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THE GAVEL



Volume 46, Issue 6 Cleveland-Marshall College of Law May, 1998

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 at 11:30 AM to 1:30 PM and 5:30 PM to 7:30 PM on all four days. A record voter turnout was had with over 350 students voting in the officer elections and over 220 voting in the senator elections.

Fourteen candidates applied for the four officer positions. The position of President, which receives a full in-state tuition stipend for next year, was won by Gary Vick. The positions of Vice President of Programming, Vice President of Budgeting, 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, Kim-

berly Lyons, Jeffrey A. Crossman, John Kress, Melissa Day, Mike Schindler, John R. Sindyla, Karen A. Webb, Rick Collum, Caroline Watson, Barbara Aquilla, Carol Grasgreen, and Anjanette Arabian. Anthony Caporale, 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

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B.L.S.A.

Celebrates Annual Scholarship Banquet

By Cheryl Wiltshire, Staff Writer
& Jihad Smaili, Staff Editor

"It is an event that is important to establish the fact that together, African-American students 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, administrative 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.

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Suggestions For Successfully Passing The Bar

By Steve Blount
Staff Editor

The Supreme Court of Ohio once again tightened the noose around the necks of recent grads as they bellied up to bar exam.

According to Professor White, the February results indicate that the Bar exam should be taken very seriously and with intense preparation, and maybe even studying with other students and even taking time off from work if at all possible. He pointed out that our first time pass rate was within a point of the state wide average. He also said that you should concentrate on the MBE, partly because these subjects also are tested on the essays. Also, he said that everyone who takes the exam should do it seriously, and not as a "practice run." This last point was strongly emphasized. Other people in the administration emphasized what a serious undertaking it is, and that, if possible, students should not work while preparing.

After seeing the results, I had a picture in my head of a giant weed whacker descending upon the graduation ceremony. At the party celebration that evening, I kept waiting for people to show up. Most of the people I talked to acted more like they had just avoided being in an accident than they had just accomplished something worth while. I closed my eyes, and remembered a similar party I attended four years ago, when I could hear the clink of champagne glasses and laughter. But I remembered also hearing people constantly saying "When I get a job... When I get a job..." in contrast to the much better job market graduates are faced with this year. I mentioned to a friend of mine, who took it twice, that an extra 6 months is only .8% of a life of 70 years. Before I left the party, I thought that if there were any ghost-like

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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 thwarted 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 some-

thing going on at Akron that is not going on at C-M. What are they teaching the Akron students that is not being taught here?

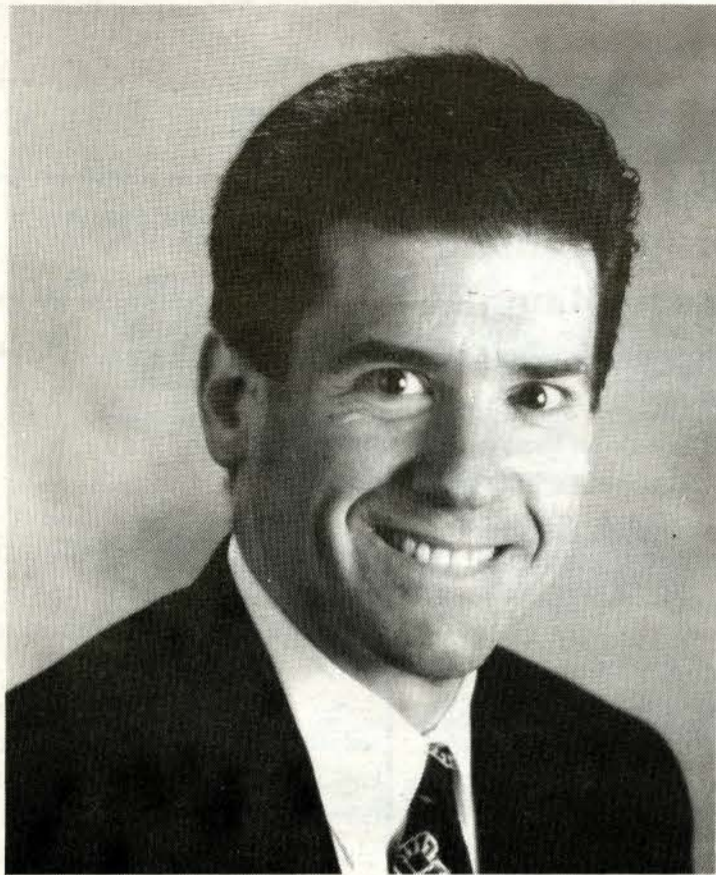
Of course there will always be students in any class who are brighter and work harder than others, but when you look at the class as a whole, either at Akron or C-M, they should be very similar. So, what can explain the difference in the pass rate between the schools except a different teaching philosophy.

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

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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 "honorable."

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

Biography of Judge Boyco

Judge Boyco is a 1979 graduate of Cleveland-Marshall College of Law, and a 1976 honors graduate of Mount Union College. He began his tenure on the Common Pleas bench in Jan. 1993 and won re-election to that position in Nov. 1996.

Judge Boyco served on the bench for the Parma Municipal Court in 1993; Law Director for the City of Parma, 1987-1993; Assistant Prosecutor, City of Parma, 1981-87. In addition, he served as legal advisor to the Parma S.W.A.T. Team, 1981-1993; Chief Legal Counsel Southwest Enforcement Bureau, 1991-93; Children's Legal Guardian for Cuyahoga County Juvenile Court, 1979-1993; and Executive Vice-Pres./General Counsel, Copy America, Inc. 1994-95.

A Faculty Member of both the Ohio Judicial College and

the National Judicial College, Judge Boyco is also a member of the American Bar Assoc., Florida Bar Assoc., Ohio State Bar Assoc., Cleveland Bar Assoc., Ukrainian Bar Assoc., and former Trustee and Past-President of the Parma Bar Assoc.

He is also a past member of the Cuyahoga County Prosecutors Club, Associate Member of the Cuyahoga County Police Chiefs Assn. and Past-President of the Cuyahoga County Law Director's Assn.

He was admitted to the Ohio Bar in 1979; Federal Bar, 1979; Florida Bar, 1985; United States Tax Court, 1986; United States Supreme Court, 1988; and U.S. Court of Appeals, Sixth District, 1990.

Judge Boyco and his wife, Roberta, reside in Parma with their two children ages, 11 and 9.

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-compete 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.

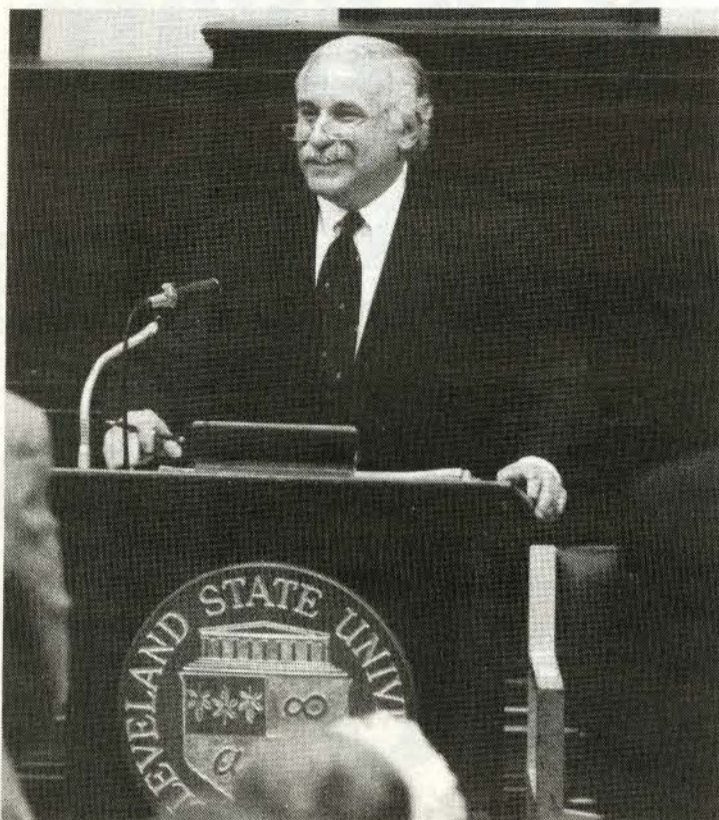
Obviously, things can go wrong along the way. Some people never develop a sense of honor or moral conscience. How many people do we know whose motto is, "If I won't get caught, I'll do it!"

Most of us are somewhere between pillars of virtue and moral derelicts. We struggle everyday trying to do the right thing. Our

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The Dean's Column

Final Thoughts



Steven H. Steinglass

In this final column of school year 1997-98, I wish to address the men and women who will become Cleveland-Marshall's newest graduates during commencement ceremonies at the CSU Convocation Center on Saturday, May 23.

All graduations are special, but for me this one is especially so. I will be handing diplomas to my first graduating class as Dean of the Cleveland-Marshall College of Law. So it is a memorable day for me as well.

I think the day will be a wonderful one.

I am pleased to have as our speaker Richard W. Pogue, Senior Advisor to the public relations firm of Dix & Eaton and retired Senior Partner at the law firm of Jones, Day, Reavis & Pogue. The law school and our students are fortunate to have an attorney of his stature speaking to over 200 new Cleveland-Marshall attorneys.

I understand Mr. Pogue's remarks will focus on the role of lawyers in meeting their professional responsibility to serve the public good. Pro bono service is a

subject on which Mr. Pogue has some authority. He is Chair of the Board of Trustees of University Hospitals of Cleveland, Trustee and member of the Executive Committee of University Circle Incorporated; Trustee and Vice President of the Kulas Foundation; and a Trustee of the Cleveland Ballet, the Cleveland Institute of Music, and many other community organizations.

In addition to this year's speech by an outstanding lawyer and community servant, I look forward to our annual procession with the law school's alumni and alumnae judges. Every year 30 or more accompany us in the procession into the ceremony and join us on the stage. The parade of judicial robes into the auditorium is inspiring. I am sure you will find this feature of our graduation as impressive as I do.

And, finally, I look forward to sharing this important moment with you and your families. I wish you all well and will be happy to hear of you in the years ahead. You will always be welcomed here.

**Congratulations to the New Gavel Editors for 1998-99:
Tammy Bogdanski, Bob Garrity and Eileen Sutker.**

Name That Tune

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 Turckes on an audio tape seizure case.

The seizure of the audio tapes fell within the realm of civil 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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Why Join the Ohio State Bar Association as a Student Member?

Association Publications

Associate News - quarterly newsletter designed specifically for student Members of the OSBA

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Ohio State Bar Association

Summer 1997 Bar Exam Pass Rate (First-Time Takers)

Cleveland State Univ.

Pass Rate:

(96 of 145 Passed)

66%

Cleveland State Students
Supplementing With PMBR:

(49 of 54 Passed)

91%

Cleveland State Students
NOT Taking PMBR:

(47 of 91 Passed)

52%

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DEMOCRACY IN AFRICA TALK HOSTED BY INTERNATIONAL LAW ASSOCIATION

By Eileen Sutker
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 African nations have adopted. The US Constitution is a featherweight next to the heavy tomes of Ethiopia, Ghana, and Uganda. These nations have either taken a civil law approach toward codification, or have tried to incorporate the best of 200+ years of American experience into their founding document. For example, these nations adopted various forms of judicial independence using the US as an example, despite the novelty of this concept for African nations. He said the prevailing attitude was, "... if we

will live under a Constitution, then we want the justice system to be free."

Judicial review is also a new, and variously handled legal aspect. Ghana gave exclusive jurisdiction to interpret their Constitution to their Supreme Court, but any person alleging unconstitutionality can directly bring suit there using original jurisdiction. In Ethiopia, the mechanisms of judicial review were thought too important to leave to judges, so they followed the British system, and vested special parliamentary councils with the power to evaluate the constitutionality of laws. Unlike their US counterparts, purely advisory opinions can be issued by these courts. This compare and contrast, seeing what US ideas were thought worthy of adoption was a fascinating aspect of his talk.

The International Law Students Association, as well as other 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 fliers 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 this 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 you opinion to the law school administration on these resolutions; results will appear in the fall issue of the Gavel.



C-M Law School Dean Steven H. Steinglass, 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.

Achieving Excellence Through Unity, Continued from page 1.

BLSA 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. Flemming Scholarship, CALI Excellence For The Future Award, Cleveland-Marshall Alumni Association Award; Lynette L. Rodgers, Louis Stokes Scholarship; Jihad Smaili, Charles Auerbach Memorial Award, Spangeberg Trial Practice Award, Law Fellow Merit Award, CALI Excellence For The Future 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

transparent figures of people clapping over in the Moot Court room from a days gone by orientation ceremony, perhaps it was worth going to the party just to realize that what was going on back then was just the wedding ceremony, and this was the getting together at the end of the month to pay the bills.

There are actually some rather humorous aspects to taking the bar. I have in front of me an article about a man who took the California Bar 48 times. His sons were allegedly in elementary school when he took it for the first time, and when he passed, they were practicing attorneys. I also have an article about how five people got up in the middle of an exam to help someone who was having an epileptic seizure, and were refused any extra time at the end of the exam. After much negative publicity, that section of the exam was finally not

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."

SBA Results, from page 1.

in this April's elections, and congratulations to all the candidates. The number of students that ran and the qualifications of those students promises a great Student Bar Association Senate for the 1998-1999 school year.

Alumni Advice

Continued from page 2

children are watching and learning how we handle ourselves.

Many problems have conflicting obligations. You are forced to choose. Do you go out and campaign three days before the election? Or do you attend a family get together over at Aunt Nancy's? You default on one obligation to meet another. We weigh the alternatives on a scale of honor and choose which is most right.

Above all, avoid obligations to dishonorable people. Obligation without justice can be dangerous and destructive.

COURAGE

Confucius said: "To see what is right and not to do it is to want of courage."

We know and understand courage on a battlefield. We've heard of heroes who have saved lives, many times at the expense of their own lives.

What about us as civilians, lawyers, judges?

We need a different kind of courage to live a life of honor. Moral courage is the fortitude it takes to do what is right, no matter what the personal cost. It may not be as dramatic as battlefield courage but it's the kind we're most often called upon to use in everyday life.

As a child did you own up to the neighbor's broken window? How about the car you backed into at a parking lot with no one around? Did you seek out the owner to make restitution? How about the lost wallet you found with \$150.00 in it?

Let's get tougher.

What would you do if you botched your client's case? Would you call your client and own up to it? Would you apologize and offer to cover the cost of the mistake?

Would you have the courage to tell a client he or she has no case? What if that retainer pays this month's rent? How you handled the car in the parking lot tells me how you would handle your clients.

Many years ago I botched a case, called my client, explained the situation and offered to cover whatever potential cost there was. He wasn't happy about the mistake but appreciated that I "acted like a man and faced the music." I never lost him as a client and we've been friends ever since.

My client was telling me in his own way that I acted honorably — I showed courage. Let this be a lesson to all of you future lawyers. If you bury a mistake and your client finds out, there is no forgiving,

no more friendship — now we're facing a bar association complaint and the Ohio Supreme Court. Aside from this, even if no one finds out what about the man in the mirror? What about your moral conscience?

Another point about courage. Having it doesn't mean you don't feel fear. Fear is a natural human emotion experienced by honorable and dishonorable people. What determines your level of courage is how you handle fear.

Here's one for the guys. A woman is brutally attacked in an alley as you walk by. No one else is around. What do you do? Are you one of those 20 or 30 people who simply walked by a woman several years ago who was getting brutally raped in New York because they "did not want to get involved." What if that were your loved one? I'm willing to walk down that alley to help your loved one. Would you do it for mine?

Do we, as attorneys, do what must be done? Do we show courage in our lives, our work, our duties?

The poet Berryman wrote: "The trouble with this country is that a man can live his entire life without knowing whether or not he is a coward."

You will have mental and emotional challenges at work and home. What about physical and spiritual challenges in your life? Do you just hum along at a slow, safe speed — never really knowing whether you're alive or dead?

Go to an edge of a cliff and look down at the ravine a half mile below. You'll know you're alive!

Find the courage to excel in your profession and in your life. Remember, warriors face fear, get control of themselves, and do what must be done.

Warriors are men and women of character, wisdom and insight. They master themselves, not others. They understand the concept of honor and pattern their lives around the pursuit of excellence. Intelligence is not a requirement — throwing away your vanity is.

Start now by thinking of yourself as a warrior. Regardless of gender, it defines who you are. I am not a judge who happens to be a warrior. I am a warrior first, then a judge. I may lose an election (a position) but you can never take away from me who I am and how I live my life.

I'll close with Shakespeare: "Mine honour is my life, both grow in one. Take honour from me and my life is done."

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. Lunch 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 boon 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 attorneys 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 Scheutzwow for arranging the free admission and to Dean Steinglass 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) 696-2129 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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Humor

A Classification of "Jerks"

By Eileen Sutker
Staff Writer

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 automatically 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 intermeddling. 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 I, when knowledge of the Jerk's perfidy 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.

Herding 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 over 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 usually 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 horseshoe so that I would not be embarrassed by my lack of knowledge.

I am sure that many students have memories like mine, at least of a few of the early days that we spent here, and that in the years ahead 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

art 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 stu-

dents 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.

THE GAVEL

Cleveland-Marshall
College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-4533

Staff Editors

Andy Nichol
Jihad Smaili
Steve Blount

Staff Writers

Tammy Bogdanski
Rick Collum
Bob Garrity
Spence Kline
John Kress
Kevin Mooney
Gary Norman
Lily Oritz
Eileen Sutker
Cheryl Wiltshire

GAVEL ADVISOR

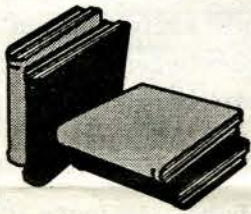
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