Getting back at the beast

Forced to atone for its bar scores, C-M revolts like never before

GAVEL STAFF

For the third straight test, Cleveland-Marshall students fin-
ished 18 out of nine Ohio law schools in percentage of first-
time takers who passed the bar exam.

With just 62 percent of C-M test takers passing July's exam, the administra-
tion is under pressure from some students and alumni who don't think the school
does enough to prepare its stu-
dents for the test.

In response, Associate Dean Jack Guttenberg and Dean Steven
Steinglass have implemented new
programs and modified existing
tests to better train students for the
rigor of the exam.

On pages 4 and 5 you'll find:

• Monica Clardy's interview with
  Guttenberg, the informal
  keeper of the bar exam records,
on the school's attempt to pinpoint
  why students fail and devise
  ways to lift the scores.

• Steinglass' regular column on the new legal writing curricu-
  lum and students' responsibilities
  prior to taking the bar.

• An explanation of the new
  legal writing exam format.

• An analysis of how well
  minority students are performing
  on the bar exam compared with
  white students.

• Students' and faculty mem-
  bers' vocal reactions to the latest
  low pass percentages.

Moot court crew on its way to New York City after regional tourney win

By Eileen Sutker

PeopleSoft: "Cleveland State pushed the
PeopleSoft debacle into a new
phase last month. On Nov. 17 the
Plain Dealer reported that CSU's administra-
tion began a "Just Fix It" campaign designed to correct
and control the software problems.

CSU finally informed the students
of the program in a
public meeting last week.

This latest campaign evokes the image of an administra-
tion building water to keep the CSU ship afloat.
President Claire Van Ummersen appointed Joseph Nolan as
special deputy to oversee this latest
response to the software prob-
lems, the Plain Dealer reported.

"We are increasing our cus-
tomer relations training," Nolan
said.

See PEOPLESOFT, page 2

 prediction comes true when one team of
moot courters from Cleveland-Marshall takes on,
then defeats Case Western in final round of
prestigious trial lawyers regional contest

Gard requests score sheets to verify other team's loss

C-M advanced to the final round at the national competi-
tion.

Both C-M teams prepared for two months, using one
month each to write the brief and practice oral arguments.

This narrowly won competition brought C-M into the national
spotlight again.

Members of the Moot Court team said the issues this year
were extremely complex and challenging because, among
other reasons, each team had to
debate both sides of the issue in
various rounds.

The first issue was whether
Miranda v. Arizona was super-
ceded by 18 U.S.C. § 3501 by
replacing the Miranda warn-
ings with a case-by-case analy-

sis of the voluntariness of a
confession. After the first
oralist on a team spoke, the
second oralist argued whether the
admission into evidence of a
dead accomplice's confession
violated the defendant's Con-
frontation Clause rights.

Each argument was techni-
cal, historic and fact-specific.
"I felt that each team in the com-
petition was incredible, and it
was nice to see all the hard work
finally pay off," Gertsberg said.

"Arguing that Miranda is the
only proper test to determine
whether a custodial confession
is given voluntarily was easy
because I really believed in the
merits of our position."
In a judicial race between mostly C-M grads, Zone just eeks it out

By Heather A. Taylor
contributing writer

On Nov. 2, 1999, the general election in the City of Cleveland included a hotly contested four-way race for Cleveland Municipal Court Judge to replace the position of Judge Francis Sweeney.

One candidate was Lauren Moore, currently a staff attorney at the Legal Aid Society, and a 1987 graduate of Case Western Reserve School of Law.

The remaining three candidates were Cleveland-Marshall alumni. Anita Laster Mays, deputy director for the Cleveland Clerk of Court, Criminal Division, was a 1992 graduate.

Ann Wensennan, a 1991 graduate, is a magistrate for Cuyahoga County Probate Court. And Joseph J. Zone, class of 1980, is a named partner in a Lakewood law firm and a Cleveland councilman for Ward 19.

The election was close. When all the ballots were tallied, Zone won the race by fewer than 700 votes.

Zone said he is happy about his accomplishment because his hard work finally paid off. His campaign involved months of preparation for the election.

“A political campaign is a total commitment by anyone who wants to be successful,” Zone said. “You have to shake every hand and meet every person possible, and try to convince them of your credentials.”

Especially in a close race. “Every candidate in the race was an extremely talented individual,” Zone said.

Zone said does not have any future political aspirations other than being a judge. “I went to law school because I wanted to become a judge,” he said. “There’s no higher calling than being on the bench.”

Zone said being a Marshall grad is a great benefit to anyone who wants to be involved politically in Cleveland. “The networking opportunities and potential is incomparable to any other law school in the country,” he said.

Unfortunately, this was the lowest voter turnout in 21 years because of the miserably cold and wet weather.

When all the votes were tallied, Zone won the race with 12,905 votes, or 34.58 percent. Moore was a close second with 12,332 votes, or 32.78 percent. Wensennan and Laster Mays had 11.37 percent and 21.27 percent of the vote, respectively.

Religious hate still spans globe

Former UN counsel Forte takes biggest brunt

By Linda Griffin

In an Oct. 28 presentation, sponsored by the International Law Students Association and the Christian Legal Society, Cleveland-Marshall professor David Forte described the persecution of religious groups throughout the world, with the most persecuted and widespread being Christians.

Forte, who has testified on human rights and religious persecution before Congress, said for the individual and for social and political reasons, religious freedom should be the first human right that is "championed by the governments."

He stressed that religious liberty is not a necessity of human nature but also is a command of customary international law.

"You will notice that any state, whether it be the secular west or the ardest east, that desires to retain power, if it cannot capture religion as an ally empowered by the state, will seek to suppress it above all other rights," he said.

In the past, Forte served as chief counsel to the United States delegation to the United Nations.

With two thirds of all Christians being in the third world, Forte said this group is disparaged both socially and religiously. There is direct government persecution against Christians in China, Vietnam, North Korea, Saudi Arabia, Sudan and Laos.

In addition, reports of government tolerated and encouraged private persecution surfaced in such countries as Pakistan, Burma, Iraq, Egypt, India and Indonesia.

Forte said 330,000 Christians have been killed; three million have been displaced.

Forte pointed to studies which show that villages are starved until they convert to Islam. Men are killed and women and children are sold into slavery.

In Sudan and China are of special concern to the United States, and changes are occurring to get the American government involved.

Nina Shea, director of the Religious Freedom Project, Paul Marshall, noted author of "Their Blood Cries Out," and Jewish leader Michael Horowitz were instrumental in shedding light on the unpopular subject.

Abe Rosenthal, of the New York Times, not understanding why his newspaper was not getting involved, began printing articles to voice his views on the United States’ silence.

Forto said Frank Wolf, a Congressman from Pennsylvania, subsequently introduced the International Religious Freedom Act (IRFA), which established a commission to monitor the status of religious persecution in foreign countries, who in turn recommended policy changes to the Clinton administration.

The IRFA also provided for a special ambassador-at-large, appointed by the president to be a principal adviser on religious freedom issues abroad.

The IRFA passed in the Senate in October 1998 by a vote of 98-0 and in the House by voice vote. President Clinton signed the measure on Oct. 27, 1998.

The act’s overall purpose established a “framework for taking action against countries engaged in persecution” by way of sanctions, depending on the severity of the persecution.

Forte teaches constitutional law, international law, comparative law, Islamic law, jurisprudence and First Amendment rights.

PEOPLESOFT: Clinging to a sinking ship

Continued from page 1

From a distance, the behavior of CSU administrators toward PeopleSoft is a classic example of the theory of "calculation of commitment." In this leadership model, the fickle decision maker justifies actions by internally adopting a norm for consistency. This results in commitment to a course of action simply because consistency is viewed as a desired behavior.

Individuals engaging in this behavior are likely to use more information that exonerates an earlier decision-making error than information that implicates it, according to Barry Stow in a 1981 "Academy of Management Review" article.

CSU administrators made a decision and invested resources — and now they can't let go. The PeopleSoft cost currently is $11.6 million, but this figure could rise with a potential tidal wave of litigation resulting from disgruntled students who lost job opportunities from inaccurate or late transcripts, to CSU students over unpaid bills.

In a worst-case scenario, every school that purchased PeopleSoft software might sue the company into bankruptcy. Unfortunately none of these actions can help the school avert the disasters that loom beyond the limits of public tolerance.

CSU’s approach to problem-solving evokes memories of infamous past decisions. This kind of thinking led the country into Vietnam and sustained commitment to the fighting far beyond the limits of public tolerance.

This kind of decision making sank the Titanic when an overzealous representative of the ocean liner’s parent company apparently forced the captain to continue at full speed in uncertain waters.

And so, here we are, four semesters into PeopleSoft pre-paration, once again, to rearrange the deck chairs on the Titanic.
On June 26, 1999, I embarked on an extraordinary adventure along with 12 other Cleveland-Marshall students to St. Petersburg, Russia, as a participant in the annual C-M Russian Law Institute.

The focus was international law. Two courses were offered: international trade law, and International Monetary Fund and World Bank. The courses are taught in English by Americans. I learned a lot in the classes, but just as much learning occurred outside the classrooms.

I attended various civil and criminal trials which are often conducted simultaneously. Those awaiting criminal trials are brought into the courtroom in shackles and are required to sit in cages in the courtroom while the trial is conducted! When I heard this I imagined all sorts of inhumane and barbaric conditions. But in actuality the cages are quite nice - freshly painted, with a handsome wooden bench and desk inside and plants surrounding one side of the cage as well as an open window outside the cage for fresh air.

This magnificent city was built by Peter the Great and modeled after many of the European cities he visited. We toured the Hermitage, home to one of the most impressive collections of impressionistic art and palaces such as Peter the Great’s Winter Palace, Peterhof along the Bay of Finland, Catherine the Great’s summer palace and Usupov Palace, where Rasputin was murdered.

My experience abroad was further enhanced by cultural performances such as the ballet “Swan Lake” at the stately Mariinsky Theatre.

During a weekend trip to Novgorod, home of my Russian colleagues, I visited a model prison and an archeological site. I was encouraged at the site to climb down into the excavation area and wander around the ruins of an 11th-century town hall. I was even invited to take home pottery and ruins collected from the area! Only in Russia could this happen.

Each summer Cleveland-Marshall students have an opportunity to study international law in the ‘Window to the West,’ St. Petersburg. It is a city in political transition, an ancient vodka grad in a new Coca-Cola culture. For a better look at the city and the program, staff writer Ann Vaughn takes us east.

White nights
Being in Russia during the summer months gave me the opportunity to experience “white nights,” an extraordinary phenomenon of nature where it actually stays light outside until about 2 a.m. and then gets a little dusky, but by 4 a.m. it is bright as day again. Consequently, I burned the candle at both ends, foregoing a lot of sleep in order to experience as much of St. Petersburg as I could. I estimate that my trip abroad was six weeks long rather than four because of these fantastic white nights.

Red Moscow
I traveled to Moscow for a few days after the session ended in order to visit the Kremlin, St. Basil’s Cathedral, Red Square and Lenin’s mausoleum.

Visiting the Kremlin was a throwback of what it must have been like during the days of communism. Uniformed and armed guards patrolled the area and there were many areas where I was not allowed to walk or even sit! The weather was great, the food divine and the alcohol cheap. Russian vodka is less expensive than water, but I wouldn’t recommend drinking Russian brands. I traveled by metro or hitched rides with locals to get where I wanted to go. I experienced very little anti-American sentiment and felt very welcomed by the Russian people.

Russia is such a foreign country — from the sound of the language to the mannerisms of the people to the Cyrillic alphabet. Being there gave me a greater appreciation for American values. Numerous conversations revealed that the transition from a communist society to a capitalist society has not been easy for many Russians. Because of this experience, I can say with conviction that traveling to Russia revealed how much I love the United States.
All roads lead to good grades in bar analysis

Day students are no better than evening students, nor are whites better at this than blacks. Based on everything I’ve seen, what is known is that if you do well in law school regardless of certain characteristics, you have a greater chance of passing the bar. But there are exceptions.

No demographic sketch of first-time failers

Minority bar results

Pass rates in a recent study of bar takers nationwide.

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>Total no. (% of all takers studied)</th>
<th>No. passed (% of takers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian</td>
<td>107 (0.46)</td>
<td>88 (82%)</td>
</tr>
<tr>
<td>Asian American</td>
<td>961 (4.2)</td>
<td>838 (92%)</td>
</tr>
<tr>
<td>Black</td>
<td>1358 (5.9)</td>
<td>1062 (78%)</td>
</tr>
<tr>
<td>Mexican American</td>
<td>398 (1.7)</td>
<td>352 (88%)</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>128 (0.55)</td>
<td>102 (80%)</td>
</tr>
<tr>
<td>Native Hawaiian</td>
<td>47 (0.2)</td>
<td>40 (85%)</td>
</tr>
<tr>
<td>Other</td>
<td>319 (1.4)</td>
<td>292 (91%)</td>
</tr>
<tr>
<td>Total</td>
<td>23,086 (100)</td>
<td>21,886 (96%)</td>
</tr>
</tbody>
</table>

The study revealed no difference in bar passage rates between men and women, even within each ethnic group. Both law school GPA and LSAT scores were the strongest predictors of bar examination passage for all groups studied. When the effects of GPA and LSAT were removed, however, the probability of passing varied significantly by groups of law schools and geographic region where the bar exam was taken.
Hard work in school pays off at bar exam time

By Steven H. Steinglass

The results of the July 1999 Ohio bar exam are in, in law school exams are around the corner and the next graduating class is about to begin the final sprint for the bar exam. This is a good time to comment on the exams and its relationship to your legal education.

July results

On the July 1999 Ohio bar exam, Cleveland Marshall's first-time test takers are fifth of the nine Ohio law schools. Since 1997 the school's ranking for first-time takers in February and July '97 - eighth, February '98 - ninth, July '98, February '99 and July '99 - fifth. Are we satisfied with this performance? The answer is a resounding no! First-time test takers from C-M passed at only a 68 percent rate as compared to the statewide, first-time average of 69 percent. So even if the trend is in the right direction and our graduates continue to improve their performance relative to other students from other law schools, we are not where we want to be or where we should be.

To place the current Ohio bar exam in context, go back to 1996, when the Ohio Supreme Court increased the passing score in Ohio from a score of 375 to the current score of 405. What this has meant is that the Ohio bar exam has not plummeted from 90 percent for the two-year period before the increase to 76 percent on the five tests given since the increase; Ohio’s has become one of the harder tests in the country to pass.

The strategic plan

In 1998, the law school adopted a strategic plan that makes improvement in the bar passage rate one of the school’s highest priorities, and the steps that the law school has taken since the adoption of the Plan make clear that this is not just rhetoric.

Our bar exam study makes clear the strongest correlation to bar exam success: law school performance. On the July 1999 exam, 100 percent of students who graduated in the top quarter of the class passed on their first try; 86.8 percent of students in the second quarter of the class passed the exam on their first try.

How we measure up

Percentage of all test takers who passed the Ohio bar for the exam indicated.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland-Marshall</td>
<td>72.6</td>
<td>80.9</td>
<td>73.8</td>
<td>84.7</td>
<td>86.7</td>
</tr>
<tr>
<td>Capital</td>
<td>63.7</td>
<td>70.5</td>
<td>76.9</td>
<td>89.4</td>
<td>70.4</td>
</tr>
<tr>
<td>Columbus</td>
<td>63.7</td>
<td>76.8</td>
<td>76.9</td>
<td>88.7</td>
<td>70.4</td>
</tr>
<tr>
<td>Ohio State</td>
<td>63.7</td>
<td>70.5</td>
<td>76.9</td>
<td>89.4</td>
<td>70.4</td>
</tr>
<tr>
<td>Columbus-Marshall</td>
<td>72.6</td>
<td>80.9</td>
<td>73.8</td>
<td>84.7</td>
<td>86.7</td>
</tr>
<tr>
<td>Ohio-Northern</td>
<td>63.7</td>
<td>70.5</td>
<td>76.9</td>
<td>89.4</td>
<td>70.4</td>
</tr>
<tr>
<td>Ohio State School</td>
<td>88.7</td>
<td>83.6</td>
<td>76.9</td>
<td>89.4</td>
<td>70.4</td>
</tr>
<tr>
<td>Ohio North Central</td>
<td>91.1</td>
<td>88.7</td>
<td>76.9</td>
<td>89.4</td>
<td>70.4</td>
</tr>
<tr>
<td>Ohio Western Reserve</td>
<td>63.7</td>
<td>70.5</td>
<td>76.9</td>
<td>89.4</td>
<td>70.4</td>
</tr>
</tbody>
</table>

The Ohio exam will consist of two 90-minute questions where examinees are to read, analyze and write legal documents. Each test taker will receive a case file and library, possibly containing a mock memorandum from a supervising attorney describing the written task to be completed.

The questions will also contain source documents, which may not be relevant to your assigned task.

Test takers will be responsible for determining and applying appropriate authorities and completing the written assignment.

The MPT will be administered on the second half of the first day of test taking (Tuesday afternoon).

The MPT questions will be factored into the written portion of the exam, along with 12 essay questions. The available points range from 0-7 for each question. The essay questions carry a weighted multiple of 2, while the MPT is given a multiple of only 1.5. Therefore, greater emphasis will be placed on the essay questions, to which students should devote greater time to their studies, to the special bar assistance programs offered at the law school, and to bar preparation. C-M graduates can and will do better on the bar examination.

Steinglass is dean of C-M College of Law.

July’s new exam format to include memos, sources

By Monica Claridy

STAFF WRITER

Just when you thought passing the Ohio bar exam wasn’t tough enough, the Multistate Performance Test will be added to it for the first time in July 2000.

The MPT, a national test administered by the National Conference of Bar Examiners, requires prospective attorneys to prove their ability to write like lawyers.

The Ohio exam will consist of two 90-minute questions where examinees are to read, analyze and write legal documents. Each test taker will receive a case
A new generation meets Dr. Sam Sheppard

By Roger Bundy Jr. STAFF WRITER

On Oct. 19, Cleveland-Marshall students and faculty, along with journalism students from Kent State, joined Sam Reese Sheppard and his attorney, Terry Gilbert, for the premier of a documentary on the television show "NOVA" that chronicled Sheppard’s quest to have his father, Dr. Sam Sheppard, posthumously declared innocent by the state of Ohio.

This was the first time Sheppard saw the film, which detailed the locally well-known murder-drama that occurred in Bay Village in 1954 when Sheppard’s mother, Marilyn, was found brutally murdered in bed in her home. Dr. Sheppard claimed he was injured by an intruder who then murdered his wife.

Under tremendous public pressure arising from national publicity and daily local newspaper headlines calling for his arrest, the county prosecutor arrested, tried and acquitted Dr. Sheppard in a highly publicized trial whose national impact was comparable to the recent O.J. Simpson trial.

In 1954 Sam Sheppard was wrongly imprisoned for murdering his wife. Years later, C-M students heard his son’s quest to have Ohio declare the doctor’s innocence at last.

Sam Reese Sheppard

Terry Gilbert

After serving nearly 10 years of his life sentence, the U.S. Supreme Court overturned Dr. Sheppard’s conviction and remanded for a new trial. At the second trial, Dr. Sheppard was acquitted. He died in 1970.

In July 1996, his son filed an action in Cuyahoga Common Pleas Court under an Ohio statute that allows for a person to petition the state to declare innocent someone who was wrongly convicted of a crime.

The current burden is on Sheppard and Gilbert to prove Dr. Sheppard’s innocence, a much tougher burden than casting reasonable doubt on his guilt, which was accomplished at the acquisition.

The NOVA film highlighted the difficult and challenging process of proving someone innocent with 45-year-old evidence. The process included reconstructing the Sheppard home (now demolished) as it appeared in 1954 in a Cleveland warehouse. Gilbert used the world’s expert on blood-splatter analysis and experts in DNA analysis, including Barry Scheck, who gained fame as the DNA expert on the Simpson defense team.

More information about the case is available at www.law.csub.edu/lawlibrary/sheppard/case.html, which provides links to court documents and other sites.

Night students may bring more to law school, but day students hit fewer bumps in the road

By Kelly R. Johnson STAFF WRITER

The differences between night and day law students reach beyond one extra year of school.

Those differences include age, experience and relationships, although everyone shares a common goal.

You do not need statistics to realize that the median age of the night student is an estimated eight to 12 years higher than the day students. This demonstrates either that day students developed a desire to practice law at an earlier age, or that night students have other obligations such as working to feed a family. Perhaps age is irrelevant at the graduate level, but it certainly affects the level of real-life experience a student brings to the classroom.

Roger Bundy, a 2L evening student, included a day class in his schedule this semester and observed the relative lack of diversity.

"On the whole, evening students have more real-life experiences to bring to the discussion of legal principles than day students. This does not necessarily mean that their discussions are more beneficial to the study of law," Bundy said.

A second distinction is the relationships among students and professors. David Sipusic, now a 2L day student, switched from the evening program primarily due to the strain of staying motivated for four years. He noticed how few day students take time to speak with professors outside of class to learn from their collective prudence, and deliberately select professors based on known professorial proclivities.

A third distinction is varying commitments outside class. Night students have learned time-management skills, but I believe day students exhibit more dedication and endurance; they experience fewer interruptions.

Regardless of day or night status, law school is a challenge. Whether that challenge lies in balancing work, family and studying, or instead, in our ability to keep up with a heavier workload, I focus on the same goal — to pass the bar exam and contribute successfully to the legal profession.

Night students may bring more to law school, but day students hit fewer bumps in the road.

Work-study: Maybe not the best scenario for first-years

By Karin Mika

- How important is it that full-time first year law students not work while in school?

I come from a background in which everyone got jobs on the date of their 16th birthdays and have worked ever since. Consequently, I’m not sure I should be the administrative voice for advocating students not work during law school. I suppose the answer depends on who you are and what you do for work.

A large number of evening students clearly have the mettle to work full-time, take more than a part-time classload, maintain a family and do quite well in all categories. Of course, not everyone is capable of that.

Law school for most people is a brand new type of educational experience that seems to require a significant acclimation period. The more time a student has for that without being impeded by other responsibilities, the better (and faster) it will work out.

For all three years of law school I worked an evening shift sorting packages at United Parcel Service. From my standpoint, the job paid for law school and was mine to do and considerable when I am not on the job that requires deep thought.

"My opinion changes somewhat with respect to the second year of law school, and then again for when a student is preparing for the bar exam. I think it’s a good legal clerking position can actually enhance a student’s understanding of the law. On the other hand, a poor or overburdening clerking position can detract from a student’s understanding."

The key in studying for the bar exam is immersion in the material for an extended length of time. Here the “mindless” job might not be an impediment, but a job that requires deep thinking will be. Why learn what you should have done after failing the bar once? Do it right the first time.

Mika is the assistant director of legal writing at C-M.
THE WORLD'S LARGEST LAW BOOKSTORE

"Why Stand In Line At The Bookstore?"
"Why Pay Full Price?"
"Why Carry All Your Books Home?"

"Why Wait?"

Shop On-Line
24 Hours A Day, 7 Days A Week
www.lawstuffusa.com
Call 1-800-628-1160
Mon-Fri 8-7, Sat 10-2
Wood's soft underbelly shows in rap session here

By Gary Norman
STAFF WRITER

Professor Gordon S. Wood's Northeast Bostonian accent carried a warmth and a welcome as he answered questions during his visit on Oct. 21 in the visiting scholar room of Cleveland-Marshall's law library.

He expressed the belief that the American people are relatively conservative and don't want federal judges tinkering with the U.S. Constitution.

On the other hand, Wood agreed there's a certain modicum of truth to arguments made by both sides of the liberal and conservative interpretation of the constitution debate. He indicated that the positive changes of technology in this century greatly impact literary and legal research, but that technology's negative effects include an increasing dependence on color images to communicate.

This decline in verbal based skills may contribute to the fall of a democracy that is dependent on a knowledgeable and literate voting population.

I felt privileged to interview this renowned historian as he briefly surveyed the technological changes made during his lifetime (starting with his research on newly invented microfilm cards during the 1950s), because his story mirrored the rapid increase of materials available for the blind. Together we rejoiced at the multitude of print media now available through tapes, computer disks, CD-ROM, scanners and e-mail.

But I remain fearful for the future of the great American experiment if the blight of illiteracy continues to attack the harvest of thinking people who can contribute to the American system of governance.

That the publication of his book, "The Radicalism of the American Revolution," had a significant impact on the American cognoscenti can't be doubted; the trickle-down to the television generation remains the real issue.

Norman is a 3L.

Focus on the blessings, not the curses

By Gary Norman
STAFF WRITER

Too often people grouse about the things that "go wrong" in life, instead of being thankful for the overflowing cornucopia of good things in their lives. The next time you feel the inclination to complain about the stresses in life, try to focus on the good things, like your family and friends.

Remember that daily concerns are fleeting, but that the ephemeral, good things are our last in our memories. Be thankful for the radiant lights of sunlight that bliss this planet with life.

Be thankful for the ability to think, speak and write.

Be thankful that you have chosen to enter a field of human endeavor dedicated to serving the needs of others. It is my hope that the servants of the world who are dedicated to positive change are blessed with commitment for their convictions. Let us be thankful for leaders who recognize that they are humble servants of the people.

As we enter the new millennium, be thankful for the myriad people who cross your path each day. Most importantly, be thankful for another day of life and living. Be thankful you can treasure the gift of life each day.

Norman is presumably thankful to be a 3L.

It's easy to condemn celebrities in the 'Stupid Club' like comics John Belushi and Chris Farley. We should care less about their bad habits than the laughs we lost.

Both Belushi and Farley played hard enough for it.

In photography to take much-needed pictures of the people who appear in our pages.

We're looking for a student who hobbies in photography to take much-needed pictures of the people who appear in our pages. Expenses paid. Call 687-4533 for details.

THE GAVEL
December 1999

Rough crowd out there

By Kevin Butler
STAFF EDITOR

MORE THAN once a week a few gleeful strangers point out my likeness to John Belushi. I can't blame them — often I leave the house stoned, and by the time I leave work my hair's a mess. Plus, to borrow a phrase, I have what doctors call a little bit of a weight problem.

This didn't happen overnight, and not entirely by happenssance. Early in college my folks witnessed my weight gain, but they also noticed how I began to resemble Belushi. My dad, who delighted at the comic's Bluto character in "Animal House," years earlier, got a kick out of me when I'd raise my eyebrow at the dinner table (then dump mustard onto my chili). I took this in encouragement and these days can crush an empty beer can on my head on demand.

That's how Chris Farley, a '90s addition to "Saturday Night Live," got his start. His dad loved young Farley's Belushi impersonations so Chris made the creator of the Samurai pool hustler his idol. Just a few years later, Farley was a 300-pound blur of "pure entertainment" — what some critics blasted as unimaginitive slapstick, what the rest of us loved to watch, laughing out loud.

I'm lately reminded of their deaths because occasionally I find myself in the same excessiveness that brought them down. That's not to say I exhibit the same substance abuse of Farley and Belushi, who each died at age 33, but I do eat too much, exercise too infrequently and sleep too little.

Farley's death in 1997 eerily resembled Belushi's 15 years earlier. Both were overweight and died after short adult hoodths that were highlighted by heavy drug abuse and hard-driven addictions.

Since their deaths, most of us remember them as the tightly wound Matt Foley, motivational speaker, or the obsessive Jake Blues. The misguided Tommy Callahan or the misfit John Belushi. "I'm a king bee, hous- ing 'round your hive," we recall one of Belushi's creations saying.

In death, their characters have outlasted their private personas. But they've also been disparaged for the way they lived. Read any Farley obituary and you're virtually guaranteed a quote from some friend who tried to talk sense into the big man before he fell. Dan Aykroyd tried keeping Belushi away from drugs but couldn't; he later gave the same pep talk to Farley, to no avail.

Both comics have been inducted into what's been called the "Stupid Club," the fraternity of celebrities who've lost their lives to addictions and suicide. Its roster includes names like Morrison, Joplin, Hendrix and Cobain.

That's where I disagree. These people lived and died by their obsession with excess. Farley was a sensation among teenager boys in America because of his troubled inner soul, not despite it. It is no new discovery; insecurity often brings the self-mockery that makes others laugh.

"It might be said with some safety that only those people kill themselves who in some sense are trying to die," wrote addiction expert Stanton Peeble about Belushi's death. But those people are no less funny with that crust.

The '90s are, I admit, a decade for postmodernists and apologists. George Will and all the cardiology in my family would ridicule me for not seeing simple right from wrong here. I understand that.

But I'm not advocating innocence or other forms of self-loathing, even among those characters like Farley and Belushi who seem to thrive on outrage as a result. I'm just unwilling to write off their lives and deaths as stupid.

After Farley died, Time columnist Frank Palladino wrote, "Chris Farley is 200 whirling, crashing, sweaty pounds of pure comedy. He's not watty, or wry, or amusing. He's funny. Look at him.

You won't hear such present-tense memorials when Chevy Chase dies at 80. Or when Aykroyd dies after making yet another unfunny movie.

The Stupid Club's members are burned on our brains as successes at their peaks, not failures. No amount of posthumous preaching will change that.

Butler is a part-time 3L and a full-time XXL.

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

Editors
Linda Griffin
Eileen Suiker

Writers
Randy Smith
Monica Clardy
Jim Cunningham
Kelly R. Johnson
Sonia Lechowski
Gary Norman
Ann Vagnini

Advisor
Prof. Thomas Buckley

Staff
Kevin Butler
Monica Clardy
Kelly R. Johnson
Sonia Lechowski
Gary Norman
Ann Vagnini

Copyright 1999, The Gavel
It's New.

It's Intense.

It's Scientific.

It's Supplemental.

It's Designed Specifically for the Ohio Bar Exam.

And with drastically declining pass rates, it's the best way to prepare for the part of the Ohio Bar Examination that counts two-thirds (66.7%) of your total bar exam score.

Oh yeah, we forgot to mention one more thing...

It's Coming January 2000!

Don't Even Try To Pass Without It!

For More Information Call Toll-Free (877) ESSAY 99 (377-2999)