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### Recommended Citation

Cleveland-Marshall College of Law, "2007 Vol. 56 No. 1" (2007). *2000s*. 40.  
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## Fear and loathing in law school

Is it possible? A social life between briefs and the Socratic method. The Gavel offers the minds of the 1L and a 3L.

OPINION, PAGE 7



## Cleveland's not so bad after all

The media focuses on the negative aspects of the city instead of its exciting new developments. Gavel columnist Matt Samsa explores why the city deserves praise.

OPINION, PAGE 7

## How to pick a firm that's right for you

One size doesn't always fit all. Two attorneys from a large and small firm share their perspective with The Gavel.

CAREER, PAGE 6



# THE GAVEL

VOLUME 56, ISSUE 1 SEPTEMBER 2007

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## Ohio's new stripper law

By Shawn Romer  
Co-Editor-in-Chief

In May of this year, the Ohio Legislature voted to place new restrictions on the operation of strip clubs. According to the new law, strip clubs, and many other "adult" oriented establishments, such as adult video stores, are not allowed to operate between midnight and 6:00 a.m., unless they have a liquor license. In the event that they do, between the hours of midnight and 2:00 a.m., entertainers may not perform fully nude and instead must wear clothing covering the pubic area and the nipple. During any hour of operation, no entertainer may touch any audience member who is not an immediate family member.

The legislature also implemented penalties to enforce this law. An audience member who touches any part of an entertainer's body is subject to a \$250 fine and 30 days imprisonment. If this touching occurs in an erogenous zone, such as the buttocks or an unclothed private area, the fine limit increases to \$1,000 and up to six months in jail.

The bill was initiated by a political group entitled "Citizens for Commu-

See New Law page 3



Photo by Paul Deegan

Professor David Forte spoke for a crowd of faculty and students at the university library on Sept. 17, 2007, Constitution Day. Professor Forte's discussion was entitled "Homer Plessy and the Living Constitution," and his presentation focused on the ideas of original interpretation of the Constitution and the dangers of viewing it as a living document. Constitution day is commemorated at all public colleges and universities. Its purpose is to promote awareness regarding the Constitution and its meaning.

## Inequality in justice? the Jena six

By Emily Honsa  
Staff Writer

Centered around Jena, a small town in Louisiana, is an outcry heard around the nation about the racial inequality of the justice system. The city is 85% white, and though many residents are quick to disclaim racism, busloads of protesters driving along the highway into the city were met with large confederate flags.

The controversy? Whether six black high school students, arrested for attempted murder after a retaliatory beating of a white student, had received equal application of the law—or whether the severity of the charges was influenced by their race. An initial reading of the facts show a violent altercation, but one in which the bruised and bloodied white student in question was left without serious injuries.

The questions, then remain: why were some or all of these students charged?

See Jena page 3



## College Election-Day Worker Program

The Cuyahoga County Board of Election has two opportunities for college students to participate. Election day technicians assist with technical support for the electronic voting devices at polling locations. Election day technicians are required to attend a six hour training class and will be paid \$250.00. Poll workers assist in duties relating to the administration of the election. Poll workers are required to attend a four hour training class and will be paid \$172.10.

For further information about this program, please call Arianne Smith, Student Election Day Worker coordinator at (216)443-3232 ext. 3256 or E-mail: beats@cuyahogacounty.us

## Legal writing dept. going through change

By Michelle Todd  
GAVEL CONTRIBUTOR

Unbeknownst to the majority of students, the Cleveland Marshall legal writing and research department may soon undergo a multi-faceted and dramatic transformation.

After the retirement of Program Director, Barbara Tyler, last spring, and a less than favorable external evaluation of the program conducted in February of 2007, an ad hoc committee consisting of six C-M faculty members and three students were appointed by Dean Mearns to evaluate the recommendations made in the Feb. 2007 report.

The committee is then to formulate their own recommendations for the legal writing program and present them to the law school's administration by November of this year. These proposals are likely to be put into place as early as the 2008 spring semester.

In October of 2006, Dean Mearns asked three legal writing professors from other law schools to perform an external

evaluation of the legal writing and research program here at C-M. Mearns' request was prompted by a suggestion made in an ABA site team's report of the prior year and by statements made by this site-team during an exit interview, which suggested such an evaluation may be warranted.

Prior to selecting the three professors who would ultimately conduct the external evaluation, Dean Mearns asked the C-M legal writing faculty to generate a list of the top academics in their field. He then selected two professors from this list, Jan M. Levine from Temple University School of Law and Sue Liemer from Southern Illinois College of Law, and one professor who was recommended by Levine, Judy Rosenbaum from Northwestern University School of Law.

Dean Mearns' charge to the team was to recommend ways to sustain and improve C-M's current legal writing program.

When asked how the legal writing faculty reacted to the

knowledge that an external evaluation would be conducted of their department, Claire Robinson-May, a C-M legal writing professor and the current acting administrative liaison of the department, said, "In general, there was some disagreement about whether an external evaluation was truly warranted. The evaluation appears to have been triggered by unsubstantiated comments in the self-study and [ABA] site-visit reports about uneven teaching."

Although legal writing professors at C-M are not tenured, several members of the legal writing faculty have been granted long-term contracts on the "basis of the strength of our teaching and service," said Robinson-May.

"Our students regularly come back and thank their legal writing professors for preparing them for practice. It's hard to see exactly what was so broken here," added Robinson-May.

See Legal Writing page 2

## Our Bright Future

By Geoffrey Mearns

As we begin a new academic year, there are promising signs of progress all around us.

The most tangible evidence is the renovation of our law school building. The moot courtroom has new windows and a new, state-of-the-art sound system. The old “garden terrace room” now contains the skeletal structure of our new clinic space and student organization offices, as well as three classrooms. And the entrance at the corner of East 18<sup>th</sup> Street and Euclid Avenue is beginning to take shape.

We also welcomed two new faculty members last month. Professor Reginald Oh has nine years of teaching experience and a lengthy roster of publications and presentations in this country and around



### The Dean's Column

the world. Mr. David Whitehead, our inaugural Distinguished Practitioner in Residence, was a very successful lawyer and businessman; in addition to his teaching responsibilities in the law school and the College of Urban Affairs, Mr. Whitehead will assist us with student recruiting and advising.

As we contemplate what these developments portend for our future, we should pause to celebrate our recent successes. Last year, our graduates passed the Ohio bar exam at the highest rate in 10 years. On the July 2006 Ohio bar exam, 84% of our graduates who were taking the Ohio bar exam for the first time passed. On the February 2007 exam, 78% of our graduates taking the bar exam for the first-time passed.

Last year, we also had the most successful fund-raising year in our law school's history – we received over \$3.1 million. As of June 30<sup>th</sup>, we have raised nearly a million dollars in gifts and documented pledges to the Wolstein Endowed Scholarship Fund. Mrs. Wolstein's challenge is \$1.25 million. So, we are almost there.

But perhaps the most compelling evidence of our bright future is the quality of our incoming students and the achievements of the students whom they have joined.

On August 13<sup>th</sup>, we welcomed 220 new first-year students. Based on their undergraduate grade point averages and their LSAT scores, they are very well qualified. With respect to these objective criteria, this class is one of the strongest in our long history.

More importantly, these new students bring a wealth of diverse perspectives and experiences. They attended 85 different undergraduate colleges and universities. Our new students came from 20 different states, as well as some other countries. The incoming class includes a doctor, a chemist, a fire battalion chief, a farmhand, a financial planner, and several teachers.

Notwithstanding these diverse backgrounds, they share one common value: a commitment to excellence.

That commitment to excellence permeates our student body. You, our students, excel in the classroom.

You also excel in co-curricular activities. For example, last year, the team from C-M won numerous awards at the regional National Moot Court Competition, including best brief, best oralist, and best Ohio team.

In addition to a commitment to excellence, our students are committed to service. For example, last year, approximately 70 of our students participated in the 3Rs program – a program organized by the Cleveland Bar Association to help 10<sup>th</sup> grade students in the Cleveland public high schools pass the state-mandated graduation test. At

# Legal writing program evaluated

Continued from page 1--

The external evaluation team conducted the majority of their review over the course of three days in February of 2007. Although the team reviewed materials from first-year and upper-level legal writing courses, the focus was on the first-year course because of its fundamental importance. During their review, the evaluation team sat in on several first-year courses, interviewed legal writing professors and students, reviewed teaching materials, student evaluations and syllabi, and also held two “open meetings” with students to get their feedback on the legal writing program.

A thirty-five page formal report was then issued in April 2007 that included numerous recommendations for the legal writing program based on the team's findings. One of these recommendations was to develop a more sophisticated and shared writing curriculum so that all first-year students had a comparable amount of work asked of them. They noted in the report that, “students were not being asked to do enough in some sections, but were being asked to do too much in others, and at the wrong time.” The team also suggested that the first-year class meetings be held for a shorter amount of time, because 100 minutes twice a week was too long, although they gave no explanation for why this was true.

Other notable recommendations were to employ more computer technology in the classroom, add more student conferences, split the fall and spring semesters into separate courses to allow for grading at the end of each semester, use research and writing textbooks more effectively, and to conduct a national search to hire a tenure-track director of the program. The evaluation team also noted that the required third semester of legal writing should be revisited because it strains current staffing levels. The number of students in the fall 2006

first-year legal writing courses averaged between 22 to 47 students. The report noted that, “class loads of more than 35 students becomes counter-productive,” and that the ideal student faculty ratio would be 30:1.

After reading the report, Robinson-May said, “We disagree with some of the recommendations, while we believe others to have merit.” She notes that the most perceptive finding by the team was in regards to the high student/faculty ratio. “Higher student numbers for each professor means less time for each individual student in term of feedback and conferences,” Robinson-May said. “A reduced legal writing faculty also limits our ability to offer third-semester writing courses taught by full-time faculty.”

On the team's recommendation that a tenured-track program director be hired to fill the now vacant position, Robinson-May said, “I don't believe we need a director of legal writing any more than we need a director of torts or a director of civil procedure.” She went on to say that the ideal departmental model would consist of a “rotating chairperson, rather than under a formal director.”

This “director-less” departmental model is just one of the proposals being considered by the ad hoc committee composed of C-M faculty and students. Faculty committee members include Brian Glassman, Lolita Buckner Inniss, Brian Ray, Deborah Geier, Sandra Kerber, and Heidi Gorovitz. Robertson, who is serving as the faculty chair of the committee. Three C-M students were also selected to serve on the committee by Dean Mearns, upon the recommendation of certain legal writing faculty members and SBA President, Nick Hanna. These three students are Jennifer Isaac, Jason Carter, and Jaime Kerlee.

In addition to reviewing the report from the external evaluation team, Professor Heidi Robertson said that the committee is conducting research of its own to “learn how to make our [legal writing] program the best it can be for students going forward.”

Of the actual evaluation process itself, Robertson noted that it can be difficult at times, but is ultimately an important and exciting task. “It's exciting because, although the ABA site evaluation report was critical of the program, and the resulting outside consultant report was very critical of the program, these criticisms, although difficult to hear, have provided an opportunity to take some positive steps towards improvement,” Robertson said.

However, she notes that the committee does not know yet what those steps will be. “There are differences of opinion on how best to run a legal writing program, and the committee is committed to doing what is best for the students, whatever that turns out to be,” Robertson said.

The final report generated by the external evaluation team was broadly negative and included very little praise of the department. “The evaluation team drew broad conclusions based on very limited information and inquiry,” Robinson-May said. When asked whether she felt the evaluation was conducted in a fair and balanced manner, Robinson-May stated, “Safeguards were not in place to ensure a fair investigation, such as choosing evaluators from similarly situated programs and involving the director of the department more fully in the evaluation process.” She also notes that, “anecdotal reports indicate that the evaluation team members were unfortunately most interested in receiving negative feedback about the department.”

Dean Mearns knows that although going with the status quo is easier in any job, sometimes change is a good thing. “What really struck me about this whole process is how important these issues are,” Mearns said. “I think the process that we are engaged in now is what is truly important here. The issues that are being discussed are directly related to the quality of education that C-M provides to its students, so I think we owe this process of self-evaluation to our students,” Mearns said.

## C-M students out at the “old ball game”

By Kevin Shannon

STAFF WRITER

The bleachers at Jacobs Field were packed with C-M students on Sep. 21, 2007. They were there to cheer on their first place Indians after purchasing tickets from the SBA. The SBA obtained 100 tickets to the game and sold them for just \$5 to students and their guests.

SBA persident Nick Hanna explained that the SBA had sponsored trips to Jacobs Field in the past and it was always well received by students. This year, Hanna figured that the students would be even more excited to go, considering the Tribe's record and postseason chances.

In addition to the nice weather, students

the end of last school year, our students donated over 10,000 *pro bono* hours. That figure proves once again that our students, while gaining the skills to improve their own lives, remember that is also important to help other people improve their lives.

On behalf of the entire faculty and staff, I congratulate you on your achievements and your commitment to service. We are proud that you are a part of our community, and we look forward to watching you excel in the future.

experienced the thrill of seeing C-M recognized on the scoreboard. Each ticket holder also received three free beverages and a free hotdog at Becky's before the game.

Prior to the game at Becky's, the beer was flowing and spirits were high. Leslie Hines, a 3L, was excited to root on the Tribe and her favorite player, Kenny Lofton. Seeing Lofton back on the field for the Indians reminded Hines of Junior High and the great teams of the mid to late nineties.

Third -year student Christy Correa, could barely contain her passion for the Indians. When asked why she was so excited, Correa replied, “I've got Tribe Fever.”

At one table, 1Ls Katie Kirby, Chelsea Mikula, and Kelly Needham were enjoying the atmosphere. Mikula explained that the pre-game party was a “great way to interact with upperclassmen.” Needham's support for the Tribe was apparent in the red shirt that she wore. The Indians asked fans to wear red during their last homestand of the season.

Another table contained 3Ls, including transfer student Mike Christopher. Chirstopher, a Northern Ohioan by birth, explained that his love of the Tribe was a major factor in his decision to transfer back to Cleveland. Christopher noted that this year, the Indians have a “great team and a

great pitching staff.” However, he does not want to get too excited and predicts that the Tribe will lose to Boston or New York in the playoffs. Despite his pessimism, he is “still rooting for them to go all the way.”

Sitting next to Christopher was Ryan Donaldson, a Memphis native and St. Louis Cardinals fan. Donaldson thought that the SBA did a wonderful job and explained that “it's a nice break from studying.”

While her baseball loyalties lie with the Cardinals, Donaldson does root for the Browns. In between bites of her mac and cheese, Donaldson explained her affinity for Cleveland's football team. “Brady Quinn is hot,” she said.

As game time neared students finished their beers and walked over to the Jake, where they were treated to a great game between the smoking hot Indians and the Oakland Athletics. The solid pitching of Fausto Carmona and back to back homeruns by Ryan Garko and Jhonny Peralta in the sixth inning carried the Indians to victory.

Joe Borowski closed the door on the A's for his league leading 43<sup>rd</sup> save and the Tribe maintained their 7 game lead over the Detroit Tigers. The victory reduced their magic number for clinching the division to 2. All in all, it was a great night at the ballgame and a terrific event by the SBA.

New law has “no touch” policy

Continued from page 1--

nity Values.” According to its website, this Cincinnati-based organization “exists to promote Judeo-Christian moral values, and to reduce destructive behaviors contrary to those values.” According to the Plain Dealer, the group originally advocated for a six-foot buffer zone between entertainers and patrons, and all dancing would have to end at midnight. The bill, in its modified and current form, passed in the General Assembly by a vote of 73-24, and in the Ohio Senate by a vote of 25-8. Governor Strickland neither signed nor vetoed the Bill. According to the Toledo Blade, Governor Strickland, Senate President Bill Harris (R., Ashland), and House Speaker John Husted (R., Kettering), have all previously said that they have visited a strip club at some point in their lives. According to one former entertainer who still stays in contact with current entertainers in the industry, the law is not being enforced. Accordingly, management at these establishments is not instructing the entertainers to abide by the new regulations. However, according to this former entertainer, many dancers in the industry are afraid of enforcement. These entertainers are saving money because they fear that the eventual enforcement of the law will have dramatic negative impact on their income. Some cities have already implemented a city-wide law that resembles the state’s new no-touch policy. According to the

former entertainer, dancers at these establishments make much less than dancers at establishments in cities that allowed touching. The former entertainer indicated that it is well known that only those new to the industry or those on their way out generally work at these establishments. The best entertainers avoid them because of decreased revenue. These dancers fear that all clubs will experience the same lower profits already experienced by clubs in these cities. Advocates for the regulation argue that this fear of economic loss resembles the one that was not realized when the smoking ban came into effect in Ohio. People chose to go to bars they couldn’t smoke in rather than going to no bar at all. Patronage did not decline, especially since there was no alternative choice because all bars in Ohio banned smoking. Many advocates for the new stripper regulations argue that the same will happen with these establishments. Currently, a group of individuals in the industry and other advocates against the regulations are circulating a petition in attempt to call a popular referendum to overturn the law. If the petition is successful, Ohioans will personally vote on whether to keep the new restrictions. Advocates for the referendum are optimistic. They believe that an overwhelming majority of voters will anonymously vote to withdraw the restrictions, though Ohio legislators were not willing to publicly vote against them.

Jena six

Continued from page 1--

as adults, and for attempted murder? There could be many possible reasons, and some may emerge. It is equally possible, however, that following a national trend, the race of those students played a part in the decisions of those responsible for criminal justice in Jena. For whatever reason, this appears at this point to be a “very graphic illustration of unequal treatment,” according to Professor Stephen Gard of Cleveland-Marshall College of Law. “No one is doubting that these teens committed a crime in beating the white student,” he cautions. Gard notes that if dramatically different treatment of similar conduct is present, that imbalance should be taken into consideration. Already, a court of appeals has overturned one conviction on the reasoning that the student should not have been tried as an adult. The charges were also reduced to aggravated battery. Only the most ludicrous would suggest that the students should go unpunished. But, there is the nagging concern that the alleged trigger for the incident, nooses hanging from the “white tree” in response to student complaints, went unpunished. “That is persecution, not prosecution,” said the Reverend Jesse Jackson. “That is prosecutorial misconduct,” he said. Is it true, then, as Martin Luther King III alleges, that “the justice system isn’t applied the same to all crimes and all people”? No one is claiming this is comparable to Rosa Parks refusing to be excluded from a public seating area based on her race. These students may have had previous histories of violence, or there may be other aggravating factors that have not been well publicized. But it is troubling that the racial segregation is still so pronounced, and that tensions run so high - in Jena and elsewhere. Race is no new problem for the United

States, although the maturation of Supreme Court decisions like *Brown v. Board* has left us in a far different state than fifty or sixty years ago. The differences, unfortunately, do not include the eradication of segregation. As of December 2006, four hundred school districts in seventeen states were still under court orders to desegregate. *Parents Involved in Community Schools v. Seattle* was just decided by the Supreme Court against a specific race-based admission program favorable to minority students. Talk shows and scholars alike discuss the new phenomenon of re-segregation, a concept so fresh that computerized spell checks have taken up the issue. This de facto segregation, occurring after the court remedies ordered to combat de juris segregation are lifted, is an increasing observation—and some would say problem. The public schools are now more racially segregated and racially identifiable than ever before. Some disagree that changes in black/white enrollment are the cause and point to immigration surges and the growth of Hispanic populations as well as other ethnic groups not classifiable as black or white. Racial disparity is not simply in schools, or in the criminal justice system. Recent studies have shown that race plays a factor in both basketball referees and baseball umpires. In the most recent study of baseball umpire behavior, University of Texas professor Daniel Hamermesh and his team studied over 2 million pitches over three seasons and found that shared race between pitcher and umpire resulted in more favorable calls. The protesters in Jena were peaceful and tried to make it clear: they were demanding equal justice. And therein lies the eternal question: are our laws applied separately but equally among the distinct races? Further, racial imbalances in sentencing, racial profiling, in levels of brutality used by police, and countless other facets of criminal justice call into question Justice Harlan’s famous rhetorical flourish: do we live under a color-blind constitution?

Possibly lost in translation? Iran’s Comments on Israel

By Daniel Kelley  
STAFF WRITER

Since October 2005, the US media has repeated assertions that the President of Iran, Mahmoud Ahmadinejad “pledged” or, “threatened” to “wipe Israel off the map.” Some media outlets went further to make explicit what other sources had only implied -- that Iran had threatened to exterminate the Jewish people. In July, as part of a long term buildup towards a potential war against Iran, the US House of Representatives passed (by a vote of 411 to 2) a resolution urging the UN to charge Ahmadinejad under the Genocide Convention. The controversy arose after President Ahmadinejad delivered a speech at a conference titled “A World Without Zionism” in which he portrayed the state of Israel as a means for Western powers to infiltrate, weaken and divide the Middle East. Given Ahmadinejad had also expressed doubt as to the Nazi genocide, commentators suggested that his remarks were evidence of the type of fanaticism that might make deterrence ineffective. So what did Ahmadinejad actually say? English language press reports released immediately after the speech contained purported translations with the phrase “wipe Israel off the map.” After the initial reports, a number of Farsi speakers challenged the translation and the decontextualization of the purported remarks. In the relatively few instances in which these challenges were noted, they were largely reported simply as an alternate translation that some people had offered. Several groups and individuals have put forward their own translations of the remarks. A translation from the Middle East Media Research Institute (MEMRI) reads (in part); "Imam [Khomeini] said: 'This regime that is occupying Qods [Jerusalem] must be eliminated from the pages of history.' This sentence is very wise. The issue of Palestine is not an issue on which we can compromise." Juan Cole, a professor of Middle East history at the University of Michigan, and a fluent Farsi speaker, offers a similar translation; “The Imam said ‘that this regime occupying Jerusalem must [vanish from] from the page of time.’” Notably, MEMRI would seem to have little reason to play down

the bellicosity of the statement. The organization has ties to the neo-conservative movement and record of publicizing translations of the most offensive, anti-Semitic diatribes issued in the media of the Arab and Muslim worlds. Crucially, in the passage that provoked the strongest reaction on the part of Western countries, Ahmadinejad made it clear that he was quoting the Ayatollah Khomeini. If MEMRI and Cole are accurate in their respective translation, it is difficult to claim that Iran issued a direct threat to Israel in the most widely cited passage of the speech. However, these alternate translations leave numerous questions as to the precise meaning of the passage. Was it an enticement to attack Israel? Or, was it merely a prediction that Zionism would eventually disappear? Did Ahmadinejad intentionally use ambiguous language? Some commentators sought to play down Ahmadinejad’s demagoguery by suggesting that his remarks were for domestic consumption. Since the revolution, the Government of Iran has a long record using rhetorical support for the Palestinian people as a means of garnering political support. With the Arab states wary of a newly empowered Iran, Ahmadinejad may have sought to take up the banner of anti-Zionism as a means of encouraging Arab populations to prevent their political leaders from siding with the US in a potential attack on Iran. Questions remain as to the extent to which the current Iranian leadership sees opposition to Zionism as a religious or ethical duty as opposed to a convenient means of garnering domestic and international support. The Iranian leadership is frequently accused of the harboring religious beliefs so fanatical that it could act against its own material self interest. In the Iran-Contra scandal, it was revealed that Iran had accepted missiles from America (via Israel) in order to fight the Iraqis. So the Iranian’s rhetoric has never quite matched reality. Is the situation different now? Notably, President Ahmadinejad is not the most politically powerful person in Islamic Republic, that distinction goes to the Supreme Leader, the Ayatollah Khomeini. So, in any event, Ahmadinejad does not have unquestioned constitutional power to move his country into a potentially suicidal confrontation with Israel.

The Cleveland-Marshall Moot Court Team Invites You to

## The 39<sup>th</sup> Annual Moot Court Night

Wednesday, November 7, 2007

Oral Arguments Begin at 6:00 p.m. in the Moot Court Room

Petitioner’s Argument By:	Respondents’ Argument By:
Alexis C. Osburn	Terrence F. Doyle
Shawn A. Romer	Catherine R. Smith
Erika Imre Schindler	Todd S. Wintering


Whether you are a first year student interested in Moot Court, a second year student registering for the Spring Competition, or a third year student interested in appellate advocacy we highly encourage you to see what Moot Court is all about. The Moot Court experience is more than just a resume builder; it also enhances your writing and advocacy skills.

Join members of the Cleveland legal community in supporting our nationally recognized program. Arguments will be presented by the teams preparing for the National Moot Court Regional Competition.

For more information, please contact Erika (Werner) Finley at [Erika.Werner@law.csuohio.edu](mailto:Erika.Werner@law.csuohio.edu).

**Supreme Bar Review Auction**

The Moot Court Board of Governors also will be auctioning off a COMPLETE Supreme Bar Review Course, a \$2,395.00 value! The auction will begin in early November and will culminate on Moot Court Night—Wednesday, November 7th. Watch your email for more details.



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## Class prep tips for first year students

By Karen Mika  
LEGAL WRITING PROFESSOR

All of my friends brief our cases in first year, but it seems that whenever any of us gets called on, none of us can ever answer the questions asked!

There's a lot of things going on during the first few weeks of law school.

Students are learning a new language, a new learning method, and, in many instances, new class preparation techniques.

Unlike in some other objective learning situations, a law professor's primary concern is not always "who did what to whom?" or "Who won?"

Thus, as you brief a case, it isn't always enough just to know the basics.

I realize that it's hard at this point understanding context, especially while looking up every other word in Black's Dictionary, but this is the time when you really have to put in the effort to do that – slowly and meticulously. It's not enough to read the cases just once so you have something written down.

Ideally, you need not only to re-read cases, but ponder them (and discuss them) in the context of the other cases and the unit you might be reading.

Some questions that you need to start asking yourself are, "Why is this case here?" and "What point is the professor probably going to make about the case?" It's those deeper inquiries that generally give rise to the questions asked.

Keep in mind, however, that learning the law is a lengthy process. Some students "get it" earlier, and some later.

The idea is to put in lots of time during these initial stages so that you start "getting it" sooner than later.

In the meantime, go through the motions of writing out detailed case briefs even if you don't understand exactly what you are supposed to get out of a case. Sometimes students miss the point of a case entirely, and sometimes students "waste" many hours briefing cases that aren't even covered in class.

But it is important to go through the steps even though it doesn't seem to be accomplishing anything right now. In the long run it will.

## To go big or small? That is the question

### Life-size firm: life is a beach

By Michelle Pierce Stronczer

GAVEL CONTRIBUTOR

Curtains hang in my boutique employment law firm. They share space with walls painted in ocean hues.

Our water-colored paradise is populated with networked computers, sophisticated practice management software and all manner of legal reference materials detailing the ins and outs

of defending and avoiding discrimination and retaliation claims, wage

and hour issues, documenting employee performance and discipline, drafting employment contracts, employee handbooks and job descriptions, conducting workplace investigations, dealing with electronic discovery, and many other topics designed to keep us at the top of our profession.

It also proudly displays mementos of our "other lives" – home and family.

Yet these reminders are unnecessary. In a "life-size", a more apt description than "small" firm, the professional and personal intertwine in an ever-changing

balance. Practicing in a life-size firm is like a walk on the beach. There is a continuous shifting. It does not suit all and is often more difficult than you had imagined it would be. Each day is different, just as each beach/firm is different. And, if you do not prepare adequately, you will get burned. These settings, though, offer vast expanses in which to explore your visions.

More so than large firms, it seems to

"More so than large firms, it seems to me life-size firms tend to attract those with an entrepreneurial spirit."

me life-size firms tend to attract those with an entrepreneurial spirit. Individuals can and do have a greater impact on the personality and direction of a life-size firm.

Life-size firms can be more responsive to changing needs. Decisions and directions are streamlined. There is more room for experimentation. And, flexibility is not just welcome at a life-size firm – it is essential! Every member must adapt to the ebb and flow of work and outside demands – and be willing to accept roles that are disjointed in larger firms.

As rewarding as a life-size firm practice

can be, though, there are many challenges. In a life-size firm, you must be aware of your strengths and know when to get outside help. You must also understand the strengths of those with whom you share the firm and whether there is a complement of strengths.

Vivian Kist, Senior Executive coach and Partner at Baker & Daboll, LLC observes: "Entrepreneurs in small companies do not have a large support structure and

must quickly find reliable techniques to target and understand their strengths

and limitations. This allows them to focus on the areas they do best and to better decide where they need to make modifications in their approach or surround themselves with supporting resources."

Your journey on the beach is often more pleasant when you share it. It can be disastrous if you share that walk without knowing the risks. Learn about yourself before you decide to embark on that journey. You will not be disappointed.

*Michelle "Shelley" Pierce Stronczer is the founding member of Pierce Stronczer Law, LLC.*

### Life at a large firm

By Wendy Levey

GAVEL CONTRIBUTOR

Although I have been practicing as an environmental attorney at Squire Sanders for a few days shy of 18 years, with the last seven as a partner, writing a column on "life" at a large firm is a bit daunting.

Do the editors hope that I will lay out the virtues of practicing at a big firm in order to encourage more women to follow in my footsteps? Or, do they hope

that I will present a bleak picture of an overworked mother to match the somewhat stereotypical vision of "big firm" practice?

Just as there is no such thing as a Super Mom who can do it all, and do it all perfectly, there is no one simple description of life at a large firm.

For every positive that I can identify, there is often a corresponding negative. Perhaps that statement is the best

way to sum up life at a large firm. But after 18 years, I am still here because those positives outweigh the negatives.

What is most striking to me about practicing in a large law firm is the variety of work. During the last two weeks of August, I spent two long days exploring a steel mill in Illinois supervising environmental due diligence, filed a Motion to Dismiss in a toxic tort case pending in Alabama federal

court (with the very able assistance of the young associate working with me on the case), prepared for an upcoming facility visit of a former "Manhattan Project" plant,

helped a client obtain a \$5.5 million letter of credit and accompanying trust agreement, worked with a client to obtain a permit exemption from Ohio EPA to facilitate production trials, provided legal/strategic advice to a small company relative to US EPA oversight of an investigation and cleanup, assisted a steel client with Clean Air Act compliance questions, tracked recent Ontario environmental regulation, and more. From Alabama to Illinois to Ohio to Ontario, the last two weeks provided the spectrum of practice that I desired when I first chose to join a large law firm.

Add to that the opportunity to meet a New York City equity firm principal for dinner, take a client to the Tribe game, attend the recent City Club luncheon, and bid farewell to our summer clerks. The price? 108 hours over the same two-week period during which I was preparing my three children for their first day back to school. Two out of three went to school on the first day with all of their supplies purchased. Two out of three ain't bad!

Let me also touch on the people component of "big firm life." Yes, there are a lot

of attorneys in this office. And even more spread across the globe in our various offices. No, I do not know them all. I do not even know everyone in the Cleveland office.

When I head to San Diego in September for the next partner meeting, half the faces will be unfamiliar to me even though I have been a partner for 7 years. Nor do I know well each of the partners currently elected to the firm-wide Management Committee. That would be the negative of big firm life.

But the corresponding positives are these: The ability to rarely if ever be "the first" to do something e.g., I spent four years on "flex time" following the birth of my second child in 1996 and took an extra 4 weeks of maternity leave after the birth of my third and last child in 1999, the wealth of experience that surrounds me upon which I can rely for the most arcane client inquiry, the simple pleasures of working with people I like while at the same time having the ability to walk down the hall for a social chat with others who practice in completely different areas, and – dare I say it – the flexibility to juggle my schedule in response to family and other personal demands without my absence necessarily being "noticed."

Are all days "good days"? Certainly not! But it is not because I am a female or because I am at a large firm. I believe, rather, that it is the nature of being a lawyer. I leave you with this quote from my seventh grade daughter after her first cross country race: "Pain is only temporary. Pride lasts forever." Work hard and have pride in your accomplishments, knowing that there will be the occasional day when you wonder whether or not you can sustain the effort and that such thoughts are normal.

*Wendy Levey is a partner at Squire, Sanders & Dempsey.*

*The preceding articles were first published in the Cleveland Bar Association's Women in the Law September 2007 newsletter.*

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# The Political Broadside

## Should Cuyahoga be taxed for the new Cleveland Medical Mart?

By **Chuck Northcutt**  
CONSERVATIVE GAVEL COLUMNIST



Well, it looks like the Democrats that run Cuyahoga County who like their own personal socialist communist state are at it again! County Commissioners Taxin’ Tim Hagan and Jimmy Dimora wants to raise our taxes one more time. They have teamed with Christopher Kennedy, president of Chicago-based Merchandise Mart Properties, to bring the Medical Mart to Cleveland. In case you are wondering, Kennedy is also the nephew of liberal “Tax and Spending” Senator Ted Kennedy of Taxachusetts. Way to score brownie points with fellow liberal elites, there, Taxin’ Tim! More shockingly, the .25% sales tax increase in what is already the highest taxed county in Ohio isn’t even for the Medical Mart, it’s for a convention center that even Hagan has admitted won’t be successful without the Medical Mart. Despite his ram rodded tax increase, he doesn’t even have a commitment from Merchandise Mart Properties that they are going to build the Medical Mart in Cleveland!

This tax increase is going to hurt those very people that it is purported to help, whether it’s someone living in poverty that has to spend more on purchases, or the small business owner near the county borders who loses business because of the higher sales tax. While proponents of the increase say you will only spend 25 cents more per hundred dollars, they neglect to say that you will now pay a total of \$7.75 per hundred dollars. Meanwhile, you can spend as little as \$6.25 to \$6.75 in any of the neighboring counties. Imagine how this will affect decisions in buying big-ticket items, such as plasma TV’s.

Frankly, the success of Medical Mart is debatable. Despite the rhetoric of bringing 57 medical trade shows a year to Cleveland, even Kennedy calls this number “unprecedented.” Why is this, you may ask? According to research by Dr. Bill Peirce, Professor Emeritus at Case Western Reserve University, Merchandise Mart Properties’ existing site in North Carolina only has four shows scheduled for the entire year! Furthermore, Cleveland would compete for medical trade shows against warmer climates of cities like Orlando, New Orleans, Atlanta and Las Vegas. Considering that both New York City and Chicago have also announced plans to go after this same market, the prospects of meeting Kennedy’s “unprecedented” 57 trade shows a year seems dim. But, hey, if you’re a tax and spending liberal Democrat, such as Taxin’ Tim Hagan, why should you question any tax raising suggestion from a Kennedy?

Even if the Medical Mart is everything its proponents promises it to be, and we actually secure a deal with Kennedy’s company to build it in Cleveland, there simply has to be a better way to fund it. Sadly, Hagan and Dimora are so eager to raise taxes that they haven’t even seriously considered other alternatives offered by fellow Commissioner Peter Lawson-Jones, who explained that a “more equitable public-private partnership” is needed. I guess that Hagan and Dimora are of the liberal school of thought of tax now and ask questions later.

Private sources could pay for naming rights and pay for at least 50 percent of the Medical Mart. Why shouldn’t Kennedy provide some of the money, if he is so convinced of success? The county can also raise the hotel and bed tax which could raise \$5 million a year. Lawson-Jones also suggested lobbying our state officials for a grant from the state capital budget.

For that matter, why not just cut spending elsewhere? Being the highest taxed county in Ohio, it’s not like there’s not money already coming in. A good place to start would be RTA. Currently, Cuyahoga County’s transit rate for RTA is a whopping 1% of our sales tax, which is the highest in Ohio. While most other counties having a transit rate holds it down to .25%, the second highest transit rate is in Montgomery County at .50%, only half of what Cuyahoga charges for RTA! If .25 of our sales tax money is needed to build Medical Mart, the obvious answer is to divert the money from RTA, which can still collect a sutiable transit rate of .75%.

Before Hagan and Dimora were so quick to raise taxes on a people who are already burdened with the highest tax rate in Ohio, they should have at least considered other options. It is sad that they decided to go down the same old path of raising taxes that have failed us so many times before and have led to people leaving the county in droves. The good news in all of this is if you are tired of these kinds of shenanigans, you can always join me in Lorain County where you can get more house for your dollar, and we only pay a sales tax of 6.25%!

## Liberal rebuttal. . .

It’s telling when conservative debaters can’t find arguments beyond pointless personal attacks, tired slogans that even FoxTV has stopped using, and scare tactics about the imminent communist takeover of Cuyahoga County secretly orchestrated by Senator Kennedy.

That almost the entire conservative column is used for criticizing the tax hike, and barely a few lines are used to offer some alternatives – which are vague, naïve, or downright absurd – is an example of conservative lack of interest in the problems of the community and incapacity to address long-term problems that may require a departure from dogmatic attitudes. Moreover, the column is silent about the benefits of this project. Is the silence due to the inconvenient truth that the tax hike actually has some benefits, or is it because such benefits were simply overlooked in the zealous crusade against taxes? Let’s put things in perspective: this debate is not about the 0.25 percent tax increase; it’s about finding solutions to this region’s problems.

The favorite conservative “solutions” seem to be, one: this won’t work so let’s do nothing; two: let’s rob Peter to pay Paul, i.e. let’s take money from the RTA and not worry about what happens to it; three, let’s raise the hotel tax (wait, weren’t conservatives adamantly opposed to raising taxes?); and the all-time favorite: let’s all move to Lorain County. Don’t help out, move out; don’t try to fix the problem, just run away from it. It doesn’t matter that a fine city is going down precisely because of such lack of civic responsibility. Of course, wait till Lorain County – which is currently in an even worse shape than Cuyahoga – wakes up, launches development measures and inevitably raises taxes to pay for them. Then we can all move to Alaska.

That being said, people are not living the county in droves because of the tax increase, they are leaving because of lack of economic opportunity, which is exactly the problem this initiative is trying to address.

By **Alin Rosca**  
LIBERAL GAVEL COLUMNIST



The upcoming 0.25 percent sales tax increase is a long-due adrenaline shot in Cuyahoga County’s ailing economy. The proceeds of the tax increase will help build a new Cleveland convention center, which will work in tandem with a new exhibition center for medical equipment and devices, called the Cleveland Medical Mart. While the Medical Mart is built with private funds, its development is conditioned by the existence of a large convention center in the area. The convention center is estimated to cost the county over \$400 million, and the Medical Mart developer estimates that it will help attract over 50 medical shows each year, with a total economic impact in the region of over \$330 million annually. This public-private partnership is a great opportunity for the Cuyahoga County government and the community it represents to take an active role in rebuilding this region and putting an end to the current economic stagnation.

Fragmented private initiative alone cannot, and should not, be expected to provide the answer to the type of systemic economic problems befalling Greater Cleveland. Private businesses do not have the resources or motivation to engage in large-scale projects aimed at turning around the economy of an entire region.

Their interest is usually much more narrow; their funds much more limited; and their responsibility only to their shareholders, not the community.

Greater Cleveland has long been a showcase for the economic plight of the Rust Belt. The flight of manufacturing jobs to low-wage countries has led to some of the highest unemployment rates in the nation. As if that was not enough, irresponsible lending practices a few years ago triggered the recent wave of foreclosures – again one of the highest in the country. The fact that Cleveland has advanced from being the poorest big city in the country last year, to “only” the fourth poorest now has become a reason for celebration.

In this rather bleak picture of Greater Cleveland, the medical industry – be it health care or medical technology – is one of the few bright spots. Cleveland Clinic and University Hospitals are some of the most highly regarded medical institutions in the country, and the region is slowly but surely building a reputation of a major hub for biotechnology.

The medical industry needs to be nurtured to become a major driver of economic growth in the region, and that is exactly what the County is attempting to do with this new initiative. It would be perhaps a bit reckless for a community to simply sit idle and wait for the “invisible hand” of private initiative to simply pull it out of its predicament. Instead, the community should act, take its destiny in its own hands, and provide the resources necessary to kick-start the local economy. By enacting the sales tax incremental increase, the Cuyahoga County elected officials have done just that.

These funds will not vanish in a bureaucratic black hole, as some of the project’s opponents claim. The money will go back to the community through salaries for the additional jobs generated by such a major construction project and through the increased commercial activity associated with it: purchases of construction materials, transportation, acquisition of equipment, furniture and fixtures, and so on. That doesn’t even account for the funds that will come in from out-of-town, through the medical technology shows and trade that will be made possible. The \$400 million price tag is not an “expense,” but an infusion of capital in this region, which is in it and of itself beneficial for the local economy.

Tax increases have always been unpopular among those concerned more with the thickness of their wallet than with the well-being of the community they live in. They brandish the bugaboo of “big government” as justification for not contributing their dues for large community projects that benefit everybody, including themselves. The fear of “big government” is unjustified. The government represents the community, is voted by the community, and is part of the community. The taxpayers elect it and entrust it with their collective well-being. The government is supposed to collect resources from taxpayers and channel them into activities that benefit us all. That is precisely what the Cuyahoga County commissioners have done with this convention center.

## Conservative rebuttal. . .

While I agree that Cuyahoga County needs to take action to turn our economy around, as I’ve already discussed, I am not sold on Medical Mart being the cure to our economic woes. Instead, I would liken these promises to those made by a slick snake oil salesman.

However, as I mentioned before, if we must do this, there are other alternatives to this foolhardy tax increase.

Once again, the outrageous RTA 1% transit rate is a good place to start where the rate for Franklin County (home of Columbus) is only .25%. There is no reason why the bloated RTA couldn’t realistically sustain such a cut.

If the county was serious about turning our economy around, it would address the fact that we are already the highest taxed county in Ohio and cut taxes! It’s no coincidence that the highest taxed county in the state also has the fourth poorest city in the nation!

Only when you allow people to keep more of their hard earned money so that they are free to spend and invest more will we see an economic turnaround. Alternatively, the more taxes increase, the more people and business that will leave the county, leaving only those too poor to move out; hence, more of the same.

I apparently have much more faith in individuals making the right decisions with their money than my counterpart who prefers to hand our hard earned money over to big government and let them decide how to spend it.

As anyone who has taken Constitutional Law can tell you, my “fear of big government” is something I proudly share with our Founding Fathers, and for good reasons.

Blindly handing over personal finances to big government for large community projects was the same recipe of disaster that brought the Soviet Union to an end, and if followed here, will surely hasten the economic demise of Cuyahoga County.

## SBA President

welcomes students,

discusses year's goals

By Nick Hanna

SBA PRESIDENT

On behalf of Mandy Shaerban, Anthony Scott, Lydia Arko, and myself I would like once again introduce ourselves as your 2007-2008 SBA executive officers. To the returning students, we hope you all enjoyed your summer and are thoroughly enjoying your classes.

To the first years - welcome to Cleveland Marshall. It's a pleasure to have you. Here is a brief update as to what is currently happening in your Student Bar Association.

The SBA kicked off the school year with its' annual book sale and welcome back social. Both were huge successes, and we would like to thank everyone for your participation and attendance.

The SBA is also excited to announce the date for its' first annual Halloween Trick or Treat Party, which will be held at the law school on Friday, Oct. 26, 2007, from 4:00 PM to 6:00 p.m.. Students and faculty are encouraged to bring children, nieces, nephews, etc to this kid-friendly event. More details will be forthcoming. For those of you interested in our annual social event, don't worry, this event will be held in addition to our Trick or Treat Party.

In other news, the Faculty recently voted to approve the 23-hour exam rescheduling policy on a permanent basis. Accordingly, this policy, which was approved on a temporary basis last year, will now become a lasting option. I would like to thank treasurer Lydia Arko and senator Adam Saurwein for their efforts on this initiative.

On Sept. 21, 2007, the SBA will be hosting "A Night at the Jake," where students will be attending the Indians game, as well as a pre-game tailgate at Becky's. As this event generated a great turnout, we anticipate coordinating something similar in the spring, so while we apologize to those who could not attend this event, we sincerely hope you will be able to join us in the spring. I'd like to give a big thanks to Senator Elias Haz- zial for helping to coordinate this event.

Additionally, on Sept. 25 and 26, 2007, the SBA will be holding 1L senator elections as well as an election to fill our vice president of programming position. Those who assume these seats will be a huge part in shaping the coming year, especially barrister's ball, so please be sure to vote.

In addition, there will be an exploratory referendum on this fall's ballot to gauge student interest in a criminal law clinic here at C-M. Finally, please be advised that voting will take place on Sept. 25 and 26 from 11:30 a.m. to 2:00p. m. and 4:30 p.m to 6:00 p.m. Another big thanks here goes to Crystal Blevins for her service as elections ombudsman.

In closing, I would like to encourage anyone to contact myself or any of your SBA Senate Representatives with any concerns you may have regarding your time here at C-M. The SBA is here to serve you, so please let us know of any situations or protocols that you feel need to be changed. We look forward to a very exciting year.

# C-M clinics offer unexpected excellence

By Paul Deegan

Co-EDITOR-IN-CHIEF

Like many first year law students, I had aspirations of earning a picture perfect law clerk position during the summer. My grades were respectable, but not the best, but this didn't stop my dream. I refused to believe that grades were the sole indicator of being hireable. I'm not sure if I was just naïve or oblivious, but my dream was fading fast. I discounted C-M's externship programs and gave no consideration to other opportunities. I had the "go big or go home" mentality and in no way did I realize my situation until it was almost too late. I interviewed with a number of firms to no avail and finally had to face the truth that I was going into the summer without a legal job.

Fortunately, a good friend of mine informed me about something called the "Fair Housing Law Clinic." I didn't know it at the time, but I found out C-M had a number of Clinics. A "clinic", did I really want to do that? Yes, I did. I would have done anything to work in the legal field, so a clinic sounded great to me. My desire to gain legal experience was so strong that I had to take the opportunity. It turned out to be one of the best decisions I could have ever made. I was lucky enough that the Fair Housing Law Clinic had one seat left for the summer, as I was nearly late in enrolling. I knew that my summer was going to be great almost immediately, even though I didn't have the position I envisioned. I met

with my supervising attorneys and quickly established a rapport with them and the support staff. I was immediately assigned to a number of cases and partook in client interviews, conference calls with opposing counsel, and taking client intakes. In addition, I began to make lasting friendships with many of the other interns participating in the clinic. We all shared assignments at one point and got to know one another well. It felt great to be a part of something.

I was treated like one of the firm and was consistently asked if I wanted to go to court to learn how to file papers, to serve a subpoena, or any number of other activities. I never felt that I was stuck doing research in a stuffy cubicle. The only downside was the pay – \$0. But, the three graded credits more than made up for that.

Amazingly, I would not have taken this opportunity had I not been told about it. I had the most successful summer, and it all happened by accident. Had I known what a great work experience this was going to be, I would have prepared for it earlier. I guess I always thought, "that's not for me" or "a clinic is not as good as a clerkship," but I was wrong. For all Clinics offered, they took a back seat to the other opportunities that appeared "better."

Although the administration and faculty work to promote the clinics available here at C-M, there is a stigma attached to anything but the best jobs at the biggest firms.

The 1L competitive spirit is so strong that it is easy to get caught up in the hype. I know I did. I let my desire for the "perfect" job cloud my judgment. I thought that if I didn't get that job at the top firm I would be

unsuccessful or, at the least, not as "good" as the person sitting next to me. I think this mindset needs to be quashed.

The clinics and externships offer a great opportunity for all those who dare to get involved. C-M goes through great pains to set up these clinics and externships. Right now, there is even a juvenile court externship that recently had no enrollment. This is unfortunate for two reasons. 1) This reflects negatively on the school. C-M took the time to set up the program and it's a slap in the face that not a single person chose to get involved. 2) Non-participation will prevent future opportunities from occurring. Why should C-M spend more time and money if their efforts are to no avail? By neglecting our current possibilities, we ruin the chances for future students. It is a travesty to allow this to happen.

A clinic or externship may not give a student the perceived prestige that is so coveted, but the experience makes up for it. Although many students may not give clinics or externships the consideration they deserve, the onus is on faculty, administration, and students who have enrolled in these programs to dispel the myth associated with them. As such, there appears to be a movement to inform C-M students about clinics and externships. There will be events and presentations to address questions and concerns in the near future. Hopefully, with emphasis and advocacy, the clinics and externships will have a boost in enrollment in the upcoming semesters enabling others to have something to look forward to in addition to "big firm" opportunities.

## THE GAVEL

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# Memories of father's example motivates 1L

Anonymous 1L

*The following is the first of a six-part series following the experiences of an anonymous first-year student.*

In the parade that is life we all have, or should have, someone that pushes us. They are vital to our achievements, providing a backboard from which to spring forth in the direction of greatness and in our moments of frailty they are there to give warmth, understanding, and love. In our moments of strength they are beside us, making the sound of our battle cry that much more powerful. My father is my vital force, bringing with him scrutiny and understanding.

He grew up very poor and has had a job since the age of nine. Trials and tribulations through out his life have made him fierce in the face of adversity yet gentle in the way of humility. With a brother forever lost to suicide, a father lost to depression, and a mother struggling to make ends meet, the life of my father was not an easy one, yet he recalls his past with tenderness and affectionate laughter.

My father never went to college, but he knows how to jimmy-rig the starter of an '83 Subaru Special to a light switch in the

center console. He once came to visit me in junior high wearing a black leather trench coat with a dried grape stuck to his lapel, shorts, and socks with sandals. Needless to say I was never popular. He is filled with intricacies and complexities that I am sure could be classified as elements of some rare personality disorder, but despite his quirks he has been a solid figure in my life, urging me to give a little more and take a little less.

So here I am in my first semester of law school and for the first time in my life, I actually feel challenged. It is wonderful yet scary. I find the material engaging and the professors well suited and entertaining. Four weeks in and now, to my surprise, I realize that the professors have been speaking in English the entire time. With frequent phone calls home and numerous remarks like, "oh, you'll own that school", or "Don't worry about it, you'll do fine", I am about ready to pull my hair out, but when I take a step back, I realize how nice it is to know that someone has so much faith and confidence in what I have chosen to do. My father, my springboard, my dispenser of unsolicited advice, is the reason that I am here and far away from home. I would like to urge everyone to take a minute out of their busy day and think about the support system we all tend to take for granted, for "No man is an island".

The  
Gavel  
Editorial  
Opinion

1L  
First year  
life Part I

"So here I am in my first semester of law school and for the first time in my life, I actually feel challenged."

# More to Cleveland than poverty, unemployment, and a poor economy

By Matt Samsa  
GAVEL COLUMNIST

If you're inclined to read the Plain Dealer, Scene Magazine, or Cleveland Free Times, you might be under the impression that drug dealing and murder are the only common occurrences in the City of Cleveland. And although we're suffering through a tough stretch of violence in the city as summer winds down, I think that some of the truly remarkable things happening around town get lost in the sea of negative articles run each week in these papers. We're all familiar with the items most of the local media harp on: street violence, drugs, gangs, poorest city in the nation (not this year though), the foreclosure crisis, and a variety of others. And although these are all important issues, the Channel 19 Action News attitude that accentuates depressing stories really needs to stop. There's a lack of pride in Cleveland fueled by the local media that permeates the city and helps to prevent positive growth. It seems that many people who live outside the city honestly fear that any time they cross the border, there's a chance that bullets are going to fly. However, less flashy but arguably more important events occur in the city every day. In an effort to showcase some interesting developments, I'm going to chronicle a couple of the good things happening

in the city that too often get overlooked.

**The Euclid Corridor Project**  
To most students at CSU, the Euclid Corridor Project is a bane, not an item of good news. However, it's important to remember what's at stake for downtown; the dust and traffic become a little more acceptable when you see the light at the end of the tunnel. While the project is far from completion, capital improvements in many of the buildings abutting Euclid are already underway. Empty storefronts have dominated Euclid Avenue, from Public Square to the Playhouse District, for several years. In the wake of this project, however, several buildings have changed hands, and private renovations have begun. New condos at the corner of Euclid and Ontario have started to sell already, and other buildings along that stretch along the project have found ample funding for renovation. Leveraged against the heavy and quick development of the East 4<sup>th</sup> Street Neighborhood, the Euclid Corridor Project promises to revitalize a key piece of downtown. The same type of development occurred following the completion of Jacobs Field and The Q in 1995. Before that time, Prospect Avenue did have a thriving commercial district, which, unfortunately, focused on prostitution. While the sports venues never fully revitalized the area, the Euclid

Corridor Project focuses much more on infrastructure and has the potential to extend positive growth and induce more private capital expenditures. Although the process seems tremendously slow and aggravates commuters, the end product should significantly change the downtown landscape.

**The Gordon Square Arts District**  
Gordon Square, at W.65<sup>th</sup> Street and Detroit Avenue in the Detroit Shoreway Neighborhood, is undergoing a renovation of its own. The Gordon Square Arts District plan combines infrastructure improvements and expansion of the artistic and cultural institutions in the neighborhood to induce further private investment. Already home to the Cleveland Public Theater, two new theaters are opening: the Capital Movie Theater, which will play the same types of films as the Cedar Lee Theater, and the Near West Theater. While the neighborhood houses several art galleries in addition to the theaters, other infrastructure improvements in the neighborhood should be able to spur additional private investment. Beginning this year, sidewalks will be widened and beatified to create a walker-friendly neighborhood with space for street café dining. New restaurants have already begun to open, including Gypsy Beans Baking Company and the Stone Mad Pub, a restaurant and bar with a wide patio surrounded by carved stone and iron lattices that includes a bocce court inside. These new additions supplement already existing dining options, such as Snickers Tavern, my personal favorite. The Detroit Shoreway Neighborhood is also rich in housing developments.

Battery Park, a \$100 million development along the Shoreway, encompasses 13 acres overlooking Lake Erie and will offer 328 condominium units. Tillman Park at W.45<sup>th</sup> and Detroit offers another upscale housing option. This neighborhood offers attractive affordable housing options as well, including many live/work studios geared toward housing artists and showcases their work. Additionally, the Cleveland Eco Village Project focuses on environmentally sound "green" developments, including not only efficient building standards, but also community gardening, greenspace expansion, and sustainability efforts. Both the Euclid Corridor Project and the Gordon Square Arts District attempt to improve infrastructure, leverage private capital development, and begin to link together some of Cleveland's more attractive neighborhoods. New housing and entertainment keep springing up in response to both projects. It's also exciting to see capital improvements not only downtown, but also in the neighborhoods which are too often forgotten. Fortunately, these are only two of the many significant projects underway in Cleveland. While Cleveland certainly has its share of problems, these types of projects that create livable and enjoyable urban space can change the city's fortunes. A little patience and a positive attitude go a long way in helping revitalization projects prosper. So, if you find yourself contemplating seeing "I Know Who Killed Me" and eating at TGI Friday's, remember that there are more attractive alternatives in the city.

# A writ of advice

GAVEL ADVICE COLUMNIST

*What is the best way to prepare for exams in the week between class and finals (reading week)?*

Advice

To get you through your 1L year

I was going to wait until later in the semester before addressing exams, but since it's on your mind, I'll address it now.

You're going to get a lot of advice, suggestions, etc. for finals. I think there is a feeling that you are somehow supposed to do everything differently from undergrad, because it's LAW SCHOOL- ooohh!! By reading week, I would suggest that you have outlines made, or close to being done. And, even though the professors all say not to do this, many hornbooks and commercial outlines are helpful as well. And then study, study, study. How to study? Whatever works for you! However - a couple specifics: don't work that week, if at all possible. Aim to study 8 plus hours a day. And don't skip memorization- by knowing cases and/or statutes, you are more likely to see fact patterns, and it'll click- "Oh yeah, this story is like the Jones case and the Smith case." Finally, do some practice exams online- by yourself or with a study group. Good Luck.

*What jobs will I be qualified for when I finish my first year of Law School?*

The general message I was getting from 1<sup>st</sup> year went something like this: you need to be in the top 25 percent of your class, you need to have finished 31 credits, grades are extremely important to employers, blah, blah, blah! Now, I am sure this is true of many of the top law firms in the city, but, there are many people willing to give a law student a chance. And truthfully, most things I've done at my job have had little to do with school. Yes, you may need to write a brief, etc. but there will be examples and help. The reason I'm so glad you asked is that I waited until I was in my second year to work because my grades were not as good as I hoped 1<sup>st</sup> year, and I was concerned that I didn't have enough credits. I went to two

interviews, and neither attorney asked me about my grades, amount of classes, or even for a writing sample. I realize that two isn't a huge number, but most people want someone who seems competent, confident, and excited to get the job. So, I say- send out resumes to places where they are practicing the kind of law you think you might enjoy.

*I am so lost in class! I don't get my professor. Which concepts are relevant, and which are not? He speaks too fast and uses outdated analogies There is no feedback! They ask questions from the book and give no answers- which answer is right?*

This is the classic 1L conundrum. It feels like your head is spinning because despite preparation, class is downright confusing. The good news is that most of us felt this way- frustrated. The bad news is that I think the only answer is time and patience. I remember saying, "The first case held this and the second case held the opposite- what is the point?" And then, the professor never tells you which one is right. The professor does this because the courts have held different things depending on time, jurisdiction, or whatever. In these situations, try to find out what the majority of courts hold today. Also, like my answer in the first question, hornbooks help me in addition to just reading a case book. They sort of have a way of explaining why certain cases are put in the texts and what significance the case has had over time. But, be careful buying these, for some are better than others. You can use room A066 in the library. It has many of these supplementary materials for us to use. Over time, you just sort of start to get it. Before I went to Army boot camp, someone told me "it's just a psych game, it's just a psych game." First year is sort of like boot camp- there are some mind games being played by some professors- they think their job is to weed out the weak ones. My mantra first year was "I'm not quitting!! They may kick me out, but I'm not quitting!" You're welcome to adopt this mantra for the year. Questions can be sent to gavel@law.csuohio.edu.

# 3L is Bored, Tired

**Anonymous 3L**

*The following is the first part in a six part series following the beaten and broken law student.*

3L  
Third year life Part I

"Back to school, back to school to prove to Dad I'm not a fool. I got my lunch packed up, my boots tied tight, I hope I don't get in a fight..." -Billy Madison

I honestly can't believe I'm a 3L. When I tell people I'm in my last year of law school, and I actually hear it out loud, I seriously don't even believe myself. How the hell did I survive two years of this? But here we are, bored out of our minds, tired as hell, and scared to death of the bar exam. The bar exam. It's becoming more of a reality. It's not this thing that we can ignore and pretend doesn't exist anymore. We actually have to fork over the money for a prep course, take bar courses such as commercial law and estates and trusts, and mentally prepare ourselves for the three days of agony we are going to endure. And I really need to get on that application because I'm pretty sure they are going to want that. As a 3L, I look at the new 1Ls and think, was I like that? Deer in the headlights, hyperventilating, running around? They need to chill out for real. But, I was like that. We all were. The same stuff from first year still gets to me: that one kid in class that has to prove to everyone he is smart, reading case after case to figure out one little issue, and still trying to figure out how to balance school with life. But, I'm also dealing with something new. It's this growing anxiety and realization that I am almost an adult and I need to figure out what I want to do "when I grow up." Yeah, be a lawyer, but what

kind? At what kind of firm? Maybe not even at a firm? Is anyone going to hire me? What if I fail the bar and everyone knows? Those student loans need to be paid back. Layered on top of this anxiety is exhausted boredom. You've heard the saying: first year they scare you to death, second year they work you to death, and third year they bore you to death. This phrase is completely true. I am so tired of reading and studying and competing - physically tired. I know I'm not the only one. Everything that was once scary and new is now old and tiresome. The days of using different colored highlighters to brief a case are gone. It's a huge accomplishment to even read a case. The physical exhaustion is also probably a result of surviving the rollercoaster of emotions, insecurity, and mood swings that come with the law school package. 1Ls, please, no matter what happens, do not let law school make you question your intelligence or abilities- it will consume you if you do. I wonder if 1Ls look at us and think us 3Ls are coasting until graduation, that somehow, we've got it all figured out. Maybe. What you don't know and don't see is the growing anxiety over leaving school. Sometimes, law school sucks. It does. But, there are great things about it that I wish I would have appreciated more the past two years. My advice to all the 1Ls, besides brief every case, don't instant message during class, and don't be uber competitive, is to enjoy being in school. Enjoy hanging out with your friends, wearing sweatpants everyday, and being your own boss. For most of us, life will never be like this again so make the most of it.

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