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The GAVEL

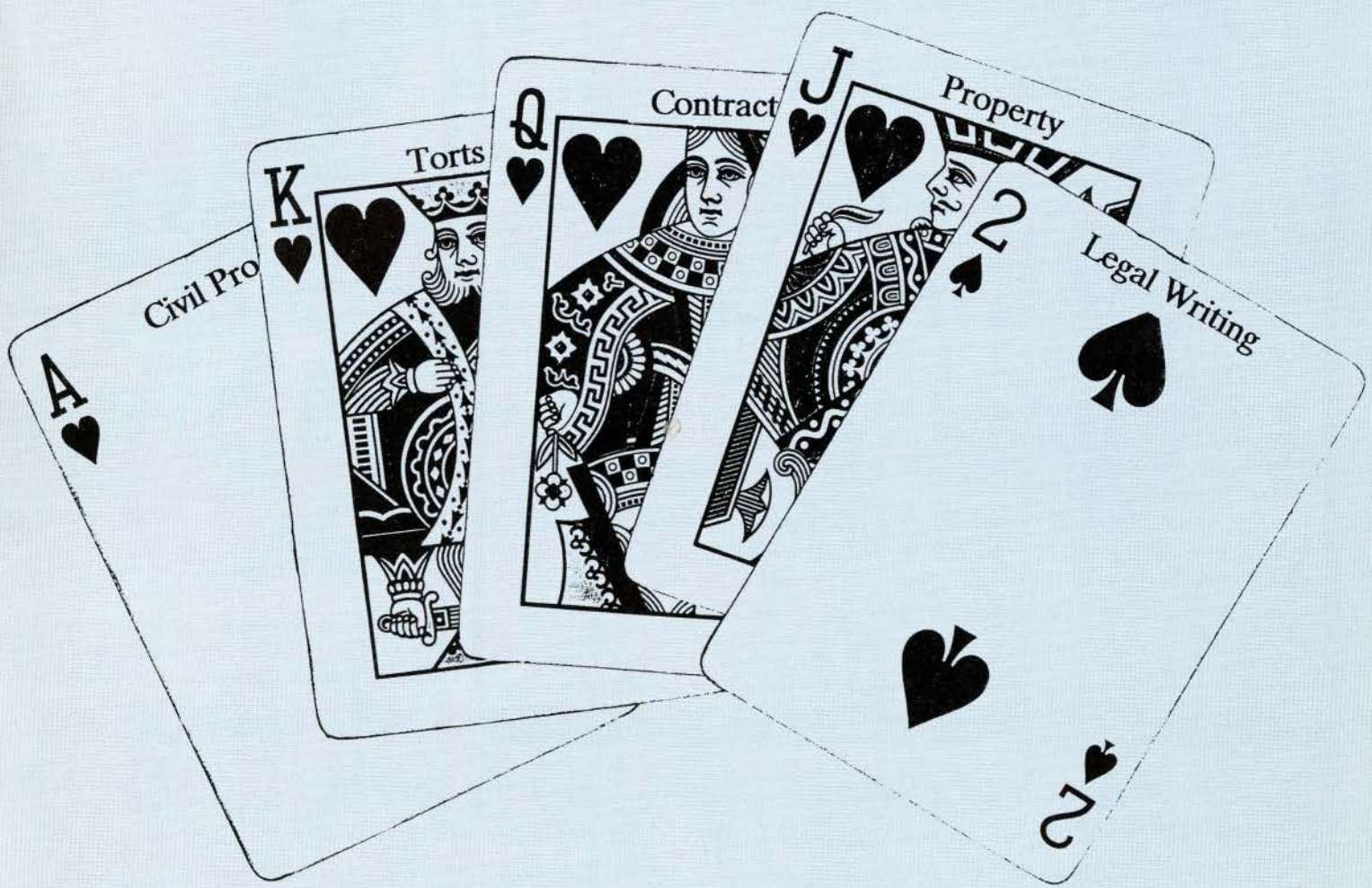
Cleveland-Marshall College of Law

Volume 37

Issue 7

May, 1989

GAVEL gives a hand with finals



Editor's note

It was a close call, but the Ohio Supreme Court backed off of its protectionist stance.

Last fall, **the GAVEL** reported several changes the Ohio court was proposing. See **the GAVEL**, October 1988. Some major affronts to those attempting to practice in Ohio were the three strike rule, the residency requirement and the graduation requirement. The first two no longer exist; unfortunately, the third does.

In the proposed rules, the Ohio court wanted students who failed the bar examination three times to submit to a year of legal education. The court never defined what the legal education was to consist of nor how it would be administered. Rather than deal with those problems, it made the wise decision in eliminating it altogether. Since the bar pass rate has dipped to a state average of 70 percent passing, the court would have been compounding the injury and suffering by requiring students to sit out an additional year while acquiring more "legal education."

Members of the rules committee finally read the U.S. Supreme Court's opinion in *Supreme Court of Virginia v. Friedman*, 108 S.Ct. 2260 (1988). In that opinion, the U.S. Supreme Court struck down Virginia's residency requirement for those seeking to be admitted on motion. The residency requirement no longer exists in the Ohio court's rules as well. The court was proposing that the residency requirements should be kept.

Unfortunately, the 30 day graduation requirement is still intact. This rule requires the student's law school to submit a certificate verifying the student has graduated from law school at least 30 days before the bar exam. This eliminates summer graduates from taking the July bar since the summer half semester does not finish until the middle of July.

The three-page character fitness section still survives. The previous rules needed only three paragraphs to explain the character investigation. The proposed changes to the character investigation section survived the first draft, and now will be permanent barring future revisions. The three page section makes one wonder if the FBI was involved in its drafting. One good thing about the new rules is that it provides a section for appealing an adverse finding by a character investigation committee.

Although some of the atrocities still exist in Rule 1 of the Supreme Court Rules for the Government of the Bar of Ohio, at least some concessions were made to law students. It is enough to worry about sinking bar pass rates without having to endure an inquisition for the privilege of subjecting yourself to three days of torture.

The GAVEL

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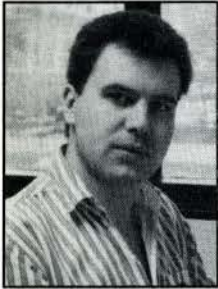
Any interested students, including
first-year students, are encouraged
to become involved. The Gavel
office is located in room 23, near
classroom 12. Stop by, someone
is usually in the office. Or put
a note in the envelope on the door.
We'll get in touch with you.

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Jones compares legal systems

faculty forum



By Visiting Professor **Phil Jones**

If it is not too much trouble, I would like to ask you for some help. I am engaged upon research into, and am very much interested in the processes of legal education. I would

like to offer some observations concerning the nature of legal education in both the United Kingdom and the United States, and to then invite you to respond to them by completing a questionnaire, or, by the other written means, informing me of your own opinions. In an attempt not to be too boring, I have confined my observations to some rather cursory remarks about some rather general areas of interest.

In the U.K., law students undertake a three year undergraduate law degree, followed by one year of intensive study at a vocational college of law (run by the profession, @ the Bar Association (Barristers) and Law Society (Solicitors)). This period of education is followed by a 12-36 month period of "apprenticeship." The law degree stage is intended to provide the student with a substantive understanding of legal rules and principles. At the colleges of law, the student learns how to draft forms and documents, legal ethics and how to deal with clients—as well as intensively revising the already acquired substantive knowledge. The apprentice stage allows students, or prospective lawyers now, to learn 'on the job' skills and techniques. All three stages are regarded as necessary to producing a 'good' lawyer. Essentially, a U.K. law student cannot practice as a lawyer until all three of these stages have been completed.

The U.S. student takes a different route. The three year law degree follows the undergraduate program. This enables the student to have a solid educational background. The LSAT also helps to ensure this, although I suspect that this test is of mainly administrative use. Also, the post graduate nature of U.S. law schools helps to ensure that people think seriously before embarking on a career as a lawyer. (There are, of course, financial considerations

which also differ greatly from the U.K.). Following this three years of full time study, the student then sits a state bar examination, and then is free to practice. I find this to be a stark (and worrying) contrast from the U.K. experience.

A U.K. law degree program probably appears of relative ease to many U.S. students. Essentially, there are six subjects to be studied:

torts; contracts; land law; trusts/equity; criminal law; and constitutional law. Normally, these will be studied within the first two years - probably three in each year. Most U.K. courses insist upon only four (sometimes five) subjects to be studied each academic year. The academic year consists of three terms, not semesters, and courses run throughout the year. This contrasts with the semester and credit hour basis of

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QUESTIONNAIRE

(Please return completed form to Prof. Jones or to Reception)

The air of this questionnaire is to better develop a sense of why students choose to study law, and once they have so chosen, whether they find the process of legal education effective.

1. a. Year of study _____
b. Mode of study (i.e. full-time, part-time, evening) _____
c. Age _____
d. Sex _____
2. Why did you choose to study law? (Please number in order of preference)
a. it is an excellent academic qualification _____
b. to earn lots of money as a lawyer _____
c. to serve the public _____
d. parental (or other) pressure _____
e. other (please specify) _____
3. Why did you choose Cleveland-Marshall College of Law?
a. locality/convenience _____
b. cost effective _____
c. adequacy of facilities _____
d. reputation of school _____
e. other (please specify) _____
4. Have you enjoyed your law school experience?
Yes _____ No _____
5. Do you think that you have learned a lot while at Cleveland-Marshall?
Yes _____ No _____
6. How aware of legal issues were you prior to attending law school?
a. aware of a lot of issues _____
b. a passing interest in issues _____
c. little interest at all _____
d. I'd heard of the constitution _____
e. other (please specify) _____
7. Did you undertake the LSAT?
Yes _____ No _____
8. Did you find the LSAT to be helpful in making your decision to attend law school?
Yes _____ No _____
9. Have you found the LSAT to be relevant to anything you may have studied at Cleveland-Marshall?
Yes _____ No _____
10. What kind of things did you expect to learn at law school?
a. substantive laws/rules _____
b. court structures/processes _____
c. oral/writing skills _____
d. expanded general knowledge _____
e. how to act like a lawyer _____
f. typing/computer/clerical skills _____
g. other (please specify) _____
11. Which of 10(a)-(g) do you feel you have actually learned?
a. b. c. d. e. f. g. (please circle appropriate)
12. Have you purchased a casebook and/or handbook for every subject studied?
Yes _____ No _____
13. Do you have a preference as to teaching styles

adopted?

- a. straight lectures _____
 - b. Socratic/casebook _____
 - c. hybrid of above two forms _____
 - d. clinical/simulation exercises _____
 - e. other (please specify) _____
14. Do you have difficulty studying the law?
Yes _____ No _____
 15. Please circle yes or no to the following if you have any difficulty with the item:
a. knowing how to study
yes _____ no _____
b. allocating your time (i.e. attending class, keeping notes up to date, etc.)
yes _____ no _____
c. disciplining yourself to study
yes _____ no _____
d. accepting responsibility for your own work
yes _____ no _____
e. spending less time in class
yes _____ no _____
f. taking notes
yes _____ no _____
g. coping with the amount of reading
yes _____ no _____
h. attending classes
yes _____ no _____
i. sitting through a 50-75 minute class
yes _____ no _____
j. working in the classroom
yes _____ no _____
k. preparing for classes
yes _____ no _____
l. briefing cases
yes _____ no _____
m. outlining materials
yes _____ no _____
n. knowing what is wanted
yes _____ no _____
 16. Please number the following in the order that would be most important to you taking a study skills course.
note taking _____
structuring assignments _____
coping with large reading assignments _____
knowing what are the most important aspects of a course _____
having to memorize large amounts of factual information _____
problems of concentration _____
coping with increased personal choice _____
getting the most from classes _____
 17. Do you think that law schools in general adequately prepare students for life as a lawyer?
Yes _____ No _____ (if no, could you offer improvements?)
 18. If you could make the choice again, would still choose to come to law school?
Yes _____ No _____

Thank you for completing this questionnaire. I would be happy to receive any further written information or opinions concerning the nature of legal education.

Having fun with dreaded finals

By James Drake

It's that time of year again, when all law students achieve total equality. Just as the most disparate groups will join together against a common foe, so, too, do law students galvanize themselves against the crushing tide of . . . **FINALS!!!** Just the word is enough to send shivers of fear up and down the spines of even the most hardened third-year.

As ever, the GAVEL has its collective finger pointed at the . . . uh . . . up the . . . umm . . . on the (yeah! yeah! That's it.) Our finger is on the, uh . . . the . . . pulse (Yeah!). Our finger is on the pulse of our readers. We'll skip the cardiovascular problems this brings up and tackle the bigger problem of . . . (drum roll and crashing cymbals, please...) **How To Take Finals!!!**

Let's start with the basics before moving to each individual class. The following prerequisites **MUST** be fulfilled before taking **ANY** law school final. You need a writing utensil, exam number, and a small microchip containing the entire text of the Gilbert's or Emmanuel's Outline embedded in the special

Final's Contact Lenses (TM) available in the bookstore. Be sure not to put your lenses in until after the routine retina scan and thumb-print background check at the door of your final classroom. The odd-looking gentleman with the "CIA agents do it covertly!" T-shirt is there for your protection.

Once you have completed the strip and body cavity search, you should be relaxed and ready to go.

Since first-year classes are uniform throughout the school, the discussion in this article will be limited to these courses.

I. Legal Writing- What could be easier? There is **NO** final in this course. Following the completion of the obligatory 500 page brief, (I'd like to see what a long-winded one would look like), you're done. If you were stupid enough to write an especially exemplary brief, you may now have to do oral arguments following finals. This is your own fault and I refuse to counsel anybody teetering this close to the brink of insanity.

II. Perspective elective- Having found a way to rhyme the word "elective," the administration

felt obligated to require you to take one of these courses. This is similar to the "arts" requirement of most undergraduate universities which is perceived as being "good" for the students to "broaden their horizons." This goal is probably achieved, but unless you plan on defending bread thieves in the streets of Riyadh or joining Critical Legal Studies, these courses will probably never effect you again. The key to these finals is to write volumes. The less sense you make, generally, the better. Get your mind in a state of incoherency the night before the final and go to it.

III. Torts- Torts examinations are simple. There are three types of these civil wrongs. Cherry, strawberry, and banana. (Whoops! Those are the 7-layer Hungarian cakes. The real torts are intentional torts, negligent torts, and strict liability torts.) Since the first shall be last, we will start with strict liability. Any strict liability claim has some essential flaw which is fatal to it. Find it and exploit it. The claim is

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C-M receives first Chair

Cleveland-Marshall College of Law has received funding commitments for the establishment of the Joseph C. Hostetler -- Baker & Hostetler Chair, the first ever created at the law college. John H. Burlingame, Executive Partner of Baker & Hostetler, announced that John D. Drinko, Senior Advisor to the Managing Committee of Baker & Hostetler, has arranged the initial funding of \$850,000 toward the one million dollars required to fund an academic chair at CSU. Funding will be provided by The Mellen Foundation, The Elizabeth G. and John D. Drinko Charitable Foundation, The Hostetler Foundation, The Baker & Hostetler Founders Trust and by Mr. Drinko and alumni of Cleveland-Marshall College of Law associated with Baker & Hostetler. The Chair honors the memory of noted Cleveland lawyer Joseph C. Hostetler (1866 - 1958) and the firm that he, together with another famous Clevelander, Newton D. Baker (1871 - 1937), founded and which today bears both their surnames.

The donors have specified that the endowment should support a new professorial appointment to the College's 40-member faculty. Since endowed Chairs invariably attract noteworthy scholars to their campuses, it is expected that Cleveland-Marshall's new chair will enrich the intellectual lives of those who study and those who practice law.

To acknowledge their heritage and obligation to the various law schools where Baker & Hostetler's founders and other leaders received their training, Mr. Drinko has previously arranged the endowment of six Chairs (3 at Ohio State University College of Law, 2 at Case Western Reserve University College of Law, and 1 at Capital University Law School).

In acknowledging the donors' generosity to C-M, Dr. John A. Flower, President of CSU, characterized the Chair as "an enhancement of our Cleveland-Marshall College of Law and the entire University." Steven R. Smith, C-M's Dean, noted Mr. Drinko's reputation as an outstanding attorney and thanked him for "giving the College this splendid opportunity to enrich our legal training program and to place before our students two outstanding models of professional integrity--Joseph C. Hostetler and his successor, John Deaver Drinko."

Library search nears the end

By Doug Davis

After an exhaustive search, the Dean has been given the go ahead to negotiate with two candidates to fill the Law Library Director's position which has been vacant since the departure of Robert Nissenbaum last summer.

The faculty vote did not come without some controversy however. Library employees attended the meeting en masse in hopes of persuading the faculty to choose their favorite candidate. Naturally, the first choice of the Library staff was directly opposed by a majority of the faculty. And, a candidate greatly disfavored by the Library staff was similarly voted down by the faculty.

The faculty officially recommended Dean Steven R. Smith negotiate with Gail M. Daly and Frank G. Houdek, the final two candidates, to fill the position. The Dean would not comment on which candidate he would approach first, but did say that both candidates had "good qualities."

Searching for a Law Library Director was hampered by the lack of funding for the position and for the library. Associate Professor Michael H. Davis presented this problem to Cleveland State University President John A. Flower during a faculty meeting in March. Davis said that the library was in such bad financial shape, that hiring a director was next to impossible. Flower did not have a good answer for the plight of the library, but did indicate that something could be done about the director's salary.

About one month after Flower's visit to C-M, Davis said that the salary issue had been taken care of, but no specific figure was

forthcoming. Nissenbaum was paid \$52,515 during the previous school year, so a safe bet is that the starting salary for the new director will be higher. A brief synopsis of each resume follows:

GAIL M. DALY - J.D., University of Minnesota, 1989; M.A. in Library Science, University of Michigan; B.A., University of Michigan. Daly is currently Associate Director of University of Minnesota Law Library, having started as a librarian in 1971. She is currently managing editor of the University of Minnesota Law Review. She has been active in the Minnesota Association of Law Libraries and American Association of Law Libraries. Daly currently oversees a \$1.8 million budget. She co-edited a biographical directory for AALL.

FRANK G. HOUDEK - J.D., UCLA School of Law, 1974; M.L.S., UCLA Graduate School of Library and Information Science; B.S. UCLA. Order of the Coif. Houdek currently is Law Library Director and Professor of Law at Southern Illinois University School of Law. He was Associate Director of USC's law library, as well as a librarian for a private law firm and Los Angeles County Law Library. He has taught at USC, UCLA, Pepperdine University and Southwestern University. Houdek was the author of a weekly column in the Los Angeles Daily Journal. He has been active in the American Association of Law Libraries, Mid-America Association of Law Libraries; Ohio Regional Association of Law Libraries, as well as others. He is the author of nine books and numerous law journal articles. Houdek currently oversees a \$900,000 budget.

Moot Court reaffirms reputation

The Cleveland-Marshall Moot court Board of Governors has once again reaffirmed its nationally known reputation for excellence in appellate advocacy. Chairman Timothy Fitzgerald commented that "this year's Board really outdid itself. I don't think any previous year has been this successful." Seven teams in four competitions proudly display two Best Briefs, two semi-final appearances, one finalist team, and one Best Oral Advocate award.

The C-M Petitioner team of Randi Ostry, Mark Phillips, and Anthony Soughan won Best Ohio Law School in Region VI of the National Moot Court competition in Columbus, Ohio December 1 - 3. The team also took the Best Petitioner's Brief Award among Michigan, Ohio, and Kentucky Law Schools. Randi Ostry won the Best Oral Advocate Award in the preliminary rounds. The C-M

Petitioner's team faced the C-M Respondent team of Timothy Fitzgerald, Lisa Gerlack, and Augustine Idzelis in semi-final rounds. Ostry, Phillips, and Soughan won and advanced to the Final Rounds of the National Moot Court Competition in New York City in January, representing Ohio, Michigan, and Kentucky. The C-M Respondent team had won the Faculty Advisor's Award for their performance during Fall Moot Court Night.

Further successes were enjoyed by the C-M Petitioner's team of John Keshock, David Maistros, and Thomas Mayernik at the Jerome Prince Evidence Competition in Brooklyn, New York. Competing against Brigham Young, Cornell, New York University, University of North Carolina and Villanova, the Prince team advanced to the semi-final rounds and wrote the number one brief.

The 1988-89 Board of Governors is

very proud of their successful year and is confident that next year's Board will enjoy many more successes.

The 1989-90 Board was selected through the Spring Intramural Competition which took place from February 2 - March 27. Top performances include Susan Shelko, as Best Brief Writer and Gregory Foliano, as a close second. The recipients of the Weston, Hurd Merit Scholarships are Edward Leonard and Henry Chamberlain.

The top four oral advocates who competed in Spring Moot Court Night were James Drake, Lynn Ballard, James Weixel, and Edward Leonard. James Drake won the Dean's Moot Court Competition Award for Best Oral Advocate and the Respondent team of Lynn Ballard & James Drake won the Hugo L. Black Award for Oral Advocacy.

Parties and graduation set

By Lisa Brown

Graduation and parties: no two words can better define students' ambitions as the school year draws to a close. This year proves to be no different as the Student Bar Association, Alumni Association, faculty, and student body prepare to end another year at Cleveland-Marshall.

Commencement of the Class of 1989 will take place on Sunday, June 11 at 2:45 p.m. at the State Theatre. Approximately 255 Cleveland-Marshall graduates will be participating. The guest speaker will be Senator Lee I. Fisher. Commencement immediately follows the University convocation which begins at 1:00 p.m. at the Physical Education Center.

Graduates can now order extra tickets for their families and friends for Commencement. Contact Sandy Natran at extension 2354 to add to your list the names of those you want to attend the ceremony. The tickets can be picked up one week prior to Commencement.

Graduates should also remember to order their cap and gown at Barnes and Noble Bookstore. The deadline to order is May 6. Payment may be made by cash, credit card, or check payable to Barnes and Noble.

For the first time at C-M, there will be a Graduation Picnic sponsored by the graduating class and the Alumni Association. It will be mainly for graduating students. The picnic will be held May 25 at Brunswick Lake Park. The festivities, including softball, volleyball, and frisbee, begin at 2:30 p.m., with dinner starting between 5:00 and 5:30 p.m. There will be a choice for dinner of either a pig roast or barbecue chicken. The cost of the dinner is \$12.00 per person. To order your tickets, contact either Kevin Spellacy, Sean Allen, or Bob Robenault.

In addition to graduation, the Student Bar Association, along with the Alumni Association, are sponsoring the traditional End of the Year Party for the entire student body and faculty. The party will be held May 19, beginning at 7:30 p.m. There will be both a band and a disc jockey. The location has not yet been set.

According to SBA President Scott Spero, "The End of the Year Party is

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Violations occur

Smoking problems return

By Tom Goodwin

The Law School is NOT being converted into a 'non-smoking building.' However, smokers will be losing the smoking area in the basement near the TV as a result of the violations of the smoking policy. Complaints of smoking in the non-smoking area were made to the CSU Fire Marshall, who relayed the complaints to Dr. Arnold Tew, Vice-President of Administration and Student Affairs. Tew's office is in charge of the CSU smoking policy, and consistent with that policy, gave preference to the non-smokers. (Copies of the CSU smoking policy have been posted several times.)

Dr. Tew could not be reached for comment, but Ken Shepard, Director of Safety & Environmental Services, confirmed the redesignation of the smoking area to non-smoking. Shepard said that while some universities in Ohio have buildings that are completely non-smoking, present CSU smoking policy requires at least one area in each building to be designated as a smoking area. Those areas in the Law School building are: on the top floor, at area 202, which is the small lounge area directly over the front entrance; and area 100, at the atrium area level in the seating group nearest the open steps. Smoking is also permitted in individual offices if there is no objection from anyone else in the room.

The problem with any smoking policy is its enforcement. CSU relies on the department heads of each building, as well as the students, to enforce the policy, said Shepard. Dean Steven Smith, as head of the law school, would like some self-policing by smoking students to make his job easier.

"To the extent we can accommodate both people who want to smoke and people who don't want to be around smoke, that is wonderful," Smith said, but added that non-smokers should not have to put up with smoke in a non-smoking area.

"I have an obligation to enforce the state law, as well as University policy, and at the same time, accommodate smokers. And that's what we're trying to do, but we've got to make sure the smoking stays in the designated areas." Dean Smith said he was not about to go around with a fire extinguisher and blast offending smokers, so the real task of enforcement of the policy is on students, smoking and non-smoking. The University encourages student cooperation.

Grant will assist the blind

The Cleveland-Marshall College of Law at Cleveland State University has won a \$1,000 grant from the Ohio State Bar Association to be used in assisting its blind and visually impaired students.

The grant was part of a statewide law school competition "to improve educational opportunities and/or enhance the academic quality of life for physically handicapped law students." Assistant Law Dean John Makdisi said that CSU handicapped law students decided that the grant should be used for the blind.

The money will be used as partial payment on an opticon machine, which costs about \$4000. The Cleveland Society for the Blind will assist CSU in raising the remainder of the machine's cost and in training people in its use.

Joseph T. Svete, president of the 20,000-member Ohio State Bar Association and

a 1964 C-M graduate, will present the award. Svete said that the OSBA invited all nine Ohio law schools to submit proposals for the most effective use of the grant money to aid handicapped students. He explained that CSU's proposal was chosen as best by a judging panel from the OSBA Legal Education Committee.

Opticon equipment enables blind students to make use of many standard printed library materials for the first time. An opticon scans across a line of printed matter, "recognizes" the shapes of the letters of the alphabet and translates each letter into a tactile display of raised pins that can be read by the index finger of the person using the machine. This enables even totally blind students to read ordinary text, without the need to translate that text into braille or oral recordings. An opticon machine will be available for display.

Comparing the legal systems...cont. from page 3

many U.S. law schools. The balance of subjects to be studied are comprised of optional /elective courses. These involve study of more specialist areas of law, where the teaching methods, etc., can vary with the teacher.

The focus of most of these subjects is the acquisition of knowledge of substantive areas of law - black letter law! This primary aim is reflected in the use of lectures and tutorials (groups of 6-12), as the major style of teaching. The effectiveness of these methods in achieving even this basic is not really clear. There is a lack of student participation and thus a reduction of ef-

I regard both systems as outdated and needy of revitalizing

fectiveness in learning. Moves are afoot in the U.K. to revise the traditional lecture methods of teaching. It is interesting to note that many U.K. law schools are investigating/adopting a 'skills-centered' approach to legal education. Law courses in the U.K. are quite heavily involved in the development of writing skills - incidentally, to the process of acquiring the rules and principles. But, it is writing in the sense of English literature - grammar, sentences and structure, as opposed to legal/technical writing.

The U.S. law schools, courtesy of Dean Langdell, focus on the acquisition of knowledge and of analytical skills. Thus, the accepted teaching style is the so-called Socratic case-book method. This method allows for student involvement - I'd prefer to see 'voluntary' student involvement, - and can actively encourage the development of oral skills. The process of briefing cases can help to develop the analytical skills of the lawyer. Of course, the existence of a legal writing and research course is a great aid, and ensures technical competence in students. It is ironic that U.K. law schools are now looking to the U.S. law schools for guidance in teaching methods. The U.S. law schools are looking elsewhere! Nowhere is the development of legal skills more pronounced, and, in my opinion, effective, than in the use of legal clinics. Clinical legal education is one of the routes for the future, and, hopefully, will become compulsory in all law schools in the U.S. and U.K. However, the U.S. law schools appear to be cramming too much into the relatively short space of three years. The teaching of technical skills in the U.K. is left till after the basic acquisition of knowledge

of the principles. Perhaps the U.S. schools could learn something from the spacing of the educational requirements in the U.K.

Students in the U.K. learn a great deal from their voluntary interaction with others. This is aided by the use in the U.K. of common syllabi in subjects. Thus, all of the contracts students have the same teacher (at least for lectures), the same syllabus, and the same examination and examiners. The use of a common syllabus can help a teacher to identify the good students by the 'extra' work they put into their studies, evidenced by their greater knowledge and awareness. Here in the U.S., it is difficult to compare students in any one year as there can be up to three or four sections in any one subject. This is a problem when it comes to the process of assessment. Here in the U.S., students' grades rely to a great extent on the character of the individual - academic freedom! In the U.K., the norm is for examinations to be graded by two internal examiners, and at least one external examiner. This eliminates any chance of bias or mistake, and ensures that all students receive a grading appropriate to their own performance. There is not too much emphasis placed on competition, rather it is achievement that is stressed. Unfortunately, I think that students here in the U.S. are placed in a position of having to compete very early in their legal education. The importance of the 'top 10 per cent' is stressed (even if only informally); the place on law review is revered (not many law schools in the U.K. have law reviews, so the problem does not exist there); the importance of getting into one of the top law firms is often cited as a justification for the development of the competitive edge; and other reasons can be claimed, too. This sense of competition can hinder voluntary interaction of students.

I hope to have identified some areas of contention in both U.K. and U.S. law studies. It is apparent that there are fundamental differences in approach to legal education in both countries. Some of these differences are more apparent than real. It is interesting to note that, essentially, the two legal systems are very similar. The role of lawyers in both of the countries is also similar - how then can the processes of education be different? I don't think they really are, to the extent that there are vast conflicts. I think the many aspects of difference are 'poles' with many U.K. and U.S. law schools fitting somewhere between. For instance, not all U.K. teachers adopt the lecture method of instruction and not all U.S. teachers adopt the Socratic style. There is a good deal of

overlap. Essentially, the two systems strive to achieve in the process of education the development of a substantive level of knowledge and the acquisition of many skills. There are differences in time-scales and styles adopted, but the similarity in U.K. and U.S. lawyers seems to show that such differences are not too substantial as to be irreconcilable. Personally, I regard both systems as outdated and needy of revitalizing. This is one reason why I am engaged in research into the area.

Essentially, a good lawyer is one who is able to help people to resolve any disputes. Thus, both substantive knowledge and relevant skills are required. It is the law school's task to provide these for its students. The real question is not what ought to take place in law schools, but

This sense of competition can hinder voluntary interaction of students

whether law schools are effective in delivering the goods. Many students, in both countries, tend to be dissatisfied with the quality of their legal education. What can be done to remedy the situation? Little attention seems to be given to the question than anything students will have encountered before. A series of internal surveys at the P.C.L. in England, my own law school, produced the following conclusion:

When the students were asked to identify the problems they might have in studying four topped the list very clearly; knowing what is wanted, coping with the reading, disciplining themselves to study, and allocating time. (P.A. Jones, 1987).

Thus, to conclude for now, I hope to encourage you to take a little time to think about the process of legal education, to consider what you are getting from this course and to proffer any suggestions for future development. I look forward to hearing from you.

Parties...cont. from page 6

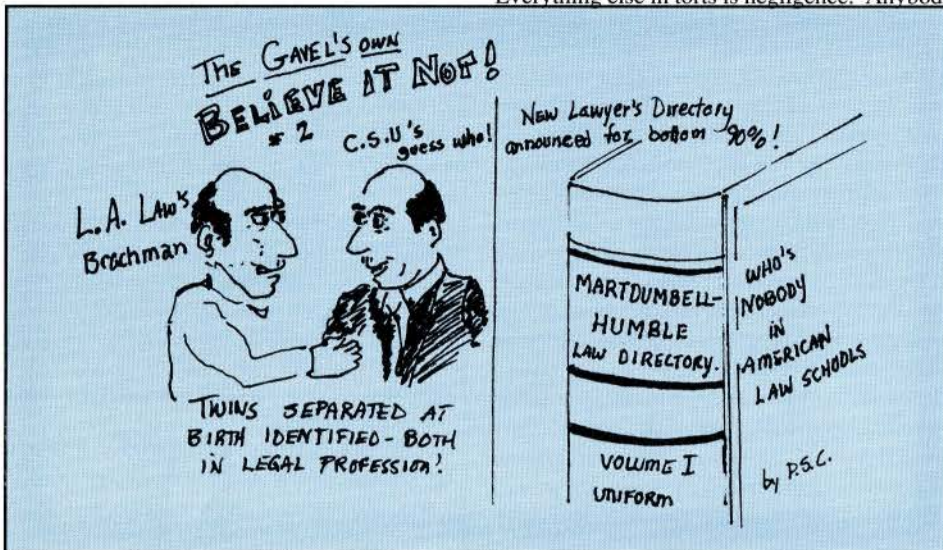
the last time that this year's student body, faculty, and staff are together. In large measure, the End of the Year Party is not only a time when the C-M Community is inebriated, but it's a time when students and faculty bid farewell to each other." There is life after finals.

Fun with finals...cont. from page 4

either thrown out or it becomes negligence. Read on. Intentional torts are limited. Each one has 15 requirements which must be met in order to qualify as a legitimate claim. Find the requirement which isn't met and discuss it. Everything else in torts is negligence. Anybody

can be negligent about anything. When in doubt about a claim, it's probably negligence. IV. Property- Property is easy. It is summed up in Drake's Law of Property, "Property is Property." Meditate upon this truth. If you still have questions, consult the appropriate professor or follow this easy sequence. Property belongs to the guy who has it 99% of the time. Work backward from there to come up with a reason why.

V. Contracts- Contracts exist because people don't trust other people who do not have their best interests in mind. Hence the term, "marriage contract." In analyzing a contract problem, start with the agreement. If there is one, (offer and acceptance), then it was either fulfilled or breached. If it was breached, the "breachee" (technical legal term) is either entitled to remedies or not. Take it from there. VI. Civil Procedure- Civil Procedure exams ask you how to get to court. To prepare for this exam, get some of those crossword puzzles that ask you to "get Jenny to school on time." When you have mastered these puzzles, simply change the title to "get Jenny to the court with



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the proper jurisdiction." Avoid the pitfalls of the dreaded "12(B) Beast" and you win.

Now that you understand the first-year course finals, take a vacation for a few weeks, so that you will be completely refreshed and relaxed when finals come along. Remember, the worst that can happen is that you fail and begin a downward spiral that leaves your life in ruins. Have a nice day. NEXT ISSUE: How to make a big impression on interviewers WITHOUT blunt instruments.

Good Luck
grads...

the GAVEL staff