

## Ohio votes on election reform



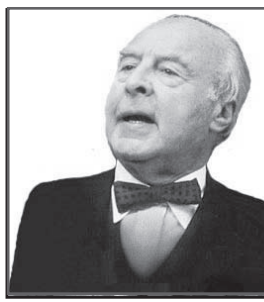
On November 8, Ohioans will vote on four issues aimed at reforming Ohio elections. Gavel conservative and liberal columnists weigh in on whether these issues deserve your vote.

**POLITICS, PAGE 9**

## Professor evaluations revealed

Ever wonder what happens with all those professor evaluations? The Gavel sorted through them to come up with our favorite quotes from students' responses.

**SIDEBAR, PAGE 11**



## Pushed out? Miers withdraws

Bush's Supreme Court nominee withdraws amidst increasing criticism of her qualifications for the Court. The Gavel looks at whether she was treated fairly.

**OPINION, PAGE 6**



# THE GAVEL

VOLUME 54, ISSUE 2 NOVEMBER 2005

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## Committee searches for new faculty

**By Margan Keramati**  
STAFF WRITER

Cleveland-Marshall College of Law professors on the hiring committee will travel to Washington D.C. for the Association of American Law School's faculty recruitment conference on November 11 and 12, 2005, in an effort to fill three faculty positions to teach in the areas of contracts, civil procedure, alternative dispute resolution, public international law, taxation, and trusts and estates for the 2006-2007 school year.

The number of professors who have retired from or left C-M along with last year's search for a new Dean, prevented the hiring committee from filling the needed faculty positions, resulting in an unusual amount of spots to fill for the next school year, said Professor Deborah Geier, chairperson of the hiring committee.

See **FACULTY**, page 3

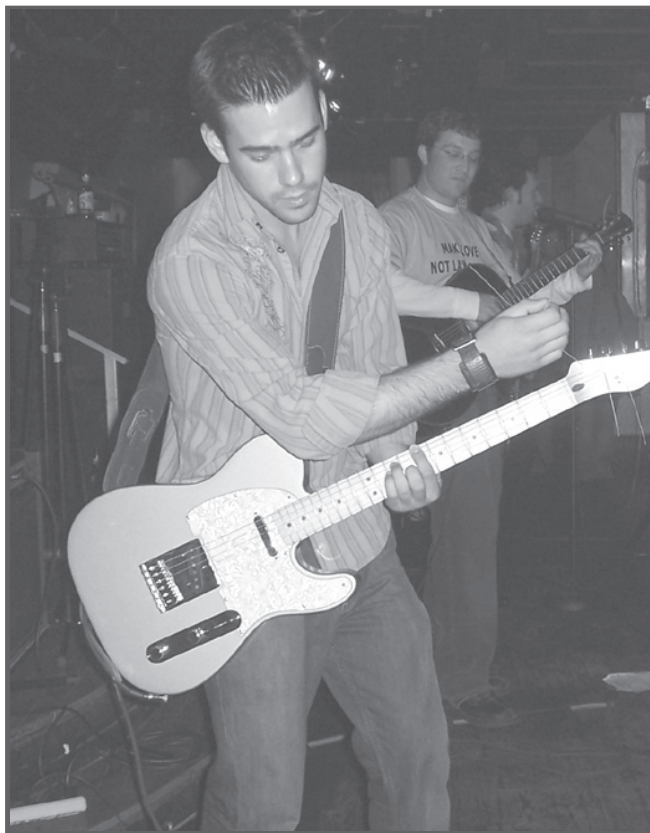


Photo by Kathleen Locke

*Tortfeasors guitarist Scott Kuboff rocks the crowd during the Law Review social at the Velvet Dog on October 21, 2005.*

The Tortfeasors are one of two bands comprised of law school students. The Gavel

takes an in-depth look at each of these bands and how they got started on page 11.

Turn to page 11 for more.

## C-M prepares for accreditation review by ABA

**By Kurt Fawver**  
STAFF WRITER

C-M's accreditation will be under close scrutiny this spring. For three days in March, the college will play host to an American Bar Association committee that will evaluate C-M's strengths and weaknesses.

Every seven years, each fully accredited law school is subject to reassessment by the ABA. 2006 is such a year at C-M.

The purpose of the evaluation is to assure that C-M is in compliance with the ABA standards of accreditation. This is a customary, but meaningful procedure. As would be expected, the impending arrival of ABA officials is generating both hope and hesitancy throughout the college.

During the reevaluation process, the visiting ABA committee, comprised of law professors and practicing lawyers alike,

will scrutinize the quality of the university's academic program, facilities, faculty, staff, and co-curricular opportunities.

The bar passage rates of graduates and job placement statistics will also weigh heavily in determining C-M's educational quality.

Committee officials will observe at least one class taught by each faculty member and will conduct interviews with randomly selected professors, students and alumni, as well. At the end of the three day visit, the ABA committee will begin compiling a report on C-M's strengths and weaknesses.

The committee will make recommendations to improve the school and, as a final duty, decide whether or not C-M is in compliance with the ABA standards of full accreditation.

See **ABA**, page 7



## C-M's July 2005 Bar Passage Rates

	2004		2005	
	First Time	Overall	First Time	Overall
Capital:	74%	59%	79%	68%
CWRU	87%	82%	85%	81%
CSU:	75%	66%	72%	60%
Ohio Northern:	68%	63%	84%	70%
OSU:	91%	90%	90%	90%
Akron:	80%	75%	83%	76%
Cincinnati:	90%	86%	88%	83%
Dayton:	80%	73%	81%	78%
Toledo:	90%	76%	81%	76%

## Firm gets nod for C-M project

**By Ryan Harrell**  
CO-EDITOR-IN-CHIEF

The firm of Collins Gordon Bostwick Architects, based in downtown Cleveland, has been recommended to design the renovation to C-M, pending approval by the CSU board of trustees at its November meeting.

Since the receipt of the generous Iris and Bert Wolstein gift, the renovations the gift is to substantially fund have been sparse on specifics, but the selection of an architect does much to bring realism and depth to the project.

Dean Geoffrey Mearns said that although this was the first time he had participated in the selection of a design team, he was pleased with the smoothness of the process.

The selection process is a mat-

ter of CSU procedure, and it calls for a committee to be formed.

In addition to Mearns, Professor Thomas Buckely and C-M Director of Budget and Administration Vicki Plata were on the committee, along with three members of CSU's architecture and construction department.

Initially, 23 design teams showed interest in the project. Each team was headed by an architecture firm but also included consultants, such as structural engineers, mechanical engineers and landscape designers.

The committee was able to create a short list of the top five teams, which each had the opportunity to make a presentation to the committee.

A feasibility study had been undertaken by Akron-based Braun

& Steidl Architects a few years prior to the Wolstein gift. Although this study included preliminary design plans, Mearns said that none of the five firms was confined to these plans, each instead having a blank canvas.

While some teams did present basic sketches of their renovation ideas, Mearns said the committee was more interested in learning about the teams themselves to get an idea of the way in which each team would approach the project.

Ultimately, the committee chose Collins Gordon Bostwick. While this firm has worked extensively in higher education, designing buildings for John Carroll University, Case Western Reserve University and Bowling Green

See **RENOVATION**, page 2

## Exploring the history of the law building

By Geoffrey Mearns

Since my arrival on July 11, I have had the opportunity to speak with several students. I have frequently asked them to tell me what they think are the most important issues that the law school must address.

One of the most common responses is the building. So, for my second column, I thought I would discuss the status of the anticipated building renovation project. But before I discuss the future, permit me to share with you a brief history of our law school facilities.



The Dean's Column

C-M is the product of the merger of two independent night law schools: the Cleveland Law School, founded in 1897, and the John Marshall School of Law, founded in 1916. Then, as now, the law school was downtown in the city's governmental, legal, and business center.

The original home of the Cleveland Law School was in the offices of the American Trust Building on the northwest corner of Public Square. Its second location was on the top floors of the Engineers Building, one of the city's landmark structures located on the southeast corner of St. Clair Avenue and Ontario Street.

By the time of the merger in 1946, the John Marshall School had had four homes: the New Guardian Building on Euclid Avenue, the "old Court House" on Public Square, an office building on Superior Avenue, and finally in the upper floors of the Hippodrome Building on Euclid Avenue.

After the merger, the law school was located in a building at 1240 Ontario St. That site is now the site of the Cuyahoga County Justice Center.

If you are interested in viewing some of our history, you can find photographs of some of these buildings at <http://www.clevelandmemory.org/search/pics/>.

### Our current facility

In 1969, the merged law school joined Cleveland's new public university to become the Cleveland-Marshall College of Law at Cleveland State University. Until 1972, the law school continued to occupy the old Ontario Street Building. Then, students attended classes in the building now called Rhodes Tower.

The building we now occupy opened its doors to students and faculty in 1977. The dedication ceremony was attended by Britain's Prince of Wales. Although I was not there, I understand that this event was one of the most colorful chapters in our law school's long history. But we will leave that story for another day.

By 1992, the law library, which was located in the area now occupied by the student services offices and the floors above and below, had outgrown its space. Fortunately, the University had secured funding from the Ohio General Assembly for a large building program called "the East 17<sup>th</sup>/18<sup>th</sup> Streets Block Project," which included construction of the Colleges of Business and Urban Affairs and a new law library.

The new law library was designed by the architectural firm of Collins, Rimer & Gordon, with Ellerve Beckett serving as design consultants. This 85,000 square-

## Renovation: Committee selects firm

Continued from page 1--

State University, C-M students are already intimately familiar with the firm's work.

Collins Gordon Bostwick headed the design of the C-M Law Library, as well as CSU's College of Business and College of Urban Affairs.

Collins Gordon Bostwick also convinced the committee that they would be able to work in a multi-stage fashion, as C-M must remain functional throughout the construction process.

Mearns said that the University is already aware of the need for swing space in which to temporarily hold displaced classes. Mearns also remarked that his office may be affected early in the project, as the plans have always called for a grand entrance to be constructed at the southwest corner of the school.

Dean Mearns cited three major reasons for the selection of Collins Gordon Bostwick: First, the committee felt that they had an excellent grasp on the overall sense of architecture of CSU. Second, the firm had already proved that they could create effective transitions between new and existing spaces, as evidenced by the entrance to the library. Third, the firm is adept at making difficult decisions.

Mearns anticipates that the project will involve many tough choices. The entire budget for the renovation rests at \$8.8 million. While this will cover substantial renovations, it is not enough to cover every

item on C-M's wish list.

Mearns outlined a two-step process by which budget choices will be made. First, the design team will estimate the cost of building and improving every desired ele-

certain functions could be chosen to receive substantial upgrade, which necessitates the exclusion of other components.

Mearns said that while it is always desirable to make such decisions quickly, he does not want the eventual quality of the project to suffer in the name of timeliness, instead favoring a process that was done correctly the first time.

Student input is especially encouraged, Mearns said. While he realizes that no design under budget constraints will satisfy every eventual user of the school, Mearns wants all involved to feel as though they received a fair chance for their concerns to be heard.

When asked about the balance between aesthetics and functionality, Mearns did not hesitate to say that the experience of students is the committee's utmost concern.

"We cannot lose sight of the fact that this project needs to enhance the learning process," Mearns said.

While the overall feel of the building will be updated from its present 1970s incarnation, special emphasis will be placed on improving technology access in the classroom and providing more pleasant lighting throughout the building.

Mearns finally emphasized the importance of C-M's architectural style fitting into the city of Cleveland on a macro scale and underscored his belief that Collins Gordon Bostwick shares that commitment.

Citing the fact that the entire Euclid Avenue corridor will soon be improved as a major axis in the city, Mearns said it is important that a law school sitting on such an activated space be ingratiated in a pleasant way with this space.

In this manner the newly-renovated C-M will not only enhance the experience of its students, but it will also enhance the city in which it is located.



Photo by Ryan Harrell

Proposed site for a grand entrance to the law school building

ment of the renovation as if money were incidental.

This "dream project" will then be separated into individual components. Each of these components will then be given a cost estimate that is far more specific than the general estimate.

At this point the administration and the design team will decide which components will be built, as well as which portions of the design must be cut out of the project.

Mearns said there are two approaches the design team could implement. Each component could be improved slightly or

foot, state-of-the-art facility opened in September 1997.

Today, the law library houses Ohio's second largest legal collection—over 500,000 books—and is one of the few academic law libraries that serves the public as well as the entire university.

### The renovation project

The current renovation project began several years ago with a feasibility study. That feasibility study was funded by an initial gift from Mr. Bert L. Wolstein, a distinguished alumnus from the class of 1953. The purpose of the feasibility study conducted by Braun & Steidl Architects, Inc. was to assess the needs of the law school and the cost of renovating the facility to address those needs.

In October 2004, while that study was progressing, Mrs. Iris Wolstein donated \$6.25 million to C-M in memory of her late husband. Of that very generous sum, \$5 million was to fund the building renovation project. The present total cost of the entire project is \$8.8 million, which includes the \$5 million donated by Mrs. Wolstein.

In May 2005, the University published a request for proposals to be submitted by

architectural firms interested in designing the plans for the renovation project. More than 20 firms submitted proposals.

Shortly after I started in July, CSU formed a committee to evaluate those proposals and to make a recommendation to the administration and the Board of Trustees. Pursuant to CSU policies and procedures, the committee consisted of six members: three members from CSU's architecture and construction-management department, as well as Professor Thomas Buckley, Vicki Plata, and me.

In September, our committee narrowed down the list of architectural firms to five finalists. The committee has now interviewed the finalists and submitted our recommendation to the administration. I anticipate that the administration will submit its recommendation to the Board of Trustees in November. Assuming that recommendation is approved, I anticipate that CSU will promptly execute a contract with the selected firm.

I am very pleased with the selection process. We benefited greatly from the expertise provided by the members of the committee who are professional architects

and construction managers, and all of the members of the committee had a full and fair opportunity to participate in the process. I believe that the firm we have recommended will do an outstanding job.

But now the real work begins. After a contract is executed, the architectural firm will begin evaluating the results of the feasibility study.

Although the information generated during the study is very valuable, no final decisions have yet been made as to what specific projects will be included in the renovation project.

The architects and designers will meet with various constituencies at the law school — including students — to assist us in determining what projects should be included in the renovation project. We do not presently have enough money to satisfy all of our existing needs; we will have to set priorities and make some difficult choices.

I encourage everyone to participate in this process. Please share your views with me or any other member of the law school's building committee. And look for future opportunities to meet with the architectural team that will design the project.

# Fund created in memory of distinguished alumnus

*Howard M. Rossen, founder of Supreme Bar Review, dedicated life to helping students*

By Stephen Wolf

STAFF WRITER

Howard M. Rossen, the founder and director of the Ohio Bar Review and Writing Seminar and later the executive director of Supreme Bar Review, passed away on July 26, 2005, at the age of 69. During his career, Rossen helped over 35,000 law school graduates pass the Ohio bar exam.

Rossen began studying law at Duquesne Law School. However, his education was interrupted when the Berlin Crisis caused the activation of his Army reserve unit. Rossen later completed his law degree at C-M as a night student while working for the Labor Relations Board.

After passing the Ohio bar in 1964, Rossen started his own private practice while volunteering with the Legal Aid Society. Rossen co-wrote "The Smith's Review Series," a series of law outlines.

After agreeing to tutor a group of law school classmates that did not pass the exam, Rossen discovered his calling. Every one of his students passed their next attempt. His reputation grew and more students sought his help.

Recognizing the business potential, he founded the Ohio Bar Review & Writing Seminar, which he ran until 1998.

Rossen's dedication to his students became legendary. He gave out his home telephone number to all of his students and encouraged them to call any time day or night when they had a question. Most of the calls he received at home were from students who were simply anxious about taking the bar exam. Rossen calmed them down and boosted their confidence in their ability to pass the exam.

One of Rossen's former students, Jayne Geneva, C-M's director of career planning, remembered hearing about an anxious student who called Rossen's home phone at 2:00 a.m. and said, "I hope you don't mind

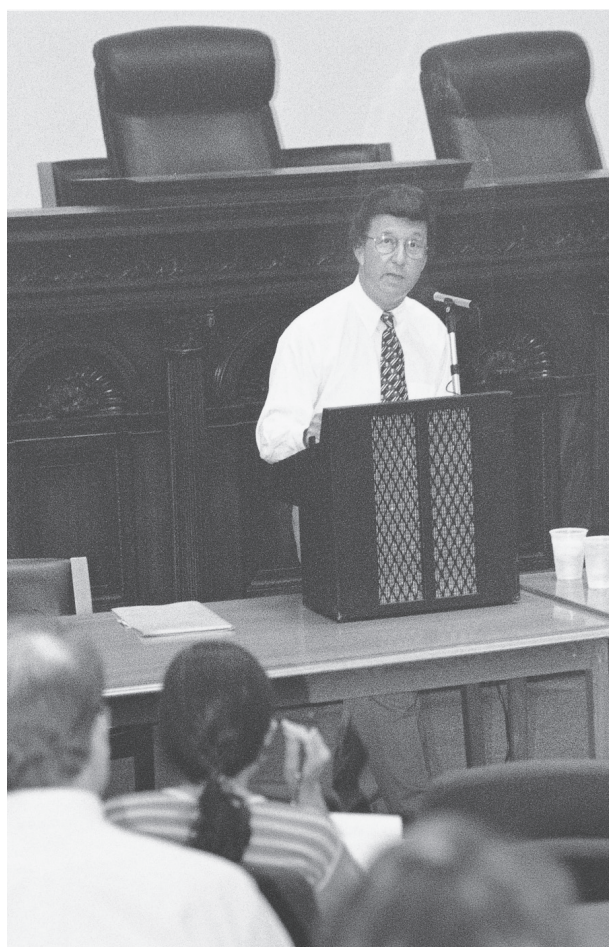


Photo provided by Marc Rossen

**Rossen provided students with the skills to pass the bar**

that I am calling you so late, but I didn't want to bother you at work."

Geneva recalled that Rossen would go to Columbus for every bar exam and wait for his students outside the testing site.

During the exam, Rossen would deliver a list of suggested study topics to students' hotels to help them anticipate upcoming test questions.

"He was known to everyone and his help was available to all who wanted it during those harrowing three days," Geneva said.

Professor Stephen Lazarus, a member of Rossen's lecturing staff for several decades, remembered him as a teacher of teachers.

"Teaching on a law school level, you don't receive the type of criticism that helps you be a better teacher," said Lazarus. "Howard provided that to those who worked in his seminars."

Lazarus pointed out that some teachers give students the information and then let them sink or swim.

"Howard was not like that," said Lazarus. "If Howard saw you sinking, he'd be there to lift you back up."

Professor Stephen Gard, another long-time lecturer for Rossen, estimated that by 1998 Howard had trained ninety-five percent of the attorneys in Ohio.

"Even those (law students) from outside Ohio would take the course,"

Gard said.

Professor Barbara Tyler remembered Rossen as a very likeable man.

"He always had a smile and a wave and was a real gentleman," Tyler said.

Professor Karin Mika saw his strength in detail and strategy.

"During one particular year, he told the exam group that riparian rights had not been asked about in several years," Mika said. Sure enough the question was on the

exam.

Thinking back on the year Mika took her exam, she said, "He pegged the topic of the Constitutional Law questions because he was aware that the grader (who is also the writer) had worked on that particular case the previous year."

The current director of Supreme Bar Review, Howard Rossen's son, Marc Rossen, graduated from C-M exactly 30 years after his father. Marc recalled that whenever the family went out, former students would approach and tell them, "If it weren't for your father, I wouldn't be practicing law today."

Rossen would assure them that it was their own hard work. But those who used his bar review course always felt indebted. Marc also remembered that while growing up he was not allowed to use the phone during bar review season. In the days before call-waiting, his father demanded that their home phone line be kept open for students.

In memory of this distinguished alumnus, the Howard M. Rossen Memorial Scholarship Fund has been established at C-M.

"Our goal is to raise \$25,000 toward a permanently endowed scholarship fund," said Rossen. "It is my hope that those my father has helped will now help our school by contributing toward this worthy goal."

Marc hopes the scholarship fund will attract the best and brightest applicants to C-M.

If you are one of the many who feel indebted to Rossen or are interested in donating, here is a way.

Contributions to the fund may be made to the Cleveland State University Foundation (CSUF), designated for the Howard M. Rossen Memorial Scholarship Fund, Attn: Nicolette Plottner, 2121 Euclid Avenue, LB 138, Cleveland, OH 44115.

## Faculty hiring search goes national for new professors

Continued from page 1--

The AALS conference provides an efficient way for ABA-accredited law schools to search for new faculty members, Geier said.

Interested candidates submit a uniform form through AALS that is dispersed to all law schools describing their education background, work experience, scholarly works, and optional information regarding racial/ethnic background.

The total number of candidates in this year's AALS pool is 947, with 19.1 percent of candidates identifying themselves as minorities, Geier said.

The committee's faculty members review the submitted forms prior to the conference and are still in the process of deciding who they will offer roughly thirty half-hour interviews to while they are at the conference.

The committee's faculty mem-

bers are Professor Geier, Professor Susan Becker, Professor David Forte, and Professor James Wilson with Dean Geoffrey Mearns acting as an ex officio member.

In addition to the AALS conference, the hiring committee has placed advertisements for the positions on the CSU Web site and trade publications like the Chronicle of Higher Education, Black Issues in Higher Education, and Hispanic Outlook in order to broaden the pool of potential candidates.

"When you look at the composition of the applicant pool, there is an overwhelming representation of candidates from the top schools, but the committee also makes an effort to look at candidates, who while they haven't graduated from the top twenty schools, graduated in the top of their class at their respective schools," said Geier. "You have to think if they graduated in the top of their class, there has to be something there."

"Searching for new faculty members is more of an art than a science," Geier added.

In evaluating potential candidates, C-M is working to increase both the racial and ideological diversity of faculty, as well as looking for candidates with the most potential for scholarship, and most importantly for candidates who can teach, Geier said.

Potential for scholarship is an important factor not only because of its impact on a law school's regional and national reputation but because of its impact in the classroom, Mearns said.

"Professors who have intellectually curious minds and pursue scholarship outside of the classroom are engaged in thinking about the law and bring their new ideas to the classroom," Mearns said.

Once the hiring committee has interviewed all of the potential candidates from the AALS conference, the faculty committee mem-

bers will decide who they want to come to the law school for the next round of interviews with the deans, faculty, and students. Local candidates will begin to come to C-M on October 26, Geier said.

SBA President Brendan Healy nominated Kristina Walter, a 3L student, as the student representative, who along with other students, will have the opportunity to meet the potential candidates.

It is important for a law professor to remember what it is like to be a law student struggling to understand concepts, Walter said.

"If a candidate doesn't have the energy and ability to talk freely with students, it's unlikely that the candidate belongs in the classroom," said Walter. "I think students should ask themselves whether they'd like to sit in a classroom with this person."

The information compiled by the deans, faculty, and students will be summarized and compiled in a report and sent to the faculty

for review.

The faculty will then vote, and candidates who receive 60 percent of the vote will move on to the next round of voting where faculty members will rank the candidates for each of the three positions, Geier said.

The faculty's ranked lists will then be given to Dean Mearns for his final decision on who will be offered faculty positions.

"The faculty's recommendations will have a significant influence with me," Mearns said.

He added that the most important factors are first the candidates' potential as a teacher, their potential as a scholar, and their ability to preserve and enhance the sense of community at C-M.

Mearns said that while in future hiring positions there will be a move to try to develop and expand certain teaching areas through new faculty members, the current candidates will be looked at to fill the existing teaching needs.

Complete bar application early to avoid hassle later

By Karen Mika

LEGAL WRITING PROFESSOR

*As a first year student, should I be concerned about the bar exam application?*

Yes, you should be very concerned about the bar exam application. Every law student must fill out a bar exam application in order to be approved to take the Ohio bar. This isn't your garden variety application either. It is somewhere in the range of 20-30 pages and essentially asks each person to document his or her life's history.

This includes every job held, every place lived, every traffic (or other) citation incurred, every school attended, every debt unpaid and every roommate.

You must also provide explanations for any gaps in information you might have, such as when you weren't in school or when you didn't have a job. The application also asks questions related to mental health and alcoholism, and those who will sit for the Ohio bar must authorize a release of this information to be scrutinized.

You will also be required to get references from people who have known you for a long period of time (attesting to your good character). And much of what you submit must also be notarized.

Don't underestimate the amount of time it will take to acquire all the necessary information. You must often locate the addresses of places that no longer exist, and the names of people you never really knew for sure the first time around.

Count on locating the store manager's name from Gold Circle in 1978 or explaining why you left employment at McDonalds when you were 17. And any of those parking tickets you didn't bother to pay as an undergrad? You must disclose their existence on this application.

You may also be required to locate records that may no longer exist or at the very least, have their former existence validated in an official manner. (Our profession likes paper, lots of signatures and official seals). I once had a student required to track down an ex-spouse she hadn't seen in 20 years because she could not recall his middle name, and *he* had to submit a sworn and sealed affidavit verifying it.

The sooner you start on this process the better because by the end of law school, you must file a follow-up form that tells the examiners whether you've done anything they should be concerned about since the first form.

Don't regard this task lightly. You could be class valedictorian and not be able to take the bar exam if the examiners are not satisfied with your answers on these applications!

FIP shuts out part-time 2Ls

By Jamie Cole Kerlee

CO-EDITOR-IN-CHIEF

Not all C-M students are discussing their resulting job offers from the Fall Interview Program. First-year students have to adhere to the strict American Bar Association rule prohibiting them from having any contact with career services until November and were not eligible to participate.

The National Association for Law Placement (NALP) regulations also preclude first semester 1Ls from participating. FIP eligibility is limited to 2Ls and 3Ls.

C-M is one of the few law schools offering a part-time day program. C-M is also renowned for its evening program. Part-time students take fewer courses during a semester, and a juris doctor can be earned in four years as opposed to three.

Part-time 2Ls have already survived their first year of law school. In addition to completing torts, contracts, and the first part of civil procedure, part-time 2Ls have presumably met the full year requirement of legal research and writing. Missing from their legal education are courses in property and criminal law.

Despite meeting the same legal research and writing skills as full-time students, part-

time 2Ls are not eligible for the FIP even though some may be seeking either summer or full-time employment opportunities. Part-time 2Ls who meet participating firms' requirements for on-campus interviewing are excluded from the program by C-M's 29-credit hour rule.

This is particularly unfortunate for the part-time students who may be looking to replace their current full-time position with a clerking job in the legal field. Certain part-time students may also have more time and flexibility to offer firms seeking law clerks. Still, part-time 2Ls are excluded from the FIP.

A handful of the students not eligible for the FIP have made independent inquiries with firms who participate in the FIP. Some of these firms are under the impression that they cannot review resumes sent by 2L part-time students outside of the FIP.

The result is that these students are categorically placed with first semester 1Ls. Firms may or may not consider reviewing 1L resumes after the restricted time period has lapsed to comply with rules and regulations.

Jayne Geneva of the Office of Career

Planning explained that the OCP of C-M has instituted a 29-credit hour rule. All students who have attained 29 credit hours prior to Labor Day are eligible for the FIP.

"Most of the firms are looking at people who will have completed two-thirds of their law degree when they come to them in the summer," said Geneva. "If you are 'dinged' because you don't have enough law under your belt one year, you will rarely be considered by the firm the second year when you have completed more courses."

The NALP does not have a rule requiring a certain number of credit hours be met to be considered for employment. Their rules only restrict first semester 1Ls from job placement opportunities.

"It is better to wait until you have more on your resume or more courses to try for a position," said Geneva. "Your chances are much better then of getting a position."

Geneva emphasized that 2L part-time students still have the option of sending resumes on their own or seeking jobs from eAttorney postings.

But interviewing on-campus with participating firms will have to wait if the student falls short of C-M's 29-hour rule.

Interviews produce mixed results

*A continuation of one student's experience with the fall interview program*

By Brian Sammon

STAFF WRITER

On-campus interviews might be over, but the Fall Interview Program is still going strong. Firms continue to call back students for second interviews, grilling candidates in yet another step of the FIP. For the qualified and well-prepared students, this is the time to shine like the supernovas that they are.

As for me, my enthusiasm for the FIP was short-lived. I sent my resume to a dozen Cleveland firms, but only one invited me for an interview. And that interview was something less than spectacular. In fact, it was more like dreadful.

My interviewer began by asking me what I knew about the law firm. I smiled at the predictability of the question. I had already prepared a terrific answer.

And if this question was an indicator of how the rest of the interview was to go, I was in for the easiest interview of my life.

"They might as well give me the position right now!" I thought. But to my chagrin, I never got past the opening line.

After saying something like, "Well, I know that your Brooklyn Heights office specializes in such and such..." I was promptly cut off.

My interviewer retorted, "Why does everyone think we're interviewing for the Brooklyn Heights office?"

Dumbfounded, I replied, "That's what it said on the schedule."

The interview only got worse from there.

As any self-absorbed lawyer would, my interviewer continued to pontificate about her law firm, nearly putting me into a state of

narcolepsy. Resisting the temptation, I used every opportunity to bring the discussion back to my qualifications, and why I was the best candidate for the position.

This strategy also backfired, as she skipped over all of my glowing credentials and lunged straight for the jugular.

She began by asking why I had transferred law schools, and why, of all places, I left the sunny beaches of Malibu for the murky waters of Cleveland.

She seemed unconvinced by my reasons; apparently family, finances, and the hopes of finding a job were not acceptable reasons to transfer. Nor was she ecstatic to find out that I speak French and that I had downplayed my ability on my resume.

Needless to say, I was relieved when the interview was over. I left feeling discouraged and somewhat bitter that my only shot had been such a disaster.

Fortunately, not all C-M students have such terrible experiences.

Sammi Seberg, 2L, had a positive experience at one of her interviews. Her interviewer, a C-M alumnus, made the interview more conversational.

Seberg found it easy to talk to the alumnus who knew the professors she currently had in class. And it paid off. Seberg was invited back to the firm, where she endured another round of interviews in front of a

panel of ten lawyers. Though she hasn't yet heard back, she is optimistic.

But like me, Seberg also has reservations about the FIP. She regrets not selecting a wider range of firms from the list.

Moreover, Seberg was disappointed to be turned down by firms where she easily passed the academic requirements.

"There was no explanation for not getting an interview, it's frustrating," Seberg said.

Nonetheless, there are still opportunities to find summer positions.

Vick Nolan, 3L, found his job through a former professor.

Because of his connection, Nolan has never even dealt with the career planning office. But it has been a wonderful experience for him, especially since he was offered a position with the firm after he graduates.

For those of you still waiting for a response from fall interviews, don't be discouraged. Many firms will have positions open up after November 1, when they find out if previous summer associates will be returning.

And for those, like me, who did not get a call-back interview, there will be more opportunities in the spring. Smaller firms will be looking to hire closer to summer when they can better gauge the work load.

In the meantime, keep polishing those resumes, practicing your interviewing, and, most importantly, preparing for exams.

# Student forms organization and revives old convictions

By Nicole DeCaprio

STAFF WRITER

When I was younger I had strong convictions, but then I came to law school and my spirit was held hostage by a stack of 10-pound books.

I just didn’t have time to care about things anymore. If I had any free time, I found myself plagued with the guilt that there was something I should be reading for class.

But, I’m a 3L now, and in my old age, I think back on my law school career and wonder what I have been doing for all this time. Basically nothing worth writing Grandma about.

So I dusted off those old convictions of mine and decided to start a C-M chapter of the national organization Law Students For Choice (LSFC).

Their Web site, [www.lawstudentsforchoice.org](http://www.lawstudentsforchoice.org) states that LSFC is “committed to educating, organizing, and supporting pro-choice law students to ensure that a new generation of lawyers will be prepared to successfully defend and expand reproductive rights. Today few law schools offer comprehensive education in reproductive rights law and opportunities for professional training are scarce. Together we are becoming a powerful, educated force that will defend and expand reproductive rights in the United States and around the world.”

Over 50 law schools in the nation have a chapter including Case Western Reserve University and Ohio State University.

Maybe you too would like to start a student organization. Maybe one enterprising reader will start a pro-life group so we can get a good debate going and maybe an

occasional cage-match. Bring it on.

If you have contemplated starting a student organization, here is what you need to do. First, complete a student organization registration packet available from Michael Carrig.

You’ll then need a faculty advisor and at least one officer to start with. For an officer, just get one of your friends or someone who owes you money.

In my case, it has been difficult finding officers because most of my friends are republicans, and I think they would get lynched if they associate with pro-choice people.

If you do not already have a faculty advisor candidate in mind, I suggest going to the faculty directory webpage. Read their bios, pit the professors against each other, and choose a victor. Then go talk to them about your group.

If you choose someone whose bio seems in line with your organization, they should be happy to be your faculty advisor. If they say no, just vow never to take one of their classes again. That’ll show ‘em.

Once you complete this packet, return it to Dr. Myers in CSU’s Department of Student Life, Room 102 of the University Center (UC). Once approved, contact SBA in LB28 so you can get some money.

Once LSFC is official, we will be hosting some interesting controversial speakers and will start some informative events around the law school. We’ll also be working with the Case chapter of LSFC and their Med Students For Choice group.

I hope all of you who feel strongly about the issue of reproductive rights will come out and support or heckle us, whichever.

# Notice to students:

*Changes to students’ passwords allow for easier access using CampusPass*

Have you ever felt as though your brain would explode from information overload? Even though that feeling may be more familiar to some than others, the Information Systems & Technology department of CSU has decided to give us all a bit of a mental break.

Starting the weekend of November 5<sup>th</sup>, a series of changes will be implemented across campus that will combine many of the passwords that we use for a variety of systems into a single entity – CampusPass!

CampusPass will allow you to use the very same password for logging onto the network/CSUNET, CampusNet, SkillPort online training and reference, ePortfolio, WoWnet Campus Wireless, AntiSpam, and Internet Dial-up (at home).

When you log into CampusNet for the first time after November 6<sup>th</sup>, you will be prompted to change your password. Once you have done so, simply logoff both CampusNet and the computer you are on, log back in using your new password, and the synchronization process is complete!

In case you don’t already have CampusNet access (and have not used SkillPort online training or ePortfolio), it is recommended that you contact the Call Center (x5050) **today** to request CampusNet.

By doing this you will not only have access to your class, account, and personal information but you will be able to take

advantage of the single password access after November 6<sup>th</sup>!

But wait—there’s more, much more! As of November 6<sup>th</sup>, those who were inconvenienced by the problems with the POPmail system are going to be the very first ones to use our new e-mail system: Campus Webmail!

With Campus Webmail you can have access to your mail, calendar, meetings, appointments, and contacts from any computer with internet access.

And best of all, there are no limits! Each user will have an unlimited amount of space allowing you to keep all of your e-mails without worrying about filling your inbox. In addition to all of this, Campus Webmail can be set to work with Outlook and Eudora, so you can work within your own comfort zone.

Online training will be available for free to students, faculty and staff seven days a week.

Special training sessions are being offered that are tailored to answer your questions and prepare you for this new system, so look out for the complete schedule from IS&T.

Here’s to your brain – CampusPass and Campus Webmail!

Courtesy of Brandy Hammond  
CSU IS&T TRAINING ASSISTANT

## THE GAVEL

CLEVELAND-MARSHALL COLLEGE OF LAW  
CLEVELAND STATE UNIVERSITY  
216.687.4533 TELEPHONE  
216.687.6881 FAX  
[GAVEL@LAW.CSUOHIO.EDU](mailto:GAVEL@LAW.CSUOHIO.EDU)



### Co-Editors-in-Chief

Ryan Harrell  
Jamie Cole Kerlee  
Kathleen Locke

### Staff

Nicole DeCaprio  
Kurt Fawver  
Christopher Friedenberg  
Margan Keramati  
Peter Kirner  
Michael Laszlo  
Shawn Romer  
Brian Sammon  
Paul Shipp  
Stephen Wolf

Advisor Thomas Buckley  
Printer P.M. Graphics

<http://www.law.csuohio.edu/students>  
ALL RIGHTS REVERT TO AUTHOR

# Ohio votes on five statewide issues

## ISSUE 1

The purpose of this amendment is to create jobs and stimulate economic growth in Ohio.

## ISSUE 2

The purpose of this amendment is to expand to all Ohio registered voters the option to vote up to 35 days prior to Election Day by mail or in person at the appropriate local board of elections.

## ISSUE 3

The purpose of this amendment is to establish revised limits on political contributions, establish prohibitions regarding political contributions and provide for revised public disclosure requirements of campaign contributions and expenditures.

## ISSUE 4

The purpose of this amendment is to provide for the creation of a state redistricting commission with responsibility for creating legislative districts.

## ISSUE 5

The purpose of this amendment is to create a newly appointed board to administer elections that would eliminate responsibility of the elected Ohio Secretary of State to oversee elections.

# Election Day is November 8!

Information located on State of Ohio Web site at <http://www.sos.state.oh.us/>

## SBA thanks students for generosity

By Brendan Healy  
SBA PRESIDENT

Your Student Bar Association is working very hard to meet the academic and social needs of the students at C-M.

At the last senate meeting, the SBA created an Evening Student Task Force to explore ways to improve the quality of life for evening students and serve as a mouth-piece for the part-time program.

If you are a part-time student and wish to voice your concerns, please contact 2L evening senators Crystal Blevins and/or Reginald Russell.

Additionally, the SBA has created a committee to propose further changes to the exam rescheduling policy. The current policy allows a student to reschedule an exam if he or she has two exams on the same calendar day.

Although this policy has met the needs of some students, it does not take into consideration those who have a 6:00 p.m. exam followed by a 9:00 a.m. exam the next day. Moreover, the policy does not consider evening students who may have exams scheduled on back-to-back days.

The SBA is also exploring ways to shorten the time that it takes for grades and class rankings to be posted. Jaime Umerley, chairperson of the Grade Posting and Class Ranking Committee, has thoroughly investigated the issue and will propose changes very soon.

Finally, I would like to thank all of those who participated in the SBA's Indians fundraiser. We were able to collect an additional \$500 dollars for the victims of Hurricane Katrina bringing the SBA's total fundraising to \$1500.

As always, please feel free to contact me if you have any questions or concerns. Take care.

## Miers, Bush surrender to right

In an act of cowardice and submission, Harriet Miers withdrew her nomination for the Supreme Court giving in to criticism about her qualifications and political pressure aimed at the White House.

In her withdrawal letter to the President, Miers cited a number of reasons for her decision to step down. Most prominent among them was her concern that the Senate Judiciary Committee would seek privileged internal documents that would “undermine a president’s ability to receive candid counsel.”

Although Miers tried to form a rational reason for withdrawing, no one believes this was her real reason for stepping down.

It is well-known that social conservatives on the right were less than enthusiastic about the Miers’ nomination. Many of these groups felt betrayed by Bush’s nomination of Miers after his pre-election promises to nominate someone in the Scalia/Thomas mold.

Miers was not what they were looking for, and they wanted nothing to do with her.

Rallying support against Miers, social conservatives let their elected officials know that this was not an acceptable nominee, and the politicians, conflicted between allegiance to the President and their future political careers, began to turn on Bush’s nominee one by one.

As the criticism of Miers among social conservatives and prominent republicans intensified so too did the outright demands that her name be removed from the nomination.

A withdrawal would avoid the political fall-out resulting from a battle within the Republican Party played out on a public

stage and would appear to undermine any criticism directed at the President that he had picked the “wrong” candidate.

Not one to ever admit an error in judgment, Bush stuck by his candidate. In an act of defiance that increased the right’s outrage against Bush and his nominee, he refused to consider withdrawing her nomination, and the pressure turned to Miers to personally remove herself.

What began as the social conservatives’ dissatisfaction that Miers was not the sure-fire vote to overturn *Roe v. Wade*, quickly turned into an attack on Miers’ qualifications and intelligence that crossed party lines.

Miers herself did not do anything to help her cause as a nominee.

She was poorly prepared to answer questions when meeting with the senators and apparently lacked the ability to properly fill out questionnaires.

But, Miers remained Bush’s nominee for one of most prominent positions in the United States. Because of this, she deserved the same respect and fair “up or down vote” that so many republican senators had insisted that John Roberts receive.

Still, no one on either side could muster much support for Miers beyond “we’ll see what she has to say in the hearings.”

It was becoming increasingly evident to the White House that Miers was quickly becoming a liability to Bush and the Republican Party at a time when they were already scrambling to put out fires and preparing for even bigger ones.

Miers had been the first female to break the gender barrier at her law firm in Texas, the first female president of the Dallas Bar Association and the first woman ever elected to lead the state bar of Texas, and she was currently general counsel to the President of the United States.

When faced with adversity in the past, Miers had fought through it and emerged as a leader.

But rather than stand up in her own defense to preserve the integrity of her own name and the success that she had fought to achieve through every stage of her career, Miers turned away from the challenge.

In preparing to withdraw, Miers already had the stage set for her. When the Senate Judiciary Committee asked for documents relating to Miers work as White House counsel, Bush refused citing an executive privilege.

This event happened to coincide with a formal effort by conservatives to force the withdrawal of Miers.

The logic was withdraw now and save yourself the embarrassment that will result if you appear before the committee, which will surely strip you of any dignity you have left.

Miers was also aware of trouble the party was in as a result of the Fitzgerald investigation and the added trouble of having the party split over her nomination during this time.

Bush, “reluctantly accepted” Miers’ decision by stating that it “demonstrates her deep respect for this essential aspect of the constitutional separation of powers,” or in other words “way to take one for the team.”

Bush’s own ineptitude as a leader was demonstrated by his inability to garner support for his nominee from his own party and his willingness to allow the social conservatives to intimidate his nominee into submission.

The social conservatives have reminded Bush who is in charge, and it will be no surprise when his next nominee receives glowing remarks from the right.

The  
Gavel  
Editorial  
Opinion

## First-year students endure sabotage, pettiness

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

The rumors have all proved true. Law school does equate with high school.

From the lockers and assigned seats, to the after-class gossip and cross-section love affairs. We have just substituted trappers with laptops, and babysitters with designated drivers. What we realize is missing is organized sports and Saturday cartoons.

So far our year as professional kids has been fun. There have been keg parties, wild West 6<sup>th</sup> Street nights, and even a few free lunches from our mentors. But there seems to have definitely been a change in the air.

This comedic high school

drama is slowing fading into a horror flick. Whether it’s the proximity of Halloween or the Cleveland winter darkness settling in things are getting more than a little bit scary.

For anyone actually doing their legal writing research the fact of “missing” or “misplaced” volumes has been more than frustrating fact. When needed materials are found three floors and under tables away from their designated spot. It’s no secret that the suspicion is mounting.

Then there are the “missing” assignments from the student services counter. Exactly why anyone would want to steal someone else’s work *after* it has been turned in and graded when there is no real benefit other than annoyance is beyond my imagination. Not to mention the protection of the Honor Code.

Worse of all is the announce-

ment that last week one of our very own 1L’s had a laptop stolen. Most of us gasped in horror wondering what we do in such a series of unfortunate events.

As many want to forget about the hours poured over our texts and notes, we couldn’t begin to consider starting over now. Whether with pens or keypads, our notes have become a daily ritual.

The fright of exams is more than beginning to spread. With midterm grades coming in everyone is becoming a little quieter.

Maybe a little bit more paranoid? A little more resolved?

When the storm passes and the

*“When the storm passes and the tornado drops the house on us in December, I think it will be important to realize that our enemy is the wicked witch, not each other.”*

tornado drops the house on us in December, I think it will be important to realize that our enemy is

the wicked witch, not each other.

Of course the competition is high because we all want to succeed.

But do we need to hide books, steal each other’s homework and valuables in the process?

It doesn’t cost much to share notes with a friend in need or share a smile with someone who could be having a bad day.

Sometimes a quick beer and burger at Becky’s can recharge us enough to keep trudging up this mountain of work. The friends we

make this year will be the friends and colleagues we have forever. That is if we get over ourselves and try to make friends.

What we need is not the mental help and the alcohol-counseling instructed at orientation, but the laughs and friendships of our classmates.

We all need to take a deep breath, watch a Browns game, and order some take-out from time to time. We are here to learn and have fun doing it. We are only going to be 1Ls for a short time. We are almost halfway through the worst of it. We need not take ourselves so seriously.

Though on a very serious note I do have to wonder whether the “sponsored” socials at our favorite bar are intentionally hosted on Thursdays because they know the most dreaded class on Friday mornings will take the 1Ls home early.

1L  
First year  
life  
Part II

# Troubling diagnosis for the body politic

By Christopher Friedenberg  
GAVEL COLUMNIST

Thomas Hobbes, the 17<sup>th</sup> century philosopher, likened the commonwealth, the sovereign state, to an artificial man, a living organism of which each individual person was a cell.

It's a compelling metaphor but also a troubling one. As one tries to take the pulse of this republic's public life, one can't help noting disturbing symptoms.

The current mote stinging our collective media eye is the nomination of Harriet Miers to the U.S. Supreme Court.

The Bush Administration, distracted by the Iraq quagmire, the Plame investigation, the Katrina fiasco, and the Delay indictments, appears to be squandering its last reserves of political capital and goodwill to field perhaps the most surreal appointment to high office since Caligula's horse.

Miers' qualifications for high office are most notably her stint as a Texas Lottery Commissioner, a Dallas City Councilwoman and long-time personal counsel to George W. Bush who once described her as a "pit bull in size 6 shoes." Strangely enough, her shoe size is one of the few concrete facts he has been willing to disclose about her record.

Conservative pundits have been as skeptical as liberal editorial writers about Harriet Miers' lack of meaningful Constitutional discourse. In an attempt to allay mounting conservative opposition, the White House

trumpeted Miers' membership in a conservative evangelical church and her "personal loyalty" to President Bush.

Apparently the White House was singularly clueless that many, if not most, conservatives want first-rate independent judicial thinkers who will fairly and impartially interpret the law without a political agenda and be unmoved by personal attachments to the executive or legislative branch.

The confirmation process led by the senate's Judiciary Committee recalls Bette Davis' saucy line in "All about Eve", "Fasten your seatbelts, it's going to be a bumpy night!"

In 1989 when running for Dallas City Council, Harriet Miers answered a Texas United for Life questionnaire in which she indicated her opposition to abortion.

Sen. Dianne Feinstein (D-CA), the only woman on the judiciary committee said, "This raises very serious concerns about her ability to fairly apply the law without bias in this regard. It will be my intention to question her very carefully about these issues."

The logical implications of Feinstein's

comment raises very serious concerns; it bespeaks a certain Orwellian hauteur, namely "whosoever does not share my political philosophy is biased."

It's an argument as fallacious as Bush's insistence that failure to blindly support his invasion of Iraq is equivalent to supporting al-Qaeda. Which may explain the White House's hallucinatory rhetoric linking Saddam Hussein with the events of 9/11.

Miers is reported to have told Sen. Chuck Schumer (D-NY), "No one knows my views on *Roe v. Wade*. No one can speak for me on *Roe v. Wade*."

What is not reported is whether Miers then stuck out her tongue and said "Nyah, nyah, nyah!" But at this point it wouldn't surprise me.

The mystique of *Roe v. Wade* is that it is alleged to serve as some kind of ideological litmus test. If it turns red, a judicial candidate is a flag-burning Marxist; and if it turns blue, a Bible-thumping misogynist.

If anyone in the Senate really cares about the judicial philosophy of a potential Supreme Court candidate, the question that would really get under the skin is how they feel about the Lopez decision.

Never mind abortion, how about that Commerce Clause?

Whatever candor Harriet Miers may have expressed on the 1989 questionnaire, her responses to the Senate questionnaire this month have proved so scanty and incomplete that the judiciary committee sent her a letter asking her to do it over with "as much detail, particularity, and precision as possible."

But the grand inquisition is yet to come. Assuming that Miers doesn't withdraw her nomination, her confirmation hearing is scheduled to begin November 7<sup>th</sup>. And conditions are ripe for the most entertaining media circus since Clarence Thomas endured his bitter ugly passion, er, passage to the Supreme Court

As the "pitbull in size 6 shoes" runs the gantlet with opposition from every color of the political spectrum, is Harriet Miers the crony that every senator is looking for a reason not to support or the plucky underdog about to beat the odds, our Seabiscuit?

November is a sweeps month for television networks. Co-incidence? Perhaps. But I've heard a rumor that someone recently pitched to FOX a new reality-based game show called "So You Want to be a Justice?"

We could do worse. Perhaps our political processes have been degraded to this last twitching blip of excrescence on the video monitor. But I, your humble colleague, will not be a contestant.

# Student input guides preparation for ABA

Continued from page 1--

A number of faculty members have expressed trepidation over the ABA's visit.

ABA accreditation is critical for a thriving law school. It denotes a strong legal education and successful graduates. It also confers a certain amount of prestige and national recognition that lead to a larger applicant pool and a student body with greater achievement.

Accreditation is also crucial for graduates' future prospects. Some states will not even allow a person to sit for the bar exam unless they hold a degree from an ABA approved institution.

Many employers believe graduates from non-ABA sanctioned law programs are simply unprepared to practice in the real world and may be apprehensive of hiring them.

However, a degree from an ABA accredited school is a key to the law profession. It grants its holder immediate access to career opportunity.

Given the importance of maintaining ABA accreditation, C-M is taking measures in preparation for the ABA's visit.

Foremost among them is a self study being conducted by the

university. The study will be based largely on a 158 question student opinion survey.

Created by a committee of twelve C-M faculty members and two students, this survey will assist the administration in determining which aspects of the law school may need improvement. It also acts as the blueprint for the ABA committee's visit.

The concerns addressed by the survey will be conveyed to ABA officials who will, in turn, focus their attention on those problem areas.

The ABA's evaluation period will be an opportunity to "look at the mission and vision of the school," said the self study committee chairperson, Professor Heidi Gorovitz Robertson. "We will use their recommendations to push the university in the right direction."

From a student perspective, the survey has been met with mixed opinions.

"I personally had no problem filling out the survey," said 1L Anthony Scott. "I understand and appreciate that the school comes to its students to find out how it can improve upon itself."

Another 1L, Donald Bulea, said "I found myself marking 'no

opinion' on nearly half the answer bubbles as they were questions concerning areas of the law school I have yet to encounter."

Despite various fears from faculty and staff, C-M's accreditation is not in any real jeopardy. Once accredited, very few schools are stripped of that honor.

The general consensus is that while ABA accreditation is difficult to earn it is perhaps even more difficult to lose. The last in-

stitution to have its ABA approval revoked was Antioch School of Law in 1985. Western State University also had a challenge to its ABA status.

Both of these law programs lost their accreditation due to low bar passage rates and poor academic credentials, neither of which is a problem at C-M.

In the end, the ABA evaluation is more likely to be a valuable tool than a harsh reprimand. The ad-

ministration does not anticipate any problems and believes that the ABA's recommendations will be constructive.

"I believe this external review will assist us in enhancing the excellent educational program we provide," said Dean Geoffrey Mearns. "For our goal is not simply to meet the ABA's minimum accreditation standards. Our goal is to exceed those standards."

## THE GAVEL

CLEVELAND-MARSHALL COLLEGE OF LAW  
216.687.4533 TELEPHONE  
GAVEL@LAW.CSUOHIO.EDU  
LB23

We are always accepting submissions.  
If you are interested in contributing to the Gavel,  
e-mail the editors at  
gavel@law.csuohio.edu.

## Come Join Us!

Cleveland-Marshall College of Law  
Moot Court Board of Governors presents:

*37th Annual*  
**Moot Court Night**  
*and 5th Annual Alumni Recognition Night*

Wednesday, November 9, 2005  
Moot Court Room at 7:00 P.M.  
Appellate Advocacy, Awards & Reception

**The Distinguished Judges:**

**The Honorable James S. Gwin**  
United States District Judge for the Northern District of Ohio

**The Honorable Patricia Ann Blackmon**  
Court of Appeals of Ohio, Eighth Appellate District

**Irene C. Keyse-Walker, Esq.**  
Tucker, Ellis & West, LLP

**Petitioners Argument By:**

Maria Chang  
Christopher Dinda  
Stacy Hannan

**Respondents Argument By:**

Brendan Gallagher  
Julie Maglosky  
Nathaniel McDonald

*May it Please the Court...*

For More Information Contact: [Paul.Castillo@law.csuohio.edu](mailto:Paul.Castillo@law.csuohio.edu)

# The Political Broadside

## Ohio votes on election reform

*Question: Are there problems with Ohio elections and are constitutional amendments the answer?*



**By Mike Laszlo**  
CONSERVATIVE GAVEL COLUMNIST

Still reeling from last year’s Presidential election, the left is now trying to accomplish what it could not in 2004 through unnecessary and destructive “reforms” to Ohio election law.

In the “*if you can’t win, change the rules*” spirit, liberal activist group “Reform Ohio Now” has proposed amendments to the Ohio Constitution that would enable voter fraud, unfairly infringe on free speech, and create two new politically appointed bureaucracies with unlimited spending free from oversight from voters or elected officials.

Here is why Ohio voters should vote “NO” on Issues 2, 3, 4 and 5:

Not only is Issue 2 unnecessary, it will open the door to voter fraud. Under Issue 2, Ohio voters will be allowed to cast their votes up to 35 days before an election via mail or in person and will not be required to provide a reason for voting early.

I am all in favor of helping those who need help fulfill their civic duty, but this is going too far. What’s the point of having an “Election Day” at all?

Current Ohio law on the issue is perfectly adequate: voters who are over the age of 62 or legitimately cannot get to the polls on Election Day can vote via absentee ballot – a constitutional amendment is wholly unnecessary.

Furthermore, Issue 2 provides Ohio voters whose absentee ballots are not received prior to the election the opportunity to “cast a provisional ballot on election day.”

Forgive me if I am not getting this, but is it not the very essence of absentee voting that the voter is “absent” or otherwise unable to cast a vote in the traditional sense on Election Day?

Vote “NO” on Issue 2.

Issue 3 changes political contribution limits for individuals and groups. It would permit labor unions to secretly contribute funds from individual members’ regular membership dues to political action committees of its choosing thus supplying union bosses with unchecked power to influence elections while squandering the dues and disregarding the political views of its individual union members.

Issue 3 also unfairly infringes on small business owners’ freedom of speech by preventing them from contributing to political campaigns by treating them as large corporations. Essentially, Issue 3 gives unions “corporate contributing power” while taking the political voice away from individual union members and small business owners.

Vote “NO” on Issue 3.

Issue 4 would eliminate legislative district drawing power by taking away Ohioans’ ability to directly elect officers and placing it into the hands of a politically-appointed board comprised of members not required to meet any minimum level of qualifications. Moreover, not only would the board not be accountable to voters, but it would be charged with implementing a complex and impractical mathematical formula designed to enhance ‘political competitiveness’ in Ohio legislative districts.

The major problem here is that the formula redraws districts simply to enhance competition between republicans and democrats, while ignoring the practical and logistical effects such redrawing will have.

Vote “NO” on Issue 4.

Similarly, Issue 5 unabashedly steals from Ohioans the right to vote for the state’s Chief Election’s Officer and gives it to a politically-appointed board that would be given a blank check to spend tax dollars without oversight by elected officials, and whose members would never be held accountable to Ohio voters.

Vote “NO” on Issue 5.

## Conservative rebuttal...

Voting in America is a civic duty, and those of us who choose to fulfill that duty by participating in our democratic process are able to do so. Furthermore, to ensure that every individual who wishes to vote has the opportunity, Ohio law provides numerous alternatives to in-person / Election Day voting.

Issue 2 is simply unnecessary: if would-be voters are too lazy to take advantage of the multitude of methods available to them to help them vote, it is ridiculous, if not shameful, that we Ohioans should be expected to wet nurse them all the way to the ballot box.

Donating money to a political candidate is an exercise of an individual’s freedom of speech. To limit one’s ability to donate to a campaign of their choice effectively limits their right to free speech.

When a corporation contributes to a campaign, it must answer to its shareholders. Under Issue 3 however, unions will not have to answer to anybody. They will be permitted to use membership dues to make ridiculously large political contributions without disclosing to whom the contribution went.

This is the WORST of both worlds as it gives already mendacious unions one loud voice while depriving their unknowing individual members of any voice at all.



**By Paul Shipp**  
LIBERAL GAVEL COLUMNIST

It’s difficult to say you believe in democracy and be against issues 2,3,4, and 5. As you might guess, many republicans are against these issues because it might loosen their control of Ohio if more people were able to vote or be represented adequately.

Issue 2 allows all Ohioans to vote by mail or in person at their Board of Elections up to 35 days before the election without a qualifying reason. The proposed amendment would give each county Board of Elections the discretion to designate the times and locations for early voting.

Anyone who voted last November is aware how long the lines were. We hear our leaders encouraging everyone to vote, but the reality of our system is that it could not handle voter turnout over 60 percent.

Opponents of Issue 2 claim that there is no “statewide standard that must be followed for designation of times and locations for early voting and could result in massive voting fraud”. Wait, aren’t republicans always clamoring to shrink government interference? Wouldn’t it be better to let individual counties, who are more familiar with their communities, handle their own voting situations? This is a classic republican argument, but they only use it when it serves their interests. Claims of fraud are only speculative, as 29 other states have early voting, and there has been no evidence of voter fraud.

Were you aware the General Assembly raised individual campaign contribution limits from \$2,500 to \$10,000? I didn’t think so. Our republican-controlled state legislature also lifted the ban on corporate contributions to political parties. Issue 3 aims to reform campaign finance by limiting the amount of money individuals, certain political groups, and corporations can contribute to a candidate.

Issue 4 plans to take redistricting out of the hands of politicians. Everyone reading this should be familiar with gerrymandering and its affect on diluting votes of the opposition and eliminating competition. In 435 U.S. House races last year, only 13 seats changed party. In Ohio, every Congressman and State Senator up for election was re-elected and only a handful of State House incumbents lost. This amendment would create a non-partisan commission to oversee proposed redistricting plans. Republicans argue that Ohio voters will lose their ability to hold elected officials accountable for the process of creating legislative districts. When has anyone ever voted against a candidate because they didn’t like the district they drew up?

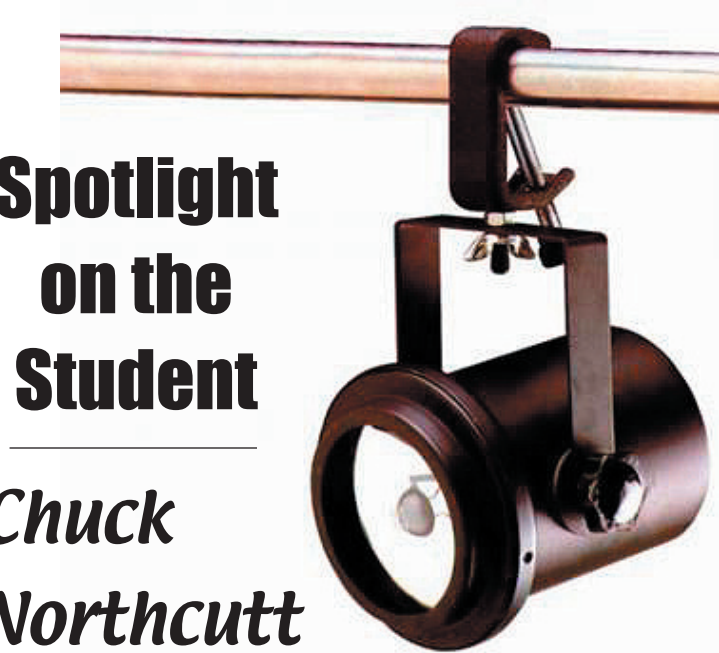
Issue 5 would eliminate the Secretary of State’s duty to administer elections and place that responsibility in the hands of a nine-member, non-partisan commission - four to be named by the governor, four to be named by members of the Legislature who are not of the same political party as the governor, and one by unanimous vote of the Ohio Supreme Court. Bi-partisan county boards of elections would continue to do their work. In the current system, the Secretary of State, elected in a partisan election, runs the election system in Ohio and settles disputes that arise in county boards of elections.

Republicans argue that the amendment would effectively end local control over elections and create a commission that would serve for nine years and not be accountable to voters. This is just a lie. Each county’s Board of Elections would still control their elections. Furthermore, each county in Ohio has a bi-partisan board of elections, only disputes are settled by the Secretary of State. If all 88 counties have bi-partisan board of elections, then why shouldn’t the state?

As for accountability, the proposed non-partisan committee is appointed, like many offices, by the Governor, the legislature, and the Ohio Supreme Court –who are all accountable. Where is the absence of accountability? Also, didn’t republicans want a state-wide standard on issue 2? Now they want “local control over elections”. They are contradicting themselves here. Take time to inform yourself on these issues before Election Day. As voters, you have a unique opportunity November 8<sup>th</sup> to end gerrymandering, end huge corporate campaign contributions, help all Ohioans have access to voting, and ensure non-partisan election administration. Republican groups fought hard to keep these issues off the ballot, even bringing lawsuits and seeking injunctions. There is a reason they don’t want all Ohioans to have easy access to voting: they want to keep gerrymandering, to keep funneling big corporate money into their campaigns, and they want to ensure they own the tie-breaker should election disputes arise.

## Liberal rebuttal...

You know that “*if you can’t win, change the rules*” spirit you attribute to liberals? Isn’t that the same spirit republicans are using in the “nuclear option” with judicial nominees? The truth is that once republicans gained control of Ohio’s legislature they changed the rules so they would never lose again. These issues don’t give anyone “a blank check” on spending; spending is controlled by the budget process. Don’t be misled; get the facts for yourself.



# Spotlight on the Student

## Chuck Northcutt

By Shawn Romer  
STAFF WRITER

A few ways one could describe 1L Chuck Northcutt: U.S. Marine, trucker, *magna cum laude* graduate of Kent State University, banker, salesman, mixologist, potential lawyer. The majority of section-three 1L’s know Northcutt as one of the most vocal and articulate contributors to class discussions. What they do not know is the eclectic background that has helped shape the values and intellect of the archetype student C-M looks to select in creating the diverse learning atmosphere it advertises as one of its strengths.

Northcutt was born in Elyria, Ohio where he attended Midview High School. Following graduation, Northcutt went to Lorain County Community College and shortly thereafter joined the U.S. Marine Corps. After three months in boot camp at Paris Island, Northcutt was first stationed in Camp LeJeune, North Carolina. At 19, he was deployed to Guantanamo Bay, Cuba. Northcutt’s main occupation was driving 5-ton transport trucks sometimes including routes taking him through the mine fields adjacent to the fence separating the naval base from mainland Cuba. Following Northcutt’s deployment to Guantanamo, he was sta-

tioned aboard the amphibious carrier *U.S.S. Nassau* that transported him and his unit between Puerto Rico and Cuba for multiple missions. During this time, Northcutt and the *Nassau* were also involved in a naval blockade of Haiti. Following his Caribbean deployment, Northcutt was ordered to join the Mediterranean Service Support Group where he was able to visit many southern European countries. Northcutt was next sent to post-Soviet Ukraine to participate in joint military exercises with Ukrainian Marines. The Ukrainian Marines “drink vodka like you and me drink water,” Northcutt emphasized. After serving the United States for four years, Northcutt returned to civilian life by finishing his associate degree at Lorain County Community College where he served as president of the student senate. He then went to Kent State University where he became program director of resident services and served on the allocation committee. Northcutt graduated near the top of his class at Kent with a bachelor’s



degree in marketing. Following graduation, Northcutt took a position in the logistics department at Little Tikes Company in Hudson. Unfortunately, the recession of the summer of 2002 caused him to be laid-off.

Chicago, St. Louis, Albuquerque, and a plethora of other cities. Taking turns sleeping in the back of the truck, Northcutt and his co-driver (his father) hauled everything from grain to jet skis across the continental United States. After the stint in the trucking business, Northcutt decided to return to white-collar life taking a position as a personal banking advisor at First Merit Bank in Twinsburg. Though he enjoyed working for First Merit, it was at this point he decided to go to law school. Northcutt passed down offers to attend schools in Florida, California, and Kentucky before finally deciding to attend C-M in familiar northeast Ohio. Northcutt is interested in family law or possibly business law though he admits he could easily change his mind throughout the course of his studies. His favorite professor is Stephen Werber, and he has named a hamburger after himself aptly titled “the Big Chuckster Deluxe.” In his spare time, Northcutt enjoys jet skiing on Lake Erie and riding horses. Best of all, he is currently single. Northcutt is excited to be at C-M and looks forward to the future classes and exciting opportunities that lie ahead.

# Good thing these are read by profs after grades are posted!

## A sampling of student evaluation responses

### What did you like best about the professor and course?

“That the course is over.”  
“He tells you good stories about Timothy Leary.”  
“Tries really hard to make Civ Pro tolerable.”  
“Absolute Dynamo. Exhilarating. I was always on the edge of my seat.”  
“I hate this class.”  
“He scared the heck out of me. It was very exciting.”  
“Knowledgeable, and made the topic of Death fun.” – Estates and Trusts

### What did you like least about the professor and course?

“His haircut.”  
“It only lasted one semester.”  
“The professor focused on grammar and punctuation.” (Scholarly Writing course)  
“The book is heavy.”  
“Sometimes he made it clear that the class was not the brightest.”  
“Said the word ‘OK’ 136 time in class once (I counted).”  
“We are simply doing research for his next book.”  
“He needs art lessons.”

### Why would you recommend this professor?

“Although arrogant and bitter, the clarity of [his] presentation cannot be understated.”  
“He’s crazy, but effective.”  
“Take it pass/fail; the Al Bundy ‘hand in the pants’ is worth being here.”

### Why would you not recommend this professor?

“The grading is bullshit, and so is the teacher’s pet factor.”  
“[He] would best serve C-M by [doing] research alone in his office.”  
“More suited for teaching high school.”  
“non-responsive, unorganized, unclear and unhelpful.”

### How could the course be improved?

“Snacks”  
“Free beer”  
“Calm down, take some Valium.”

### Additional comments:

“Rule against perpetuities is stupid.”  
“She’s a great teacher and gets the ‘high A’ from me. I’d give her a raise and promotion, etc.”  
“Who is his barber?”  
“He looks like Bob Ross, the painter.”  
“This class keeps our school at Tier IV!”  
“I never knew milk played such an important role in the development of Con Law.”

### Oddball comments:

“Go Browns!”  
“Go Bucks!” (multiple)  
“Go Blue!”  
“Go Texas!”  
“Peter Rules!”  
“Bang Bang Bang!”  
“O’Neill Rocks!”

# Students buck 6th circuit for 6 strings

By Shawn Romer

STAFF WRITER

Walking the halls, attending class, cramming in the library before class – they may seem like normal law students. However, Ryan Harrell, Nate McDonald, Paul Shipp, and Scott Kuboff take on another identity outside the confines of C-M.

They are the Tortfeasors, a rock band comprised of potential members of the legal community.

The Tortfeasors were born in the fall of 2003 when then 1L students Ryan Harrell and Matt Mishak, who has since left the band, met and discovered each other's musical interest.

As a much needed outlet to the rigors of law school, they, along with fellow founding members Paul Shipp and Nate McDonald, decided to meet occasionally to play and relax.

As they became more serious, they decided the group needed a name when one day serendipity struck Ryan while he was in Torts class.

Ryan plays bass and sings limited vocals, Nate plays rhythm guitar and sings lead vocals, Paul plays drums, and Scott later replaced Matt

as lead guitarist. 3L Nadine Ezzie occasionally contributes her skills on tambourine.

They consider themselves a rock n' roll band playing covers of the Rolling Stones, Cake, the Who, and Pearl Jam, among others.



Photo by Kathleen Locke

**Nate McDonald serenades the crowd at the Velvet Dog**

They also play some originals including "You and me Remainder in C" and "The Tortfeasor Theme Song."

Although the band has been practicing in some form since 2004, they delayed their first appearance until October 21, 2005, when the C-M Law Review sponsored their debut at the Velvet Dog in downtown Cleveland.

At this point, the band continues to focus on the C-M audience with no immediate plans to expand to the outside music industry.

While their recent performance prompted at least one offer to play at a non-law school function, the pressure of impending exams has made them defer such offers for the rest of the fall semester.

They plan to perform again at a few C-M sponsored functions next semester.

Though they are unsure whether they will continue to play together following graduation, band member Nate McDonald

competing with another band, West 21<sup>st</sup>, for premier rock and roll status at C-M. However, West 21 band member Christopher Dinda expressly denied that claim.

"Our band does not compete with the Tortfeasors," said Dinda. "If you make us look like we have some kind of rivalry with the Tortfeasors, like we're Hillary Duff and Lindsay Lohan or something, then you are a low-life puke who watches too much VH-1."

For the record, this reporter has not watched VH-1 since beginning law school, though he should, for he has missed the salient news that a rivalry does exist between Hillary Duff and Lindsay Lohan.

"The Tortfeasors are a law school band that plays law school functions and whose songs are mostly covers, said Michael Grossman, fellow West 21st band member. "We are a band that happens to be mostly law students, and we play all original material at public clubs and venues."

A source close to the Tortfeasors indicated that if any rivalry does exist, it is good natured. This source did admit that while the goals and the composition of the bands are different, the members of the bands regularly interact in a jovial manner.



Photo by Kathleen Locke

**Paul, Nate, Nadine and Ryan rock out on "I Will Survive"**

said it is a possibility.

Three of the four members graduate this year which will make cohesion difficult. However, Nate said they enjoy playing together, and the members are open to the possibility of continuing into the future.

Rumor has it that the Tortfeasors are

## LETTER TO THE EDITOR

### Student proposes customer-service-oriented approach

Education is America's largest industry. Have you recognized the law school as a service business? You should.

C-M holds itself out as offering a service for which it charges a fee. The business model for higher education is not unlike a cruise ship. Both have an inventory of seats that are sold and that inventory expires with the passage of time.

Do not be fooled by the fact that admission must be granted before the customer is allowed to purchase. Competitive admission only helps raise the value of the offering in a prospect's mind, and therefore helps to attract more customers.

There are other businesses where potential customers are turned away in order to increase the perceived value of the offering – think of an exclusive night club turning some people away at the door while accepting others.

So what should we notice when we look at C-M as a service provider? Consider this.

Somewhere along the continuum between a small enterprise where every employee knows every customer and a large enterprise, is a place where senior management loses the

knowledge of what is really happening with their customers. When this intelligence goes missing, decisions are made based on the strength of personalities inside the organization when instead, the customers' opinion should be at the heart of every critical decision.

Are strong personalities driving decisions at C-M instead of customer feedback? I cannot say for sure since I am not around when the decisions are made, but I have observed more than a few strong personalities on staff. I also know customer feedback mechanisms are not adequate.

Anyone who has engaged students in conversation the way I have knows C-M's customers are dissatisfied along some key measures.

It is not my purpose to list every complaint, but rather to suggest a management approach for improvement. C-M needs to borrow a page from the playbook at private schools and from other businesses that sell to the emerging, affluent market.

Executives – the vice president, dean, and associate deans – should be asking, "How can we truly become a provider of a superior customer experience?" A deeper understanding

of what truly enhances the customer experience enables an organization to build better relationships.

And here is the payoff — relationships can be turned into cash. To the extent that the leadership here is serious about improved fund raising, positive word of mouth, and improved community standing they should care very much about delighting the customer.

The recent questionnaire occasioned by the ABA and AALS should not be mistaken as adequate for gathering meaningful feedback. Significant portions of the survey were biased, and it failed to get at those moments of truth that have deep and lasting impact on feelings of satisfaction.

So what should be done? First, recognize customer service can be divided into two levels.

Level 1 is routine service delivery at a quality customers have paid for and expect in the value proposition.

Level 2 is the deliberate response to exceptional moments that fall outside the realm of Level 1 and have a disproportionately large impact on customer perception. Level 2 is where the moments of truth take

place.

Think of it this way: Level 1 is frequent, routine, procedure-driven, and rational, while Level 2 is rare, exception-oriented, almost always personal, principle-based, and potentially emotional.

So, for example, lectures fall under Level 1, but a meeting with the placement office staff falls under Level 2.

No doubt it is important to track customer perceptions about Level 1 performance (as the ABA and AALS survey tried to do), but the real payoff in terms of customer satisfaction and loyalty and intent to donate comes from managing to improve Level 2 performance.

Establishing a positive customer experience is integral to achieving customer satisfaction.

Organizations that implement customer satisfaction drivers into the business system achieve greater success than those that do not.

So what are those satisfaction drivers?

The correct answer will come from custom research, but typically we find relational factors are significantly more important to customers than operational factors.

Preferred service attributes usually include (1) being treated as a valued customer, (2) being sure of privacy, (3) being treated fairly, (4) believing you have my best interests at heart, and (5) standing by me.

Here is what can be done. First, develop an evaluation program aimed at improving the overall customer experience.

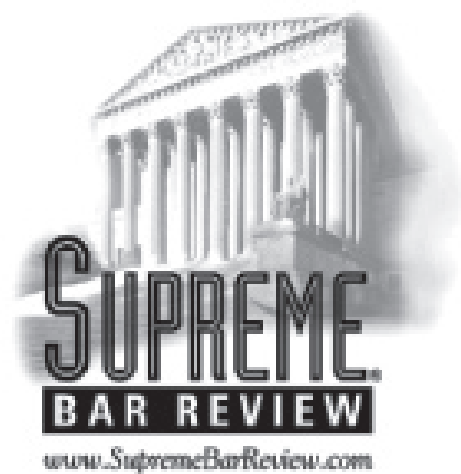
Qualitative research will identify the moments of truth in the law school experience.

I can suggest two here: problem resolution and performance measurement (with dimensions along (1) the *meaningfulness* of feedback and (2) the grading curve).

The next step will be frequent questionnaires measuring C-M's performance during those moments of truth. Then most critical of all is to change behavior.

Individual service providers must be very intentional during the moments of truth and adapt to deliver a better customer experience along the preferred service attributes.

**Greg Condra, 2L**



*Why take a bar review course with out-of-state professors you never heard of?*

**Supreme Bar Review  
is the only course with  
100% Ohio-based faculty.**

*Our 100% Ohio-based faculty features your favorite Cleveland-Marshall professors:*



**Adam Thurschwell**  
Criminal Law  
Criminal Procedure



**Stephen Lazarus**  
Evidence  
Legal Ethics



**Kevin O'Neill**  
Constitutional Law



**Stephen Gard**  
Torts  
Commercial Paper



**Karin Mika**  
MPT Workshop



**Frank Osborne**  
Ohio Civil Procedure

*Discover the Supreme Bar Review difference. Our program includes:*

- Comprehensive outlines and lectures for all Ohio and Multistate subjects
- Classroom sessions (summer classes in *Cleveland-Marshall's Moot Court Room*), plus all lectures on your own personal DVD videos
- Six practice essays individually critiqued by our experienced Ohio-based grading staff
- FREE workshops for Essay, MPT, MBE
- FREE *PLI Multistate Bar Review* (\$295 value)
- FREE *Strategies & Tactics for the MBE* workbook (\$49 value)
- FREE course guarantee (see enrollment terms & conditions)

**How to enroll:**

- ✓ Visit us at: [www.SupremeBarReview.com](http://www.SupremeBarReview.com)
- ✓ Call us at: (216) 696-2428
- ✓ Stop by our office in The Hanna Building at Playhouse Square - 1422 Euclid Avenue, Suite 601
- ✓ Look for your Cleveland-Marshall Campus Reps

**WE WANT YOU  
TO EARN A  
FREE BAR REVIEW COURSE!  
APPLY NOW TO BE A CAMPUS REP**



**Already signed up with another bar review course? No problem.**  
We will credit any deposit made to another full-service bar review course (up to \$100) with proof of payment.

*Sign up early to receive the following FREE bonus materials:*



**FIRST YEAR REVIEW outlines for:**

- ✓ Civil Procedure
- ✓ Contracts
- ✓ Criminal Law
- ✓ Real Property
- ✓ Torts



**UPPER LEVEL REVIEW outlines for:**

- ✓ Constitutional Law
- ✓ Criminal Procedure
- ✓ Evidence



**Complete MPRE REVIEW featuring:**

- ✓ DVD Video Lecture
- ✓ Comprehensive Lecture Outline
- ✓ Released MPRE Questions with Explanatory Answers

***We Turn Law Students Into Lawyers!®***