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Cleveland-Marshall College of Law

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1L class grows despite decline in applications

GAVEL STAFF

While fewer prospective students applied this year than last year, Cleveland-Marshall has retained its admission criteria and retained a larger entering class, according to the admissions office. In 2000 C-M admitted 278 students posting a median undergraduate GPA of 3.1 and a median LSAT score of 150. Last year's class had the same median LSAT score but only 254 students.

"We are particularly proud of the fact that even though the applications to Cleveland-Marshall declined slightly from last year, our first year class ended up larger than last year's class by 24 students," said Rebecca Zinn, recruiter for admissions. Zinn speculated the increase is partly because 41 percent of the first-year class received scholarships. The law school made offers to 636 applicants.

There are 129 women and 149 men in the 2000-01 class. Thirty-four students are minorities: 17 African-American, three Hispanic, one Native American, five Asian, and eight classified as other.

In a lecture here, Bantekas says violence is just one when it ensures a group's self-determination of more than 100 attendees Sept. 14 as part of the Criminal Law Speakers Forum at Cleveland-Marshall.

Following the lecture, some questioned where the line is drawn between a legitimate and an illegitimate use of violence for self-determination. Bantekas explained violence is necessary in wars of national liberation. He does not condone street violence where innocent people are killed.

He said that countries might define a group as "terrorist," thus characterizing all the violent acts of that group as terrorist. The characterization eliminates the ability of a people to determine their right of self-determination, he said.

Bantekas said that there is a distinct difference between violence used in the context of a group striving for self-determination and that independent of that context. For instance, an act of violence by a member of a group on an innocent civilian would not be within the context of the right of self-determination. Bantekas explained violence is necessary in wars of national liberation.

Gavel wins third-best prize in ABA’s national contest

GAVEL STAFF

For the second year in a row, the Gavel has been named one of the three best law school newspapers nationally in a competition sponsored by the American Bar Association. As part of its annual meeting in New York City, the ABA honored the top school newspapers at a July 7 banquet. Columbia Law School's newspaper, the Law School News, took top honors. Harvard Law School's the Record finished second.

Last year the Gavel finished second behind the Record. Prior to that the Gavel had not been ranked nationally since its inception in 1951.

Former Gavel editor Eileen Sutker sent the October 1999 and March 2000 editions to the ABA for judging in April. The issues were selected by the editors based on their diversity in content and crispness in editing and layout.
How to beat the blue books

Bad writing, shoddy organization top list of usual IL pitfalls

By Frank Scaladone

There's more to learning law than reading it

By Steven H. Stellingis

Greetings to our new and returning students. To our students who have just begun the law school adventure and to those who are in their second, third or final year of learning the law, welcome you to academic year 2000-01.

Every good law school offers learning opportunities beyond those gained in the classroom, and our school is exceptional in this regard, filling each year with programs that feature some of the finest names in law and the social and political sciences. I urge you to attend as many of these enriching seminars, conferences and lectures as possible.

On Sept. 21 you may have heard professor Patricia J. Falk present the first of an informal faculty speaker series organized by Associate Dean and Law Library Director Michael J. Slinger. Professor Falk's observations on the differences between our system of legal education and the English system will be followed on Oct. 17 by professor Tayyib Mahmood speaking on "Law and Colonialism." On Nov. 13 by professor Deborah Geier speaking on "Replacing the Internal Revenue Code with a Pure Consumption Tax." On Nov. 1 you might wish to hear out second criminal law forum lecturer, New York University clinical professor Holly Maguiro, speak on the effect of mandatory arrest and no-drop prosecution policies on abused spouses. Professor Geier has offered to have all students attend the forum on Nov. 13 by offering lecturers on the fundamentals of the "Death Tax." On Oct. 6, and on Oct. 13 and 14 you may attend the Housing Court Conference organized by clinical professor Kermit Lint.

Finally, on Dec. 6, the law school will partner with the County Financial Institutions Advisory Council for an all-day conference on community reinvestment, "Leasing for the Millennium: Trends and Transition." Professor Patricia McCoy is allied with CFINAC and in bringing this program to the law school, National Public Radio correspondent Ray Suarez has been invited to give the keynote address.

And lest you think our special events are entirely and exclusively academic and refereed, don't forget that each of these is followed by a reception to which you are also invited. I have given you an outline of only the fall semester. The spring offerings are every bit as exciting. So, study hard and be prepared to spend time learning inside and outside your classroom.

I wish you all good luck.

Stellingis is dean of the college of law.

By Frank Scaladone

STUDENT SOMETIMES MISS THE BROTHER IMPLICATIONS OF WHAT PROFESSORS TEACH BY FOCUSING PRIMARILY ON THE BLACK-Letter LAW OF A GIVEN SUBJECT, SAID PROFESSOR KEVIN F. O'NEILL, WHO TEACHES FIRST-YEAR CONTRACTS.

"We are trying to teach students about the history, institutions and methods of the law; about why the law changes; and, most important, about how to perform legal analysis," he said. "This means that students need to read the cases carefully. They need to ask about how lawyers and judges apply and distinguish various lines of precedent."

O'Neill said he fears that students are not using case law to identify parallels and differences between cases and examination fact patterns, in favor of merely applying statutory provisions. He added that students "should realize that in the real world, statutory provisions cannot be applied in a vacuum.

Professor Stephen R. Lazarus agrees with O'Neill in that first-year students are prone to miss the broader implications of the law. He said that some make the mistake of focusing too intensly on specific reading assignments, while missing the general outlines of the law. On the other hand, students also sometime look to general outlines at the exclusion of the specific holdings of the cases, he said.

"Students should recognize that there are both broad and narrow aspects to the series of cases they are assigned," said Lazarus, who is teaching first-year property this semester. "They should focus on the important aspects that lead to themselves to one or the other."

Lazarus recommended reading cases several times instead of the chances of seeing both sides. "Students should recognize that all lawyers are used to reading and re-reading. There might be some people out there with photographic memories and perfect analytical skills that enable them to understand everything after the first reading, but I certainly can't and I've never met anyone yet who could."

A typical first-year problem is that students allow insufficient time to prepare for examinations and fail to write clearly, according to professor David B. Goshien, who has taught first-year contracts. Goshien suggests that diligent briefing cases and practice by diligently briefing cases and practice by writing clear, complete answers to prior examination questions.

Professor Frank Scialdone, who has just begun his first year of teaching, said Lazarus added that diligent preparation can lessen the nervousness that contributes to frantic and disorganized examination writing. Garlock said that students sometimes state abstract doctrine without applying the doctrine to the factual situation in the problem.

"Often I read essays that are written as if the facts of the problem didn't exist. Merely restating hornbook doctrine is not what legal analysis is about," said Garlock. "A client coming into your office doesn't want a lecture on all you know. You want to hear whether she has a cause of action against little Jimmy Jones who has bailed her yard and smacked her in the head."

Who Could Forget IRAC?

THE MANTRA OF FIRST-YEAR STUDENTS AND FACULTY SEEMS TO BE IRAC. UNDER IRAC (ISSUE-RULE-APPLICATION-CONCLUSION), THE STUDENT ANALYZES A LEGAL PROBLEM BY IDENTIFYING THE ISSUE, FOCUSING ON THE ISSUE, DECIDING WHETHER THE LAW IS IN FAVOR OF THE CASE AND COMPOSE A THOUGHTFUL RESPONSE.

This simple organizational technique can bring coherence to what may seem like a chaotic approach, according to professor Kevin F. O'Neill. "Too often — especially in the first semester — I am confronted by a stream-of-consciousness approach in which the student makes no real effort to organize his or her thoughts," O'Neill said. "Such an approach may have been acceptable in high school when students are simply working on their facts, but it simply won't cut it in law school. When analyzing a given issue, one must impose order and coherence upon your analysis is to use the IRAC approach."

"At the end of the day, students should bear in mind that what really counts in a law school exam is their comprehension, application of knowledge and skill and subtlety of their issue-spotting and argumentation," O'Neill added.

Get the Edge: No Legal Knowledge Required

EXAMINATIONS CAN BE NERVE-RACKING AND CAN LEAD A STUDENT TO WORRY OVER THE CONTENTS OF A TEST THAT COULD MEAN THE DIFFERENCE BETWEEN PASSING OR Failing. IN YOUR NEXT EXAM, DON'T BE AFRAID TO LEAVE SOME QUESTIONS OUT. USE PROPER PUNCTUATION AND SPELLING.

Use frequent paragraphs and short sentences with a clear lead sentence that lets the reader know what issue you are about to address.
**Chief U.S. lawyer visits C-M, shares tips**

By Kevin Butler

C-M's solicitor general, Waxman's job is to appeal cases involving the U.S. government from the circuit courts and argue before the U.S. Supreme Court. Waxman spoke before members of the Federal Bar Association, whose annual meeting was hosted by C-M Sept. 20-23. He recalled the oratorical prowess of Daniel Webster, who argued several famous cases before the early U.S. Supreme Court.

"To lawyers like Daniel Webster, every argument demands what others would deride as 'over-preparation," he said. Waxman said lawyers should have the facts, issues and every principle upon which their cases depend committed to memory. "You should know every aspect of the case better than everybody else, especially the judge," he said. Waxman said he remembered his cases by first trying to explain them to his children.

Above all, he said, lawyers should remember the one or two main points of their case — the "kernels" — to safely make arguments often interrupted by judges.

"At the forefront of the mind must be the kernel," he said, "however late it reveals itself in your preparation." Notable among the attendees were Ohio Supreme Court Justice Deborah Cook and former U.S. Attorney General Richard Thornburgh.

**CSU president trims 1L's sanctions after appeal**

Continued from page 1 —

CSU president睥pricing of spring semester 2001.

Because Sargent is a first-year student enrolled in full-year courses, he would not have been able to return to Cleveland-Marshall until August 2001. Sargent appealed the decision to the University Appeals Board, which shortened his suspension to allow him to begin his first-year courses again this fall.

Frederic White, an associate dean at C-M who began the disciplinary process against Sargent, appealed the decision of the Appeals Board to Van Ummersen. Van Ummersen makes the final decision in student conduct cases.

In her letter to Valerie Hinton-Hannah, the CSU administrator who oversaw Sargent's case, Van Ummersen upheld the Appeals Board's decision. Sargent was cleared to attend classes beginning this fall.

Sargent told the Gavel he is grateful to those who helped him through the process, including his attorneys, Scott Fromson and Eric Fink.

"I'm just happy to be back in classes and I'm delighted with my instructors," he said.

Sargent's case arose in February when he allegedly shouted at other students in his legislation class. He also posted several comments to the class discussion group on the Internet that were considered harassing.

**HATE: Student-hosted series to explore hate crime, remedies**

Continued from page 1 —

the brinchild of SPILO member Renni Zifferblatt, who said she and her brothers first experienced anti-Semitic hate crimes as the children of Jewish immigrants.

"We returned home from dinner in Haddenfield, N.J., to find swastikas burning on our lawn and our house completely covered in crosses made out of mud," Zifferblatt said.

Zifferblatt arranged to have representatives from groups that preach tolerance speak at the symposium.

Among them are Joel Rattner, director of the regional office of the Anti-Defamation League; Linda Schmidt, a community outreach specialist with the FBI; and Gerald Henley of the National Association for the Advancement of Colored People.

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Your pal who blew torts? Now a judge

By Steven C. LaTourette

If you were thinking the only thing you’d take away from law school is the law, think again: you’ve got relationships to build.

By Steven C. LaTourette

We weren’t the fancy-pants lawyers, LaTourette says of CM, but instead were the shot-and-a-beer crowd that was going to make the justice system run.

We had dined at each other’s weddings, shared in the joy of having children and been there for each other in the world of the law.

In those days, the law school had a bit of an inferiority complex. The feeling was that we weren’t quite as smooth as the folks from Case and that the big firms might snap up the editor of the law review, but the rest of us would have to fend for ourselves.

I always liked the fact that we weren’t the fancy-pants lawyers, but instead were the shot-and-a-beer crowd that was going to make the justice system run.

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My new life on the bus

By Daniel Pope

I found myself at the bus stop too. They say hello.

Brenda, a large woman driver. Gettin' on the bus if you can't tune it out.

Michael Cheselka

The Weak in Review

I'm sure my eyes were wide when the motorman was challenged, the predictable public outcry gravitated to the stock question: Which atheist found the lawyer? The fact that, in this country, we can imagine situations of this nature with gavels instead of guns is of little consequence to those who prefer the opportunity to smear our profession over the opportunity to develop their own, independently reasoned opening and closing arguments.

For many people, and most of the media, the state motto question is too easily stretched between two polar opposite points of view: leave the motto alone for spiritual reasons or lose the motto for civic reasons. It might be more prudent to consider whether we could lose the motto for spiritual reasons until we live up to the motto for civic reasons. Good (in your own interpretation here) can't be too pleased with our efforts thus far to be the state with that motto. What would this place be like if we were living under the mantra "Take the money and run!" or "Can you smell what the state of Ohio is cooking?" The question lies in the balance. As you read this, somewhere in Ohio:

- A 72-year-old man has just been informed that he will have to leave his low-income housing facility because a random background check uncovered his guilty plea to a possession charge back in 1948.
- A single mother is told to shut down her computer and punch out because company policy requires that any employee caught with a misde­meanor record that hasn’t been expunged must terminate.
- A parole board just flipped a father of two who pled to a charge that carried a two-year term and imposed the maximum eight-year term covered by the original indictment.
- A prison-industry executive faxed his report to the program director for the national convention. The topic? "Expected production output growth following the criminalization of the juvenile justice system.

Only one truth emerges from the very public, very heated state-motto debate: with lawyers, all things are possible.

W' will coach military back into shape

By Maureen Connors

The primary purpose of the president is to serve as commander in chief of the military. National defense must always be the first step in maintaining a sovereign nation. Yet in his book, "The Price of Power," retired Gen. David Hackworth claims our military is not prepared to fight even one war, much less two simultaneously, as it had been able to during the Reagan-Bush years.

CBN News columnist Dale Hurd reports that George W. Bush "will rebuild the military power of the United States." In the same report, Al Gore fails to recognize a decrease in our military strength: "Our military is the strongest and best in the entire world," Gore said.

It has caused our military to weaken.

Enlistment is down, soldiers are less prepared and troops are being used as police. Working on half of the day, it was created in 1992, our military has 40 percent fewer soldiers today than then. Yet overseas deployment has increased 300 percent, according to CBN's Paul Strand.

We can no longer police the world. Our military's job is to prepare for combat readiness to go to war, not a super cop.

The morale of our soldiers is low because physical standards are being lowered. As politically incorrect as it might be, we cannot afford to pretend a female soldier is equal to a male soldier. It is widely known that women have less upper-body strength than men. Stephanie Gutmann, author of "The Kinder, Gentler Military," witnessed women in basic training who were unable to complete the standard physical exercises required at basic training.

In researching her book, she saw women who could not scale the wall and were allowed to go around it. She saw women who could not run "they were allowed to "stroll leisurely around the track." She found that most women were unable to throw a grenade far enough out of range before it exploded.

I see nothing wrong with sending anyone into combat who is physically and mentally able to defend our country. But when we weaken our standards just to be inclusive, we weaken the strength of our military and soldiers die.

Our military's purpose is to prepare for war and defend our nation. We can't do that by policing the world and we can't do that with unprepared and less fit soldiers. Bush rightly under­stands we need to rebuild the power, lift the morale, focus on defending American soil and prepare for a new technological age.

Connors is a 3L.
Steps we took to suspend IL were just

I can tell you, this institution went to great lengths to keep Scott Sargent out of the system.

I have no idea how that institution "fixes" problems. I can tell you, however, that this institution went to great lengths to try to keep Sargent out of the system. Regardless? Far from it. In addition to my numerous one-on-one discussions with Sargent in my office, at least two other faculty members individually met with him on their own initiative, all attempting to find reasonable solutions to the problems that Sargent alone created. Although Cwiklinski was a member of Sargent's class, he was not privy to a number of the issues that concerned this institution regarding Sargent. The university's student conduct proceedings initiated against Sargent involved at least three levels of inquiry before his ultimate suspension. On at least one of those levels, there were more students than faculty involved. Moreover, at two levels of inquiry, Sargent was given ample opportunity to explain his behavior. At all levels, he was found wanting.

Even among the arms, all actions — good or bad — have consequences. The same is true at this institution. Sargent has suffered those consequences after an exhaustive and fair process that safeguarded his rights as much as it did the corresponding rights of other students, as well as law school faculty and staff. Because I believe that process was fair and just, I fully support the suspension of Sargent by President Van Ummersen.

Frederic White is an associate dean at C-M.

Agree?

Do you take issue with an opinion in this edition? Do you have a special perspective that would shed light on the subject? Let us know. Drop off your hard copy and disk at our office door, LB 23, or write to KENNETH BURT, PLANK, CHOWKER, ROSS. Submissions must be signed. We reserve the right to edit for clarity.

After the debates, voters will choose Gore's strength

"November, n. The eleventh twelfth of a weariness."

—Ambrose Bierce,
"The Devil's Dictionary"

Perhaps the American journalist Ambrose Bierce made this observation during the month of November rather than another month because the often boring campaigns for president culminated in an election in November.

How seemingly fitting then when on the face of the upcoming presidential election campaign, one could be imagined less exciting, less wondrous to American campaign watchers than this: hundreds of editors, southern attorneys, elected officials, especially from textile families, trying to fill their fathers' shoes, their family's or their community's expectations by winning the presidency with no wars or national disasters on the horizon. But is reality that boring? Several polls indicate this may be the closest election in 20 years. If close elections create a voting excitement simple because they are close, this one is heating up for the competitive better.

George W. Bush's summer vacation from Democratic competition is over. No longer can he be the new president. The two candidates taking shots at the "invisibility" of the Clinton-Gore administration without counterack. His points to push this: if Clinton has lied then Al Gore lies too–no sequitur are true and lieless. He will soon have a policy debate. If he is not prepared to be president than a man who served eight years in the U.S. House, was a two-time elected U.S. senator, and has served two terms as vice president during a time of prolonged peace and prosperity unseen in decades of presidencies. Consider the president's ideas for policy details by Gore is not—boring, too, by the way. Gore debates like he has and can, the undecided voters will see.

In the end, independent and the moderate middle decide, not for. And Bush's cheap-shot-document detail-dodging will be one of the remaining weariness, fitting for a November election.

Petrus is a 3L.

If Bush thought his debate skills were on par with Gore's, he should have come out detailing and debating. But he didn't.

For policy details by Gore is not something George II looks forward to. While Gore spent Labor Day weekend campaigning, George II spent it figuring out ways to join Gore in the minimum number of debates with the least amount of media coverage. George II tried to thumb his arthritis at the Presidential Debates Commission, but this has backfired. Al Gore, on the other hand, is a proven debater. He has had a debating voice under the boot of the U.S. Senate, the country's greatest deliberative body. Think back to his threshing of Ross Perot during NAFTA debates on cable television.

Although George II's debating skills remain unseen on national television, one can infer if he thought his debate skills were on par with Gore's, he would have come out detailing and debating. But he didn't.

In the end, independent and the moderate middle decide, not for. And Bush's cheap-shot-document detail-dodging will be one of the remaining weariness, fitting for a November election.

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If Bush thought his debate skills were on par with Gore's, he should have come out detailing and debating. But he didn't.
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