whether such a false statement to a federal agent was itself a criminal act and whether the accused could assert an entrapment defense because the statement was made only after the government agency threatened to expose a criminal act committed by her husband.

According to Prof. Stephen Werber, Faculty Advisor to the Moot Court Board of Governors, "The whole thing worked because
See Moot Court, page 7

Ohio Supreme Court Visits C-M

Chief Justice Is "Comfortable" With Ohio's Bar Passage Average, Discusses Court Procedure And Justice Resnick Gives Advice On Oral Arguments

By Jihad Smaili
Staff Editor

On November 5, 1997, the Moot Court room was transformed into a Supreme Court room when the seven Justices of the Ohio Supreme Court visited our law school to hear oral arguments from four Cuyahoga County Court of Appeals cases.

Earlier that morning, Chief Justice Thomas J. Moyer fielded questions from local media organizations and students at a press conference held in the faculty lounge. The Chief Justice explained that the Ohio Supreme Court usually travels offsite twice a year to hear oral arguments. The supreme court had already traveled twice this year but an exception was made to visit Cleveland-Marshall in response to Dean Steinglass' invitation to the supreme court to partake in the law school's centennial celebration.

The Chief Justice explained the rules of the game: Each side is allotted 15 total minutes to argue their case (30 minutes for capital punishment cases). "Oral arguments," according to the Chief Justice, "serve as a dialogue between judges and attorneys. They give attorneys a chance to make their best argument. They are very important and do change the court's opinions and sometimes are determinative."

Once arguments are com-

pleted, the supreme court justices meet in a conference room and take a tentative vote. Thereafter, the justices go around the table and discuss the case in an "uninterrupted fashion, allegedly." Then, open discussion ensues. The Chief Justice believes that the current supreme court has a mix of different philosophies and backgrounds which always results in interesting and constructive dialogue.

A justice is assigned to write the opinion by a random and peculiar process. Each justice has a plastic token with a different number written on it. The justices who vote on the majority side of the case place their tokens into the a black plastic bottle. Thereafter, a token is randomly picked from the bottle and the justice with the corresponding number gets to write the majority opinion. The author of the majority opinion then distributes it for comment by the other justices. The dissenters usually write individual opinions and give them to the majority justices to be incorporated into the final opinion. Votes on whether the opinion is adequate are taken after each draft. This is when negotiations ensue; justices bargain with one another, "I will delete this sentence if you delete that one."

Eventually, all of the justices vote on whether to approve the final opinion. According to the
See Supreme Court, page 6



Front Row: Debroah L. Cook, Francis E. Sweeney, Paul E. Pfeifer, Evelyn Lundberg Stratton.

Back Row: Andrew Douglas, Chief Justice Thomas J. Moyer, Alice Robie Resnick

ALUMNI ADVICE

"Integrity and sincerity are more admirable qualities than eloquence and flowery rhetoric..."



*The Honorable Patricia A. Cleary '79,
Cuyahoga County Court of Common Pleas Judge*

My first time in a common pleas courtroom, I listened to a criminal defense attorney give his final argument. Floyd Oliver spoke with the fire, eloquence and commanding presence of a black Baptist minister. The jurors, judge and spectators sat enthralled. I thought, in despair, "I will never be able to do this..." My supervisor and mentor, John Carlin, laughed at my concerns. "Just be prepared and be yourself. The trial isn't about you. It is about the case."

Too often attorneys let their fear of public speaking and trial work destroy their enjoyment of the trial process. Most jurors have never seen an attorney in a trial setting. They see counsel as a conduit for information they need to arrive at a just verdict. New counsel would help themselves immensely by letting the jurors know in voir dire that they are trying their first case and to please excuse any awkwardness they may notice. By doing so, the trial judge also learns that inappropriate conduct by counsel may as likely result from inexperience as deliberate misconduct. In the first three homicide cases I tried with Mr. Carlin, he informed the

jurors that I was trying my first homicide case. I blushed furiously at the blatant lie. The jurors thought us a charming duo and could imagine us doing no wrong.

Normally, jurors are adept at detecting artifice and dishonesty and they resent it. That is why it is essential to be yourself during trial and not imitate the style of more experienced counsel you have observed and admired. Integrity and sincerity are more admirable qualities than eloquence and flowery rhetoric, and they carry more weight in the jury deliberation room.

A career should enrich one's life. If a lawyer plans on making litigation a major part of his practice, trial work should then provide satisfaction and enjoyment, not dread. To become familiar with the court room, spend time observing trial lawyers in the courtroom. By contacting the court reporter's office or the jury bailiffs in charge of the jury pool, you can learn what cases are on trial. Familiarity with the courtroom will enhance your comfort level the first time you are set for trial. Then let the fun begin!

J. Patrick Browne

Scholarship: \$1,000.00

A \$1000 scholarship is available for the 1997-98 school year in the name of the late Professor J. Patrick Browne.

Applicants must meet the following qualifications:

- * Must be a 3rd or 4th year law student;
- * Must be a non-traditional student, i.e. part-time student, and/or 30 years of age or older, and/or establishing a second career;
- * Must have applied for financial aid through the Law Financial Aid Office; and
- * Must show academic improvement in your law career.

Qualified applicants should submit a 1200 word light-hearted essay extolling the virtues of procedure, i.e. "Why worry about substantive law when one has Civil Procedure available?" The winning essays from 1996-97 are on file in the Law Library for your perusal.

The recipient will be chosen by Eunice Clavner and Chris Guarniere, scholarship founders. Questions should be directed to Ms. Clavner and/or Ms. Guarnieri at 781-7400 or 771-7767.

Essays are due by 12:00 Noon on Wednesday, December 31, 1997.

Please submit essays to the Law Financial Aid Office Room 41/42.

Biography of Judge Cleary

Patricia A. Cleary received her B.A. degree in history from Hiram College and graduated from Cleveland-Marshall College of Law in 1979. She began work as an assistant county prosecutor in the offices of John T. Corrigan, eventually serving four years in the Major Trial Division. Judge Cleary was elected and re-elected to the General Division of the Common Pleas bench in 1989 and 1995. She is a member of the Cleveland and Ohio State Bar Associations, a trustee of the Ohio Common Pleas Judges Association and a member of the Supreme Court's Commission on Continuing Legal Education. Judge Cleary has lectured extensively for the bench and bar.

THE GAVEL

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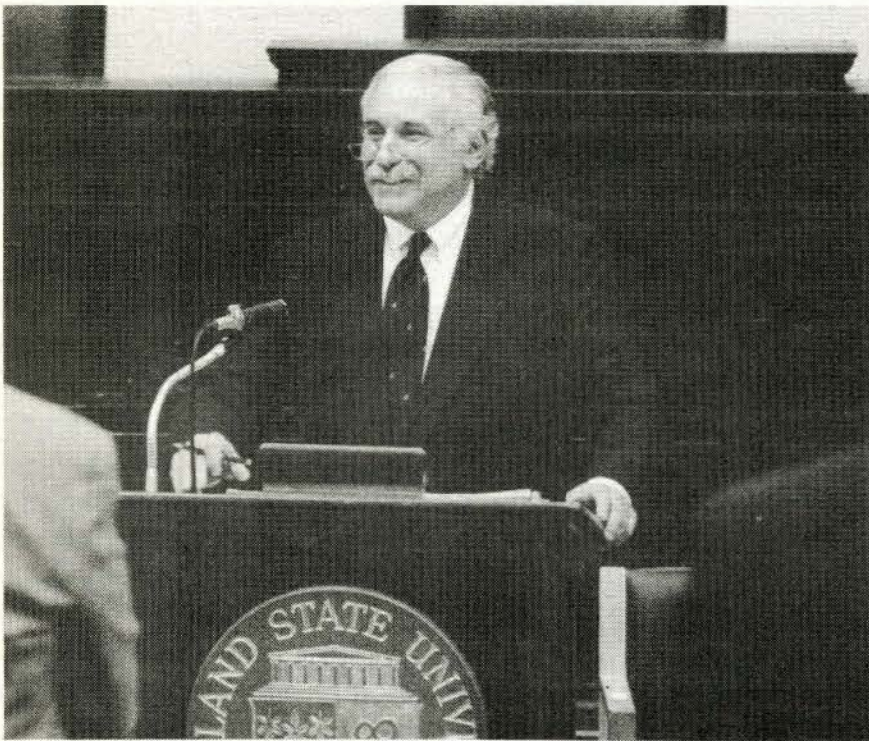
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GAVEL ADVISOR

Prof. Thomas Buckley

The Dean's Column



Steven H. Steinglass, Dean

The faculty and I have taken to heart the low bar passage rate of Cleveland-Marshall students on the July 1997 Ohio Bar Examination and the implications of their performance for our program. We are committed to producing well qualified law graduates who will possess the knowledge and skills to pass the bar and become competent and respected attorneys.

In determining causes, one points to the most obvious factor: The Ohio Supreme Court has raised the bar passing grade 30 points in the past year and a half, from 375 to 405. This policy change had repercussions throughout the state: The overall bar passage rate for first-time takers in July 1997 was 75.6 percent, down from the two most recent February and July exams.

Passing the bar is a responsibility shared equally by students and teachers. The faculty is determined to fulfill its obligations in this regard. Providing course offerings and special programs that prepare students to take and pass the bar exam is central to our mission and the professional well-being of our graduates--especially their ability to promote themselves to employers and the public. Consequently, I have asked Associate Dean Jack Guttenberg to examine factors that may have contributed to our students' performance and to create a plan that will assure a greater measure of success.

In searching for other reasons for our own students' scores, Dean Guttenberg will examine a number of test-taker variables: LSAT scores, UGPA, and GPA; students' part-time and full-time

status; courses taken and not-taken, etc. He will survey students taking the July 1997 exam to determine whether they took a bar review course and which one; whether they received financial aid in the two months previous to the exam; whether they had utilized effective study habits preceding the test, etc. He will study first-year curricula and testing practices at Ohio schools similar to ours with higher pass rates to discover whether they have put in place methods we might simulate. Moreover, he will not neglect to determine what part of the responsibility lies with our program. From anonymous data collected from the Ohio Supreme Court giving individual student's bar examination scores broken down by percentile and subject matter, we may discover that our curriculum is deficient in a subject area or that there are other weaknesses in our program. We hope from his research to develop an effective strategy for improving our students' performances.

Dean Guttenberg's research is a long-term initiative. We have plans for the present as well.

In January 1998 the law school will hold a two-hour tutorial on answering essay questions, open to all students planning to take the February Bar. If this project proves effective, we will expand our bar preparation initiative in the spring for those taking the July 1998 bar exam.

In the meantime, be assured of our confidence in our students and that we are committed to resolving this troubling problem.

*The Gavel Editors
and Staff Writers
Would Like To Wish
All Students, Faculty
and Staff at
Cleveland-Marshall
a Very Happy and
Safe Holiday Season.*

OSBA Law School Student Scholarship

Applications for the 1998 OSBA Law School Student Scholarship must be postmarked by Jan. 15, 1998.

Eligibility

All associate student members of the Ohio State Bar Association are eligible to submit an application for the OSBA Law School Student Scholarship.

Non-members may apply for membership when submitting an entry by including a completed membership application and dues. An associate membership application form may be obtained by calling the OSBA Fax-On-Demand Service at (888) 872-2329 (toll free) and requesting document number 202, or by visiting the OSBA Web site at <http://www.ohiobar.org>.

Answer This Question

"Is there any aspect of the legal system you feel needs improvement and why?" Essays must not exceed four typed, double spaced pages. All scholarship applicants must answer one essay question.

Awards

Two scholarships will be awarded: One award for \$1500, and one for \$1000.

Deadline

The application form and essays must be postmarked no later than Jan. 15, 1998. Winners will be notified as soon as judgment is complete. Names of the scholarship recipients will be published in *Associate News* and *Ohio Lawyer*.

Rules

All essays must be the original work of the student. All entries must be accompanied by a completed entry form or a copy of it. If you need a copy of the application form call (800) 282-6556 (in Ohio) or (614) 487-2050.

Rust Proof

By Rick Collum
Staff Writer

One function of the U.S. Marshals Service is the service and execution of federal court orders. These federal court orders include criminal and civil cases. About three years ago, I received a phone call from Attorney Steve Alexsy of Detroit, Michigan. Steve wanted to know what was necessary to sequester three rust proofing businesses in the Youngstown area. The businesses were in violation of trademark infringement laws. I had to admit to Steve that I had never heard of sequestering a business and that I wasn't sure if it was proper.

Steve soon faxed me the relevant section in the Federal Rules of Civil Procedure and a copy of the court order instructing the sequestration of the businesses issued from a judge in the Eastern District of Michigan. Realizing that I was quickly getting in over my head, I told Steve that I would have to research the matter and call him back. After researching the matter in the Marshals Service Manual, I took all of my information to the Chief Deputy and asked: "what the hell do you suggest?"

I had to laugh when the Chief told me he had never encountered a sequestration order for a business in all his thirty years of law enforcement. I believe we discussed the situation for about two hours and finally decided that Steve Alexsy would have to send us a check for ten thousand dollars, an indemnity bond for double the value of the three business, and writs of entry for the businesses that might not be open at the time of the sequestration. First, the ten thousand dollars would be placed in a holdover account and used to reimburse the Marshals Service for any expenses incurred in the process of executing the sequestration order. Second, the indemnity bond would insure that the Marshals Service would not be held financially responsible for any damage that may occur to the property. Third, the writs of entry were necessary because the locks would have to be changed on the buildings and it would be impossible to change the locks without entering the buildings. Furthermore, it is illegal to enter a business that is closed without proper authority.

After conveying the requirements to Steve, I began researching and planning the execu-

tion of the sequestration order. You may wonder why all the research and planning to serve a civil court order. Well, I heard the voices of my past instructors at the Federal Law Enforcement Training Center (FLETC) yelling the five P's at me. The five P's are "proper planning prevents poor performance." The research included basic investigative work such as photographs of the businesses, hours of operation and number of employees. First, the photographs were used to plan the approach to the buildings and the number of locks to be changed. Second, the hours of operation would allow us to plan the appropriate time to hit the businesses and therefore reducing interference from customers and employees. Third, knowing the number of employees would allow us to estimate the number of Deputies needed.

My investigation showed that two of the businesses would be closed on Saturday and the other would open at eight o'clock in the morning on that same day. This was perfect because the only people who would be a factor were the employees of the open business, thus reducing the chances of any altercations. In the past, many officers have been injured while serving civil orders because people become very angry when their livelihood is harmed. All the vehicles driving to Youngstown from Cleveland resembled a wagon train heading for the frontier of the old west. The final tally of Deputies came to eleven. Three for each of the closed businesses and five for the open business. In addition, a total of three locksmiths were required for this task.

Finally, the big day came and the briefing was conducted at five o'clock in the morning. I instructed everyone to go to their assigned business and radio me once they had arrived. At exactly eight o'clock, as the doors to the business were being opened, we hit them and served the sequestration order. The escort group removed all of the employees from the business. Then, the locksmith moved in to change all the locks. While all of this activity was transpiring, I had the owner of the business in a corner watching him read the court order. The owner was a little startled by all the activity and shocked to be locked out of his
See Rust Proof, page 7

Ex Paucis Plurima Concipit Ingenium!

By Eileen Sutker

The traditional 1L orientation does a disservice to entering students during that initial indoctrination by not informing students of an essential skill that will save hours of thinking and reading. This study aid is the ability to recognize clusters of words as combining to form one mental construct. These mega-words are common in the study of law, and the ability to recognize them early in the year would be immensely helpful since they are basic concepts that substantive law courses will twist and turn like leaves in the breeze.

These fluttering forerunners to future thoughts should be abbreviated into a form reflective of their singular thought entity. My first example is cofa. This mega-word stands for "cause of action." Different meanings to that phrase exist in the disciplines of business (money) and physics (force = mass times acceleration). Using cofa as a legal word would express the core idea of a "court-type-complaint-with-elements" more succinctly, especially to entering students who would assume cofa was just another Latin idiom.

A second example is orpu, which stands for "ordinary reasonable person under the circumstances" (pronounced "or-puck"). It can be broken into orp and uc for times when those concepts are individualized. I think everyone agrees that 1L's spend an inordinate amount of time trying to grasp this mega-concept. So, using a mega-word would identify this singular idea. Also, using orpu as a term enhances its objective nature since the sound of this mega-word reduces the human/subjective context.

A third example is d/sbh, which

stands for "death or serious bodily harm" (pronounced "dez-beh"). The utility of this term will become obvious in Criminal Law class. Additionally, its dehumanizing sound could make reading all those gory cases more pleasant. the list of potential mega-words is virtually limitless because (as we've all been told) words are a lawyer's stock and trade.

But these mega-words could be more than mere short-hand or note-taking devices for students. If adopted by the legal community, these mega-words could be incorporated into laws, model codes and restatements. Think or how these documents would be shortened! Think of the number of trees and tons of ink that could be saved! In one year, it's conceivable that the government could reduce more printing costs than the entire Paperwork Reduction Act saved. Lest we forget- the case books would be thinner, and we wouldn't be toting such heavy tomes!

On the other hand, it would make legal writing even more decipherable at first glance. Non-lawyers would undoubtedly complain that the new mega-words were just more terms of art that reduce their ability to interact with their government. Mr. John Q. Public would undoubtedly be upset. In response, law schools could create outreach "legal-ese courses" or programs. Even better, university administrators could be convinced to require such a course for graduation. With the added enrollment, the Legal Writing Department's teaching load would soar to a new high-which only proves that what goes around comes around. *Ex paucis plurima concipit ingenium!* (from a few words or hints the understanding conceives many things).

WANTED

GAVEL STAFF WRITERS

The Gavel is seeking interested students to become staff writers for this publication.

Staff Writer status is achieved by having two previously unpublished articles printed in two different issues of the Gavel prior to the Spring elections. All Staff Writers are eligible to run for one of three editor positions. **All editors receive a full tuition stipend.** This is a terrific opportunity for all law students and your participation is encouraged.

If you are interested, stop by the office, LB 23, or call 687-4533.

Hegemony

(At the Top of the Capitalist's Heap)

By K. Michael Mooney
Staff Writer

God do I love this country, Under the right conditions, Would I die for this ocuntry; But God do we love capitalism when basking in its sweet rewards, While looking out from the top rung, On a ladder ever leading upward; And what is a visionary but an intellectual revolutionary? And what is revolution but a vision of change? You call me a terrorist, But I am fighting out a war for freedom? You boast about the Blair eletions, I'll tell you about the Irish children; When the Irish Republican Army stood boot to boot with the Brits, (Just like the terrorists of Washington's Continental Army) One soldier in hand-me-down rags and with semtax in one hand, His father's father's revolver in the other, While the other soldier is armed with the backing of the second-richest nation on earth- "May God in his mercy be kind to Belfast, Slainte Maith!" As Asian sweat shops fill Christmas stockings, The toys that warm American cribs, Have you seen the emaciated faces, And the tight skin

that pulls in under the ribs; Who do you think weaved that Persian rug, Glue the fibers together with Pakistani blood, But we barefoot walk across its beauty, As the ghosts in the threads fall silent under the printing presses of the Federal Reserve, We print the money, Because we can; So the legal apparatus in Geneva rubber stamps the slaughter in Algeria, A United Nations divided in its condemnation of Baghdad, And why does the UN tolerate the Brits in the North of Ireland anyway? And what of the presence of the United States in Puerto Rico? Beirut buildings buried in a blitz of burning concrete, Who told you she was Emerald City? When Oil bleeds the veins of desert, Oh blessed Catholics of Jerulalem, Who dares to guard the Wailing Wall, Where the ideologies invent new spiritual ecosystems, Based on the brotherhood of the bullets and the bomb; While the diamond mines produce the likes of Biko, The hack squads with theri machetes and machine guns locked, Soweto ghetto guardians of the disenfranchised flocks, See Hegemony, page 7

Students Encouraged To Participate In Pro Bono Program At C-M

By Steve Blount
Staff Editor

Cleveland-Marshall has an active Pro Bono Program which students should consider participating in.

Students can create their own programs by volunteering their time and submitting a form afterwards, or they can take part in one of the more structured programs our school has to offer. Two of these larger programs include the Education Initiative and the Women's Re-entry Project.

In the Education Initiative, students go into Cleveland Public High Schools to help teach practical law to kids; currently, about 30 students from Cleveland-Marshall are participating in this program. Students can go in once a week, or as often as they wish. To participate in this program, please see law students Rachel-Kabb Effron or Amy Altamondo.

In the Women's Re-entry Project, students help women who are just released or who are about to be released from prison into society. Law student volunteers address housing, employment, and custody issues. Contact Pamela Daiker Middaugh next Spring if interested.

On April 18th, students will help

first time juvenile court offenders in the Ohio State Extension Garden Program in which the children and volunteers plant vegetables that the children will eventually take back, teaching them responsibility.

Individual programs which accept volunteers include the ACLU, the Jewish Family Services Center, and the center for the prevention of domestic violence. A list of these programs is available from Ms. Daiker Middaugh in room 59-C in the former law library on the basement level floor. Some other organizations which accept volunteer service are the Cleveland Crisis Center, and the Aids Task Force.

Pro Bono Service is part of the required curriculum at Case Western University, but it is not at Cleveland Marshall because it is felt that it should be voluntary. This seems like a good idea to me. The people who administer these programs have told me that even as little as 8 hours a year would be appreciated, and that when bar applicants are sworn in, they take an oath to improve the legal profession and the community. Pro Bono service is a good way to gain some practical experience, and should be considered by everyone.

Flunking The Bar:

It Ain't Great, But It Ain't That Big A Deal

By Steve Blount
Staff Editor

Graduates of the class of 1997 were met with great resistance in their attempts to storm their way into the legal profession in the fall of 1997.

The students, after spending several months in a boot camp run by one of the local bar review courses, gathered in amphibious landing craft vehicles, commanded by the bar review course president, and headed for Columbus beach. When the words "hit the beach" (i.e., open your test booklets) were heard, thousands of hopeful law school graduates sprang out in their Floorsheim shoes, carrying heavy packs (student loans) on their backs, and briefcases in their hands, loaded with fountain pens and other implements of destruction.

Once on the beach, hundreds found themselves repulsed back into the sands by a question on evidence, while those who made it through the first ring of barbed wire soon found themselves riddled by questions from property and thrown explosive questions from other areas of the law hurled at them by bar examiners perched in machine gun nests hidden in law offices high above the carnage below.

Back on board the battleship, commanders (deans) gazed at the spectacle through binoculars, while bar review CEO's watched students get the stuffing knocked out of them, their mouths watered at the thought of what this would do for their business (not to mention the recent surrender of one of the major powers). Finally, the students approached a giant wooden bar, and threw their grappling hooks up over its edge in their final assault on the legal profession.

Meanwhile, first-year students, in approaching battleships, gazed aghast at their future adversaries, lined up in front of the lists of those who made it through, like victims of the Saint Valentines Day Massacre, to hear the horrifying news that in four months hence, they would have to repeat an exam.

Just as the invasion of Normandy was a success, essentially everyone eventually hurdled over the bar, even if they have to be medivacked away from the battlefield for another try. I don't know what all this talk is about; you'd think a natural disaster or major tort reform had just hit Ohio.

It seems to me that this is just one more hoop to jump through, like the LSAT and first year law school grades. Each of these three little obstacle courses gives us the opportunity to get our asses kicked at least once, and retain, or regain, our humanity, like King Lear did at the end of the play, when I saw it on TV.

I know people with wonderful LSAT scores and lousy grades, Terrible LSAT scores and great grades, great grades and failed bar scores, etc. Each time after there has been a major ass-kicking, I've noticed that the experience allows the receipient of this fine experience to empathize with others, and strengthens them when they bounce back.

For the people who failed the bar twice, or the rare individual who loses a job because he or she failed, this is truly distressing, but in the scheme of things, its really not that big a deal. Just look at the ups and downs of some successful trial lawyers. I know my view of the intelligence, or otherwise, of the students who failed did not change any. After 3 or 4 years, you have a pretty good picture of your classmates' abilities, and what they're like as people. In fact, its really like a paint by number portrait, and this is just the filling-in of the last spot.

Cleveland-Marshall is mostly filled with great portraits. But to tell you the truth, I'm glad I'm about to be leaving the museum. Still, I'll be glad to have my portrait hung in the gallery on the second level of our building with a few all around masterpieces, like those of John Burns and Greg Patterson and to have been in the prescence of a few great artists, like Veronica Dougherty and Phyllis Crocker.

DEADLINE FOR SUBMISSION OF ARTICLES FOR THE NEXT ISSUE OF THE GAVEL IS JANUARY 30

All submissions must be on 5.0 WordPerfect

Student Concerns Matter At Cleveland-Marshall

By Spence Kline

Have you ever wondered who you could go to if you had a complaint about something or someone you encountered at Cleveland-Marshall? Or have you had a helpful suggestion for the Administration, but not been sure how to offer your idea? Maybe you were assisted by a professor or staff member who went "above and beyond the call of duty" to help you with a dilemma. Now there is a place for students to lodge their complaints, ask questions, or say thank you to someone at C-M.

In October, the Student Bar Association re-initiated the Student Concerns Committee. The Student Concerns Committee is a standing committee of the SBA charged with listening to and advocating for students with regard to issues that are important to improving the student life at Cleveland-Marshall.

The first action of the committee was to make a "Suggestion Box" available to everyone at C-M. The green box is marked "Suggestions" and is located outside the SBA office on the first floor (if you don't know where the SBA office is located, the suggestion box is down the hallway that leads out of the food court by the snack vending machines). SBA Feed-

back Forms are provided for your convenience and can be deposited in the suggestion box with your ideas/concerns. Written suggestions in any form will be accepted, acted upon and kept in strictest of confidence. However, if you would like the committee to contact you directly, just give us your name, phone number and a convenient time to call you.

The Student Concerns Committee has already received a number of complaints and suggestions needing attention. For example, some of the areas offered have been demands for changing the grading curve, extending library hours, safety mirrors added to the parking garage exits to improve visibility, requests for free laser printing privileges in the library computer lab, and a pro-active response from the Administration to the most recent bar exam results. Suggestions are welcomed from students, staff and faculty of Cleveland-Marshall. All suggestions will be reviewed and receive a response.

The Student Concerns Committee, under the leadership of SBA President Tammy Bogdanski, is being co-chaired by Carlos Johnson (1L Days) and Spence Kline (3L Evenings) and wants to hear from you.

prised of three stages geared at bringing Ohio's scores within the national average.

Towards the end of the news conference, Justice Alice Robie Resnick joined the Chief Justice and answered some questions. Justice Resnick is from Lucas County (Toledo) and is serving her second term on the court; she has been a judge for the past 21 years.

Justice Resnick had some advice to give to future attorneys who may someday argue before the Ohio Supreme Court. "Most importantly," Justice Resnick exclaimed, "attorneys need to understand that we too are human." Justice Resnick cautioned that Attorneys should adhere to page limits listed in the rules and "be direct, strong and clear" in their oral arguments. Attorneys arguing before the supreme court should also take only one or two issues and focus on them during their oral arguments due to the very limited time restraints. "Do not rehash the entire brief. We have read it," the Justice added.

The justices estimate that the cases argued on November 5th in the Moot Court room will be decided within two to three months.

Sometimes, A Door Isn't A Door

By Rick Collum
Staff Writer

One of the Deputies in the office had a bond violation warrant for a drug dealer, Sam Cross. Cross had originally been arrested by the Ohio State Highway Patrol for transporting illegal narcotics. Cross had several pounds of cocaine and a few thousand dollars in the trunk of the car. While incarcerated by the state, the Drug Enforcement Agency adopted the case and had Cross arraigned in federal court. The advantages to federal prosecution in addition to state prosecution is that the criminal will receive more time and the vehicle used in the crime and the money recovered can be forfeited and used by law enforcement pursuant to federal statute.

Well, the state judge allowed Cross to have bail because of Cross' residence in Ohio and other mitigating circumstances. The Federal Magistrate followed suit for the same reasons. Unfortunately, Cross did not live up to the grandiose expectations of the aforementioned judges. Cross skipped town and the bond money posted by his relatives was forfeited. It was our job to find Cross and bring him before the judge.

The Deputy assigned to the warrant got a tip that Cross was at a residence in Lodi, Ohio. The confidential informant told the Deputy that Cross had cashed a check at

his store and gave a residence as his address. This was sufficient to make the residence a primary residence for the fugitive. Since the residence was considered to be the primary residence of the fugitive, no search warrant was required.

The Deputy assigned to the warrant and I drove to Lodi to check out the tip from the confidential informant (C.I.). After interviewing the C.I., we determined that the tip was good. We then drove to the residence. Approximately one hour passed while we conducted surveillance on the house. Finally, we decided to go in the house. I was to take the front door and my partner was to take the back door. As I ran across the front yard to the front door, I hoped that no suspicious farmer had a shotgun pointed at me. Once I made it to the front door, my partner gave me the go ahead over the radio. I started to kick the door in, but it would not open. After three kicks and a closer examination, I discovered that it was a fake door.

As I ran around to the back door muttering choice expletives, my concern was for my partner's safety. As I rushed through the door, I saw my partner with his gun pointed at the fugitive. The fugitive's eyes were as round as silver dollars and his hands were shaking faster than a umbrella blowing down Superior Avenue. As my

See Door, page 7

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Ohio State Bar Association

Supreme Court

Continued from page 1

Chief Justice, "Writing the opinion is a very important duty since the opinion may be different depending on who writes it." The supreme court's bailiff, Harry, writes the summaries or headnotes.

Chief Justice Moyer described the current term of the supreme court as a "hot court." However, he responded with the neutral yet resounding "no comment" to questions regarding pending, or potentially pending, cases before the supreme court, i.e. the Sam Sheppard case and constitutional issues involving state funding for disabled persons.

When asked to comment on the recent bar exam results, the Chief Justice stated that he was "comfortable" with the 75.6% threshold. The Chief Justice explained that the supreme court has recently looked to the National Board of Bar Examiners and other professional consultants for guidance. These consultants informed the court that Ohio's multi-state threshold was too low and devised a "complicated formula" com-

The "Top-Ten" Names For The Ohio Supreme Court Tour

By Bob Garrity

10. "The Gavel Meets The Gravel" Tour
9. "The Roamin' Robes" Tour
8. "The Cruisin' Court" Tour
7. "Trippin' With The Law" Tour
6. "Moyer's Mounties" Tour
5. "The Bench On Wheels" Tour
4. "The 'We Aren't Wearing Anything Under Our Robes'" Tour
3. "Groupies Granted Clemency" Tour
2. "The COURTyard Inn" Tour
1. "Have Gavel, Will Travel" Tour

The Fat Ninja

By Gary Norman

Staff Writer

The following fictional character is not meant for any type of news-worthy commentary, but it is meant for comic relief from those ugly memoranda everyone is working on. And now, the further adventures of the Fat Ninja.

On a street in a small town in Ohio, there is a doughnut shop where all the citizens go to as a means of interacting with their neighbors. Nothing unusual ever seems to happen in either the town or in the doughnut shop, so I hope you can comprehend how bizarre it was when I saw a fat ninja fly into the front door of the cafe.

I was sitting at the counter of the cafe drinking coffee, when I saw a fat ninja do a flying sidekick through the front door. Before I could turn to my side to ask my friend who the masked man was,

the fat ninja did a front flip to the middle of the room and threw down a satchel of coins onto the white-tiled surface of the coffee counter. Judy, the waitress at the doughnut shop approached the fat ninja and asked, "can I help you?" The fat ninja replied, "I would like twelve-dozen doughnuts and an ice water, as I am endeavoring to reduce my weight." Judy said, "the doughnut shop just depleted its supply of Avion ice water. Can I get you something else?" The ninja flipped and replied, "No! The doughnuts will be fine. Keep the change." And then, as soon as he came into the otherwise boring lives of the patrons of the doughnut shop, the ninja left. I turned to the person next to me, still not knowing the identity of this masked man, and I asked, "who was he?" The man replied, "he was the fat ninja."

Moot Court, page 1

of the great effort of our C-M students and the Moot Court Board who served as Bailiffs, hosts, and scorekeepers. They were great." In addition, he made special mention of the hard work and diligence of Holli Goodman and April Mixon, "for without their extra effort, I would be in a psychiatrist's office," stated Prof. Werber.

The team of third year students Mark Bennett, Linda Erkkila, and Randy Taylor placed FIRST in the competition. This team also boasts of receiving the award for the Best Brief written on behalf of the Government (all teams had to submit written briefs, over 40 pages long, on behalf of either the Government or the accused - one half of the teams wrote for each side) and team member Mark Bennett received the award for Best Advocate in the Preliminary Rounds (each team argued twice in Preliminary rounds which are then followed

by four elimination rounds where fewer advocates participate). This was a remarkable achievement as there were 55 advocates in the Competition and over 30 were eligible for this award.

The team of third year students Rebecca Dessoffy, Janene Patchan and Matthew Shuler, placed third overall in the Competition and wrote the third place overall brief (Second Place Brief on behalf of the accused).

The Second Place team was from Thomas M. Cooley Law School and the other best Brief was written by a team from Detroit College of Law at Michigan State University.

C-M will represent Region VI, together with Cooley, at the National Final Rounds to be held at the Association of the Bar of the City of New York starting January 26, 1998. This is the fifth time since Professor Werber became advisor that Cleveland-Marshall has gone to the National Final Rounds.

Hegemony, from page 5

Of the native populaitn, Newly empowered under Mandela's diversification; When we banned the importation of weaponry into Bosnia, Knowing full well that the Serbs owned the Yugoslavian Army, Knowing the Bosnian Muslims were defenseless in this petty little Holocaust, My apologies, Congress of the world's most powerful nation, When the votes were cast did we actually think you would respond with integrity, While you played chess, The Brazilian economy increased its inflation to 280%, The Peruvian government rooted out another Shining Path stronghold, An oil rig in the Venezualian harbor struck gold! While the Mexican peasantry collects its wages, Pennies that fall from the NAFTA tree, And all is quiet in Central America, Who would dare to raise a voice in the dense vacuum of the 80's bloodshed? (And I want to know how many Americans actually live on Swains Island anyway) Southeast Asia (de facto) is the fifty-first state of this Union, Alas, the new Republics of the fallen Soviet empire, We hear you! We hear you! Unfortunately for you we can't help you! An Phoblacht reports another death in the family, While Gerry Adams finds little consolation in the attitudes, Of the Protestant Unionist paramilitary death squads' delegation, Who insist the Irish should just get out of Ireland! (Go figure) Just some interesting observations around the world, But I love this country, Standing on top of the heap, And digging the heels into the neck of humanity, We are the king of the mountain, But this kingdom has not come cheap.

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Rust Proof

Continued from page 4

own business. It turns out that the owner was living in a room in the back of the building. In addition to being locked out of his business, the owner was now homeless.

While conducting an inventory of the contents of the business, a revolver was found and confiscated. It was fortunate that we did not give the owner or any of the employees an opportunity to possibly use the weapon.

The other businesses were sequestered without a problem and the inventories finished quickly. I instructed the Deputies to proceed to the open business and assist the Deputies still engaged in the inventory process. The entire operation took sixteen hours. That means that the overtime for eleven Deputies and the cost of the locksmiths came out of the ten thousand dollar deposit. The remainder of the money was returned to Steve Alexsy.

The owner of the rust proofing business filed bankruptcy and a trustee was appointed by the court. The sequestration order did stop the business from further trademark infringement, but no damages were recovered for past infringements. If Steve would have filed a warrant *in rem* for the property, his clients could have collected money for the past infringements by selling the property to pay off the lien. You learn to practice law another day.

Door, Continued from page 6

partner covered the fugitive, I handcuffed him and escorted him to our car. By this time it was late and we needed to find a place to put this guy for the night. Luckily, there was an open spot at the Justice Center. After booking Cross in at the jail, my partner and I decided to call it a night.



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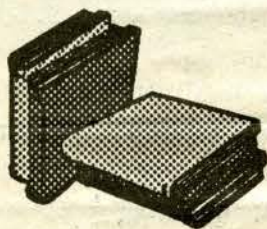
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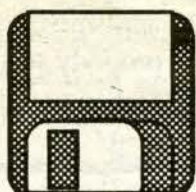
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