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The GAVEL

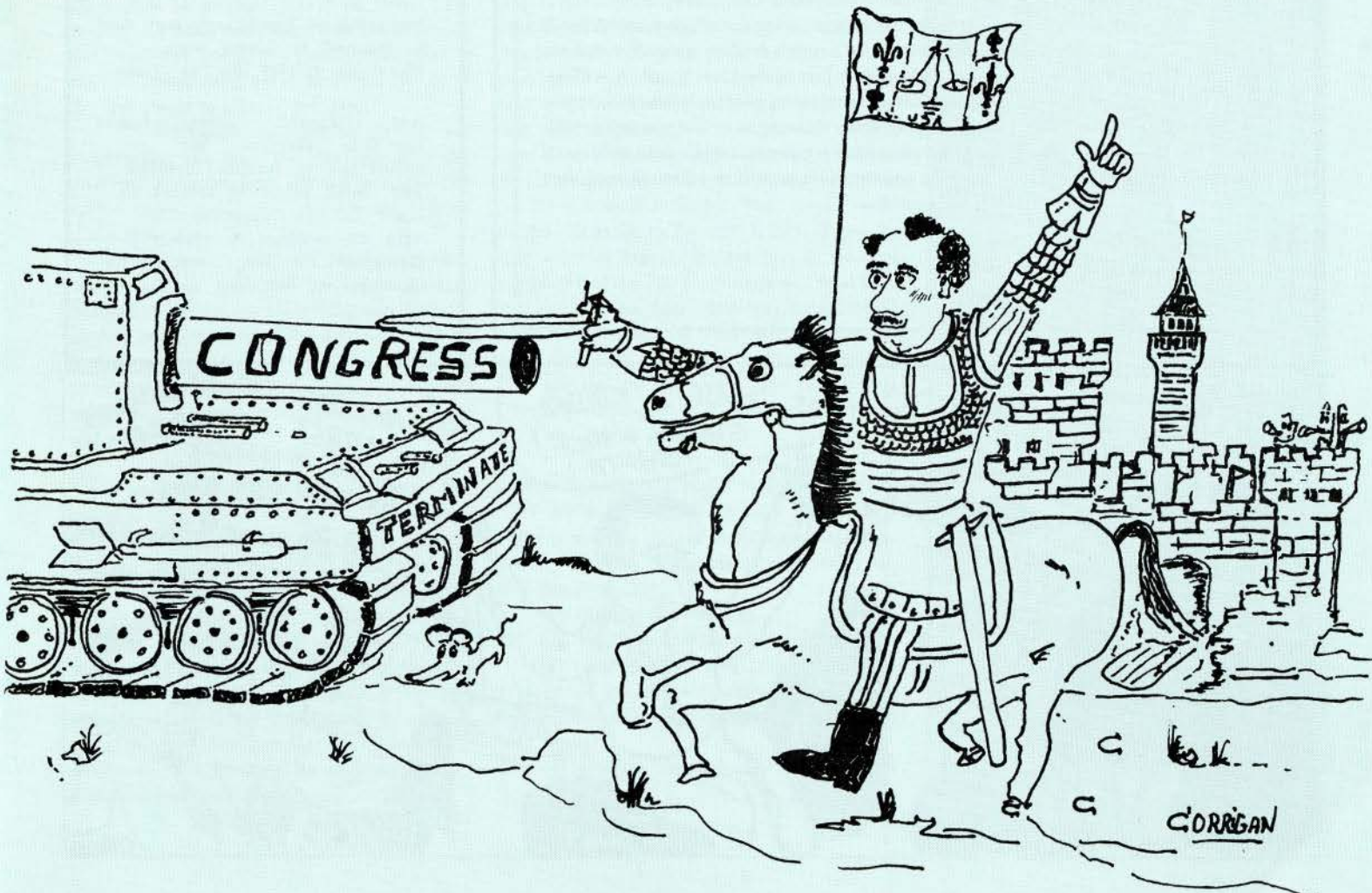
Cleveland-Marshall College of Law

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The Battle of Hastings Continues



Editor's note

George Bush is the name of our 41st president; our conservative president. This president headed the Central Intelligence Agency for about a year during the Ford administration. He is the same vice president who cast the deciding vote in the Senate in 1983 which allowed the production of nerve gas. Dukakis and the media did not question Bush.

Ah, how everything has a trickle down effect. Cleveland-Marshall recently hosted two very liberal leaders: Michael E. Tigar, professor of law at the University of Texas, who has represented the Chicago Seven, numerous anti-draft cases and a victim of the Abscam scandal; Alcee L. Hastings, federal district court Judge for the southern district of Florida, a Carter appointee who was acquitted of FBI inspired conspiracy and bribery charges. Both gave public addresses; both were hardly questioned.

During a small gathering of about 30 students with Tigar one morning, one question was asked about his activist background. No other questions were asked. Tigar forced himself to make conversation with the students.

This same situation occurs in the classrooms everyday. Lectures on cases where Chief Justice Rehnquist calls Miranda warnings prophylactic rules raise no eyebrows or hands. No one questions the professor.

College-age students overwhelmingly support a conservative president and his party at Bowling Green State University; the same president and party which tried to eliminate the Department of Education. This same party spearheaded stringent financial aid restrictions. No questioning occurred, just wild cheering.

Even a conservative college newspaper at Dartmouth is accused of being radical, for not conforming to the college administration's idea of proper conduct.

It is particularly frightening to see this lack of caring and single-mindedness at law schools. Law schools traditionally produce the nation's leaders and policy makers. Cleveland-Marshall graduates become a significant part of the local bench. A willingness to blindly accept executive and legislative prerogatives ultimately leads to despotism and a state of dictatorship. Law professors, some claiming to be liberals, still participate in the institution, perpetuating the conforming process. Unprepared to discuss issues concerning basic liberties, students sit idly while professors editorialize on their current pet peeves. And we do not question this.

We should.

The GAVEL

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Any interested students, including first-year students, are encouraged to become involved. The Gavel office is located in room 23, near classroom 12. Stop by, someone is usually in the office. Or put a note in the envelope on the door.



Bar examination techniques

Faculty forum

By Professor Joan Baker



The relatively poor showing of Cleveland-Marshall graduates on Ohio State Bar examinations gives rise to concern on the part of law students, faculty, and alumni. One group blames our low passage rate on poor instruction in law school. Another group contends that our students just aren't as "good" as students from other Ohio law schools who pass the bar at higher rates.

My view is that Cleveland-Marshall students are as capable as students of any other law school in the state of passing the bar examination of the first try. In fact, there is no reason why our graduates shouldn't start getting one of the highest bar passage rates in the state. I am writing this piece in the hope that it will inspire our December law school graduates to become the first graduating class in the recent history of the law school to achieve that goal.

Inadequate preparation for the bar examination has been the real source of the problem. Some students opt not to take a bar review course at all. This is a mistake. Please don't make it.

But even taking a good bar review course will not guarantee bar exam passage, because no review course in existence can adequately prepare students for that major hurdle to success: the Multistate Bar Examination. To overcome that hurdle, students have to do work above and beyond attending review lectures and reading notes.

HOW TO DO IT

Following is a method that has resulted in a high degree of success for those who have used it. It involves taking between four and six COMPLETE multistate practice exams. (AVOID the 1972 and 1978 Multistate Bar Exams that are still in circulation, because they are worthless.) The law library has a number of practice multistate examinations on reserve for your use. Our Support Services office also has several, and will make copies of them for your personal use for a small fee. Take advantage of these resources and PRACTICE. I recommend the following approach:

1. WITHOUT BOTHERING TO

STUDY, TAKE A FULL MULTISTATE PRACTICE EXAMINATION TO SERVE AS A "BENCH MARK". Set aside an entire day for this purpose. Start at 9:00 and finish at 4:00, with one hour (exactly) off for lunch. This will duplicate the conditions you will encounter at Columbus and will help to toughen you up for the real thing. Taking small bunches of problems at a time, as many students tend to do, is a waste of time because it does not subject you to the intense time and endurance pressure you will actually be subjected to on the real exam.

2. GRADE YOUR PAPER TO FIND YOUR INITIAL SCORE. Don't despair if it is low, because the first scores usually are. The score you are to aim for is 150 correct out of 200 questions. That score will give you a comfortable margin, which you will need for the real exam. None of the practice exams currently available is as difficult as the actual exams that have been given the last two times. Current problems have longer fact patterns, and there tend to be more problems with only one question per fact pattern. The amount of reading time has, therefore, increased tremendously. By securing scores of 150, you will help make up for this increased difficulty. The "magic" score on the real exam, by the way, is 125. If you get that score or higher, the practice in the past suggests that the Bar Examiners will read only two exam books (four questions) instead of all twelve. Moreover, the scores of multistate and essay exams are merged, so the higher the score you get on the multistate, the better your chance of passing, even if you score lower than a 7.5 on a few of your essays.

3. STUDY ONLY THE PROBLEMS YOU MISS, NOT THE ONES YOU GET RIGHT. Relearning what you already know is a waste of time and it saps self-confidence. To study the problems effectively, follow this procedure:

- (1) Reread the problem.
- (2) Read the analytical answer.
- (3) Identify the legal standard (rule or principle of law) that was critical to the problem and that you obviously did not know, or know well enough.
- (4) Make a "concept card" for that legal

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Rude Professor

Dear Dean Smith:

On October 25, 1988, the Law Review, S.B.A., and the Peer Advisors conducted seminars open to all law students on the use of the Harvard Citator. The seminars would have been a complete success were it not for the incredible rudeness of a Cleveland-Marshall faculty member.

The specific incident occurred during the 5:15 seminar which I was conducting in my capacity as Managing Editor of the Law Review. The Law Review had reserved room 13 for the seminar pursuant to law school policy. The seminar was planned and conducted in anticipation of a full 45 minutes in which to present the materials. However, at 5:45 p.m., I was interrupted by Associate Professor Harvey Leiser, who entered the room and questioned my reason for being there in front of more than 20 people attending the seminar. Professor Leiser left the room only to return in less than five minutes and inform me that he intended to begin his 6:00 class at 5:50 as he had been doing for the past several weeks.

Not only did I consider his treatment of me and the others in the room to be rude and offensive, I also find it inexcusable for anyone to interrupt while another party is obviously conducting a discussion. While I was still speaking, Professor Leiser had begun to noisily spread out his materials in front of the room, effectively preventing me from even wrapping up the seminar in an organized manner. Had I been informed of the scheduling conflict, I would have been more than happy to accommodate him, but he apparently neglected to inform the proper parties of his intent to occupy the room ten minutes early.

I do not profess to represent the official opinions of the Law Review, S.B.A. or Peer Advisors on this matter. These opinions are strictly my own. However, I feel that by removing me from the room, not only was I not accorded appropriate respect, but the organizations involved were also treated disrespectfully. The school should condemn, not condone, such behavior on the part of its faculty, particularly in regard to activities sanctioned by the school by virtue of its own room scheduling requirements. If the student organizations sponsoring events which require rooms must go through the appropriate channels to reserve a room only

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Tamed Tigar teaches

By James Drake

A Tigar was turned loose on Cleveland-Marshall College of Law recently. The man in question was Michael E. Tigar, the forty-third Cleveland-Marshall Fund Lecturer. Boasting a resume in excess of seven pages, including arguing before the U.S. Supreme Court on numerous occasions, as well as enough past and current honors to shame even

the most ostentatious barrister, Tigar addressed a large crowd in C-M's Moot Court room. His topic was "Intending, Knowing and Desiring; The Mental Element in Federal Criminal Law." As Chairman-elect of the Section on Litigation of the American Bar Association, Tigar was expected to have a special familiarity with the subject. He did not disappoint.

After a short introduction by Profes-

sor David B. Goshien, Tigar took the podium. Before addressing his topic, Tigar took time to relate a story concerning Art

Buchwald, who had led Tigar to believe that a trip to Cleveland was one rung above a tour of the New York City sewer system. The crowd applauded as he promised to write Mr. Buchwald to correct his misconceived opinion of the city.

Tigar kept his quickly won audience's attention by addressing "the first entrapment case" as chronicled in the Oedipus Rex trilogy. Pointing out that Oedipus was not aware that he had married his own mother and killed his father, Tigar addressed the question of what had to be proved to show that an alleged criminal had the mens rea necessary to be convicted of a particular crime. Is a person guilty of a crime if he or she is unaware of the facts that would make him understand that his behavior was criminal?

Before answering the question directly, Tigar gave several examples of how federal courts had interpreted differing levels of intent. To conclude his list of examples, he addressed two of the cases that are representative of the current state of intent requirements in criminal cases. In *Liparota v. United States*, 471 U.S. 419 (1985), the Supreme Court determined that the Model Penal Code hierarchy of mental state (purposeful, knowledge, recklessness, and negligence) were appropriate standards of intent. Further, in *United States v. United States Gypsum Co.*, 438 U.S. 422 (1978), the Court reversed the theory that, by establishing a certain allegation as fact, intent could be assumed as a matter of law. Instead, the Court used knowledge as the intent element which needed to be proved in order to obtain a conviction.

Having given a glimpse of the general state of intent as applied to criminal law, Tigar got to the core of the lecture, which was establishing the difference between desire and intent, especially in a "non-act" crime, such as conspiracy.

Tigar defined conspiracy as having some sort of criminal desire, e.g. the death of another, so that "If you join your desires with others having similar desires, you are prosecutable [for conspiracy]." Tigar pointed out that a crime of intent-only is unique to the Anglo-Saxon system of law. No other Western nation has such crimes. He traced the development of the intent-only crime of conspiracy to a change in the church liturgy in the 11th century.

In order to punish "risk creators," instead of "wishful thinkers," however, the idea of intent was introduced. Pointing out that today's increasingly complex society has developed many complex duties which are easily breached, Tigar said that the element of intent becomes increasingly important. It protects people who engage in unpopular, though not

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Michael E. Tigar

Letter: Nightsexcluded

Editors:

The feeling of disassociation from the community of full-time law students frustrates many evening law students who have the desire to be more actively involved in the law school experience.

Hence, my reason for writing this article is primarily altruistic. The Gavel offers me an opportunity to finally become involved in an extracurricular activity in my third year of law school.

This I can do because unlike most extracurricular activities, the hours are flexible and the writing can be done wherever I am when I have time.

Unfortunately, most of the programs designed to enrich the law student's experience are not available to evening students. Since I am both a transfer student and an evening law student, I am familiar with the schedules of activities at two different schools. At neither Gonzaga University in Spokane or at Cleveland-Marshall are guest speakers scheduled for the convenience of evening students. This is understandable because the lecturers want to work during their business hours, and often they are scheduled for the noon hour. However, unless you work close to the school, most evening students cannot afford to take time to drive downtown, in addition to forsaking the noon meal, to listen to them. Most evening students already do not eat dinner on the nights they have classes.

Even the happy hour socials frequently scheduled at C-M cannot be taken advantage of by night students. By the time an evening student leaves work, which is 5:00 p.m. or later, drives to school and finds a parking place, 6:00 classes have begun.

Another problem is the special interest organizations such as the International Law Club, the Women in Law, etc. . . . Once again, all the meetings are held during the day, precluding the participation of night students.

The University's schedule also represents further barriers to a
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Rude professor

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to be preempted by a professor who has failed to abide by those same rules, what incentive does any student group have to attempt to reserve a room or sponsor any event if its authority to be present in a room may be trumped in such a miserably rude manner?

Diane K. Hale

The GAVEL was sent a copy of this letter. for publication. Ed.



Photo by R.T.Reminger, Jr.

Impeached Judge Alcee Hastings

Hastings looks from the bench

By Christina M. Janice

Impeached United States District Court Judge Alcee L. Hastings spoke on "The Civil Litigation Process: A View from the Bench" for the combined first year civil procedure classes of Professor Robert S. Catz, a member of Hastings' defense team, and Professor Stephen R. Lazarus. This open class session was part of a series of presentations by Judge Hastings at C-M entitled "The Battle of Hastings: Not Guilty- But Not Free," sponsored by the National Bar Association/ Law Student Division and the Norman S. Minor Bar Association.

Hastings spoke on the strategies of civil litigation and the importance of having a working knowledge of the Rules of Procedure. "In a court of law," he said, "the Rules rule."

Hastings outlined a detailed program for successful handling of a case. The first step he cited is finding the cases that control the instant situation, and then establishing what rules of law are likely to apply.

After research, Hastings said that the next important step is to go where the incident happened and personally investigate.

"Investigation is critical to your being able to maintain your posture in a litigation." He added that all too often, counsel goes into court without understanding what really hap-

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Hastings may be test case

By Greg Foliano

Impeached District Court Judge Alcee Hastings told students and faculty at Cleveland-Marshall he feels like a constitutional guinea pig.

"They did not care whether I had a son. They did not care whether I had a mother. I was found not guilty by a jury," Hastings said. "They decided they wanted to play constitutional guinea pig with me. I do not care for playing Constitutional guinea pig for three and one-half years."

Hastings concluded three lectures at C-M by appearing Nov. 10 in the moot court room on behalf of the National Bar Association. The other lectures were given in a combined civil procedure classes of Professor Robert Catz and Professor Steven Lazarus and Catz's federal jurisdiction class. Catz is a member of Hastings' defense team.

Hastings was indicted for bribery in 1981, but was acquitted in 1983. He was impeached by the House of Representatives on Aug. 8, 1988, and will face trial in the Senate on March 1, 1988. He is charged with fabricating a false defense in his trial.

One of the issues coming into play in the case is the constitutionality of the Judicial Council's Reform and Judicial Conduct and Disability Act of 1980. The act empowers councils of each circuit to investigate and sanction the conduct of federal judges.

"What you have is the judicial council saying that a judge had done an impeachable offense, they in turn sent a letter to the U.S. Congress, who by the United States Constitution Article I have the sole power to impeach," Hastings said.

"You are looking at the first person in the history of the United States, that has the judicial branch, the legislative branch, and the executive branch addressing that person in an impeachment proceeding."

According to Hastings, 42 of the 37 judges involved in the complaint did not read or even see the file.

"They signed off on my life, but life will go on even if I'm removed," Hastings said. "The troubling thing about it is they didn't read shit."

In the House of Representatives the impeachment proceeding was heard by an eight person subcommittee of the judiciary committee in six and one-half days of hearings over a three week period. The eight reported to the other 27 members of the committee, and the

413 members of the House voted that Hastings should be impeached. According to Hastings, 405 members of the House did not read the record. None of those hearing the impeachment heard any of Hastings' evidence.

On January 23, the Senate will decide whether all 100 members will hear the case or whether it will be referred to a committee. Hastings hopes for the full Senate to hear the case.

"Put yourself in my place," Hastings said. "Twelve persons are going to make that decision and tell the other 88 what they think."

"There were five judges and seven congress people who heard the evidence from the articles of impeachment, and these 12 say their judgment is better than the 12 on the jury," Hastings said.

The executive branch also was criticized by Hastings. He said he felt justified in saying the Reagan administration is a racist administration.

"Law is not some vague disembodied spirit," he said, "it is a manifestation of the will of the dominant culture." This allows many persons to be abused in the process of seeking justice, Hastings said.

According to Hastings, the seven years of fighting have become tiring. "The battle of Hastings is beginning to weary the old Hastings person," he said. "Every time we learn the rules they change the game."

One of the other issues brings into play the double jeopardy doctrine. The government claims an impeachment is a civil action and the doctrine applies only in criminal actions.

Still, Hastings says he will fight to the end.

"The ultimate measure of a man, in the words of Martin Luther King, is not where he or she stands at moments of comfort, but where he or she stands at times of challenge and controversy. When Martin said that little did I know that it would have a ring for me of immense consequences," Hastings said.

"This is not just about my life or judicial independence. I'm in this mess about principles," he said. "I'm legally correct. I'm morally correct, and I'm physically correct, and that's exactly why I'm in this."

"A little chicken shit \$89,000 a year job is not what I'm about. I was not born a judge and I do not have to die one, but I was born a man, and not one of those people will cause me to quit."



Moot Courters, Mark Phillips, Tony Soughan, Randi Ostry, Lisa Gerlack, Professor Stephen Werber, Tim Fitzgerald and Gus Idzelis (from left). Photo by R.T. Reminger, Jr.

C-M Moot Court one of best

By David J. Przeracki

Cleveland-Marshall boasts one of the most successful Moot Court programs in the United States. Under the advisorship of Professor Stephen Werber since 1981, and recently added Lecturer Kenneth Weinberg, C-M teams have finished in First Place five times. In 80 percent of all competitions, C-M teams have reached at least the quarter final rounds. In 50 percent of all competitions, C-M teams have written a top three brief, and in 15 percent of all competitions, a C-M Board Member received a First or Second Place Advocate Award.

C-M's Moot Court Team competes in Region VI, which is comprised of 23 teams from twelve law schools from Ohio, Michigan, and Kentucky. This year's Regional Competition will be held in Columbus, Ohio Dec. 1-3. The top two teams from the Regional Competition will advance to a finals round in New York City in January, where they will compete against the top two teams from thirteen other regions. According to Tim Fitzgerald, Chairman of the Moot Court Board of Governors, C-M Moot Court teams have performed well at the Regionals. "The past two times we had teams in Columbus," said Fitzgerald, "we won the Region and went on to the finals. Our style does very well in the Region."

The Regional Competitions usually involve issues of constitutional proportion. This year, timely sixth amendment issues will be argued. The issues, not yet decided by the Supreme Court, arise from a case in the Court of Appeals for the Seventh Circuit. Specifically, the problems which the Moot Court Teams will argue are:

-WHETHER the sixth amendment requires that there be a possibility that the jury impanelled be a fair cross-section of the community?, and

-WHETHER the equal protection clause forbids a prosecutor from striking ten female venirepersons from a jury which will decide guilt or innocence of a woman accused of murdering her husband and who will plead self-defense and battered wife syndrome?

The C-M Moot Court Team members working on these issues are: Tim Fitzgerald, Lisa Gerlack, and Augustine Idzelis (writing Respondent's Brief), and Mark Phillips, Randi Ostry, and Anthony Soughan (writing Petitioner's Brief).

The final practice for oral arguments on campus culminated in the Tenth Annual Fall Moot Court Night, Nov. 28, in the Moot Court Room. This year's judges included the Honorable Ann Dyke, Ohio Court of Appeals for the 8th Appellate District; Frank D. Celebrezze, Esq., former Chief Justice of the Ohio Supreme Court; and C-M's Dean Steven R. Smith, Esq. The teams are judged on brief and oral scores. The highest combined scores determine which team will advance through Regional Rounds and ultimately to the finals in New York City.

The C-M Moot Court Program has received substantial recognition from the legal community. For example, two students are given full or partial scholarships for top performance in spring Moot Court competition from Weston, Hurd, Fallon, Paisley & Howley. Other donations are being used to build a Moot Court resource library.

Women in bar are surveyed

By Cathie Chancellor and Lisa Brown

Childbearing and child care are still major concerns of female attorneys in the Cleveland area as well as lingering vestiges of a male-dominated profession.

Issues such as child day care, and social exclusion surfaced during a recent survey by the Cleveland Bar Association. A Commission on Women in the Law, of the bar association was formed to survey the status of women in the legal profession, said Karen Newborn, a Cleveland-Marshall alumnus, during a recent talk sponsored by the Women's Law Caucus. The commission sent 700 surveys to female attorneys in the Cleveland area; about 330 attorneys responded. Newborn chaired the commission.

The survey was designed to cover such areas as job status, demographic data, attitudes toward law practice, perceptions and narratives on likes, dislikes, problems. "We must have hit a nerve," said Newborn. People were concerned and wanted to talk about this area of the legal field, she said.

"It's been an amazing experience for me, because it's generated so much interest, and people are taking so much initiative," Newborn said.

In pursuing its mandate to study how women lawyers fare in law practice, in the community and as members of the organized bar, Newborn said the commission focused initially on the internal executive structure of the Cleveland Bar Association. It then focused on

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Karen Newborn

Photo by R.T. Reminger, Jr.

Women in bar express concerns

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the body of the bar and its female members.

Of the 700 attorneys surveyed, the main concern, said Newborn, is in the area of child-bearing and child care. Ninety percent of the respondents practice law full-time, while raising a family. Apparently, most women would rather have the option of part-time opportunities. Many commented they wanted to work part-time, so they could raise a family, she said. However, the lack of good part-time opportunities make

it nearly impossible for them to do so. Newborn found the bigger firms more able to accommodate part-time employment for women attorneys, generally, because of the resources available. Dropping from full-time to part-time status could seriously affect a women's chance of becoming partner.

Of the 146 people answering questions about children and the entry into practice, 79 said they entered the practice before having

children; 56 said they entered the practice once their children began school; 5 said they entered once their children became fully grown. It is probably easier for women to have children before starting practice, Newborn said, although "the trend is for women to begin practice before beginning their families."

Two additional subcommittees have been added to the commission this year, Newborn said. Each subcommittee will now have men, she added. The first committee will work solely on child care; the second will work on alternative work schedules, such as part-time work opportunities. "Many male attorneys having child care responsibilities are expressing interest in actively pursuing better child care," she said.

When asked what changes in the profession those surveyed would like to see, the predominant answers were "improve professionalism," and eliminate occurrences of "frivolous law suits." Other drawbacks to the profession included "social exclusion," "lack of opportunities to attract corporate clients," and "male chauvinism."

Of those responding, salaries ranged from below \$25,000 per year to more than \$250,000 per year. The respondents worked in a wide variety of areas such as private practice, corporate counsel, legal aid, the bench and academia though most worked in domestic relations. Newborn admitted, however, the survey was heavily skewed towards those in private practice rather than in the public sector. The average age was 30 and the average years of practice was seven.

Tigar (cont. from page 4)

necessarily illegal, activities by giving the jury a reason to side with the accused. Since juries are unlikely to decide a case from a purely objective perspective, intent, or lack thereof, gives them something on which to hang their decision. Tigar concluded by asserting that by virtue of intent, the American criminal system has developed an effective counterweight to the Anglo-Saxon tradition of punishing desires.

How to pass the bar exam

(cont. from page 3)

standard. A concept card is a simple 3 x 5 card which you transform into a review tool. You do this by writing the NAME of the concept on one side (e.g., "Past Consideration"), and on the other side, at the top, the name of the concept again, followed by a few KEY WORDS that will help you to recall the elements of the legal standard. DO NOT WRITE OUT A DEFINITION OF THE RULE IN ITS ENTIRETY. The point is that after you have read and understood the legal concept in the analytical answer, you already really know it. The key words on the card are merely to help you RECALL the concept. If you write out entire narrative definitions, you will waste all your time rereading and relearning, and you will never learn how to recall what you already know from your long term memory.

(5) Make 10 to 20 of those concept cards a day, until you have completed all of the problems you got wrong, adding the new cards to your pile.

(6) AT THE END OF EACH DAY, INCLUDING THE FIRST DAY, REVIEW THE CONCEPT CARDS YOU HAVE MADE UP TO THAT POINT. Review consists of looking first at the name side of the card, and trying to recall the essential elements of the legal standard. If you can't recall from looking at the name side, turn the card over, look at your key words, and THEN recall the concept. Do this the evening of the very day you make the card. Review the cards again the following day, along with any new ones you make. Review again a third and a fourth day. By then, the concept will be stowed in your long term memory, which is where it belongs. The process of recollection takes only a couple of seconds, by the way, so you can review a whole stack of cards in a very short time. Reviewing and recollecting what you have learned is the only efficient way to learn this material.

It avoids the painful and wasteful

process of memorization.

4. AFTER YOU HAVE GONE THROUGH THIS PROCESS WITH ONE PRACTICE EXAM, AND THOROUGHLY REVIEWED ALL THE CARDS YOU HAVE MADE, YOU ARE READY TO TAKE THE SECOND EXAM. Go through the same procedure exactly with the second, third, fourth, fifth, and sixth practice exams, or until you score 150 right on at least two exams. (Generally, there is no significant improvement in scores until the third exam, but then the scores start to climb. In addition, the number of concept cards you will have to make will gradually get smaller and smaller).

It is extremely important that you start the review process immediately after you make the cards, however. A delay of even one day can result in a dramatic loss of recall. The recall curve is like a steep cliff, with the plunge occurring about eight hours after the initial learning session. Early and frequent review gets rid of that cliff.

Space out your taking of practice multistate exams so that you have finished this process completely by at least a week and a half before the date of the Bar exam. You will want to spend that last week making some mini outlines of your bar review outlines, and getting some needed rest before the three day ordeal that awaits you. Fitness is critically important, by the way: you should stop studying completely by 5:00 p.m. on the Saturday before the Bar exam.

It will be an occasion for a really special Cleveland-Marshall celebration if the December graduating class finishes as one of the top three Ohio law schools on the Bar Exam. So please give it your best effort. Just remember that cutting corners on preparation doesn't work. Keep your mind on the goal, which is to pass the Bar on the first try.

Hastings gives bench view

(cont. from page 5)

pened.

Hastings next discussed the tactics of the courtroom. "If you are going to litigate in a courtroom," he said, "seize control." Hastings recommended establishing dominance in the courtroom by standing as close to the jury as possible; thereby forcing the witness to look up at the jury. Hastings also recommended snubbing opposing counsel by ignoring them "to the extent that you 'poo-poo' them. He warned not to cross-examine witnesses without anticipating what their answers will be. "There's one thing they can't teach you in law school," he said, "witness control."

Finally, Hastings suggested using the latest technology, such as video tapes, to "keep

the trial alive."

"Your job," he said, "is to create error wherever you can. That's your job."

G.L.L.S. to form at C-M

A local chapter of Gay and Lesbian Law Students (G.L.L.S.) is forming at Cleveland-Marshall. The organization will commence next semester. Students interested in helping organize the group or in membership should direct all inquiries to G.L.L.S. in a sealed envelope c/o the Dean's Office. All inquiries will be held in strict confidence.

Night students excluded

(cont. from page 4)

night student. In order to take advantage of services such as the placement office, the financial aid office, or courses requiring special permission for registration, the night student must take time off from his or her job since these are open, once again, from 8:00 a.m. to 5:00 p.m. Few employers appreciate an employee leaving work in order to pursue opportunities toward perhaps a new career.

Maintaining those full-time careers is the primary reason a student chooses an evening program. The ability to continue working full-time while earning a degree allows most of the night students the only chance they have to attend law school at all. Financial necessity demands that many night students continue full-time employment. While there are some night students who do not have to work full-time but choose to do so, many in both the former and latter class would not quit their jobs if they could. They are not willing to sacrifice careers at which they have worked hard to establish.

Who are the students whom you day students see about 5:55 p.m. when they are impatiently waiting for your parking place? They include a nurse, a Cleveland Brown, and actress, a banker, a CPA, and a travel agent, just to mention a few.

Why, then, are they going to law school? Not only is it a financial burden, but it adds additional pressure to their present careers at the time co-workers are expending their energy in getting ahead on the job. This is an issue most night students ask themselves daily instead of just during finals week. The answer is that night students are in law school because they want to be there. Naturally, you are saying they would not be there if they did not want to be; they already have jobs. However, a night student seems to appreciate the education more, having had a break from it. Many evening students have wanted to go "back to school" for years before they actually could do it. Many evening students who are older feel going back to school gives them a better perspective both on the job and toward school.

New friends found at law school do not "talk shop" or office politics, since they represent such a variety of professions. It makes you realize that your jobs and the people there are not the only things in the world. For me, it actually reduces stress to come to school and talk about events totally disinterested from work.

The converse benefit is that since evening students cannot devote 100% of their time to law school, they tend to handle the "performance stress" better. Life has taught them not to worry about minor frustrations. For an evening student, completing courses each semester-no matter how few hours-is progress.

Finally, many evening students know that even if they never practice law in a traditional role, the experience and education gained by that law degree is priceless.

Jill Fehr

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MONDAYS.

MUNCH
TUESDAYS.

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THURSDAYS.

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FRIDAYS.

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