

Exposing the Naked Truth



What do Cialis, Janet Jackson, 'Lil Kim and nude beaches have in common? The barely bearable truth exposed inside.
OPINION, PAGE 6

All Aboard the Tech Train

The RIAA's concerns cannot all be blamed on file sharing. The industry best get on board with Apple and Pepsi, who put a new twist on legally downloading mp3's.
CAREER, PAGE 5



Dare to Drool at School

The art of sleeping in the law library cannot be perfected until an effective way to capture drool is achieved. The Gavel explores sleep's disgusting byproduct
OPINION, PAGE 7



THE GAVEL

VOLUME 52, ISSUE 4 FEBRUARY 2004

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Bar Exam attack planned

By Amanda Paar
LAYOUT EDITOR

Dean Steven Steinglass and a faculty committee have proposed a new plan to increase C-M's bar passage rate. The core of the plan, according to Steinglass, is simple; that is, to send the message to C-M students and faculty that law school and the Bar Exam are very difficult.

Because of the high correlation between law school grade point averages and first time bar passage rates, both law school and bar exam preparation must be taken seriously.

Next fall, Bar Exam resources are expected to expand with the addition of a bar exam prep coordinator to C-M's payroll. Steinglass said that this administrative position will provide a conduit for students and faculty to express bar exam concerns.

Another aspect of the plan, according to Steinglass, is to avoid grade inflation. Steinglass said he will continue to strongly encourage

See **RESULTS**, page 2



Turow vacillates at death's door

Best selling author, Scott Turow, conceded that implementation of the death penalty is not an issue dismissed without looking at both sides.

Turow visited C-M on Feb. 4 to deliver "Confessions of a Death Penalty Agnostic."

Turow is currently the chair of the Illinois State

Appellate Defender's Commission, which oversees the state agency that represents indigent criminal defendants and their appeals.

Law students are familiar with his novel *One L*, which describes Turow's first-year at Harvard law school.

Turn to page 2 for more.

U-pass "vote" blindsides C-M

By Eric Doeh
STAFF WRITER

This spring, Cleveland-Marshall College of Law students' tuition bills increased by \$15 without warning. The hike is the direct result of a plan between Cleveland State University and RTA to create U-pass.

Many law and graduate students did not even know that the Student Government Association (SGA) was conducting a survey for U-pass. Nick DeSantis, SBA speaker of the senate, said that the law school was not represented in any of the U-pass debates.

DeSantis and Sasha Markovic, SBA president, expressed their disbelief about SGA's failure to provide prior knowledge about U-pass. DeSantis said that no representative from the law school was present when SGA voted in favor of U-pass. DeSantis also said the SBA has not decided on a course of action as of yet, but was considering perhaps taking a survey to find out how many

students approve or disapprove of U-pass.

The controversy about U-pass stems from the fact that a full-time student is charged \$15 regardless of whether the student uses the RTA.

This spring, CSU unveiled its U-pass program. U-pass allows full-time undergraduate, graduate and law students to ride on all Greater Cleveland Regional Transit Authority buses and rapid trains during the semester for a one-time fee of \$15.

To qualify for the program, an undergraduate student must be enrolled for at least 12 credits, while a graduate or law student must be registered for at least eight credits.

U-pass was introduced to the CSU faculty senate on Feb. 7, 2001 by Norman Krumholtz, urban studies professor. Krumholtz became involved with U-pass because of a thesis written by one of his students, Henning Eichler.

See **U-PASS**, page 3



Outside the classroom...

"Why Not Polygamy?"
Tuesday, Mar. 2

Prof. Dena Davis questions: if civil unions can be between two men, two women, or a man and a woman, then why not between one woman and two men or one man and two women? Prof. Davis asks whether there exist any constitutional grounds to deny this practice.

The American Civil War. Civil Liberties and Retribution, Parallels With Today
Tuesday, Mar. 30

Today's headlines are full of stories about challenges to civil liberties, possible prosecutions for war crimes and the incarceration of suspected belligerents without charge or trial date. Profs. Keating and Slinger will look back at some of the more dramatic events of the Civil War and compare them to events happening today.

Moot Court Team enhances reputation

By Jason Smith
MANAGING EDITOR

In a series of recent competitions, C-M's Moot Court Team has maintained its highly respected national reputation. The team has traditionally placed high in the national competitions it enters each year. This year has been no exception.

Most recently, two teams from C-M's Moot Court Program returned from the Tulane Mardi Gras Sports Law Invitational in New Orleans. The argued positions centered on complicated antitrust issues surrounding allegations that college football's Bowl Conference Series (BCS) in college football violates the Sherman Antitrust Act. The team of Kyla Pavlina, 2L, and Colin Moeller, 3L, received the Second Runner Up Award, placing in the final four teams out of the 36 teams competing from around the nation.

Moeller also received the award for second best overall oralist in the competition. The team of Bobby Botnick, 3L, and Marcus Misinec, 3L, made it through the first two rounds of competition but were eliminated amid controversial judging and scheduling.

C-M's team of Brendan Doyle, 3L, Dean Williams, 3L, and Siegmund Fuchs, 3L, also competed this month in New York at the Nationals Competition where they argued complex trademark and First Amendment issues. The team went undefeated in oral argument rounds, at one point receiving a nearly perfect 99 out of 100 score. The University of South Texas ultimately prevailed in the competition. This same C-M team placed second at the regionals competition this fall. Fuchs also took home the second place oralist award at regionals. The team of Susan Taylor, 3L,

Brian Kostura, 3L, and Jennifer Seme, 3L, also competed in the regionals competition, making it to the quarterfinal round.

Earlier this year, C-M's team of Abby Lill, 3L, Nathan Wills, 3L, and Leo Wetula, 3L, garnered the Best Petitioner's Brief Award at the John Marshall Law School Competition in Information, Technology and Privacy Law.

This weekend, the team of Nick DeSantis, 2L, James Martinez, 3L, and Christos Georgalis 3L, will head to Cambridge, MA to compete at Harvard University in an Animal Rights Law Competition. C-M will also be sending two teams to the American Bar Association's Tournament in Atlanta, GA. Both ABA teams, including, Amy Scheurman, 2L, Nora Graham, 2L, and Terry Billups, 2L, Max Dehn, 2L, Sara Govrick, 2L, and Dristine Koontz, 2L, will head to Atlanta Mar. 4-6.

New "plan" battles bar exam woes

By Steven H. Steinglass

In the early part of the fall semester, I appointed a special faculty committee for the purpose of taking a thorough look at the Ohio Bar Exam and developing a strategy for improving the performance of C-M graduates on it. The Bar Exam Committee, chaired by Prof. Patricia J. Falk, conducted a thorough review of what we have been doing at this law school and what other successful programs are doing at other law schools in Ohio and throughout the country. This review has led to the development of an ambitious plan for addressing this issue.

The Bar Exam Committee built upon initiatives undertaken



The Dean's Column

in prior years to improve the law school's bar passage rate. Together, this dedicated Committee has developed an aggressive plan for attacking the Bar Exam issue. The plan includes both short-term and long-term strategies, and the key features are as follows: expanding Bar Exam support by creating a new staff position devoted solely to the Bar Exam; adding a full-time admissions professional to assist in the recruitment of a strong entering class; increasing scholarship resources by ten new full scholarships in each of the next five entering classes; gradually reducing the size of the law school entering class by ten per year starting with 250 first-year students in fall 2004 with a comprehensive assessment after three years; continuing to use the full range of grades; retaining the law school's commitment to diversity and opportunity, and continuing to strongly support LCOP and the part-time day and night programs.

Simply put, the plan envisions a smaller and stronger law school. C-M has been the largest law school in Ohio. The plan calls for C-M to cede that title and become, instead, one of the very best.

The plan models itself on the top three law schools in the state and begins the process of competing seriously with them. C-M's curriculum is as strong as any law school in the region.

Our faculty consists of committed teachers and scholars. Our students bring academic strength and a range of experiences. Our alumni are deeply committed to the law school, and our community has more resources than the rest of the state combined.

Fiction author tackles divisive reality

By Jason Smith
MANAGING EDITOR

The death penalty is one of the most hotly debated issues of our time. Everyone has an opinion either strongly in favor of or strongly opposed to this form of punishment. Renowned author, Scott Turow, spoke on the topic at C-M's Criminal Justice Forum Lecturer series on Feb. 4, 2004.

Turow is a partner in the Chicago office of Sonnenschein, Nath, & Rosenthal LLP. However, Turow is perhaps best known for his work as an author. His literary interest developed prior to his legal career.

After graduating from Amherst College in 1970, Turow received a fellowship to the Stanford University Creative Writing Center, which he attended from 1970 through 1972. Turow further developed his writing skills as a creative writing professor at Stanford until enrolling at Harvard Law School in 1975.

Countless prospective law school students read his first book, *One L*, about his experience as a first-year student at Harvard Law School. This book discusses the competitive and restless

atmosphere at one of the best law schools in the country and has resulted in more than one incoming law student being frightened about the law school experience.

However, while many law students have read *One L*, Turow is popular among the general public because of his successful novels, including *Presumed Innocent*, *The Burden of Proof*, *Pleading*

Guilty, *The Laws of our Fathers*, *Personal Injuries*, and *Reversible Error*. These novels, based upon his real experiences as a lawyer in Chicago, have been translated into more than 20 languages and, have sold approximately 25 million copies worldwide.

Turow's most recent literary endeavor is a non-fiction book entitled *Ultimate Punishment: A Lawyer's Reflection on Dealing with the Death Penalty*. His presentation at C-M, entitled "Confessions of a Death Penalty Agnostic," was a brief synopsis of this book, including America's views on the death penalty, the reasons for and against it, and powerful stories behind death penalty statistics.

An agnostic, according to Turow, is defined as somebody who doubts that a particular ques-

tion has a single correct answer or that a complete understanding of something can be attained. Turow, as a death penalty agnostic, believes that several different valid arguments exist for and against the death penalty.

Turow himself changed his view on the death penalty as his legal career evolved. In his early years, as an impassioned young prosecutor, Turow said he used to believe the death penalty "was prudent and appropriate for the most heinous of crimes." However, as a result of later experiences, Turow's view on the death penalty evolved.

After leaving the prosecutor's office, Turow worked on several cases involving death row inmates. In 1999, Illinois Governor George Ryan appointed Turow to sit on the Illinois Commission on Capital Punishment, a commission responsible for examining the administration of the death penalty.

While sitting on this commission, and doing in-depth research on the death penalty, Turow was transformed from being "unsure about how he felt about the [death penalty]" to a non-supporter. Although opposed to the form of punishment,

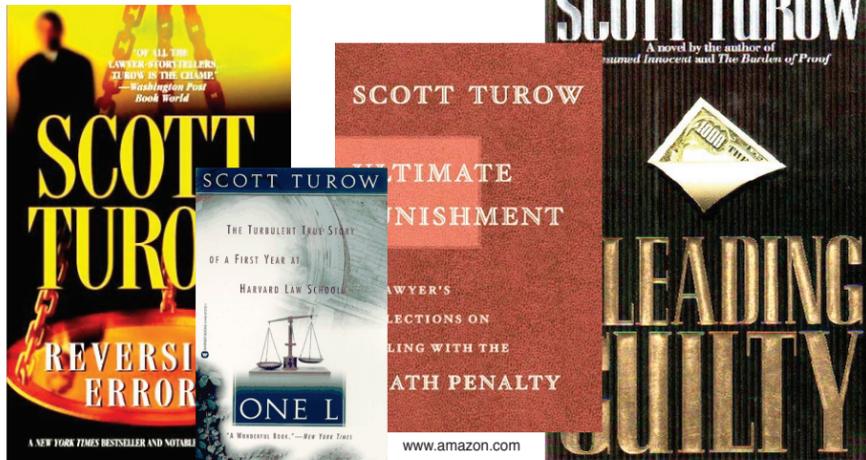
and therefore do not care if they are put to death. Furthermore, Turow explained that statistical evidence does not support this argument. "Murder rates dropped faster in states without the death penalty than in states without it," said Turow. Also, Turow said that Texas, notorious for its liberal use of the death penalty, has higher murder rates than the national average.

Turow also discussed several "celebrated" difficulties with the death penalty. Turow said he believes that several innocent people are on death row. Many times, innocent people are executed because of the "inherent paradox of capital punishment," said Turow.

While typically the burden of proof in any criminal proceeding is on the prosecution, Turow said he believes that in capital cases the burden shifts to the defendant. Because death penalty cases are "reserved for the worst of the worst crimes," the burden shifts because "juries don't want to not convict because of the nature of the crime," said Turow.

Another difficulty inherent to the death penalty is that the current system is racist, said Turow. However, according to Turow, black murderers are not more likely to be put to death than their white counterparts.

Rather, racism is apparent when analyzing who is the murdered victim. "The system values white lives more highly than black lives," said Turow. According to statistics, a killer is 3.5 times more likely to be sentenced to death if the victim is white.



RESULTS: Plan unveiled to stimulate bar passage

Continued from page 1--

age faculty members to use the full range of grades. The purpose of more strictly following the curve is linked to the high correlation between a student's law school "success" and the student's likelihood of passing the bar on the first try. If the curve is not enforced, Steinglass said that students will leave C-M with the false confidence of thinking that they will not have trouble passing the bar when the numbers simply do not support that feeling.

Steinglass said that by adhering to the curve, a larger amount of academic attrition may occur. This higher attrition rate would be almost completely comprised of the first year students who ended their first semester or year with low grade point averages.

Steinglass said that while

these students may look at their short-lived law school endeavor as a failure, it is better for them to realize early on that the legal profession may not be the best career choice.

Next, the size of the law school is an issue. Steinglass wants to be able to say, "We're not the largest, but we're one of the best," in the next few years.

Applications to C-M have increased by 15 percent in the last two years. This means that the admissions committee can be more selective when choosing which applicants to extend offers to.

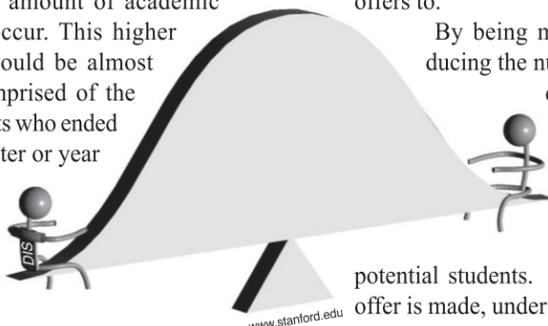
By being more selective and reducing the number of admitted students, a smaller faculty to student ratio will result.

Steinglass also plans to spend more time recruiting potential students. He said that when an offer is made, under the new plan, commu-

nication to the potential law students will be initiated by current students, faculty and possibly even alumni. More tours will also be scheduled so that more potential students have the opportunity to view the campus. Steinglass said that he wants to "reach out to the admitted student."

Steinglass said, however, that the values of the law school are not something that he will compromise in order to achieve higher bar passage rates. He said that maintaining diversity among the students and faculty is a high priority.

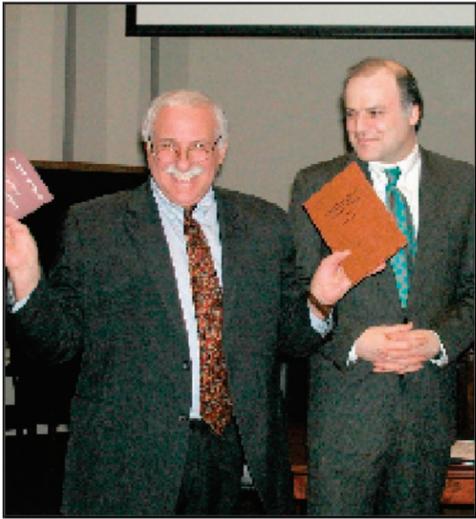
Also, there is no talk of eliminating the part-time night program, despite the fact that the full-time students tend to surpass the part-time students in first time bar passage. Steinglass said that the part-time night program enables many people who already have full-time jobs and families established to obtain a legal education and that is a part of C-M that he is not willing to compromise.



Law library expands collection, surpassing half-million milestone

On Feb. 4, 2004, best-selling author Scott Turow and Dean Steinglass, added the landmark volumes 500,000 and 500,001 to the state's second largest legal collection during a ceremony in the C-M's Joseph W. Bartunek III Moot Court Room. The 500,000th volume placed into the collection was *The History of Law School Libraries in the United States: From Laboratory to Cyberspace* by Glen-Peter Ahlers, Sr., Associate Dean for Information Services and Director of the Law Library at Barry University in Orlando, Florida. The 500,001st volume placed into the collection was Turow's latest work *Ultimate Punishment: A Lawyer's Reflections on Dealing with the Death Penalty*.

Following the ceremony, Turow delivered the law school's third Criminal Justice Forum lecture of 2003-2004, "Confessions of a Death Penalty Agnostic."



Jason Smith-Gavel

LABOR AND EMPLOYMENT LECTURER

The second Labor and Employment Law Lecturer of the school year, Terry Collingsworth, executive director of the international labor rights fund, spoke on "The Globalization of Labor



Notes in Brief

and Employment Law: Suing Multinational Companies in U.S. Courts for Violations of Workers' Human Rights" on Monday, Feb. 23, in the Joseph W. Bartunek III Moot Court Room.

BARRISTERS BALL

The Student Bar Association is once again hosting Barristers Ball on Saturday, Mar. 6, 2004 at the Terrace Club at Jacob's Field from 7:00 p.m. - 12:00 a.m.

Tickets are \$48 per person, which includes a dinner entrée and an open bar. The \$48 price tag is the lowest priced Barrister's ticket since 1997. Barristers was held at this same location in 2002.

HANNA GARAGE

Less than two years into their agreement, CSU and the Hanna Parking Garage have ended their

relationship, which allowed for students, registered with parking services, to park in the garage for free. The deal was initially entered into as a temporary remedy to the overcrowded parking lots on the CSU campus. University officials said they believe the recent passage of the U-pass program alleviated any need to continue the agreement.

EARLY BAR PREPARATION COURSE

Gary R. Williams, assistant dean for student affairs, has been and will continue to present an early bar preparation course for those taking the July 2004 Bar Exam. The class meets every Saturday, from 1:15 to 4:00 p.m. in Room 237.

At the classes, students read and answer ten MBE questions and two bar essay questions on the scheduled subject each session. Discussion and analysis of the answers also takes place.

In addition, students in attendance receive feedback on their essay questions regarding organization and effective writ-

ing skills.

According to Williams, the purpose of this early preparation course is to re-acquaint students to some of the legal theories and concepts learned early in law school, while giving an opportunity to practice some of the writing and reasoning skills needed in order to be successful on the Bar Exam.

BAKER & HOSTETLER CHAIR FOR SPRING SEMESTER

Prof. Irene Lynch-Fannon has been named to the Joseph C. Hostetler-Baker & Hostetler Visiting Professor for 2004.

Prof. Lynch-Fannon will be in residence during the Spring Semester and is teaching European Union

Law and Comparative Corporate Governance.



Photo: Ryan Haggard

U-PASS: Unavoidable bus fee creates stir

Continued from page 1--

Eichler's thesis was based on the idea that CSU and its students could benefit from public transportation.

Krumholtz presented the idea to the faculty senate because the "U-pass could reduce the dependency on parking; an ongoing difficulty for CSU," he said.

As a former member of the City of Cleveland Planning Committee, Krumholtz had worked with RTA in the past. He said that RTA's collaboration with CSU is a move in the right direction for RTA's image and its public relations. In the fall of 2001, Krumholtz's U-pass proposal was taken under advisement by the faculty senate.

Between Oct. 2 and 3, CSU Student Government Association (SGA), conducted a survey to determine how many students were in favor of the U-pass program. According to Eric Crawford, SGA treasurer, the total vote was 613 voters (3.83 percent of the student body), of which 473 voted in favor of U-pass and 132 voted against the program.

Crawford said that all students were eligible to vote. When the vote was conducted, however, there was only one polling location, a table located on the first floor of the Student Center.

Many students have written Gary Williams, dean of student affairs, expressing their dissatisfaction about the \$15 charge. Williams said C-M had nothing to do with the implementation of U-pass. Williams said that he was asked by Steinglass to simply send out a general e-mail informing students about the program.

John Boyle, vice president for business affairs and finance at CSU, said, "I would stress that the impetus for this program came from the students, not from the administration." It is unclear as to whether Boyle was referring to the 4.85 percent of the student body who voted for U-pass out of the 9,743 undergraduate, graduate and law students who were charged the \$15 fee.

Boyle said, "With the near unanimous support of the SGA senate and the successful student referendum, I view this as

the administration reacting favorably to a student initiative."

Fall statistics obtained from the CSU Institutional Research Department, headed by Director Jeffrey Chen, revealed that CSU had a total of 9,743 full-time students enrolled. As a result, if every full-time student was charged a \$15 U-pass fee; this would

generate a revenue of \$146,145 for RTA. As of Feb. 11, about 2,825 students had obtained their U-pass, said Joe Wegrzynowski, assistant bursar.

Gary Meszaros, director of auxiliary services, said that U-pass might potentially free up parking spaces on campus. Meszaros stated that as of yet, U-pass has not reduced

the demand for parking.

Krumholtz said that U-pass has been a tremendous savings for some of CSU's students. Without U-pass, Krumholtz said, "a student would have to pay \$216.00 a semester to ride the RTA. Currently, RTA charges \$54 for a monthly pass.

When asked what he thought about concerns that students pay for a service which they may not use, Meszaros said that students pay for many services that they do not use. In fact, he said, "students pay athletic fees, but many of them do not attend a basketball game." According to Boyle, "we pay for things we don't fully utilize; that's part of living in a democratic society."

Case Western Reserve University (CWRU) has a similar program with RTA, but unlike CSU's U-pass program, at CWRU, only undergraduate students are charged the \$25 fee for the service.

Steve Bitto, one of RTA's vice presidents and director of marketing, said RTA agreed to join CSU in developing U-pass because the program allows RTA to build its customer relations and tap into a market that should, but does not, use public transportation.

When asked whether RTA is improving its image because of a possible proposal by RTA to the city to increase sales taxes (more than 50 percent of the RTA budget is from sales taxes), Bitto said, "U-pass is an independent revenue source. The success of U-pass will reduce RTA's dependency on sales taxes."

Both Krumholtz and Meszaros said that U-pass is still in its trial phase. Meszaros said that at the end of the spring semester, RTA and CSU have the option of opting out of the program.

If the number of full-time students enrolled in the fall is any indication of the amount of full-time students registered for the spring semester, RTA should benefit from U-pass. If only 3,000 out of the estimated 9,743 full-time students obtained a U-pass, RTA would have a revenue of \$101,145 per semester.



Jason Smith-Gavel

The law school was not represented in any of the U-pass debates, said Nick DeSantis, SBA speaker of the senate. Furthermore, no law school representative was present when SGA voted in favor of U-pass.

Good writing is no secret

By Karin Mika

LEGAL WRITING PROFESSOR

Q: What are your major pet peeves concerning first year Legal Writing students?

A: I would say that my major annoyance is when students tell me that legal writing is “stylistically” different from the writing they’ve done, or that they can’t perform well because they can’t nail down what “I” want. I would say that unless a student has come from a writing background where he/she was never expected to write intelligible paragraphs with appropriate topic sentences, continuity and precision in grammar, then I guess, yes, legal writing is stylistically different from other forms of writing.

The long and short of it is that good writing is good writing no matter what the discipline happens to be. The challenge is understanding the necessary components of what writing requires and then putting those components in a manner so that the reader clearly understands what the writer intends.

First-year students are always trying to nail down a universal truth that enables them to do well, and it simply isn’t there. It isn’t the number of paragraphs, the number of cases, or the number of sentences; it’s how all of those components are put together, and aside from a few constants, there is never one way to do anything. Moreover, the result in terms of “good writing” and “poor writing” has very little to do with style.

I often try to draw analogies, sometimes for naught. Think about it this way. If you get up in the morning and intend to drive to school, you must necessarily open up the car before you start the car, yes? And, of course, you must start the car before the car is going to go anywhere, right? This is certainly not a matter of a preferred style of driving. There are simply some things in life that must happen before other things happen.

Likewise, if you do get up in the morning and intend to drive to C-M, there are two mandatory elements that will have existed by the end of this trip: starting the trip, and ending up at C-M.

How you get there is a different story. You might take the scenic route, make a couple of stops, take a route that avoids construction or even stop to visit a friend along the way. There is one thing you cannot do, however, and that is drive to Pittsburgh and then say that “stylistically” you have made the trip from home to C-M.

Good writing is the same, it merely employs the organizational elements that we must employ on a day-to-day basis in nearly everything we do.

Mr. Biggerman goes to Washington

Local young attorney gets dream day before the nation’s highest Court

By Colin Moeller

EDITOR-IN-CHIEF

Few lawyers ever have the opportunity to argue before the U.S. Supreme Court in their lifetime much less before their 36th birthday. Even more rare is an attorney from the city of Cleveland, rather than from New York or Washington, D.C. who is given the opportunity to argue before the nation’s highest Court. Mark Biggerman is that rare exception.

Biggerman, a 35 year-old Cleveland native visited C-M last month to share his experience of arguing before the Supreme Court in the case of *General Dynamics Land Systems v. Cline*. “Some of the time the whole grandiose aspect and importance of it comes up and I feel a bit dwarfed by the immensity of it all,” said Biggerman. “It was intense.”

Biggerman graduated in 1989 from St. Mary’s College in Maryland and attended law school at Ohio Northern University in Ada, Ohio. Not more than a few years later, Biggerman was recruited by Columbus attorney Bruce Hadden to assist in an uncommon age discrimination lawsuit which would wind its way through the federal court system and eventually to the U.S. Supreme Court. This opportunity not only landed Biggerman before the high Court but also in periodicals. Biggerman’s name appeared in *USA Today*, *The Wall Street Journal*, *The New York Times*, *the Associated Press*, *CNN*, *the Lawyers Weekly* and on the “Today Show” with Katie Kurick and Matt Lauer.

“Each lawyer dreams of arguing a case to

the Supreme Court,” said Cleveland Bar Association President Steven Kauffman in a recent interview with *Crains Cleveland Business* concerning Biggerman’s experience. “A lot of people never get there,” said Hadden.

The case before the Court specifically deals with the Federal Age Discrimination in

40’s, who claimed they were protected by the age discrimination law and that the company “pulled the rug out” from under them. They say they were promised benefits when they began working that were later taken away.

Prior to 1997, General Dynamics employees could retire with full health benefits as long as they had at least 30 years of service with the company. But a new agreement enacted with the company’s union granted health benefits only to retirees who were 50 or older by July 1, 1997. “If you were 49 1/2 on July 1, 1997, you’ll never get your benefits,” said Biggerman. “We argued this is plain discrimination. You put in 25 years and all of a sudden you have these benefits yanked out from under you solely on the basis of your age.”

The U.S. District Court for the Northern District of Ohio did not agree with Biggerman’s clients, holding that reverse-discrimination lawsuits cannot be brought under the ADEA. On appeal, the U.S. Court of Appeals for the Sixth Circuit disagreed, holding for Biggerman’s clients.

Although the Supreme Court has yet to issue its opinion on the matter, the questioning during oral arguments appears to suggest that the Court is leaning in the direction of the district court, a decision that would continue to allow companies to give favored treatment to older workers, such as better health benefits and relaxed hours.



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Employment Act. The question before the Court is whether Congress, in passing the anti-discrimination law, sought to protect younger, as well as older workers over age 40 when their benefits differ. Biggerman’s client’s position is that, Congress intended to make the law age-neutral.

“Biggerman’s clients in this case were a group of about 200 workers in their

Grade posting concerns linger despite assurances

By James P. Lucas

STAFF WRITER

They are a part of every student’s life; grades. Lost not in the importance of grades to a student’s future is the process of grade posting. To many students, this involves a trying period of weeks over which they repeatedly check WebAccess, C-M’s chosen tool for such postings, to see if grades for a particular class have been posted. But this process takes time.

Lately, the consensus around the circle of students at C-M is that the grade posting process

takes too much time. Sitting in your first class of the new semester and still waiting for a grade is not a pleasant experience. Lentcen Burkhardt, 3L, said, “it’s absurd how long it takes and it’s very frustrating. Sometimes you don’t even have them when you start the next semester.”

This is not the first time the problem has been encountered. Last year, the chosen remedy was to allow the records office to post the grades directly, hoping to simplify the process through a

even slower than before.

“We’re very concerned that students get their grades in a timely fashion,” said Associate Dean Jack Guttenberg. Guttenberg said that the oftentimes lengthy process of grade posting is an issue at all law schools. “We are not alone,” he said.

According to Guttenberg, the main cause for this is the nature of law exams. He said that due to the open-ended questions students encounter on such exams, law school exams take a long time to grade. In fact, Guttenberg said the process used to be even longer, and that he has been “pushing the faculty” to turn in grades more quickly.

Guttenberg said that the deadline for posting grades for exams taken in the first week of finals of the fall semester is the first week of January. He said grades for exams taken during the second week should be posted the second week of January.

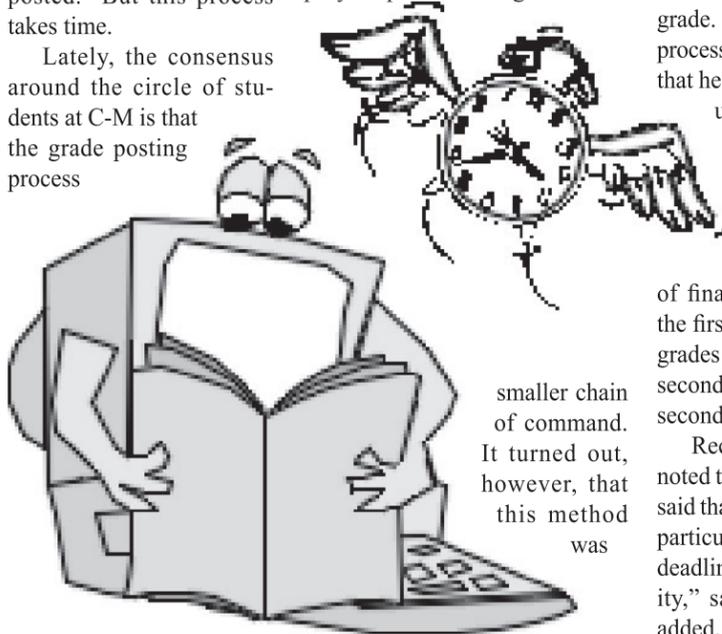
Records Officer Roslyn Perry noted this “staggered system” and said that first-year professors were particularly good in meeting the deadline. “Grades are first priority,” says Perry. However, she added, “we had delays because of

(other) professors.”

What about the grades being posted on WebAccess before the grades are posted on C-M’s website so students can see where they stand? According to Guttenberg, the school’s first priority is to post the grades on WebAccess. Posting the grades along with the anonymous numbers of other students in the same class is, according to Guttenberg, a courtesy to the students.

Students expressed differing opinions on the issue. “I know other schools get their grades faster but it really doesn’t bother me,” said P.J. Milligan, 3L. “It annoyed me my first and second years and the first semester of my third year, but I don’t think I’ll be annoyed after I graduate,” said Jon Walsh, 3L. Walsh added, however, that his “second year was the worst delay.”

Walsh said that a part-time student worker on the staff having the responsibility of helping with the matter might solve the problem. Whether additional staff or more stringent deadlines are the answer to this issue, it seems that, putting it mildly, students, those persons whose futures are at stake when it comes to grades, are not satisfied with the process.



smaller chain of command. It turned out, however, that this method was

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Music industry grabs for tech-crazed lifeline

RIAA must join the file sharing it can't beat to be able to compete in its own market

By Michael Luby
STAFF WRITER

In a recent editorial in the *Washington Post*, Don Henley, drummer for the Eagles, wrote, "When I started in the music business, music was important and vital to our culture. Artists connected with their fans. Record labels signed cutting-edge artists; the music business was healthy and strong."

Henley told of the varying problems artists now face as they have lost much control of their own music. Some of this is attributed to file sharing and some to other sources. However, the theme is clear: the music industry is different more so now than ever before.

The biggest problem record companies encounter is file sharing. File sharing has forced record

companies to adjust their priorities including signing new artists or marketing major groups. It caused independent and major chain stores to close up shop. But most importantly, it caused the industry to readjust how it does business. As technology evolved and continues to evolve, it becomes increasingly apparent that many of the solutions currently in place and being developed must be implemented. If substantial changes are not made, the entire music industry may disappear.

The most noticeable change has been the not-so-recent addition to CD packages. This has come in the form of free DVD's, access to secret band web sites, Willy Wonka-esque golden ticket contests and many other novelties. Numbers have indicated that although certain extras create

a buzz, much of the material is still available online. Furthermore, CD incentives do not solve the incentive of file sharing: cheap or free prices and easy access.

Prof. Brian Glassman said the long-term solution is going to be web-based sales, and that the lawsuits are a general deterrent, discouraging others from partaking in file sharing. Certain web-based sales sites are gaining publicity in recent months. Chief Executive of Apple Comput-

a pay site and computer giant, Microsoft, is rumored to be entering the field. Furthermore, the fast-selling iPod mp3 player and its new partner, iPod mini have made the process even more attractive. However, many critics have argued a well-trained hacker can still access the sites for free, which would ultimately upset the tentative copyright agreements and lead to a breakdown in the technology.

College students tend to be

tion was about to occur, the music industry should have anticipated it, engaging in a massive public education effort and creating pay sites for access to copyrighted material.

Over the past sev-

eral years, downloading has been looked at as the end-all-be-all of the music industry. Some claim it is single-handedly going to destroy the business and others argue it will lead to even more diluted artists reappearing over and over again.

Technology will always be part of the process. One day, it is possible file-sharing could be *passé* and the latest handheld will let users rip live music and send it directly to their home computer, if it has not been done already.

The consensus appears to acknowledge that eventually there will have to be some cohesion on the part of both sides which will ultimately bring a workable solution. It is likely to be in the form of pay-sites. Whether that is per song, per album or some other form, the Internet will ultimately account for any change made.

The RIAA is currently in a state of turmoil with its margins thinning every quarter in terms of sales and the pay sites making very little profit themselves. The industry is slowly reaching the realization that it is better to partner up and flow with the technology.

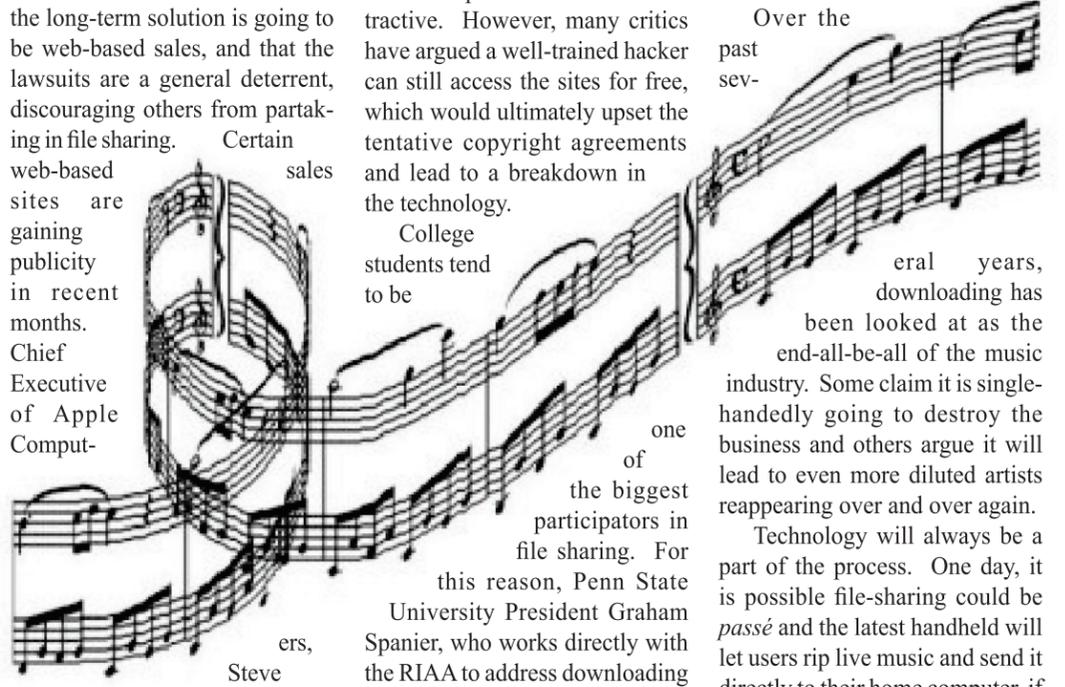
ers, Steve Jobs, is credited with much of the alternative solution development.

Jobs formulated a deal with all five major record labels and many more independents, which allowed him to offer songs through Apple's online music store, iTunes, at 99 cents per song. Pepsi has increased public awareness about iTunes through its promotion, in which one in every three bottle caps wins a free song.

In less than one year, iTunes sold its 30 millionth song, causing many copycats to join the revolution. A revitalized Napster, previously in the file-sharing arena, has already developed

one of the biggest participators in file sharing. For this reason, Penn State University President Graham Spanier, who works directly with the RIAA to address downloading on college campuses, has proposed charging students a mandatory fee, built into tuition, allowing them to download legally. However, five minutes in a college dorm will give you an idea of where most students stand on that issue.

Chris Adkins, 2L, said it might have worked five or six years ago, but today students have become too accustomed to high speeds and free files, and that is a trend that is unlikely to be erased. Prof. Glassman said he agrees. According to Glassman, several years ago, technology allowed very little profit themselves. The industry is slowly reaching the realization that it is better to partner up and flow with the technology.





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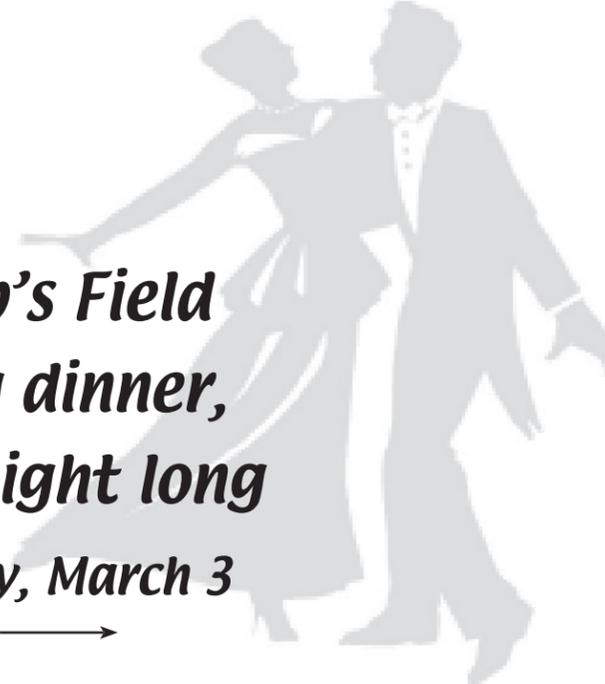
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Boob-tube hype artificially inflated

A branch of the U.S. government is currently investigating whether specific activities violated the nation's laws. Sure President Bush's intelligence on weapons of mass destruction before going to war with Iraq is being questioned. Furthermore, Bush's service to the country as a member of the Texas Air National Guard is coming under fire. While this analysis of Bush's service seems highly irrelevant and unnecessary, another recent investigation seems almost absurd.

The Gavel
Editorial
Opinion

Most people in America know about, and have seen, the exposure of Janet Jackson's right breast during the Super Bowl halftime show. This "wardrobe malfunction" (keep trying to spin it Janet and Justin) has resulted in an investigation by the Federal Communications Commission (FCC) into whether CBS's broadcast of the act violated federal indecency laws. This investigation will no doubt cost taxpayers a significant amount of money. Doesn't the government have better things to do with this money? How about giving further tax breaks to the people who pay more than their fair share?

Let's get back to a more important issue, namely "boob-gate." While media "coverage" was almost non-stop in the days immediately preceding the Super Bowl, this coverage continues today, almost one month removed from the event. In Cleveland, we have one station in particular to thank for this "overexposure." Action News, Cleveland's finest television news program (is it really the news?) often addresses important news events, including non-stop coverage of the halftime "surprise," in its highly riveting and journalistic segment known as "The Buzz."

The media coverage and the FCC investigation are direct results of the public outrage that ensued after Jackson's breast was revealed live on national television. Why has this event caused such an uproar? Was it really that big of a deal?

Jackson's breast was exposed for less than one second from a vantage point approximately 20 feet away. Also, Jackson's

entire breast was not even revealed. A metallic, star-shaped nipple shield tastefully covered the nipple itself. Technically, the show did not even contain nudity. Bathing suits, dresses, and lingerie are common on cable, as well as on network television, revealing more than the now infamous nipple shield.

Even so, how does a simple part of the human anatomy get us into such an uproar? Europeans are probably wondering what all the fuss is about. In Europe, nudity is tolerated, if not completely accepted. Television shows regularly display not only nudity, but also sexually explicit scenes. Furthermore, nudity is

upset about the breast baring were parents. Parents did not think that it was appropriate for their young children to be subjected to such a display. Were these parents watching the rest of the Super Bowl coverage? Before the act in question, there were several instances that should have raised a red flag for these "concerned" parents.

The commercials, usually a highlight of Super Bowl Sunday, were more crass than usual. Did the parents continue to let their children watch the game after a horse flatulated in a woman's face? Did

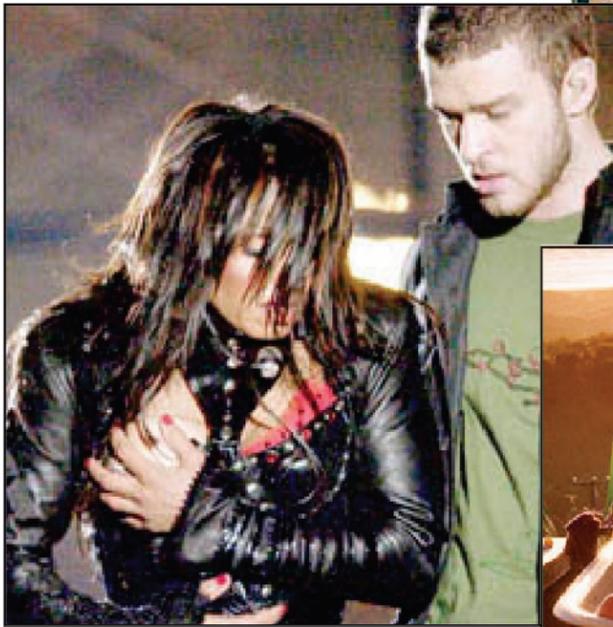
the parents continue to let their kids watch after a dog viciously attacked a

for the head, was appropriate for children? These very parents who criticize the final act of Jackson's breast being revealed should have, if they were that concerned with their children, turned off the television much earlier in the night. If they did not, they only have themselves to blame.

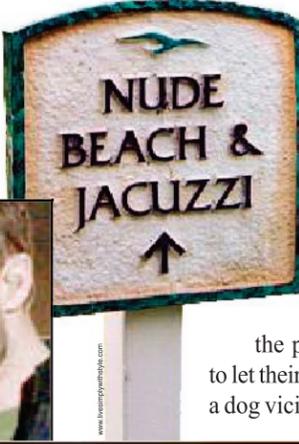
Finally, as for adults themselves who were offended by the show, do you watch any television at all? Not that long ago, as a presenter at the MTV Video Music Awards, Lil' Kim revealed more than Jackson for an extended period of time. Kim was "felt up" by Diana Ross and everyone laughed. There was no outrage. Many claim that MTV is different from network television.

However, network television has become slightly more daring in recent years, even embracing nudity into some of its evening programs. Unless you have some sort of weird fetish with balding, overweight, vertically challenged actors, most people would probably rather see Jackson's breast than Sipowicz's backside on NYPD Blue.

People need to lighten up and stop taking things so seriously. No one saw anything on Super Bowl Sunday that hasn't been seen every morning. If the parents who thought their kids should not have seen the incident really were concerned about what their children were exposed to, they should have realized long before the "wardrobe malfunction" that the programming was not appropriate for children. If parents are concerned about what their children can see on television, they have a simple solution...turn off the boob-tube.



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common in everyday life. It is not hard to find nude beaches all along Europe's coastline. So, does all this nudity mean Europeans have a problem and are obsessed with sex? Actually, the opposite is probably true.

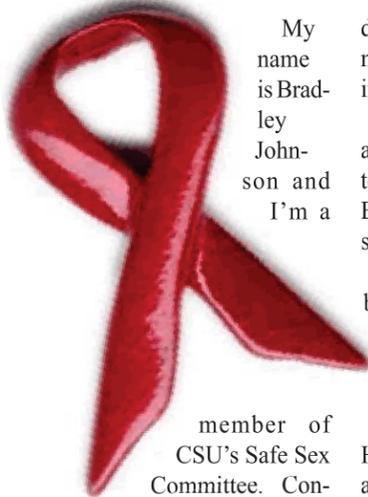
By openly embracing nudity, Europe has fewer problems than the more repressed United States. The openness about nudity is probably partially responsible for sexual crimes in Europe being significantly lower than of their counterparts across the pond. However, it is simply unrealistic that the United States will suddenly change decades of sexual repression and embrace a more open view on the human body.

While not embracing sexuality, there are still questions about why people were so upset about the halftime incident. It appears that the main segment of the populous

male's privates? Did the parents continue to allow their children watch after seeing 30 commercials for erectile dysfunction? How many parents had to field the question from their seven-year-old child: Mommy, what is erectile dysfunction and how does Levitra and Cialis cure it?

Aside from the commercials, the parents did not have to reach much further than the halftime show itself to find more behavior they should have deemed inappropriate for children. Did the parents think that Nelly grabbing himself was appropriate for children? Did the parents think that Jackson and Justin Timberlake having simulated sex, err dancing, was appropriate for children? Did the parents think that Kid Rock's wardrobe, i.e. an American flag with a hole cut out

The wrap-up: fifty cents could save a life



My name is Bradley Johnson and I'm a member of CSU's Safe Sex Committee. Con-

doms are sold in the lower-level men's restroom in the Law Building.

Condom vending machines are also found in the University Center, Viking Hall, and the Business Building, but the one at Marshall sells the least every month.

Whatever that reason may be, I'm hoping that the aspiring attorney reading this will take the time to, as the saying goes, WRAP IT UP.

As you may already know, HIV/AIDS is being contracted at an alarming rate.

Over 3300 Americans have already caught the disease this year. I can throw numbers around all day long, but the point is that people are catching and dying from AIDS everyday.

Even worse, one out of four people who have the virus do not even know about it.

There is no way to cure AIDS, but there are ways to prevent it. By buying and using condoms,

From the Mail Pail



you could save a life, be it your own or your partner's.

Brad Johnson
CSU SAFE SEX COMMITTEE

THE GAVEL

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Catching some zzz's as the drool leaves

Slobbering slumberer imagines sleepytime euphoria in C-M paradise

By Josh Dolesh

GAVEL COLUMNIST

You don't really feel it at first, but it happens. It creeps into clear-eyed virgins, caused by the numbers and letters a thousand miles away. It is a magic eye for the mind. The patterns are recognizable, the colors routine. A swatch of red, or was it a splash of brown? Sometimes a familiar picture in black and white. Often a cascading wave of symbols fading into a central abyss, a dark crack drawing your eyes and pulling your head closer to the historical nose catcher.

You just couldn't take it anymore- a crying woman, a rotted leg, extra carpet, fully automatic weapons, a vacation home in the mountains. The images leak from your mind, a thin drizzle of slime. You smell smoke, stale smoke and cardboard. Your kidneys hurt. Are you losing your mind? Alice in Wonderland? You are far beyond. You're Timmy, stuck in the well, and Lassie is out, sizing up some Schnauzer.

You wake to find your fingers stiff, stuck in a death grip around a ring that uses 40 percent less material than a second paper cup. Your body is still making an effort even though your mind has retreated to "standby." A stream of drool has crept down through the scruff on your chin and collected in the crack of your book. As you lift your head, your nose slides through the puddle of mouth

lube and you are left in a very compromising, *Something About Mary*-esque portrait. This is the exact reason the library does not have video cameras. (Or so I am led to believe.)

I'm sure that if spit were as valuable as blood, the law library study desks would have built in spittoons for saving that marvel of mastication. If those desks were people, the lawsuits would be endless (or would they, after all, you were sleeping. Where is the intent? All right, maybe you were negligent).

The coffee drinking, drooling, snoring, eye resting, library session is a rite of passage for all law students. I pride myself in this buffoonery. Sure one might look foolish, but it is a select few that can say they have drooled on the same desks as high powered attorneys and conservative judges. And the bigger the drool the better the student. That puddle of drool the size of a pancake is merely an indicator of how hard you study.

It is very comforting to often see that I am not the only one spilling sleep sauce. I see all walks of life drooling, women and men, rich and poor. But I am not foolish, drooling is a nasty way to spread germs and infection. And let's face

it, the dusters used by the cleaning crew (who, by the way, do a fabulous job in all the places that do not have roaches) merely spread drool from place to place. Therefore, I have come up with some solutions to help curb the epidemic that by now must be eclipsing in size that of undergraduate binge drinking.

Make the study desks fully equipped with disposable one-time-use desk covers like a doctor's examination table or a toilet seat in a chronically dirty bathroom. I propose we nix the recently fixed condom dispenser in lieu of a dispenser of these desk covers.

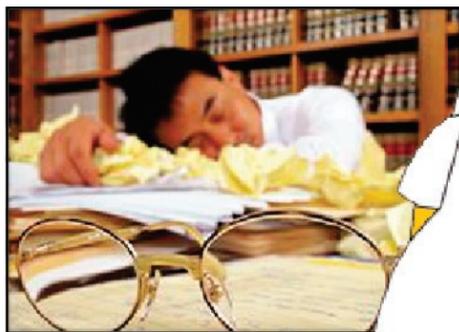
Getting rid of the condom machine makes even more sense if we convert the little used "old library" into a state of the art sleeping lounge for use during those extended study jams.

Put wet wipes under every fluorescent light. This way our less fortunate patrons could brush up on vagrancy statutes while freshening up on their personal hygiene. Talk

about pro bono work! Implement no drooling zones that would work in conjunction with the pre-existing quiet zones.

Some have suggested that we get more sleep at home. The slumped over, sleeping type laugh at that idea. I have paid far too much money to be robbed of one of the unique experiences of being an over worked, underpaid law student. Besides how would I know when I have studied enough? In closing, I offer a plea to all you closet droolers out there at C-M, be not afraid, display your drool with pride, for when you en-

ter the real world it will be too late.



www.abcnews.com



www.posterboys.net

The friends grade posting left behind

The following is the fourth in a six-part series following a first-year C-M student from orientation to spring exams.

The waiting is the hardest part. Everyday over the holiday break I spent looking for my grades from the fall. And everyday I was disappointed. The grades were not showing up for weeks. My final grades from first semester were not in until a week after the spring semester had begun.

They are people that had to leave school after starting back up in January. This is very, very unfair to those who waited only to realize that law school was not going to work out.

What do those people do? They've purchased all their books and paid their rent, only to find out that it was a complete waste of their time and money. If I was one of these people, I would be furious.

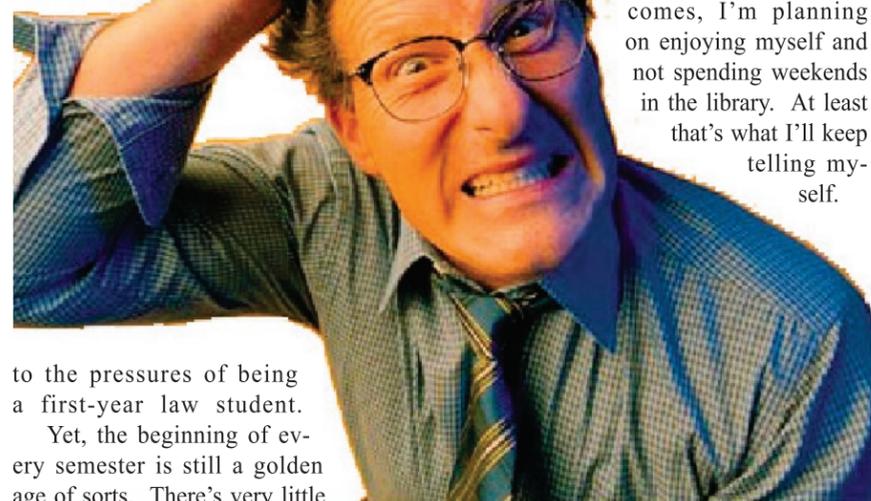
I understand that grading takes a substantial amount of time to complete, but where is the accountability for professors whose tardy-grading harms a student's livelihood? The answer to that question is: there is no accountability. I hope the administration can realize how unprofessional and unfair of a situation they've created for this group of disenfranchised, former students.

As for those 1L's still here, a new semester begins. And those friends we've lost since the fall have taught us at least one important realization: work hard or quit law school. This is a simple truth.

In undergrad, and most certainly high school, there were easy ways around every assignment. Corners could also be cut with little or no consequence. As much as I had hoped that this would remain true, my slacker antics are not working at C-M. And this fact is beginning to ruin my life.

Even as I relax after class at home I can't stop thinking about the work that I should be doing. Does anyone else find themselves doing this? I can't relax and have a good time. I stay up at night worrying about my future and how I'm going to make a living after I fail out.

I've officially succumbed



www.compugeeks.com

to the pressures of being a first-year law student.

Yet, the beginning of every semester is still a golden age of sorts. There's very little

guilt when you go home immediately after class ends. Sometimes I don't even bring my bookbag home. There's still time to study harder, work on outlines and be more involved in class discussions.

As of yet, I have not begun to outline for any of my classes, I've missed numerous reading assignments and my first inclination when class is over is to go home and forget about everything.

There's always tomorrow, at least for a few more weeks there will be.

By the time spring break is over, there will be no more tomorrows and the stress of pre-exam preparation will turn to uncontrollable fear.

But until that day comes, I'm planning on enjoying myself and not spending weekends in the library. At least that's what I'll keep telling myself.

Open Mike

2L sounds off on recent events

By Michael Luby

STAFF WRITER

Ahhhhhhh! You can almost smell it, the feeling permeates. The smell of mediocrity. Isn't that what spring semester is for anyway. Those hopes of grading onto Law Review are all but gone. Your meager attempt at funding spring break via the loan check was spent on Fat Tuesday.

Oh and of course, the Indians start up another new season of convincing locals that this is the last year of rebuilding. The only thing showing up less than attendance is the sunshine and we'll leave that one alone.

Parking has been nothing short of a nightmare so far. At least when I end up three miles away because the Hanna Garage isn't open, I can

U-pass it back to school for free...I mean \$15.



In a direct violation of state law, San Francisco has begun issuing marriage licenses to gay couples. Similarly, several states have recently won various court battles across the nation concerning gay rights.

In response, many others are taking steps in their respective state legislatures to counteract the trend. It's curious to wonder what's more monumental. The fact that these tiny baby steps are slowly guaranteeing rights that should have happened years ago or that Dubya himself wants to enact a constitutional amendment preventing it from happening altogether. That coming from a man who promised weapons of mass destruction but delivered a death count higher than one American per day.

Former Phoenix Bishop, Thomas O'Brien has been convicted of a hit-and-run and is one of the few Bishops in the history of the Roman Catholic Church to have been convicted of a felony. In a related story, the Maryland Supreme Court has overturned three gun convictions against former altar boy, Dontee Stokes, who admitted to shooting a priest.

It's nice to see the Church is taking measures to ensure they are a better-rounded set of individuals. Not only do they practice corporate ethics, but also see to children's rights, Second Amendment protections and of course the right to grow weed inside the church rectory.

In response to a line in the Outkast song, *Hey Ya*, Polaroid has released a statement warning users to not "shake it, shake it like a Polaroid picture!" Wait a minute. They still make those things, and people still use them.

Good luck to Doug Haines. Who? Doug Haines, for U.S. Congress representing the 12th district of Georgia. He's a public interest lawyer, environmentalist and running a full-force grassroots, door-to-door campaign. He's probably full of it too, but at least people can put a face to the person doing nothing for them.

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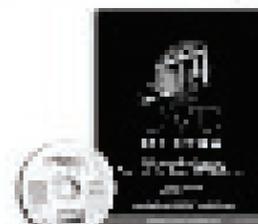
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