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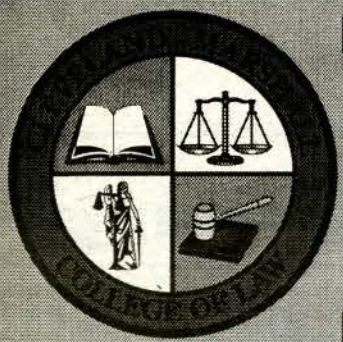
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THE GAVEL



Volume 47, Issue 1 Cleveland-Marshall College of Law Sept., 1998

Library Renovation Underway



By Bob Garrity, Staff Editor

One would think filling in space in an already congested law school building would be an easy task. The rub lies in placing departments cohesively so as to make the job of staff and students easier. It appears the C-M Building Committee, headed by Dean Frederic White, has the matter under control.

With the relocation of the Joseph Bartunek Memorial law library from the northeast part of the building into its newly constructed

environs at the north end of the school, a 5,000 square foot area was left empty. Almost immediately the top floor of the old library was converted into classrooms 224A and B. These rooms have been used for small receptions, faculty lunch meetings, and student group/Dean confabs.

The most visible and accessible space however is the main floor where the circulation desk, librarian offices and computer labs used to be located. A plan to centralize the admissions, student records, career planning, financial aid and student advisor offices was hatched to fill the void. The new domain for all of these essential departments should be up and running by the end of this semester. During a recent tour of the main floor, Dean White described how it would be divided up.

The hardest working woman in the law school, Jean Bowers, will

now dispense information from behind the former circulation desk to visitors, lost students and scared applicants. The faculty mailboxes will also be relocated behind the circ desk. The opposite side of the entry way will house an admissions suite with the offices of Dean Margaret McNally, and her assistants Marion Ensley and Jacqueline Carner. Along the windowed north wall, the Career Planning and Financial aid offices will see the light.

Kay Benjamin, in charge of student records, will occupy the old microfiche room. The old computer lab and study area will become the home of Dean Ashby and his trusted assistant Michaeline Carrig. Additionally, a portion of the south wall will be used for testing purposes and a free form design of bookshelves will be used to separate the offices and testing area. By the way, please feel free

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C-M Team wins Best Brief at National Competition

By E. M. Sutker
Staff Editor

The team of Donna Coury, Rebecca F. Kelley, and Mark A. Miller received the HINSHAW and CULBERTSON BEST BRIEF AWARD at the National Appellate Advocacy Competition held in Boston on August 6 this past summer. Over 125 teams from over 75 ABA accredited law schools participated at the regional level, and the best 19 competed in the National Final Round competition. Both of the C-M teams competed in the Finals and performed in an outstanding manner, especially when you consider that all our team members are entering their third year of law school while most of the other teams had members who graduated before the competition.

The Best Brief Award is a particularly meaningful honor because it means that our school quite literally wrote the best brief in the United States.

The team of Rebecca Maggio, Linda Mrowca and Patrick Quallich placed fifth in the nation. This team narrowly lost in the Quarter-Final round to the team that ultimately won the competition, and had previously defeated the semi-finalist team it would have faced had it advanced to that round.

Congratulations are extended to all the team members on their success in the competition.

Advice to 1L's, One Student's Perspective

By Jen West

The dreaded words, "The first year is the hardest" ring in the hearts and minds of virtually all 1L's upon beginning law school. If this is true, it is because law school is completely different from anything that has come before. Take heart. It is not an impossible feat, and may even be a bit entertaining (did I say that?). The following words of wisdom are things I learned the hard way. Some examples may be obvious, some useful, and others may be utterly ridiculous. . .

1. DO NOT BE INTIMIDATED BY YOUR PROFESSORS. This may be difficult, I know - especially when they start with the Socratic Method. My hands shook every day for the first three weeks of Torts. If you have a professor who intimidates you, it is because they want you to think on your feet and learn to APPLY the law, not just because they hate you. You will be surprised because you know more than you think you know when you are called on. Just keep your head on straight and maintain your confidence. It is easy to feel

as though you are the most clueless person in the world, and that having the floor is a fate worse than death. Take heart and remember that everyone in the class is in the same position, thinking the same thing.

2. PREPARE FOR CLASS, BUT DON'T KILL YOURSELF. Of course no one wants to be unprepared. Public humiliation is never fun. But the point is that extensive class preparation is a waste of time. It is important to brief so you can recognize the key elements of the black letter law, but it is also true that you can spend hours writing case briefs every night for the whole semester, and bomb the exam at the end. And the exam is what counts, and only that. So you must focus on preparing for that exam.

3. PREPARE FOR THE EXAM BY LEARNING HOW TO OUTLINE EVERY CLASS. There are many different ways - some people follow a strict outline format, others use a more relaxed structure. I begin with the syllabus by finding

major topic headings for each day or every other day, or whatever the case. Each topic becomes a main heading. Then extract the black letter law including the elements for the particular topic, their relevant exceptions, and necessary details. The rest of the pertinent information should jump out at you after that. Adapt your class notes in a way that you can understand by tailoring your approach to what the prof expects and how they want you to view the issue. Then, seek a commercial outline or hornbook to fill in the gaps as a supplement. You'll find they usually go into far more detail than you need. (Starting with a commercial outline usually means you'll have a lot of useless information.) At this point, I suggest you insert what I call "case blurbs". A case blurb is a one sentence statement of the facts, followed by the holding of the case. You need to develop the skill of summing up a case in a paragraph or less, because that is the only part of any case you will ever need. It will also jog your memory later on,

and you will recall the rest.

4. TALK TO YOUR PROFESSORS OUTSIDE OF THE CLASSROOM. If you do not understand a concept, identify it early on and schedule an appointment or visit their office hours. If you can snag a professor and pick their brain - do it. Most of the people in your class won't have much more of a clue, no matter how they

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H.O.S.T.S.

HELP ONE STUDENT TO SUCCEED

By Beverly Blair,
Legal Writing Professor

Do you feel like the walls of the law school are closing in on you and that you have not met anyone not involved in law for too, too long? Are you tired of hearing all the bad things and not enough of good things about the Cleveland Public Schools? Spare an hour; help a Cleveland Public Schools' child learn to read. The personal rewards you will reap will renew you!

For the past three years, Cleveland-Marshall students, faculty and alumni have served as volunteer tutors/mentors for elementary students in the HOSTS program in Cleveland Public Schools. HOSTS is a structured instructional reading program which matches volunteer mentors in one-to-one

tutoring of third and fourth grade students on Mondays through Thursday from September through May. Most recently Cleveland-Marshall volunteers have tutored at the multicultural Case Elementary School, located at 4050 Superior Avenue, a five-minute drive from the law school.

Case Elementary School HOSTS program coordinator Patricia Davis provides all lesson plans and teaching materials plus trains new volunteers. Volunteers can serve for one or more hours per week. If you are interested in becoming a volunteer this school year, you may contact Patricia Davis directly at 361-4693 or discuss the opportunities with Beverly Blair, LB 44, office phone 687-2538, or e-mail <beverly.blair@law.csuohio.edu>.

TEST YOUR WRITING SKILLS!!!!

By Beverly Blair
Legal Writing Professor

A new feature in this year's Gavel will be a writing-skills contest. Submit your LEGIBLY printed answers with your name and home phone number on the form below to: The Gavel at LB23 by October 15, 1998. The winner will be selected by a random drawing from all submitted correct responses, and a prize will be awarded by the Legal Writing, Research, and Advocacy Lecturer Beverly Blair. Look for the name of the winner and the correct answers in the next issue.

1. TRUE or FALSE Commas are placed inside closing quotation marks. For example, "I never saw the other car," said McCormick.
2. TRUE or FALSE Semicolons go inside closing quotation marks, e.g. Parole is a "variation on imprisonment;" therefore, parole and its possible revocation are a continuing form of custody relating back to the criminal act.
3. Like or as: _____ introduces a noun phrase. For example, "look

- _____ a fox."
4. Alternate or alternative: _____ refers to mutually exclusive choices.
5. Amount or number: Use _____ with nouns that cannot be counted.
6. Convince or persuade: To _____ someone means to change that person's mind?
7. Restraint or constraint: Despite the language of the Ohio statute, a valid will is one made without _____.
- Use apostrophes properly to show possession:
8. the fenders of both cars.
9. the name of my mother-in-law.
10. The lives of Lewis and Clark were different. (Show individual possession.)

The foregoing questions have been adapted in part from Laurel Currie Oates, et al., *The Legal Writing Handbook* (2d ed. 1998), its associated Practice Book, and Marylu Mattson, et al., *Help Yourself: A Guide to Writing and Rewriting 187-195* (3d ed. 1983).

Test Your Writing Skills Answer Form

Name: _____ Phone Number: _____

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Surfing For Grammar: Websites that help with grammar techniques

By Beverly Blair
Legal Writing Professor,
& Brian Riley

The following World Wide Web sites can assist you with grammar and writing questions. Each site listed contains instructions on how to access relevant information that may answer your grammar-related questions. So if it's 2:00 a.m. and you are working hard on a paper don't call your legal writing professor, try the internet instead.

1. The English Grammar Clinic
<<http://www.edunet.com/english/clinic-h.html>>

Once you have accessed the homepage to the English Grammar Clinic, click on the text at the bottom of the page that says "Go to the English Grammar Clinic." It will prompt you to create a user name. Make sure to remember your user name and password because you will need them to access the site if you choose to use it later. After creating your user name, click on the text that says "Go to the Conferences Menu." It will ask you to enter the password and screen name that you have just created. Once you have done this, you will reach the Conferences Menu. Notice the blue hyperlinks on the left side of the page. If you click on the text that says "Links Page," it will lead you to different internet sites that may be of interest. Three sites listed here are Merriam Webster's Pronunciation Guide, Dictionary, and Thesaurus. Each site allows you to enter a word and obtain that word's definition, pronunciation, and any synonyms/ant-

onyms for that word. Also under the "Links Page" heading is "Grammar Rock" which contains a basic grammar review with subjects such as adverbs, adjectives, and prepositions.

2. The Grammar Lady
<<http://www.grammarlady.com>>

When you reach this site, click on the text that says "Hit the Books." It will prompt you to create a screen name and password that allow you to enter the website and use its resources. After creating your name and password, click on the text that says "Now, Hit the Books!!" This link will take you to a menu of options on the left side of the page. If you click on the text that reads "FAQ's," it will lead you to topics and questions that are frequently sent to the Grammar Lady. Also under the "Grammar Tips" link, there is a different grammar tip updated monthly by The Grammar Lady.

3. The Grammar Queen
<<http://www.grammarqueen.com>>

When you connect with the Grammar Queen homepage, scroll down and you will find three text links entitled "Grammar Queen FAQ's," "GQ Recommends," and "Ask Grammar Queen." The first allows you to browse through categories which contain frequently asked questions on topics such as adjectives, adverbs, pronouns, plurals, and possessives. The second contains a list of books recommended by The Grammar Queen. Finally, "Ask Grammar Queen" allows you to e-mail The Grammar Queen herself and ask a question.

THE GAVEL

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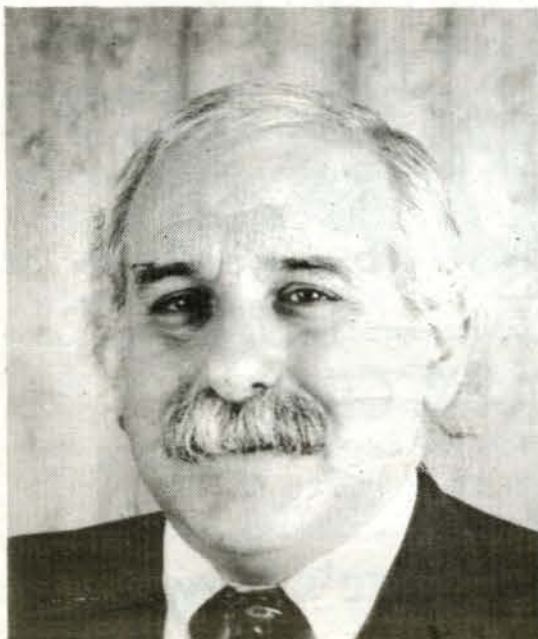
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The Dean's Column

101st Anniversary of C-M



Steven H. Steinglass

I want to welcome all our new and returning students to the 101st year of the Cleveland-Marshall College of Law. During the summer we spent much time preparing for your arrival: Two new classrooms, 224A and 224B have been furnished and redecorated, and our new Student Services Center in the "old library" will open soon. This newly configured space will unite the resources of law school's financial aid, placement, and recruitment and admissions offices in order to make your transition through law school more amicable and convenient.

You are entering or continuing law school during an exciting era in the law school's history: In the past year we celebrated the opening of our state-of-the-art Law Library, observed our Centennial, and experienced great pride in the accomplishments of our students, most notably the successes of our moot court teams in national competitions and the successes of the

editorial boards of the *CSU Law Review* and the *Journal of Law and Health*. Several student organizations also invigorated the law school with special programs and social events. It was a good year for all of us.

It was, moreover, a year in which we took a hard look at ourselves and at our curriculum through the almost-completed strategic planning process. You will be the beneficiary of that year-long planning process.

Through the process we affirmed the core values of a legal education and renewed our commitment to prepare our students for the challenges of practicing law in the coming century. Our commitment includes strengthening our legal writing program and our clinical education program and integrating technology more thoroughly into the curriculum. Our goals are realistic and attainable, and I am confident of our ability to realize them, so that when you leave here you

CORRECTION



The Honorable Christopher A. Boyko '79
Cuyahoga County Court of Common Pleas

In the May 1998 issue of *The Gavel* (Vol. 46, Issue 6) Judge Christopher A. Boyko's name was misspelled.

The *Gavel* Editors regret this error, and sincerely appreciate the time and attention Judge Boyko dedicated to writing the article as well as his willingness to contribute to the Alumni Advice column.

will be well-educated and accomplished lawyers.

This year opens promisingly with an address by a distinguished visitor. On the 16th of September the Honorable Nathaniel R. Jones of the United States Court of Appeals for the Sixth Circuit will present "Reflections on Desegregation: the Cleveland Experience" at 5:00 p.m. in the Moot Court Room. Judge Jones will spend the first semester with us. Long active in the civil rights movement, he was the national legal counsel for the NAACP from 1969 until 1979 when he was named the Sixth Court. I hope each of you will take advantage of the opportunity to hear Judge Jones speak on this important topic.

We have planned many more events for the first semester. I will be writing about them in the future. In the meantime, I wish you a productive and rewarding year of hard work and high achievement.

Student Bar 1L Elections

The Student Bar Association First Year Senator elections are taking place on Sept. 29th and 30th. All first year students are encouraged to get involved in the most active student group on campus. Applications are available outside the SBA office, Room 28.

Candidates should take note of the following dates and times:
Fri., Sept. 25th, Noon - Completed applications are due in the SBA office.

Tues., Sept. 29th - Voting, 11:30 to 1 p.m. and 5:30 to 8 p.m.
Wed., Sept. 30th - Voting, 11:30 to 1 p.m. and 5:30 to 8 p.m.

Library Renovation

Continued from page 1

to donate any unused books you might have so the bookshelves can be filled thus allowing for some staff privacy.

The basement (a.k.a. garden level) of the old library will possibly be used for receptions or SBA events. No firm plans have been made yet, but informal discussions with the university are commencing. Unfortunately the Committee rejected my proposal for a fitness center and swimming pool. I hope to be able to make an alumni donation in the near future for just that purpose.

Other renovation projects include the new atrium furniture and carpet. Please treat the new amenities well, as they have to last for another 20 years. A major restructuring of the Trial Advocacy room 204 took place over the summer as the old video equipment and bench was hauled away. The room will now be used for small seminars and regular classes. Dean White is encouraging the submission of photographs so that they can be enlarged and posted.

Important Deadlines...

Supreme Court Application
(If not filed in your 1st or 2nd year)
January 15 (July Bar Exam)

Ohio Bar Exam Application
January 15 (July Bar Exam)

Graduation Application
December 1 (May Graduates)
March 1 (July Graduates)

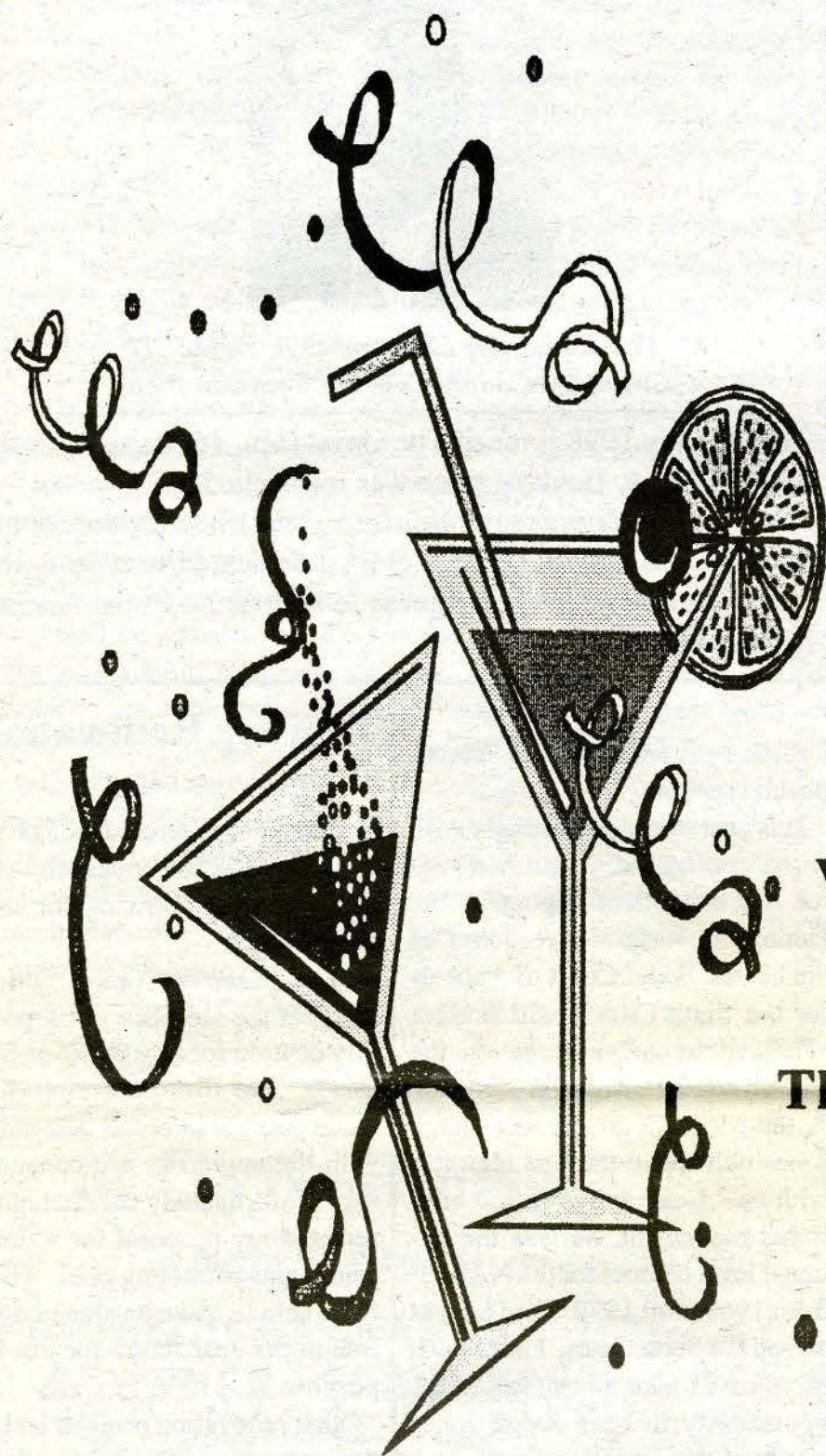
MPRE
(Required for state bar admission)
October 16 (November Exam)

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"Ask The Legal Writing Professor"

By Karin Mika
Legal Writing Professor

This is the first article in a new series that will try to answer your questions about law, this law school, school in general, or life in general. Submit your questions either through the Gavel office, or directly to: Ask the Legal Writing Prof c/o Karin Mika.

Question #1: Is there any undergrad major that tends to do better than others in Legal Writing?

Answer: I actually tried to figure that out for sure last summer by charting the grades of my students from the previous seven years. I not only discovered that there was no consistency as far as an undergrad major, but that there was no consistency in terms of what type of school was attended (public v. private; excellent reputation v. mediocre reputation). In my own experience I have found that those who do best in Legal Writing (and usually all of law school) are those who not only work hard, but have a type of acumen for the material. By acumen I don't mean a genetic gift, but rather a proficiency developed by having had a lifetime of zeal for all kinds of knowledge. These are the people who spent the summer after fourth grade preparing for fifth grade, and the people who get more of a thrill reading historical markers than spending time on the beach. They probably also took writing (or arts) courses as science majors and science courses as liberal arts majors. By the same token, I have had some people walk in and breeze through Legal Writing without having had any of the supposed tools for success, and some people, who had all the indicators of success, do quite poorly. Generalizations based solely on a resume are impossible.

Question #2: Are students getting worse as time goes on?

Answer: We all like to glorify our intellectual superiority at an earlier age, at an earlier (no longer existing) time, but I believe that's just having a rather selective

memory. Students have tended to be the same from year-to-year -- some outstanding, some not-so outstanding, some who are probably smarter than some of their professors (but don't know it yet). Professors, in general, tend to lead a charmed intellectual existence because they are continually surrounded by bright people and challenged with ideas that most of the world doesn't get to hear on a day-to-day basis. Admittedly, that raises expectations. It is then easy to convince yourself that you have always traveled in such a circle. It just isn't so. In some respects, the best students actually get better from year to year. They come in with more of a game plan and have had the need for higher education emphasized all of their lives. When I was 17, my parents weren't talking college; my mother was telling me to learn to type, and I was contemplating my future moving up in the hierarchy of McDonald's.

Question #3: Why is Legal Writing only four credits?

Answer: My colleagues will probably think this is my opportunity to make a cynical comment like, "Because the administration does not regard it as important as the other substantive classes," but that's not really the answer. Way back when, Legal Writing was not part of any law school curriculum -- students were expected to know how to write coming in. When it became important for law school to include Legal Writing in the curriculum, there was a struggle (and still is) determining just what should be included, what it should be worth, and how it should be graded. Thus, at its birth, Legal Writing at Cleveland-Marshall was determined to be worth four credits. To the extent that the wheels of bureaucracy turn slowly in changing anything that has been declared to be and memorialized by the vote of some committee, it would be a lot harder changing this number than simply deciding upon another number, even if it were deemed appropriate.

Notable Quote:

"The concept is interesting and well-formed, but in order to earn better than a 'C', the idea must be feasible."

--A Yale University management professor in response to Fred Smith's paper proposing reliable overnight delivery service. Fred Smith went on to found Federal Express Corporation.

Patent Bar Information

By Tammy Bogdanski, Staff Editor

In order to represent individuals in patent cases before the United States Patent and Trademark Office ("USPTO"), an attorney or agent must be registered by the USPTO. The requirements for registration are set forth in the Code of Federal Regulations ("CFR"), Title 37, sections 10.5-10.7. To be included in the USPTO's registry, a person must be of "good moral character" and possess "the scientific and technical qualifications necessary to render applicants for patents a valuable service".

Further, each applicant must take and pass an examination. The examination is waived for individuals who have actively served four years or more in the patent examining corps of the USPTO.

In order to be admitted to take the examination, an individual must demonstrate that he or she possesses scientific and technical training. The USPTO permits an individual to meet this requirement in three ways. First of all, if an individual has a bachelor's degree in a recognized technical subject, he or she meets the requirement to take the examination. A bachelor's

degree in one of the following subjects is sufficient: Biology, Chemistry, Botany, Electronics Technology, Engineering, Aeronautics, Agriculture, Computers, Geology, Food Technology, Pharmacology, and Physics (refer to 37 CFR section 10.7 for a complete listing of qualifying subject areas).

An individual may also qualify to take the examination if he or she has earned a bachelor's degree in a non-technical subject area, and has scientific and technical training equivalent to a bachelor's degree in a technical subject area (refer to 37 CFR section 10.7 for further details).

Finally, if an individual has practical engineering or scientific experience or if he or she cannot qualify under the previous two categories, then an individual can demonstrate technical training skills by passing the Fundamentals of Engineering Test. This test is administered by the State Board of Engineering Examiners in each state.

The Patent Bar Examination is a full day, six hour exam that tests an individual's knowledge of patent

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Ohio State Bar Association

To Pledge or Not to Pledge?

By Gary Norman
Staff Writer

What do you suppose would happen if the law school began its Orientation Session with a recitation of the Pledge of Allegiance? Would students rebel -- or would they recognize this as an opportunity to embark on their personal quest to learn the law with zeal and patriotism? As a State supported institution, introducing a voluntary prayer would probably be too controversial -- but the Pledge? We begin sporting events with the National Anthem, so why not begin "lawyer-training-season" with the well chosen words that have become a national prayer?

The study of law is, and ought to be a neutral inquiry, however, lawyers-in-training should not park their personal ethics at the "school-house-gate." Many professors encourage their students not to lose their common sense while studying law; perhaps it would be even better if we were encouraged not to lose our moral compasses.

As an essential profession in

civilized societies that endeavors to harmoniously regulate the interactions of citizens, lawyers ought to have the deepest respect for the laws they have sworn to uphold and respect for their feelings of patriotism.

Reciting the Pledge would be a forceful reminder that the study and practice of law is a civic experience as well as a mental exercise. The Orientation Week would be a particularly appropriate time as this is when new students are beginning their indoctrination into both the law and this school. An expression of patriotism at the beginning of the school year would promote good will and infuse students with a sense of guiding purpose. Sadly, many people joke that these traits are no commonly found in many practicing lawyers. Perhaps reciting the Pledge of Allegiance would help students retain these traits as they develop the other traits that are needed to be a practicing attorney.

Patent Bar Information

Continued from page 5

law and USPTO rules, practices, and procedures. To pass the examination, an individual must be able to draft claims, analyze factual situations, and apply the patent laws and USPTO rules. Knowledge of ethical and professional conduct applicable to registered patent attorneys and agents is also necessary.

The examination is divided into two sections. A three hour morning section and a three hour afternoon section. To pass the examination an individual must pass both sections. For future exams, credit is no longer given for passing one section. Thus, both sections of the exam must be passed at the same time.

For those seeking assistance in preparing for the exam, there are a number of review courses available. The following is a list of some of the entities that sponsor review courses: Patent Resources Group, Practicing Law Institute, Institute of Patent Studies, Longacre/White, Patent Bar Seminars Inc., and Professional Programs Group. Search the internet for more information on these review courses. One common sense tip for passing the exam is start early and devise a study schedule. Additionally, copies of the last three exams are available for \$15.00 each from the USPTO.

For those interested in taking the Patent Bar Examination, the next examination will be held Wednesday, April 21, 1999. The deadline for filing applications is January 8, 1999. A \$40.00 non-refundable application fee and a \$310.00 examination fee must be included with each application. Applications that are not received by the deadline will be considered for the subsequent examination scheduled for Wednesday, November 3, 1999. The various cities in which the exam can be taken are listed in the application package and include: Dayton, Pittsburgh, and Detroit.

To request an application form for the Patent Bar Examination or for additional information, contact: United States Patent and Trademark Office, Box OED, Washington, D.C. 20231, telephone: (703) 306-4097, fax: (703) 306-4134. Additionally, this month, application forms will be on the internet at <www.uspto.gov>.

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Advice to 1L's

Continued from page 1

camouflage it. Go to the source. 5. DO NOT GO INTO EXAMS THINKING EACH PROF WANTS THE SAME APPROACH. Each professor is different on how they structure and grade exams. The only way to figure out what they want is to talk to them before the exam. Although they appear incredibly busy, they will love to sit down and outline for you how they want you to respond. This is a point that 99% of your classmates will overlook. It is easy to think that, "Hey, I know the material inside and out. I'm not worried." WRONG. The critical difference between law school and undergrad is that if you spew back the information as an undergrad then you get an A. In law school, knowing everything doesn't help unless you apply it to a hypothetical in a coherent and structured format that corresponds to the prof's expectations.

6. PRACTICE OLD EXAMS BEFORE THE EXAM. Take your attempts to your Profs, ask them to read them and give you advice. This is invaluable, although it is difficult to motivate yourself to do this. You realize what you actually know, and forces you to put your knowledge into a framework. Then you need to check this framework against what the Prof expects. IRAC is not as easy as it sounds, and it takes time to get it right. Also, certain Profs have quirks about the IRAC method -- some emphasize certain aspects over others.

7. BE CAUTIOUS ABOUT STUDY GROUPS. If you used them in college and they worked, then continue with them. But if you never used them, don't start now. This is the best way to approach law school in general. Stick with what has worked for you before. Anyway, study groups are useful if: (a) there are no more than four people, (b) you are all on the same mental level, and (c) you already have a solid grasp on the material. For many, the ideal situation is to find one person and work through hypotheticals, practice exams, and flash cards that you can't digest simply by looking in a book. But DO NOT get into a study group to divide up sections of the syllabus and compile outlines.

8. DON'T LOSE HOPE. DON'T DOUBT YOURSELF. JUST DO IT. I have found that half of the battle is figuring out what to do and how to do it. Once that is done, nothing is impossible.

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