S.B.A. Election Results
By Tammy Bogdanski, Staff Writer and Debbie Zielinski

The Student Bar Association held its 1998-1999 elections during the last two weeks of April. Officers were elected on the 21st and 22nd followed by senator elections the week after on the 28th and 29th. Elections were held in the Student Lounge with election times held its 1998-1999 elections Officer s were elected on the 21st with over 4,384 applied for the four officer positions. A record voter turnout occurred for the four officer positions. Zielinski, Matthew Svec, and Chris Black respectively. These three positions will all receive half in-vestment, President of Budgeting, and Vice President of Programming, Vice President of Programming, and Treasurer were won by Debbie Zielinski, Matthew Svec, and Chris Blake respectively. These three positions will all receive half in-state tuition stipends for the 1998-1999 school year. Twenty-three candidates applied for the fifteen senate positions and eight at-large positions. The new senators are Christina Bonamase, Matthew Hite, Kimberly Lyons, Jeffrey A. Crossman, John Kress, Melissa Day, Mike Schindler, John R. Sindyla, Karen A. Webb, Rick Collum, Caroline Watson, Barbara Aquila, Carol Grasgreen, and Anjanette Arabian. Anthony Caporaile, Laurelyn Johnson, Brian McDonough, Mark Melnick, Gary C. Norman, Jennifer Ricer, Julie Weber, and Chris Wick will represent the entire student body as at-large senators. In the fall, it is estimated there will be seven senate positions and three at-large positions open for first-year students. Those elections will be held at the end of September next year.

The new senate already had its first meeting on Sunday, May 3rd. As its first order of business, the new Speaker of the Senate, Jennifer West, was elected. Jennifer will serve as next year's Elections Committee chairperson, take care of the calendar in the Student Lounge, and take minutes at all Student Bar Association Meetings. Jennifer will be compensated for her time by receiving ten dollars for every meeting of SBA she attends.

Thank you to all who voted Continued on Page 5

Recent Bar Passage Rate Creates New Challenges For Cleveland-Marshall Graduates
By Andy Nichol Staff Editor

As graduation looms in the not too distant future the newly released scores from the February bar exam leave little to be excited about. With a statewide pass rate of 63.2%, and more to the point an overall pass rate of 46% for C-M students, I can't help but wonder why we are again at the low end of the proverbial totem pole.

After a two year reign in the bottom tier of the law school rankings, C-M seemed to be gaining ground in public perception. At least for the moment.

What I found extremely interesting was a comparison of the first-time pass rates for the three "northern Ohio" public law schools. C-M, 60%; Univ. of Toledo, 74%; and Univ. of Akron, 83%. The schools were the subject of great debate by the Ohio Board of Regents. The Board wanted to put restrictions on the "notoriously weak incoming law classes" at these three schools. And then, just days prior to the release of the bar passage results, a plan to sharply reduce enrollment at the three schools was derailed.

Supreme Court Justice Deborah Cook chaired a commission which trebled a proposal by the Board of Regents that the public law schools increase admission standards or lose state subsidies. The rationale was that the schools were already well regulated by the ABA, the AALS and the Ohio Supreme Court--who raised the passing threshold 30 points over the last two years.

Given the higher pass requirements it was curious to see that the Univ. of Akron had such a higher pass rate than C-M. Toledo, Akron, and C-M are nearly identical in their admissions criteria, at least as defined by the regents, and yet it appears that there is something going on at Akron that is not going on at C-M. What are the teaching the Akron students that is not being taught here?

Of course there will always be students in any class who are brighter and work harder than others, but when you look at the class as a whole, either at Akron or C-M, they should be very similar. So, what can explain the difference in the pass rate between the schools except a different teaching philoso-phy.

The entire first year of law school is a game of hide the ball. Or, maybe it is just a way to teach students to teach themselves. Nevertheless, most first year students are ambitious, dedicated and anxious to learn about the law. Why else would they go through the rigors of the law school admissions process. Yet with all of the students' ambition, and the state of the Continued on page 7

B.L.S.A. Celebrates Annual Scholarship Banquet
By Cheryl Wilshire, Staff Writer & Jihad Small, Staff Editor

- It is an event that is important to establish the fact that together, African-American stu-dents can make a difference inside and outside of law school. These words were used by keynote speaker Ohio State Senator for the 21st District, Jeffrey D. Johnson, to describe the Black Law Students' Association's Annual Scholarship Banquet.

The Scholarship Banquet was held on April 3, 1998 at the Wyndham Cleveland Hotel. In attendance that night were Dean Steinglass and wife Diane, Professor Melody Stewart and Visiting Professor Wasson, just to name a few. Among the school faculty, ad-ministrative staff and student body members, many Cleveland-based firms including Gerald Walton of Gerald Walton & Associates and Jones Day's Mary Maloney were also in attendance.

Continued on page 5
ALUMNI ADVICE

In Pursuit of Honor:
The Lawyer as a Modern Day Warrior

The Honorable Christopher A. Boyco ’79
Cuyahoga County Court of Common Pleas

Are you an honorable person? What does that mean? Why is it important when you receive your ticket to practice? What is this warrior stuff anyway?

We have a Code of Professional Responsibility we must follow, and rightfully so. But let’s get more basic. I’ve mentioned the words “honor” and “warrior” in my title. What do you think of? Duels? Military exploits? The Marines?

In 12th Century feudal Japan we find the perfect marriage of honor and warrior — the Samurai.

It seems odd that a code of ethics would spring from a class of men who were, in many respects, fine-tuned killing machines. This code of ethics, called Bushido, formed the foundation for how a warrior acted militarily and, most importantly, how he lived his life. For in the eastern culture the two were inseparable. Framing it in our terms, tell me how you live your life and I will tell you what kind of lawyer you’ll be.

Honor is essential among lawyers. When property, money, reputations and freedom are on the line, honor is what separates the ethical attorney from the educated thug.

We attorneys are a very powerful group. The military uses technologically advanced weapons to win battles. We use our knowledge of the law as our weapons in the battles we choose.

People turn to us because we provide advice, insight, direction and comfort. Hopefully we are the compass that guides them through what may be the most difficult time of their lives.

Just as military warriors without honor become tyrants, attorneys without honor undermine our society.

Let’s talk more about honor. It’s a term many use but very few understand. We can think of situations where people act “dishonorably” but when I ask you what “honor” is, do you have a ready answer for me?

Many equate honor with honesty. Tell the truth, pay your debts and you’re honorable. Many equate honor with a good reputation. If you’re a respected member of your community or peer group then you’re considered “honorabJe.”

All these virtues are honorable but these do not necessarily ensure one is a man or woman of honor — at least not in the warrior model.

Honor, in the traditional sense, is founded on three basic tenets: (1) obligation; (2) justice; and (3) courage.

OBLIGATION

Obligation is the root of warrior honor. I’m not talking only about fulfilling financial obligations, following assignments or duties given by a superior, although these certainly apply.

We all have obligations to human society. Life is a social contract. We rely upon others no matter how independent we think we are. When someone helps us, provides a service, or does a favor, we acquire a social and moral obligation to repay that person. That is duty.

It’s what the Japanese call “giri” — a moral obligation to fulfill one’s duty.

In a law office a senior attorney trains, supports and looks after a young associate. In return the associate is obligated to obey, follow, and, in some ways, protect the senior attorney. This is a professional obligation that is expected, but is nonetheless an obligation.

There are countless stories where someone gains a great deal of knowledge and training and then abruptly leaves a business. Is it any wonder there are non-competitive clauses?

I remember a story in the newspaper some years ago where a man rescued a teenage boy from a burning car. The grateful youth insisted his benefactor allow him to cut his grass for the next few summers. No money, no rewards, no job to offer to his hero, but the young man repaid his obligation with service of self. Who reading this wouldn’t be proud if it were his or her child who recognized and acted upon this obligation? This independent feeling of obligation and carrying it out is a part of honor.

JUSTICE

Justice lies at the heart of honor. No obligation fulfilled is honorable if the act of fulfilling it creates an injustice.

What is justice?

I’m reminded of Law Professor Jim McElhaney’s seminars where he talks about justice and how difficult it is to define. We would all agree it’s tough defining it but we sure know an injustice when we see it.

For simplicity’s sake, justice is knowing the difference between right and wrong and doing right.

Generally, we experience three levels of character growth.

Early in life we begin learning the difference between “right” and “wrong” through positive and negative consequences. We learn right and wrong based upon our parents, teachers and even our peers’ concepts of justice.

As we grow, we develop a conscience or sense of shame. We weigh alternatives and avoid wrong actions even when they go undiscovered.

Finally, honor becomes a habit and we find ourselves not even considering wrong alternatives.

Obviously, things can go wrong along the way. Some people never develop a sense of honor or moral conscience. How many people do we know whose motto is, “If I won’t get caught, I’ll do it!”

Most of us are somewhere between pillars of virtue and moral derelicts. We struggle everyday trying to do the right thing. Our Continued on page 6
The Dean's Column

Final Thoughts

By: Rick Collum
Staff Writer

One brisk Cleveland fall morning after completing a prisoner transport from a local jail, I was called into the supervisory Deputy's office. Usually being called into the boss' office is either to get yelled at or given additional work. Fortunately, the latter was the purpose of this particular encounter. I was instructed to work with Senior Deputy Jim Turkes on an audio tape seizure case.

The seizure of the audio tapes fell within the realm of criminal seizures. The case was initiated by the recording industry because the sale of counterfeit audio tapes causes the recording industry to lose millions of dollars every year. Instead of self-help, the recording industry sought judicial relief through a court order instructing the United States Marshals Service to seize and destroy all counterfeit audio tapes at specified locations.

There were two teams required for the seizure of the tapes. Each team consisted of two Deputies, one private investigator and one attorney. Each team was responsible for ten locations. The reason for two teams is that some of the locations were owned by the same group of people and one location would tip off the others.

The first location was caught totally off guard and the tapes were easily found. Unfortunately, the next location had been tipped off before we arrived and had hidden the tapes. In an attempt to be thorough, I searched the entire business. Although I didn’t find any audio tapes, I did find hundreds of pornography video tapes and a shotgun. Since the possession of the pornography was not the object of court order, the store owner kept his video tapes. Subsequently, I called the office and had a fellow Deputy check the shotgun serial number in the stolen firearms file of the National Crime Information Center computer, which indicated that the shotgun was not stolen and I returned it to the store owner.

The day concluded with approximately $10,000.00 worth of counterfeit audio tapes being seized in the Cleveland area. This operation is just one example of the numerous ways in which the federal government is protecting legitimate business.

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Congratulations to the New Gavel Editors for 1998-99:
Tammy Bogdanski, Bob Garrity and Eileen Sutker.
## Summer 1997 Bar Exam Pass Rate (First-Time Takers)

| Category                                      | Pass Rate | (
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<tr>
<td>Cleveland State Univ. Pass Rate:</td>
<td>66%</td>
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<td>(96 of 145 Passed)</td>
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<tr>
<td>Cleveland State Students Supplementing With PMBR:</td>
<td>91%</td>
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<tr>
<td>Cleveland State Students NOT Taking PMBR:</td>
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<tr>
<td>(47 of 91 Passed)</td>
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DEMOCRACY IN AFRICA TALK
HOSTED BY INTERNATIONAL LAW ASSOCIATION
By Eileen Sukter
Staff Writer

The International Law Students Association became active this semester by hosting a number of guest speakers and meetings. The Association’s President, Bill Hurley, is pleased by the increasing number of students showing interest in the field of International Law by attending their invited speaker series. Robert A. Sedlar, Professor of Law at Wayne State University visited CSU on April 7th and spoke on: “The Development of Democratic Institutions in Sub-Saharan Africa.”

Professor Sedlar compared the creation of the United States to the democratic mechanisms of African nations that have adopted the US Constitution as a featherweight next to the heavy tones of Ethiopia, Ghana, and Uganda. These nations have either taken a civil law approach toward codification, or have tried to incorporate the best student groups, have hosted guest speakers throughout the year. Spending an hour with these knowledgeable people will broaden your horizons, and give new perspectives toward course work. Remember that everyone is invited to attend, so be sure to read the flyers that are posted.

Student Bar Association Votes
To Pass New Resolutions . . .
Approval By The Law School Administration Pending

The SBA recently presented the following resolutions to the law school administration for consideration.

RESOLUTION I: A) Resolved that the Student Organizations Coordinator at the Department of Student Life no longer be the direct organization advisor to the Student Bar Association, but shall remain as a resource for the organization.

B) Resolved that the Cleveland-Marshall College of Law Student Bar Association should have the Dean of Student Affairs as the official organization advisor as a means to provide a stronger support system within the law school for these organizations needs.

RESOLUTION II: Resolved that the grading scale be amended to include: A-, B-, and C-, effective immediately, as a means toward balancing the current grading curve, and to be reviewed in the spring of 1999 to determine the impact this change has had on the grading curve.

RESOLUTION III: Resolved that the wall space outside of the Moot Court Room (directly across from the Cleveland-Marshall Law Alumni Association’s wall space) be designated as a place for the Student Bar Association to display awards and plaques.

RESOLUTION IV: Resolved that the Student Lounge at Cleveland-Marshall College of Law be refurbished to include tables and chairs that adequately provide seating for as many students as may be accommodated in the given space (about 125 people).

Please voice your opinion to the law school administration on these resolutions; results will appear in the fall issue of the Gavel.

Achieving Excellence Through Unity,
Continued from page 1.

BSLA Scholarship and Award recipients included Lakisha M. Barcliff, Cleveland Marshall Merit Award; Mary L. Bradley, Louis Stokes Scholarship; Yolanda M. Dockens, Reminger & Reminger; William L. Dawson, Law Fellow Merit Award; James D. Evans, Louis Stokes Scholarship; Regina Harden, Louis Stokes Scholarship; Ronnie Huggins, Cleveland-Marshall Alumni Association Award; Kelly-Marie Jackson, Law Fellow Merit Award; Dennis L. Roberts, Spangeberg Trial Practice Award, Cleveland-Marshall Merit Award, Charles W. Fleming Scholarship, CALI Excellence For The Future Award, Award, Michelle D. White, Reminger & Reminger; Craig D. Wilson, Cleveland-Marshall Merit Award, Non-Resident Incentive Award; Wendy L. Woodford, Urban League Achievement Award, CALI Excellence For The Future Award; and Mark N. Wright, Reminger & Reminger.

Professor Melody Stewart announced this year’s scholarship winners and presented Dennis L. Roberts with a $500 first place prize in the Essay Scholarship. Regina Harden came in second place and received a $250 award. The topic of the Essay Scholarship was the impact of the demise of Affirmative Action.

The theme of the night was “Achieving Excellence Through Unity: The Demise Of Affirmative Action - What Will Be The Impact?” The Annual Scholarship Banquet was a great event which concluded a very active and informative year by BLSA.

Suggestions,
Continued from page 1

Student Bar Association Senate for the 1998-1999 school year.

C-M Law School Dean Steven H. Steininger, BLSA Sec. Darlene White, President Ronnie Huggins, V-P Michelle White, State Senator Jeffery Johnson, and Treas. Lesley Hall at the Annual BLSA Scholarship Banquet.

counted. I also have an article about a woman who tried to impersonate her husband and take the exam for him.

Here are some ideas people who have passed have given me.

“Don’t work. Follow what the bar exam teachers say to the letter. Give it everything you have. I did 3,000 MBE questions.”

“Get enough sleep. Cramming at the last minute can hurt you. They say to do 3,000 questions.”

“When you are a student, take a course in every subject tested on the exam. Don’t give up and walk out like some people do. See your hotel before you get there and book well in advance. Bring your own food. Exercise, and be brutal with yourself when you study.”
A "Healthy" Cleveland Bar Institute

By: Bob Garrity
Staff Writer

The Cleveland Bar Association is an excellent source for getting an early taste of what’s to come in your legal career. On Friday, May 1, 1998, a small group of Cleveland-Marshall law students took advantage of one of the Bar Association’s Institutes. We were able to experience the type of program which practicing lawyers partake in to stay abreast of the law in specific areas. In particular, the Institute held on Thursday and Friday dealt with an Introduction to Health Care Law.

The Institute took place at the Cleveland Bar Education Center. Luncheon was served at the Sheraton Cleveland City Centre. Issues addressed at the Health Care Law Institute included State and Federal Updates in Health Care Law, Tax Exempt Organizations, Fraud and Abuse; Assisted Suicide and Lawyers Ethical Responsibilities, Corporate Compliance Programs, Hospital Horror Stories, and Substance Abuse.

The keynote speaker was the Associate General Counsel for the American Medical Association’s Health Law Division, Edward Hirshfeld. Mr. Hirshfeld discussed “Trends in the Market for Health Care, Finance and Delivery: What Changes in the Law Can Improve the Health Care System.” Mr. Hirshfeld noted that the Federal Government’s slow pace at explaining and interpreting laws passed by Congress have resulted in a boom for Health Care lawyers. The market for these legal specialists will continue to grow at an unlimited pace as long as the statutes remain vague and allow multiple interpretations. That's good news for law students interested in Health Care Law.

Mr. Hirshfeld acknowledged that the battle over national health care between the government and the private sector came down to financial efficiency. He did make a point that HMO’s abilities to cut costs are only one factor, however, and that patients now are demanding quality as well. The future restructuring will have the legal profession deeply embedded in working to formulate a program with quality and costs on an equal footing. Again, something to consider when choosing an area of law in which to practice.

The Institute was well attended by lawyers sincerely interested in Health Care law and some who were probably there for the CLE credits (probably the ones sleeping or outside smoking). There were some tax lawyers very interested in the program and they were more than willing to discuss their Health Law experience with students. In other words, it was not only a learning experience but a chance to schmooze too. Special thanks go out to Professor Scheutzow for arranging the free admission and to Dean Steiniglasse for covering lunch.

Mark your calendar for future Cleveland Bar programs:
- May 28 - Labor and Employment Law Seminar; May 29 - Federal Court Training Program; June 3 - Technology - Internet Research and Internet & Ethics. Memberships are available, and help lower the cost of each presentation. Call (216) 669-2129 for more information.
- Or talk to a Professor who is interested in his/her students and wants to get them some practical experience in how lawyers stay tuned to the law.

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the GAVEL
People often ask, "What kind of a Jerk is that?" Until now, you may not have had much of an answer beyond a nod and wink with a wise smile. For future conversations, however, you may wish to employ the following four type classification scheme.

The Type I Jerk causes the classic "knee-jerk" reaction because the individual's status of Jerk is an automatic reaction readily apparent to all parties in a conversation. This is the default choice of Jerk because a true Type I Jerk will elicit this response autonomically from most ordinary, reasonable people under the circumstances. To the extent that a group will not identify a Type I Jerk immediately, it seems obvious that they must share Jerk characteristics and thus are to be viewed with pity, scorn, or derision as appropriate.

Type II Jerks are harder to diagnose because at first glance, they appear to be ordinary, reasonable people. Nevertheless, these individuals reveal their true nature over time by their inconsiderate behaviors and can be described as "ambulatory stealth bombs". Consequently, increased interaction with Type II Jerks leads to increased loathing and blood pressure, although available expert witnesses lack peer reviewed evidence in support of this contention.

In contrast, Type III Jerks are dangerous because of their manipulative characteristics which leave a lasting foul stench so they may be referred to as "real stinkers". They are not easy to identify on your own, but often must be revealed by close, trusted associates. The predominant factors for a diagnostic analysis include: bad faith rumor spreading, bad faith activity hindering, and limiting contacts with others by destroying your credibility with them. In short, Type III Jerks undermine your reputation and your enjoyment of life. You may or may not have suspicions you've got a "real stinker" at your tail, but the source of the odor becomes apparent once your senses have been alerted.

As bad as the Type III Jerk is for your happiness, the Type IV causes more damage due to the lack of control you experience in trying to get rid of this Jerk. The Type IV Jerk is an indirect source of irritation because they persist in being a Jerk toward those you know, love, or care about. In that sense, "real stinkers" and Type IV's are mirror images because the former affects you, but the latter ruins the lives of others, i.e. your status as "jerk-ee" or "third person being jerked" drives the distinction. There is very little you can do when confronted by a Type IV situation, since acting on your natural desire to help will be perceived as meddling. Consequently, all you can do is alert the "jerk-ee" about their peril and wait for the day when your solace is needed. Note also that when this occurs, the Type IV immediately will be downgraded to a Type II, and ultimately spiral down to the least threatening Type IV, when knowledge of the Jerk's peril becomes widespread. In an ideal world, all Jerks would be avoided since the ordinary reasonable response is to put as much space as possible between oneself and a Jerk with all due speed. Since that is not likely to occur, an awareness of these four insidious and foul types of Jerks will suffice as notice. Use of this classification scheme is intended for recreational use only, any other use is at users risk, and any resemblance to persons real, fictitious, or unknown is not only unintentional and without malice, but is also unbelievable. Incidentally, rumor has it that this scheme has been used to evaluate professors—but that's just hearsay.

THE GAVEL
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Humor
A Classification of "Jerks"
By Eileen Sutker
Staff Writer

Hereding Out The Class of 98'
By Steve Blount
Staff Editor

In a dignified ceremony to take place on May 23 in the majestic surroundings of the Cleveland State University gym, students from the graduating class of 1998 will receive their law degrees and cross the bridge into the legal profession, ready to defend people's constitutional rights and supply the social lubrication that allows society to function smoothly. With diplomas in one hand, student loan receipts in another, and friends and loved ones behind them and a hopefully bright future ahead of them, these newly minted graduates will be extolled by selected bards of the law from our local legal community, pillars of what is morally right and good, on the virtues of a career in our newly found profession, while they beam proudly at their former professors, now more colleagues than adversaries, thankful for the introduction they gave them into the ancient mysteries of our profession. Not that I disagree, but I've heard enough windbags at these farcical events that I'm just going to stay home and watch judge wappner on TV.

Still, Cleveland Marshall is a good deal. If not required by law, it is traditional that law students gripe about their school. Still, even if law school is quite honestly the biggest joke I have ever fallen prey to, at least I can at least say that here the price is quite right, the quality of people quite good, and you usually get a fair shake. It is easy to forget that being a law student is a privilege, and how nice it is to be associated with a bunch of people who are at a time in their lives when they are getting married, having kids, and beginning careers or starting new ones. And the inevitable stress that goes with each event. Actually, one of the best things about being here is observing how people deal with their wins and losses on the roller coaster ride known as law school.

In thirty years, most of my case books will be obsolete, and I will probably not be able to remember many of the names of the cases in them. In fact, I might not even be able to remember my own. But what I hope I remember is seeing one of the secretaries talk to her plants as she watered them during my first day here, and watching someone who had just been given an offer from a four star law firm look through the job binder with a friend of hers during one of my last.

My favorite memory is having to find a job in 24 hours to get my in-state tuition, and applying at almost every store on Euclid Avenue between Woolworths and the book store. Later in the evening, Professor Gelman was calling on us one by one across a row, and when he came to me and could see that I didn't have the answer, he tried to ask people around me in kind of a horsehoe so that I wouldn't be embarrassed by my lack of knowledge.

I am sure that many students have memories like mine, at least a few of the early days that we spent here. And that this is 30 years ahead and we will never be able to get them out of our dark subconscious. Or, for that matter, out of our bright, fond memory.

Passage Rate
Continued from page 1

By Steve Blount
Staff Editor

The passage rate advancements that have been implemented to improve the image of C-M, nothing speaks louder to the legal community, or the general population, than having the lowest first-time pass rate of all the law schools in Ohio.

This school has so many positive aspects that it would be irresponsible for me not to mention them. What I am referring to is the support systems available to law students. The Office of Career Planning, Financial Aid, the Legal Writing Instructors, and the Mentoring Program initiated by the Law Alumni Association are all outstanding examples of entities that put the priorities of the students first.

One way to try and rectify the pass rate, before it continues this downward spiral, might be to focus on the teaching methods of the substantive courses. Few would deny that Cleveland-Marshall has a special mission as an urban law school and that it serves an important function in providing access to a legal education for those that qualify, but perhaps the school should recognize the need to look at the teaching methods and make whatever revisions are necessary.

This would probably give rise to an improved pass rate and solve the grading argument that haunts so many students when they begin to seek employment. That is, of course, if they pass the bar.
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