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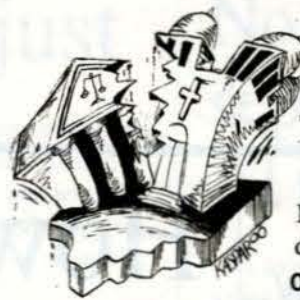
Sitting to your left, a future judge

Little did he know, but Congressman Steve LaTourette '79 made lifelong friendships at Cleveland-Marshall. **CAREER, PAGE 4**



How to one-up other 1Ls

Feeling outdone by your first-year peers? Avoid making the same mistakes they make. **LAW, PAGE 2**



The good we do

People are pointing angry fingers at lawyers in the battle over Ohio's state motto. *Gavel* columnist Michael Cheselka sees it a different way. **OPINION, PAGE 6**



THE GAVEL

VOLUME 49, ISSUE 1 ■ OCTOBER 2000

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

FIRST ISSUE OF THE SEMESTER

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 Zirm, recruiter for admissions. Zirm 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.



CSU PUBLIC RELATIONS

Neil Thackaberry (left) and Reuben Silver star in "2½ Jews," about a Jewish lawyer at odds with his immigrant father and attorney son.

'2½ Jews': theater for our kind

GAVEL STAFF

Cleveland State's upcoming production of the heralded, off-Broadway play "2½ Jews" will center on a humanitarian lawyer's conflicts with his immigrant father and attorney son, who shuns pro bono work as a partner in an upscale firm.

The play will run at CSU's

Factory Theatre, East 24th Street and Chester Avenue, Oct. 5-8, 12-15, 19-22 and 26-28. Curtain times are 8 p.m. on Thursdays, Fridays and Saturdays and 2 p.m. on Sundays.

Tickets are \$10 for students and may be obtained by calling the drama department box office at (216) 687-2109.

SPILO to host forum on hate

'Unprecedented' symposium includes FBI; Baca to return for keynote speech

By Kevin Butler

STAFF EDITOR

A noted American Indian civil rights attorney tops the list of locally and nationally renowned speakers who will discuss hate crimes at a symposium at Cleveland-Marshall on Oct. 20.

Lawrence Baca, a trial attorney in the civil rights division of the Department of Justice, will return to C-M to reveal the "growing epidemic of crimes against people because of their status," he said. His keynote speech will focus on those crimes directed toward American Indians.



C. KNOP
Lawrence Baca

"We are victims of crimes where the motive was probably race more often than is reported by the local people," he said.

Baca, who spoke here last year, is the first American Indian attorney to be promoted to senior status in the Department of Justice. He has been a part of all seven actions the department has filed on behalf of American Indians.

The Student Public Interest Law Organization is planning the symposium, with assistance from more than 10 other organizations.

"It's unprecedented to have all these student organizations working together to coordinate an educational forum," SPILO President Jennifer Lukas Jackson said.

The daylong symposium is See HATE, page 3

Visiting scholar: might makes right — sometimes

By Frank Scialdone

STAFF EDITOR

Self-determination is a fundamental right of all peoples and in some cases violence may be a legitimate means to obtaining that right, according to Cleveland-Marshall visiting scholar Illias Bantekas.

"Groups of people have a right to pursue their own national identity and their right to self-determination," said Bantekas, director of the International Law Centre, University of Westminster Law School in London. "I do support some violence — some deadly violence."

While Bantekas discussed the basic history, nature and sources of international law, the most controversial topic of the lecture was his discussion of the right to self-determination. Bantekas addressed a group

In a lecture here, Bantekas says violence is just only 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 that the distinction turns on the definition of a "people." Ethnic, linguistic, religious and other well-founded characteristics define what constitutes a people. Minority groups have rights but do not have a right to self-determination, he said.

Bantekas said that there is a dis-

tinct 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. 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, said Bantekas. International law prohibits force by one state against another but does not prohibit force in resolving internal conflicts.

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.





There's more to learning law than reading it

By Steven H. Steinglass

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, I 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 Tayyab Mahmud speaking on "Law and Colonialism" and 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 our second criminal law forum lecturer, New York University clinical professor Holly Maguigan, speak on the effect of mandatory arrest and no-drop prosecution policies on abused spouses. Professor Geier has organized an all-day "Death of the Death Tax?" conference on Oct. 6, and on Oct. 13 and 14 you may attend the Housing Court Conference organized by clinical professor Kermit Lind.

Finally, on Dec. 6, the law school will partner with the County Financial Institutions Advisory Council for an all-day conference on community reinvestment, "Lending for the Millennium: Trends and Transition." Professor Patricia McCoy is allied with CFIAC and is responsible for 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 serious intellectual undertakings, 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 classrooms. I wish you all good luck.

Steinglass is dean of the college of law.



The Dean's Column

How to beat the blue books



First in a series

By Frank Scialdone
STAFF EDITOR

Diligent exam preparation, frequent review and clear, concise writing are the keys to success for first-year students, according to Cleveland-Marshall professors who teach first-year classes.

The *Gavel* surveyed some of those professors to find out where students go wrong and how students can avoid the pitfalls that plague 1Ls year after year.

Weekly review of class material helps students remedy problems before it is too late to do anything about them, according to professor Peter D. Garlock, who teaches criminal law and torts to first-year students this semester.

"Students should review each class's material immediately after the class, or at least at the end of each week," said Garlock. "If you have questions about the material discussed in class, ask your professor as soon as you can. Review again after the end of a section of material. Don't wait until the end of the semester to try and clear up confusion. By then it may be too late."

Missing the Point?

STUDENTS SOMETIMES MISS THE BROADER implications of what professors are teaching by focusing primarily on the black-letter law of any 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 how and 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, observing how courts go about analyzing legal issues, rather than simply focusing on the outcome of each decision. In the process, they'll learn 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 intently on specific reading assignments, while missing the general outlines of law. On the other hand, students also sometimes 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 form opinions as to both rather than limiting themselves to one or the other."

Lazarus recommended reading cases several times to improve 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

Bad writing, shoddy organization top list of usual 1L pitfalls



ROD SAVELY—
WWW.LEIGHTONREPS.COM

The nine WORST first-year flubs:

- 1 Procrastination
- 2 Falling behind in reading assignments
- 3 Not writing answers to prior exams
- 4 Not doing your own outlines
- 5 Not applying the law to the exam facts
- 6 Putting length before content
- 7 Not following IRAC on essay exams
- 8 Not using professors' office hours fully
- 9 Failing to use tutoring services

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 suggested practice — practice studying by diligently briefing cases and practice by writing clear, complete answers to prior examination questions.

Analyze, Organize, Write

EXAMINATIONS CAN BE NERVE-RACKING AND panic can lead a student to recklessly write an answer before taking the time to organize and compose a thoughtful response. Taking the extra time to outline an answer

before writing as well as thoroughly reviewing the problem itself only saves time and leads to a better answer, according to the professors interviewed in this article.

"Don't feel that by reading, re-reading and outlining you are 'losing time' to those who have already started to write," said Lazarus. "A well-thought out and well-organized answer is always considered superior to another that is merely longer."

Lazarus added that diligent preparation could 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 about battery; she wants to hear whether she has a cause of action against little Jimmy next door who drove a golf ball into 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, laying out the controlling law, applying the law to the pivotal facts, and then offering a clear conclusion.

This simple organizational technique can bring coherence to legal analysis, according to 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 to their undergraduate professors, but it simply won't cut it in law school. When analyzing a given issue, one way to 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 on a law school exam is not their conclusions but the skill and subtlety of their issue-spotting and analysis," O'Neill added.

Get the Edge: No Legal Knowledge Required

GETTING AN ADVANTAGE IN FIRST-YEAR classes can be achieved apart from substantive legal knowledge. Cogent writing on examinations is fundamental to success, and those who lack basic skills coming into their first year should take the extra time to improve their writing ability, according to professor Garlock.

"The clearer your English and the better your organization, the easier your answer will be for an examiner to read, and the better your chances will be of doing well on the exam," he said. "Write complete sentences, not fragments. Don't leave words out. Use proper punctuation and spelling. Use frequent paragraphs and start each paragraph 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

GAVEL STAFF

Lawyers can make even the most complex argument before an appeals court more successful if they abide by three core principles, according to the government's top appellate attorney.

In a speech at Cleveland-Marshall on Sept. 20, Solicitor General Seth Waxman said appellate attorneys must "care passionately" about their cases, prepare fully for oral argument and memorize the "kernel" of each case to better make their point.



USDOJ.GOV
Waxman

As 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

pro 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 memorizes

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.

Bar admissions announces hike in exam fees

GAVEL STAFF

The Ohio Supreme Court has amended the fee schedule for law students registering for the Ohio bar examination.

Effective Oct. 1, the application to register as a candidate for admission to practice law will cost \$50, a \$20 increase.

The supreme court voted to increase the fees this summer, admissions office spokeswoman Beverly Braskett said. She said the fee has been \$30 since 1977.

Students who missed registering by Nov. 15 of their second year will have to pay an additional late fee of \$150 after Oct. 1, a \$50 increase from the previous late fee.

After Oct. 1 the supplemental application to take the bar exam will cost \$225, \$75 more than the previous supplemental fee.

The initial application to register may be found on Cleveland-Marshall's website. Kay Benjamin in Student Services has the supplemental application.

Benjamin said students trying to complete the Dean's Certificate, a portion of the first application, should type their names and addresses on the form, then leave it in the appropriate box at her door.

CSU president trims 1L's sanctions after appeal

By Kevin Butler

STAFF EDITOR

1L Scott Sargent is back in classes after Cleveland State President Claire Van Ummersen reduced his suspension from effectively a year to five months for his role in violating two provisions of the student handbook.

CSU's Judicial Board found that Sargent violated the handbook's rules barring the disruption of class and harassment of students after a hearing in March. On April 14, he was suspended from classes until the beginning of this fall.



FILE
Van Ummersen

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 brainchild 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 Haddonfield, 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 Ratner, 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,

who sits on the FBI's local task force on hate crimes.

C-M professors Karin Mika and Kevin O'Neill will speak as well. Mika will discuss the far-reaching consequences of the Holocaust on Jews and non-Jews worldwide.

O'Neill, a former director of the Ohio chapter of the American Civil Liberties Union, will survey the pertinent U.S. Supreme Court cases dealing with hate crime legislation and how those laws often butt heads with the First Amendment's protection of hate speech.

Representatives from gay-rights, American Indian and community activist groups will also make presentations.

The symposium is free and open to the public. It will begin at 8:30 a.m. and include lunch.

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a well-paid editorship open and could use a few people with heads for editing and ink for blood.

THE GAVEL

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Your pal who blew torts? Now a judge

AS THE GAVEL PROVIDED me with my first endorsement for office when I sought the SBA presidency, I consider it a long-overdue payback to write a guest column. As an aside, I was soundly

Alumni Advice

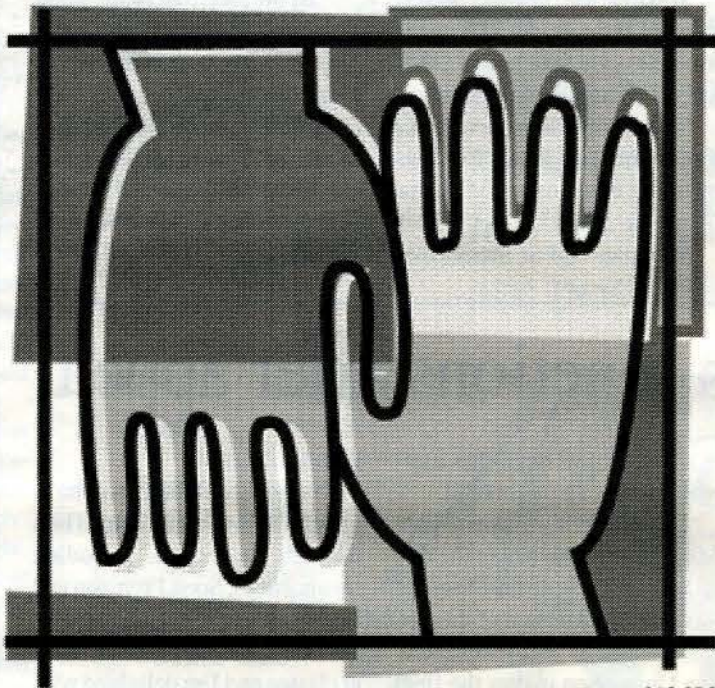
trowned in the SBA election.

I wouldn't have believed it in 1976 when I attended law school, but the knowl-

edge, experiences and friendships that I forged at Marshall have served me well for more than 20 years. The knowledge part is pretty self-explanatory, but I do want to expand on the latter two items.

Stephen Werber taught my first-year contracts class, and my small section included Tom Lobe, Chris Boyko and Mike Lucas. Today, Tom is the law director for Willoughby Hills and makes more money than God, Chris is a common pleas judge in Cuyahoga County and Mike is a partner in a Lake County firm.

On the first day of class we were assigned partners for brief writing and moot court exercises. My partner was Chris. I had just graduated from Michigan and sported long hair, a beard and a flannel shirt of the Ann Arbor '70s. Chris, on the other hand, was clean-shaven, a weight lifter and a health-food fiend. Years



GAG.ORG

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

later he told me that his first impression was that I was a burned-out druggie who would drop out after the first week, or at least have a low enough GPA to help him snag a seat on the law review.

When I ran out of money and needed to get a day job and transfer to the night program to finish law school, his suspicions about me dropping out were doubled. What developed instead was a two-decade friendship forged by the fires of the Socratic method.

We have danced at each other's weddings, shared in the joy of having children and been there for each other in the world of the law, politics and life.

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

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

weren't the fancy-pants lawyers, but instead were the shot-and-a-beer crowd that was going to make the justice system run. I think we recognized that the legal profession was about public service, and that, if done well, could also provide a good way to support our families.

Werber recommended me for a clerkship in one of the bigger firms. I made good money, but when I talked with the associates, they were dreaming of partnership and the chance to appear in court five years down the road. One fellow suffered a heart attack at age 30 as he struggled to get his 1,800 billable hours. I decided then and there that something else was for me. I started in the Lake County Public Defender's office in May 1980 for \$13,000, and was in court de-

fending my first homicide by November of that year. I have never regretted the decision.

The point of the story is that the C-M community fostered friendships that made it possible for me to succeed in the practice of law and, today, to draft the laws that affect our nation.

So if you're a first-year student who is baffled by the mysteries of torts, you

might want to take a minute to get to know the person next to you. Even if they look like they're not going to make it, they might just wind up being the best resource you can have for your career.

About Steve LaTourette:

LaTourette, a 1979 graduate of C-M's night program, has been the Republican Congressman from Ohio's 19th District since his initial election in 1994.



He worked as a public defender and a private attorney before being elected Lake County Prosecutor in 1988, after which he gained national recognition for successfully prosecuting a religious cult in the infamous Kirtland cult murders.

Nevermind if you confuse Learned Hand with 'Hairy Hand' in your head — be patient

By Karin Mika

At what point should I start to feel that I am getting it?

One of the problems with our society is that we all want too much too quickly. If we look at the history of tradespeople, we will see that there have always been tiers of expertise that came only with years and years of experience and mentoring.

Legal Writing

For the most part, all of us would like to skip that lengthy process and jump right to A's on the test and a decent-paying job. Unfortunately, the reality of life and law school doesn't work that way.

Personally, I started "getting it" at different times in different subjects. While I had a comprehension of contracts by the end of my first year, I understood no part of civil procedure until the semester *after* graduation. As far as constitutional law was concerned, I started "getting it" shortly after the bar exam, and tax is still a mystery to me despite trying really hard to master the concepts. Any of my answers to prop-

erty questions on the multistate part of the bar exam were flat-out guesses, even after I had purchased (and completed) a workbook of perpetuities problems.

You might also be interested in knowing that I could not have written a proper Bluebook citation in law school had my graduation depended on it. I learned a functional ability to teach about the Bluebook during my earliest years of teaching, and developed a relative expertise only by having worked with the Bluebook on a daily basis these last 11 years.

The bottom line is that it is natural for all law students (especially first-year students) to feel inadequate and that they are not getting it. I realize it is of no comfort to hear that when grades are at stake, but what all law students need to recognize is that there may

I could not have written a proper Bluebook citation in law school had my graduation depended on it.

be far more benefit to plodding along and doing the necessary work than can be seen at this moment in time.

Despite my lack of knowledge in law school, I did not flunk out, did not fail the bar exam and have been able to secure rewarding employment in the field. I was able to accomplish this by changing my perspective in a number of important ways:

- By leaving my previous history, including past academic successes, at the steps of the law school before I entered.

- By convincing myself that even if I wasn't "getting it" as I was putting in those hours and hours of reading, those hours of reading would prove to be necessary in the long run.

- And by reminding myself frequently that every drama takes time, sometimes a long time, to play out, and we can't necessarily assess today's consternation until some point in the future.

Advice? Go day-by-day (sometimes moment-by-moment), jump through the hoops, then be patient.

Mika is the assistant director of legal writing at C-M.

OCP reports top Cleveland firms now hunting local talent

By Kevin Butler

STAFF EDITOR

A recent shift in recruitment demographics means that Cleveland's marquee law firms are looking more closely at Cleveland-Marshall graduates, according to Office of Career Planning Director Jayne Geneva.

Geneva said several recruiters for the largest Cleveland firms have indicated that most East Coast law school graduates are staying east or heading to California's Silicon Valley, where salaries are highest.

In other cases, some law students from top schools nationally who work as summer associates here are turning down full-time offers from the major firms. And those outsiders who begin as associates in Cleveland tend to "lateral" to offices elsewhere in the country.

That opens the door for more graduates from C-M, whose students were receiving only one or two offers from the large firms a few years ago, according to Geneva.

"Major firms battle each other over our students now," she said.

She reported that the number of offers from large downtown firms last year grew to nine.

eAttorney.com will soon include C-M job bank

Geneva is planning several enhancements to localize the OCP's online recruitment site, eAttorney.com, which students now use to post résumés online and schedule interviews with prospective employers.

By November, Geneva said she hopes to post a searchable database of employers who target only C-M students. Students will be able to choose which firms may look at their résumés.

Currently, eAttorney has a bank of about 35,000 jobs nationwide. The OCP chose the site for its placement efforts because it prevents employers from weeding out résumés by grade point averages, which are unusually low at C-M compared with competing schools.

The site also allows students to create personal profiles using certain keywords (such as "intellectual property") by which employers may tailor their searches.

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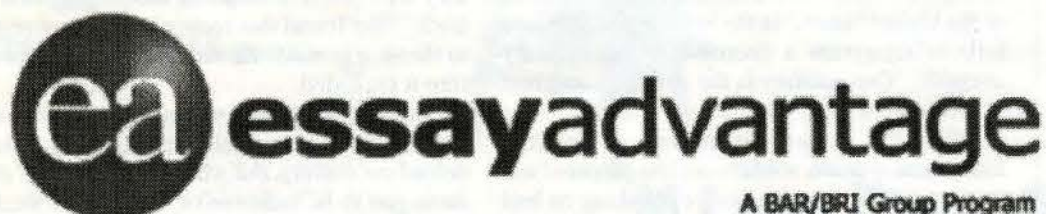
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My new life on the bus

By Daniel Pope
STAFF WRITER

I'll admit it. I use public transportation.

Sure, I used to look down my nose at people waiting at bus stops as I zipped past in my car. Then I quit my real job, started clerking at a downtown firm and found myself at the bus stop too. The financial realities of what clerks get paid in comparison to what parking garages get paid didn't leave much choice.

I fully expected taking the bus to be a trial. I was wrong. The system works. And there are bonuses.

Much to my surprise, bus drivers are generally nice people. They say hello. Some smile. Most wish me a good day. In return, the riders are nice to them. People thank the bus driver more often than they thank their ministers. It was hard to reconcile with the image I harbored of the bastard who cut me off in traffic without so much as a single finger salute.

Things happen on the bus that wouldn't happen anywhere else. You have a diverse group of people momentarily confined in close quarters with no ready means of escaping each other. It's an extended trip in the elevator.

There are three types of riders: those who talk to each other, those who talk to everyone or no one in particular and those who say nothing (except to thank the driver).

There's lots of office gossip on the bus if you can't tune it out. (The BP Building is quite the Payton Place, if what they say is true.) People reveal their family details in front of fellow riders that would make Jerry Springer blush. And if you're married, keep your spouse off the bus or you're fair game for group discussion.

You meet characters on the bus. I received a thorough education on the RTA system from Brenda, a girl who suffered from Down syndrome, her fist clutching freedom in the form of an annual bus pass. Then there's Incoherent Guy, who mastered the art of the free ride with overpowering body odor and an expired bus pass. No driver can stand him fumbling with the pass long enough to make him pay.

I am still awed by the dignity projected by a small boy whose large mother unceremoniously hauled him onto the bus by one arm. His feet dangled over the step as mom paid the fare, then swung him into a seat with a thud. He simply unruffled himself, smiled tolerantly at me and opened a picture book for the rest of the ride.

My favorite was the guy who took the opportunity to hit on the attractive woman driver. Getting no response from his witty repartee, he gently took her hand, dropped to one knee and sang the first verse of "All of Me" before she got the bus stopped. His ride ended there, but I had to clap. It was live theater at its finest.

Next time the commute gets you down, join me on the bus. It's worth the price of admission.

Pope is a part-time 4L.

Pointing a pious finger

IN JULY THE SIXTH Circuit U.S. Court of Appeals agreed to consider a lower court decision that effectively declared our state motto unconstitutional. For more than four decades, more than 90 percent of the citizens of this state walked around in peaceful oblivion to the motto's words, "With God, all things are possible."

Michael
Cheselka

*The Weak
in Review*

Once the motto was challenged, the predictable public outcry gravitated to the stock question: Which atheist found the lawyer? The fact that, in this country, we settle discussions 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 seemed tautly 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 should lose the motto for spiritual reasons until we live up to the motto for civic reasons. God (insert 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

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



CHRIS KASPAR FOR THE GAVEL

"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 be terminated.

- A parole board just flopped 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."

- A major peanut butter manufacturer asks the Tort Reform Citizens League to pull its ad campaign back for a few weeks until the recall storm blows over.

Meanwhile, a middle-aged widower stops by his church to volunteer at the weekly food bank. A mother reads a book to her child. A 14-year-old boy makes lasagna for his little sister because mom and dad won't be home for another

hour. A grandma teaches her son to pray. Two strangers smile warmly at each other from across the bus.

There is significant evidence to advance the argument that a more accurate "religious" motto for Ohio might be, "Father, forgive them, for they know not what they do." There's also spendable evidence to indicate that enough people are living their lives as though the state motto were "heaven helps those who help themselves."

The separation of church and state guarantees each one of us the freedom to create a society where spiritual symbols and slogans are simply redundant, nothing less. Along each step of that journey, whether the cause is advancing good or redressing evil, one of the helping hands along the way will be extended by a lawyer.

Cheselka, a part-time 2L, is a politics and public relations consultant in Cleveland.

'W' will coach military back into shape

By Maureen Connors

CONTRIBUTING WRITER

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 Honor," retired Col. 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.

What has caused our military to weaken? Enlistment is down, soldiers are less prepared and troops are being used as police. Working on half the budget it was allocated 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 be a super cop.

The morale of our soldiers is low because physical standards are being lowered. As politi-

cally 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 of women, 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.



THE GAVEL

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Steps we took to suspend 1L were just

Editor's note: The Gavel reported last semester that CSU President Claire Van Ummersen initiated proceedings against 1L Scott Sargent for disrupting his legislation class and harassing classmates. Over the summer, Van Ummersen reduced Sargent's initial suspension after he appealed. See page 3 for the story.

Mail Pail



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

Point education, 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.

Overreaction? 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 confronted 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 in the army, 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

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 help shed light on the subject? Let us know. Drop off your hard copy and disk at our office door, LB 23, or write to KEVIN.BUTLER@LAW.CSUOHIO.EDU. Submissions must be signed. We reserve the right to edit for clarity.

No sense separating Al from Bill

I do not judge the greatness of a man by his words, but by his actions. By his actions, President Clinton has embarrassed the nation, disgraced the presidency and

publicly disparaged his solemn wedding vows. Much has been

made in this election cycle about how Al Gore, for fairness, should not be viewed in Clinton's shadow. But where was Gore during all the scandals of the Clinton era? Did Gore see the wrongs of the man and his administration?

The most glaring example of Gore's inability to judge right and wrong was his relationship with Clinton during and after the Lewinsky affair. Gore repeatedly characterized Clinton as "a great man" and a "great president." If the measurements are sexual conquests in office, frequency of marital infidelity and disregard for the sanctity of a legal proceeding, Gore is right on the money.

The insidious nature of Gore's character is that it is non-existent. It cannot be said that it is strong or flawed in the same contexts that may be used to describe others — it simply does not exist. With Clinton, no one was (in the depth of their hearts) surprised when it came to light that he was having an affair. Gore has given us little action to judge; we are left only with his repeated failures to act.

Gore has taken double-talk to new heights. Twice in the past 30 days his campaign accepted tens of millions of dollars from entertainment-industry fundraisers, yet talked tough about how R-rated films are marketed to minors. Hollywood has made no reaction except to announce new fundraisers. Think hard about this: When was the last NRA-sponsored fundraiser for a candidate endorsed by Handgun Control Inc.?

The scandals, lack of character and questionable decision-making are, sadly, minor players on this year's election stage. The real tragedy of an Al Gore presidency will be the assault on two staples of American life: cars and toilets. All other issues pale in significance. In his own words (read "Earth in the Balance" to verify), the man who would be president is against both cars and toilets. Odd bedfellows, to be sure, but two modern conveniences I rely upon — on a daily basis. I enjoy flushing almost as much as I enjoy driving a large American car, and to Al Gore I say only this: I will give up my flush toilet when they pry it from my cold dead fingers. Bumper sticker, anyone?

Matlack is a 4L.

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 some other month because the often boring campaigns for president culminate in an election in November.

How seemingly fitting then when on the face of the upcoming presidential election little else could be imagined less exciting, less weary to American campaign watchers than this: two middle-aged, southern aristocrats from elite political families, trying to fill their fathers' sizeable boots or family's expectations by winning the presidency with no wars or national disasters on the horizon.

But is it really all that boring? Several polls indicate this may be the closest election in 20 years. If close elections bring excitement simply 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 ride easily, taking shots at the "integrity" of the Clinton-Gore administration without counterattack. His pains to push this if-Clinton-has-lied-then-Al-Gore-lies-too non-sequitur are trite and tiresome. He will soon have to argue policy details and why he is better qualified to be president than a man who served eight years in the U.S. House, was a twice-elected U.S. senator, and has served almost two terms as

vice president during a time of prolonged peace and prosperity unseen in decades of presidencies. This will not be easy for George II. And he knows it.

Consider that George II is only into his second term as governor from a state that has one of the nation's least powerful executive branches. The governor of Texas, for example, cannot even commute a death sentence without a recommendation from a panel. Consider that this is his only elected public office. And consider the opinion of Ronald Reagan's son, which he shared with reporters at the Republican National Convention, that George II is the "least qualified candidate" the Republicans have ever nominated for the presidency.

Proving he's qualified for the presidency while being pressed

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

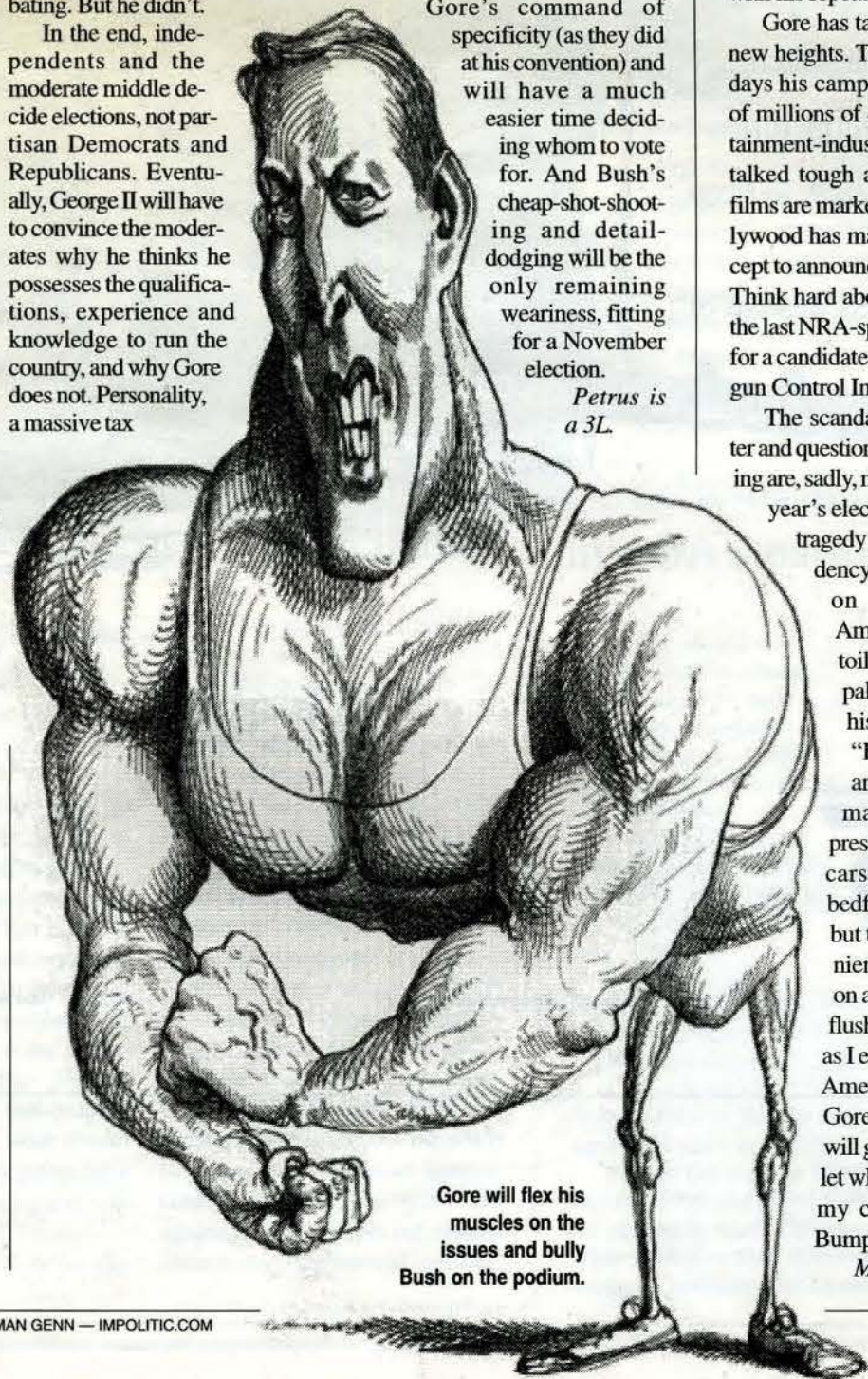
for policy details by Gore is not something George II looks forward to. While Gore spent Labor Day weekend campaigning, George II spent it figuring out ways to join Gore in the minimum number of debates with the least amount of media coverage. George II tried to thumb his aristocratic nose at the Presidential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

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

In the end, independents and the moderate middle decide elections, not partisan Democrats and Republicans. Eventually, George II will have to convince the moderates why he thinks he possesses the qualifications, experience and knowledge to run the country, and why Gore does not. Personality, a massive tax

cut plan during a time of economic prosperity, and attacks on Gore's integrity won't cut it. (Buddhist temple fund-raising scandals are boring, too, by the way.) If Gore debates like he has and can, the undecided voters will see Gore's command of specificity (as they did at his convention) and will have a much easier time deciding whom to vote for. And Bush's cheap-shot-shooting and detail-dodging will be the only remaining weariness, fitting for a November election.

Petrus is a 3L.



Gore will flex his muscles on the issues and bully Bush on the podium.

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