

A history of Mideast strife



With the Hamas electoral victory, tensions are as high as ever in the Middle East. The Gavel looks at the history of the Israeli/Palestinian conflict.

LAW, PAGE 3

A new generation of networking

New Web sites facilitate networking among professionals. The Gavel looks at different options and uses of these new means of communication.

OPINION, PAGE 7



New challenge to Roe v. Wade

New legislation in South Dakota makes abortion illegal. The Gavel's columnists weigh the effects that this will have on their respective positions.

BROADSIDE, PAGE 5



THE GAVEL

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THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Spring 2007 schedule to be changed

By Adam Davis
STAFF WRITER

Cleveland-Marshall College of Law students will now be returning to school one week earlier after winter break than in past years.

C-M faculty recently voted in favor of the change to begin classes in the 2007 spring term one week earlier than classes began this year, moving the starting date to January 8, 2007 from January 15.

In addition to the faculty vote, the change was passed by a majority in the SBA Senate with only one student in opposition.

The senate's vote reflected the preference of the majority of the C-M student body.

Of the 230 students who responded to an e-mail survey regarding the change, 125 supported the proposed change while 105 were in opposition.

The twofold rationale behind

See **SCHEDULE**, page 4



Photo by Ramsey Lama

A group of C-M students spent their spring breaks in New Orleans working with legal and community organizations.

C-M students traveled to The Big Easy for spring break to help with the Katrina relief effort. The trip was funded by SBA, DLO, SPILO, WLSA and the C-M administration.

Turn to page 7 for more.

C-M implements safety measures around building

By Margan Keramati
STAFF WRITER

Three new safety measures will be implemented at C-M as a result of a university-wide safety audit headed by the University Police.

The most pressing safety concerns with the law building are the number of entrances, the number of personal property thefts, and safety concerns for staff in the Dean's suite, the library circulation desk, and the student services center, according to Michael Slinger, Associate Dean and Director of the Law Library.

Slinger is working with David Genzen, Director of Technology Operations, and Victoria Plata, Director of Budget and Administration, to implement new technology to combat these problems.

Dean Slinger said the audit

revealed that the entrance on the corner of East 18th Street and Euclid Avenue is the most dangerous entry into the university.

As a result, the entrance is going to be temporarily converted into an emergency exit until building renovations begin, at which point that entrance will no longer exist.

"I've talked to a lot of students who have concerns about the safety of that entrance, and most of the thefts that I know about are in that area and in the law library," Slinger said.

In addition, 16 safety cameras are going to be installed, primarily by exits, and situated in a way to record the identity of a perpetrator before they exit the building.

The relatively great number of building entrances is a concern because people who do not have

See **SAFETY**, page 3



How much do you study?

National percentage of students who spent 20 hours or more reading and prepping for class in 2005.

Level	Full-time	Part-time
1L	81%	63%
2L	65%	56%
3L	49%	43%

Source: The National Jurist
Results from the Law School Survey of Student Engagement

Crocker, Falk to become deans

By Tiffany Elmore
GAVEL CONTRIBUTOR

Two C-M faculty members and an administrator have been appointed to deanships and will make the transition into their new positions as soon as this summer.

Professor Phyllis Crocker will replace Associate Dean Linda Ammons, who will be leaving after this academic year, and Professor Patricia Falk will become the associate dean for Faculty Development and Student Achievement, a newly created position.

Associate Dean Linda Ammons will be leaving C-M to assume her position as the dean of Widener Law School. She has been a member of the C-M faculty since 1991 and has contributed to

the law school's development and growth as both a professor and as the associate dean of Student Services in the past three years.

Ammons said she has enjoyed her tenure reflecting on highlights such as first-year students experiencing their first week of school, later graduating, and then watching graduates fulfill their dreams.

In her absence, her successor will have many responsibilities including planning First Night, First Week (formally "Orientation") and focusing on the bar passage rate.

When asked how her experiences at C-M have prepared her for her new position, Ammons said that working at the largest law school in Ohio is very helpful in

her transition to Widener, which operates on two campuses and is at least twice the size of C-M.

Additionally, she said that her time at C-M as a faculty member and her role in administration have both provided an experience base that has exposed her to resolving many issues contributing to the development of C-M.

Ammons offered words of guidance to C-M students as to how to achieve their goals in law school and their careers.

"Never give up. Do the best you can do and pace yourself," said Ammons. "There are so many opportunities for C-M grads as well as other law students in terms of being able to put to great use this law degree."

See **APPOINTMENT**, page 2

C-M exceeds Dean's high expectations

By Geoffrey Mearns

During this first year as the Dean of the law school, I have frequently been asked whether this new job has been what I had expected it to be. The short answer to that question is "yes – and no." Permit me to explain.

I had expected that the members of the faculty would be devoted teachers and accomplished scholars.



The Dean's Column

My colleagues here have met that expectation. Indeed, I have found the faculty to be highly motivated and very creative – and dedicated to your education and professional development.

I had expected the staff would be capable and diligent. The staff here has met that expectation. Indeed, I have been impressed with the professionalism and teamwork of our staff.

I had expected that our graduates and friends would be loyal and supportive. They have met that expectation. Indeed, their generosity – their willingness to give their time, their talents, and their money – continues to be a solid foundation upon which this law school will build its future.

And I had expected that you, our students, would be bright, industrious, and ambitious. You have met that expectation. Indeed, I have found my interactions with you to be professionally rewarding and personally invigorating.

In short, I had high hopes, and the experience has exceeded those expectations.

But there is one aspect of the experience that I did not anticipate. I did not anticipate the depth and intensity of the passionate commitment all of the members of the C-M community feel for this institution and its mission.

For our faculty, this law school is not merely a place to teach and write. It is a place where they come each day to seek and impart knowledge – and to inspire the next generation of lawyers and leaders.

For our staff, this law school is not merely a place to work. It is a place where they come to support and assist our students and faculty. They recognize that serving others is a calling – not a job.

For our alumni and friends, this institution is not just a place where one can obtain a law degree. This law school is a community whose members share common values: a commitment to excellence, a commitment to service, and a commitment to justice for all.

And for you, this law school is not merely a place to study law. It is a place where you come each day to be challenged by your professors and your classmates – and to challenge yourselves.

From my observations, you embrace these challenges because you believe doing so will unlock your great potential.

When I was asked to be the Dean of this law school, I was grateful for this special opportunity.

Now, I am quite proud to be a member of this special community.

ISLA hosts first C-M poker game



Photo provided by Daniel Thiel

C-M students and faculty participated in the Texas Hold'em tournament organized by the International Law Student Association and held at the law school on March 23, 2006.

By Daniel Thiel

STAFF WRITER

The chips have fallen, and C-M now has its first Texas Hold'em Champion, Greg Condra.

The International Law Student Association held their first Texas Hold'em style poker tournament on March 23, 2006 in the

Garden Room.

About 25 students and faculty members attended the event or participated in the raffle.

Most everyone came early and had to leave at some point to either go to a class or a meeting, and then returned at some point.

The tournament saw a lot of action

early on as Justin Vanderburg was the dominate chip leader for the first part of the tournament while Daniel Dropko held a consistent strong presence.

Nathalie Dibo showed up about half way through the tournament and came out strong taking some large pots to secure a 5th place spot.

Event co-organizer and president of ILSA Daniel Thiel took the 4th place win while Cory Jorbin played a strong and conservative game but was knocked to 3rd place by only a few chips by 2nd place Chuck Northcutt's aggressive and stylish playing.

However, it was latecomer Greg Condra who shocked everyone by winning the tournament while nonchalantly eating a white bread sandwich in the last few rounds.

Greg won a \$75 dollar gift certificate, a championship plaque and the honor of being known as C-M's poker champion for 2006.

ILSA would like to thank all the deans, professors, SBA, the book store, and Rosie's wine store for donating prizes to this charity event.

Also a special thanks to Anna Brown for co-organizing the event and to Chris Meissner and Justin Vanderburg for the use of chips and cards.

Appointment: new role for Professors

Continued from page 1--

"C-M is a good school and it has a fine tradition, and I want it to continue its tradition of being open to all kinds of people, all kinds of students from various walks of life because that's what makes this law school and that's what makes this community a richer place," Ammons added.

Dean Ammons is to be succeeded by Professor Phyllis Crocker on July 1.

A member of the C-M faculty since 1994, Crocker obtained tenure in 1999 and currently teaches criminal procedure I and II, capital punishment, civil procedure I and II and criminal law.

Crocker said she decided to make the transition to Dean after learning more about the law school and the university in the course of the search for the new dean and working on the self-study. The study is conducted by the law school as part of the accreditation process that assesses attributes and deficiencies of the law school.

Crocker said she wants to work with students, faculty and staff to make the best legal education available to students.

One initiative she would like to take is reviewing the current course offerings.

I would like to talk with all three groups to determine if we are covering all

the right things, or if there are other things we should be offering at different times, Crocker said.

Some of Crocker's duties will involve working with the Student Services department include admissions, career planning, registrar's office, the Russian summer school program and externships.

In addition to her administrative duties, Crocker will also continue to teach criminal law next spring and plans to add another course to her workload in the fall of the following year.

"It is important to teach because I am here because of the students," said Crocker. "It's a really good way to stay in touch with students, and I really love teaching."

Crocker hopes that her new position will have a positive impact on her interaction and relationship with students.

Another professor making the transition from the classroom to administration is Professor Falk who has been appointed as the associate dean for Faculty Development and Student Achievement.

Falk has been a member of the C-M faculty since 1991 and her teaching areas include criminal law, evidence, white collar crime, social science and law, psychology of the courtroom, family law, and women and the criminal justice system.

Falk is entering a newly created position. One of the main responsibilities of

the position is to address issues related to the performance of C-M students on the Ohio Bar Exam.

She will be working closely with Dean Gary Williams and the Bar Passage Committee in overseeing these matters. She will also continue to teach two courses: white collar crime in the fall and criminal law in the spring.

Falk said the transitioning into this position is a public service.

"Those of us who really care about C-M have to be willing to devote the time and energy to looking at things that could be improved," Falk said.

In the last few years, she has served as chair of the Faculty Committee on Bar Passage and is familiar with bar-related issues.

This position will be a continuation of her work and experience with the committee.

According to Falk, her goal for faculty development is to make sure that the faculty has the resources they need to do their jobs effectively. Her primary focus for students is on the bar exam, but she will look at other ways to recognize student achievement at the law school.

"We have the award ceremony and graduation honors, but I want to make sure that we recognize student achievement in all of its forms," Falk said.

Why do they keep killing each other anyway?

A brief historical synopsis of the Palestinian/Israeli conflict through the election of Hamas

By Shawn Romer

STAFF WRITER

Many people know that something is going on in Israel/Palestine. People read about the conflict every day in the newspaper without having a basic understanding of how the issue has developed.

Do these people just inherently hate each other? Are they arguing over religion? Just why do they keep killing each other anyway? While the predilection that the conflict has gone on for a long time is correct, it is not inherently about religion. Rather, the history of the Arab/Israeli conflict has been a history of land struggles.

Sometime between 1800 and 1500 B.C.E., a Semitic people called Hebrews migrated from ancient Mesopotamia to Canaan near present-day Israel. According to Biblical history, the Israelites under Joshua conquered the Canaan city states, and King David took Jerusalem around 1000 B.C.E.

The area would pass from empire to empire, with many Jews leaving the area, both forced and voluntarily. In 61 B.C.E., Roman troops sacked Jerusalem and named the area *Palaistine*. Many of the former Jewish inhabitants converted, were exiled, or voluntarily left during these periods.

Shortly after the birth of Islam in the 7th century, Muslims from the Arabian peninsula began conquering and spreading their religion to much of the Middle East and North Africa, conquering Jerusalem around 638 C.E. Many inhabitants converted to Islam, though those who did not were allowed to maintain their religion.

Jerusalem became the home of revered religious sites for Muslims as well as Jews and Christians.

This area was subjected to the Crusades in the middle ages and eventually became part of the Ottoman Empire when they assumed control of the Muslim conquests.

The Ottomans maintained control until World War I. Following the Treaty of Versailles, the British assumed control over the area. In the late 19th century, Theodor Herzl wrote *The Jewish State*, which highlighted the tenets of the Zionist movement aimed at establishing a Jewish homeland.

Many Jews began immigrating into the area their ancestors once held. As the Jewish population increased, so did tensions with the native Arab Palestinians. Exodus from pre-Nazi controlled Europe increased tensions and some small-scale fighting broke out.

Following World War II and the revelations of the Holocaust, the Jews of Palestine declared Israel an independent state from Palestine on May 14, 1948.

Armies from various Arab countries led by Syria and Egypt attacked Israel the next day but were ultimately defeated. In retaliation, Israel took 78 percent of the area west of the Jordan River, well more than allotted via U.N. resolution.

Approximately three quarter million Palestinians fled during this time to neighboring Arab countries, creating the Palestinian diaspora. Arab countries again attacked Israel in 1967, which Israel successfully defended and in the process acquired the Egyptian Sinai and Syrian Golan Heights. Arab armies again attacked in 1973 on Yom Kippur, the holiest of Jewish holidays.

Taking the Israelis by surprise, Arab armies came closer to victory

during this war than they ever had but again were ultimately defeated by the heavily American-supported Israelis. America's support for Israel prompted the Arab Oil Embargo that heavily inflated gas prices in the U.S. and other countries.

In 1979, Jimmy Carter brokered the Camp David Peace Accords in which Israel gave the Sinai back to Egypt in exchange for Egypt's formal recognition of Israel. Israel invaded Lebanon in 1978 after unrest during Lebanon's civil war began spilling-over into parts of Israeli-controlled Palestine.

This unrest would also lead to the 1985 U.S. Marine Barracks bombing in Beirut, Lebanon. Israel maintained some type of limited presence there until 2000. In 1987, the first *intifada* (Arabic for "uprising,") began in Israeli occupied West Bank and Gaza Strip.

In 1993 and 1995, the Palestinian Liberation Organization (the acting governing body) and Israel signed the Oslo Peace Accords in an attempt to effectuate U.N. resolutions and turn over the West Bank and Gaza Strip to Palestine.

However, during this time and before, many Israelis began settling in areas of the West Bank, claiming it as their historical and religious right. The peace process mostly stalled.

In 2000, Ariel Sharon visited

the Temple Mount in Jerusalem, which is also the site of the al-Aqsa mosque, one of the holiest sights in Islam. False rumors spread that he entered the mosque, helping to incite the second Palestinian *intifada*, which for many long stretches brought at least one suicide bombing a day.

In December of 2000, U.S. President Bill Clinton attempted to broker a peace at Camp David II that failed. In 2002, the Arab League of States adopted the *Beirut Declaration* in which they offered a formalized peace to Israel in exchange for full annexation of the West Bank and Gaza Strip. However, as was the case in previous peace negotiations, the right of return of exiled Palestinians to Israel proper, the fate of Israeli settlements, and control of Jerusalem proved to be sticking points to the peace process.

In 2003, Israel began erecting a security barrier around certain settlements in the West Bank aimed at keeping Palestinian militants out. Erection divided the West Bank into enclaves that made it difficult if not impossible for some Palestinians to commute to work or access other services, such as hospitals. The International Court of Justice declared the barrier illegal though the U.S. and several E.U. countries rejected the ruling. Israel argued the fence effectively kept their people safe.

In 2004, former Palestinian leader Yasser Arafat died. Many considered him an uncompromis-

ing obstacle to peace with militant extremist connections. Many Palestinians respected him as a leader and revolutionary who pledged his life for their cause. The moderate and respected Mahmoud Abbas was elected in his stead and many thought it fortuitous for the peace process.

In 2005, Prime Minister Ariel Sharon initiated the unilateral Israeli withdraw from Gaza. At that time, approximately 1.2 million Palestinians and five thousand Israelis lived there.

In 2006, Palestinians conducted parliamentary elections, electing representatives affiliated with Hamas (the Islamic Resistance Movement) to the majority.

Hamas is listed by the U.S. State Department as a terrorist organization and their official policy advocates the destruction of the Israeli state. However, Hamas also provides a variety of social programs, such as education and food services in areas where official governments are often afraid to venture.

Many believe Hamas' election will be detrimental to the peace process. Alternatively, some argue that being placed in formal power will force them to legitimize their interests to an extent.

In addition, some contend that the only reason Ariel Sharon was able to initiate the polemic withdraw from Gaza was because he had the hard-line legitimacy to survive criticisms of capitulation and retreat. Perhaps the same is required on the Palestinian side to make progress from their end, Hamas being the perfect candidate.

Facts taken from <http://www.mideastweb.org/briefhistory.htm>.

Safety: improving security

Continued from page 1--

business being in the law school can enter and exit with relative ease and speed.

Thieves that enter the law building largely target the technology equipment in the classrooms, faculty offices, students' laptops, and other personal property, Slinger said.

The cameras will not be live monitored, but their main function is to deter theft. They will also provide the police with enough information if a crime is committed in the building, Slinger said.

"We're so free and so open as a university. Thieves are not that stupid, and they're looking for pretty specific things, and we're hopeful that the cameras will be a deterrent," Slinger added.

Safety buzzers will also be installed for staff use behind the library circulation desk, the student services center and the Dean's suite to alert the campus police if an altercation occurs. "Those areas in the law school will sometimes get people who are angry or disturbed, and the buzzers provide the staff a

quick way to call for help," Slinger said.

Students are also concerned about personal safety in the parking garages and locker theft, said Brendan Healy, SBA president.

"I know of one student who had her locker broken into in the morning this semester, and there were a couple of lockers broken into last semester," Healy said.

Since the SBA is responsible for renting out and maintaining the lockers, they are looking into trying to repair some lockers while creating a list of the defective lockers so that they will not be rented out next year.

Tim Paluf, 2L, and two other non C-M students experienced an attempted mugging in the business school parking garage around 9:30 p.m. over this past winter break. While the parking garage was lit, the lot was relatively empty and there were no security personnel, Paluf said.

"The next day, I called the CSU police to tell the story. I knew there was nothing they could do about it, but I wanted them to know that this was going on in the parking lots. The dispatcher took down my information

and told me that an investigator would be in contact with me. I never heard anything from them after that," Paluf said.

While parking garage safety is a concern of C-M students, implementation of new safety measures is the responsibility of the university and not C-M specifically, said

Dean Geoffrey Mearns.

"The parking garages are out of our jurisdiction, but if students have safety concerns, I would be happy to share those concerns and convey them to those in the university who monitor the safety of the garages," Mearns said.

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!

Success not determined by first-year job procurement

By Karen Mika

LEGAL WRITING PROFESSOR

When is the best time for a first year student to look for a summer job? Most of the people in my study group have been looking for jobs all semester. I'm starting to get nervous, but I would like to concentrate on finals.

I think one of the primary mistakes that first-year students make is trying to decide who they're ultimately going to be during the first week in school. Sometimes you lock yourself into people and situations that prove to be the worst of all possible decisions in the long run.

The same goes for that first summer job. I won't say don't keep your eyes open, but I will say, don't jump too quickly at the first thing that you see because you fear you won't get anything else.

From my perspective, the economy's not that bad that every law clerk job (or even every "good" one) will be taken by the time the end of the school year hits.

I advise, take your time and see what's out there, but if it's not something that you truly want to do, check back again a little later to see if there is something more suitable. Also, put all of that on hold if and when it impedes your studies.

While the placement director will kill me if I say establishing early employment is overrated, I will say that a poor decision as to where you will be employed could be as bad as not being employed at all.

I will also say that sometimes the benefits of a non-legal situation outweigh the benefits that you will derive from a clerking position.

I was involved in two memorable situations where I believe my counter-grain advice worked out for the best. (Remember, this is my column, so I don't have to disclose where my advice didn't work out so well.)

The first situation involved a student who was torn between landing her first clerking job and attending a non-legal graduate class in London, England. I suggested England (who wouldn't?) and it turned out to be the best experience of her life. She is now happily employed in the legal field.

The second situation involved one of our active alumna, Susan Yarb-Peterson, who (during her first year) contemplated whether she should attempt to land her first clerking job rather than accepting a job as a television anchor woman. After spending all of law school working an evening anchor position, she is now employed in the legal field, and her decision after her first year has become insignificant.

These choices are, of course, different than the choices that most first year students have, but the bottom line is the same: Don't try to carve your destiny in stone too early, and don't think that there won't be choices that might arrive after the time that everyone else has seemingly already decided what they are going to do.

C-M expands international options

By Jamie Kerlee

CO-EDITOR-IN-CHIEF

Many C-M students absent-mindedly delete electronic announcements every day. The unfortunate consequence for those students is that they are missing out on valuable networking and enriching opportunities.

For example, on March 21, the Greater Cleveland International Lawyers Group (GCILG) hosted their monthly luncheon at the Cleveland City Club. For \$10, C-M students in attendance enjoyed a complete lunch and benefited from the networking opportunity.

Attendance for this month's meeting was unusually high as several law students from Case Western Reserve University commingled with C-M students, local law and business practitioners, and guest speaker, Paul Williams.

The topic for discussion hosted by the GCILG was based on the question: will Iraq survive the transition to democracy?

Williams, a professor at American University, 2005 Nobel Peace Prize nominee, and experienced former legal advisor for the Department of State with an expertise in international law addressed the captive audience. He recounted his experience as a pro-bono advisor to the Iraqi's throughout the drafting of their Constitution.

As Williams explained, Iraq is composed of several different political groups which contributed to the many difficulties. Since Iraq does not have career politicians, the framers of the Iraqi Constitution are a diverse group of "elite professionals" that are donating their time. But Williams noted that conflict is generated by the competing interests brought to the table by the many different political groups.

As the framers worked to put the Constitution together, insurgents continued their efforts to counteract any efforts to unify Iraq as one country. The repetitive daily theme used to regroup and focus the framers during the convention was to create a government that is composed of Iraqis serving the Iraqis. Iraqis place a great deal of emphasis on their desire to implement a system of government without foreign interference or control.

The solution to the continued insurgent conflict and resistance to democracy has yet to emerge. Williams chuckled during the GCILG presentation when he reminisced about the simplistic solution that was proposed by one expert in Iraq: a Constitution.

Expecting more detail, Williams remembers asking if that was it, or if the slides were incorrectly placed because the solution on the slide was just that: Constitution. To Williams' amusement, the expert suggested that they quickly get to work on the Constitution.

After an articulate and engaging presentation, Williams opened the floor to questions to stimulate thought provoking dialogue. He addressed concerns regarding oil revenues, women's rights, and the Saddam Hussein trial's impact on the current state of affairs.

Perhaps the most common question on the minds of the audience was finally posed towards the end of the discussion. Is it possible that it will come down to a Civil War in Iraq?

Based on his legal expertise, the outcome of conflicts in the former Yugoslavia and Kosovo, and the broad range of material Williams authored and co-authored over the past few years, Williams offered a knowledgeable opinion that a Civil War is a very real possibility which could potentially threaten the efforts deployed to frame the Constitution.

But in the meantime, Williams predicts an enormous amount of future litigation to develop the Constitutional law and highlighted that fact as an invaluable opportunity for law students in the future.

C-M does not currently have an international law concentration available to students. But Professor Mark Sundahl who has become actively involved in promoting international law and associated opportunities at C-M said, "C-M does offer international law courses on a regular basis."

"The law school recognizes the importance of including international law in our curriculum and is in the process of expanding our international offerings,"

Sundahl said.

Two new faculty members with interests in international law will double the international offerings next year.

The new courses will be Public International Law and Comparative Constitutional Law. As Sundahl noted, the availability of Judaic Law, Islamic Law, and Ancient Athenian Law are also courses that provide students with the opportunity to examine foreign and exotic legal systems.

Despite the fact that C-M does not have an international concentration, the school has achieved great success with the St. Petersburg summer program.

In addition to increased interest and enrollment by C-M students, enrollment in the program of students across the country has also gone up.

As Sundahl explained, the summer program in Russia gives students the opportunity to take four condensed courses in international and comparative law during one month, while being submersed in an inspirational environment.

"Taking all of this together, C-M will soon have an international and comparative law program that will certainly compare with that found at Case," Sundahl said.

It is up to the students to take advantage of the increased international law offerings. Doing so will help to increase the momentum of the budding program.

Sundahl encourages students to take at least one international law course during their law school years because international issues appear in virtually every type of legal practice today.

For students with either an interest in international law or who know nothing about international law, they should check their e-mail for the monthly invitations to the GCILG luncheons that are held the third Tuesday of every month during the academic year.

Not only is it a great way to network with the many active local international law practitioners, but it also signals the students' interest in developing a competitive and reputable international law program at C-M.

Schedule: semester to begin earlier

Continued from page 1--

the schedule change is to give graduating students an additional week after graduation to study for the bar exam and to allow non-graduating students to begin their summer jobs one week earlier.

In addition, the change in schedule gives students taking the bar exam in other states more time to travel to their respective testing sites or take bar courses offered in those states.

The idea of adjusting C-M's schedule is not something new. According to the SBA president, Brendan Healy, faculty and students have talked about such a proposal for several years, but this is the first time an initiative was actually taken.

"We felt that this would be another piece of the puzzle in terms of helping our students prepare for the bar exam," Healy said.

Although an alternative plan of adding five minutes to the length of each spring class had been discussed, "the faculty and students involved in making the decision felt that the current change would achieve the best results," said Healy. "This was not a decision we made with haste. We spent a lot of time pondering how

this will affect students, and we believe it is the right decision."

Although a clear majority of upper-level students were in favor of the change, a significant number of students were not so supportive.

Rae Lynn Wargo, a 1L, has been one of the most vocal critics against changing C-M's schedule for next year. Wargo planned her wedding during a time which had previously been set aside as winter break.

"It's a shame that the faculty and students were misled throughout this process, from the faculty being told that the student body supported the proposal to the results of the survey," Wargo said.

Healy said he understands why some students would be upset with the change in schedule, but this change will be for the greater good of the student body.

"I can't predict the future," said Healy. "I don't know what effect the extra time will have on our bar passage rates, but I think the week will be better used at the end of the semester than at the beginning."

Dean Geoffrey Mearns has asked for students with previously scheduled conflicts to contact Assistant Dean Jean Lifter so that appropriate accommodations can be made.

The Political Broadside

South Dakota legislature criminalizes abortion

Question: Will this law be able to overturn Roe or will it strengthen current precedent?



By Bradley Hull

CONSERVATIVE GAVEL COLUMNIST

The timing of South Dakota's ban on all abortions except those medically necessary to preserve a pregnant woman's life strikes many observers as doomed to fail, given the current makeup of the U.S. Supreme Court. Chief Justice John Roberts and Justice Samuel Alito only create a four-member minority (together with Justices Antonin Scalia and Clarence Thomas) to overturn *Roe v. Wade* (1973) and supporting decision *Casey v. Planned Parenthood* (1992), even if they are inclined to disregard those cases as controlling precedent.

The law is certain to be overruled by the current U.S. Supreme Court, thus potentially dealing the movement to overturn *Roe* a black eye in re-affirming the decision, should South Dakota choose to appeal it that far. However, often overlooked in the abortion debate is the limited role *Casey* created for the states in defining the existence of the right as "fundamental" and thus protected by the federal Constitution.

It is within this context that the South Dakota law (and other pending bans and restrictions) is a strategic success for the Republican Party in its effort to have *Roe* overturned, and the issue returned to the states.

Roe held that 14th Amendment "liberty... [which cannot be] deprived without due process of law" includes an unmentioned right of "privacy" which encompasses a woman's decision to terminate her pregnancy pre-fetal viability. *Casey* silently rejected the "privacy" right, but re-affirmed the central holding of *Roe*.

Significantly, the *Casey* joint opinion listed people's reliance on the availability of abortion in organizing intimate relationships as a "prudential and pragmatic consideration" counseling against the overrule of *Roe*.

However, by enacting bans and restrictions, the people are thus rejecting abortion in organizing their relationships, undercutting this tenet upon which *Roe* sits, and providing an easy ground for a later reviewing court to overturn that part of *Casey*.

It can be freely conceded that a ban on abortion which excepts only those necessary to save a pregnant woman's life is not supported by a majority of Americans (only 17 percent, according to a January 5-8, 2006 CBS News Poll) and will likely marginalize South Dakota's pro-life movement.

However, other proposed bans (such as Louisiana's), which would except abortions in cases of rape and incest in addition to those medically necessary, would be met with greater public support (only 42 percent of Americans would allow abortion beyond these exceptions, according to the same poll).

South Dakota and Louisiana are not alone: states enacted 52 measures restricting access to abortion in 2005 (The Guttmacher Institute), and 29 states received "D"-range or "F" grades from NARAL Pro-Choice America in its 2006 "Status Report of Reproductive Rights in the United States" for enacting legislation to restrict access to abortion. Further, one can expect many more restrictions in the future, given that only four states currently claim a pro-choice governor and legislative majority.

The Republican Party can only win the "war" to overturn *Roe* and *Casey* at the Supreme Court appointment-and-nomination level. However, significant "battles" can be won in state and municipal legislative sessions. Moral disagreements aside, it is an oversimplification to dismiss South Dakota's ban as unwise before the state chooses to appeal it to the U.S. Supreme Court. Republicans cannot be certain when they will have the opportunity to appoint enough justices to the Supreme Court to overturn *Roe* and *Casey*.

In the same way that opponents of also-wrongly-decided *Plessy v. Ferguson* (1896) brought continual legal challenges to weaken the decision until its eventual overturn 58 years later in *Brown v. Board of Education*, opponents of *Roe* and *Casey* must continue to chip away at the foundations of both decisions.

Liberal rebuttal...

Do you really think *Plessy* was decided wrongly because the court interpreted the constitution "wrongly"? Do you actually think it was an objective legal decision, having nothing to do with the racist context of U.S. society at that time?

As Historian Howard Zinn has said, the Supreme Court does not define our rights. We define our rights. Do you think that all the legal revolutions of the 1920's Progressive Movement, the New Deal in the 1930's, and the Civil Rights Movement of the 1960's happened because the Supreme Court suddenly started reading the constitution "correctly"?

The majority of historic legal changes in this country were spurred by public pressure. THAT is why the overruling of *Plessy* is **not** your touchstone – because the majority of the people support access to abortion.

Why don't you Republicans try giving a damn about the millions of children already in the world that don't have health care? You want to "protect" an EMBRYO or STEM CELLS - but you'll cut food stamps, Medicaid, student loans, and financially strangle every other public program that actually helps CHILDREN in this country – so you can pay for your corporate tax cuts and a war that is killing thousands of Americans and Iraqi CHILDREN.

How do you sleep at night?

By Paul Shipp

LIBERAL GAVEL COLUMNIST

House Bill 1215 makes all abortions illegal with no exception for cases of rape or incest. The only exception is to save the life of the mother.

The majority of Americans think that abortion should be legal. This is a cold, hard, irrefutable fact. As soon as South Dakota governor Mike Rounds signed the bill, several national polls were taken and all reached the same conclusion.

A Pew Research poll was conducted March 8-12 asking 1,400 adults if they would favor a law like South Dakota's in their own state. Fifty-eight percent said no, 34 percent said yes, and eight percent were unsure.

An Associated Press – Ipsos poll conducted February 28 to March 2 asked 1,001 adults their opinion of the legality of abortion. From those polled, 51 percent said abortion should be legal in most cases, while 43 percent said it should be illegal in most cases.

Even a Fox News poll came out in favor of keeping abortion legal. The Fox poll was conducted March 28 to March 1 asking 900 registered voters nationwide whether they would favor the South Dakota law in their state. The results showed that 59 percent would oppose this law in their state, with only 35 percent supporting it.

Now that it is clear we are dealing with a minority viewpoint on abortion, let's look at the legal strategy (or lack thereof). This bill is unconstitutional on its face and the lower courts are bound to apply Supreme Court precedent (*Roe* and *Casey*). If the lower courts apply the existing law (as they must), the plaintiffs will likely move for judgment on the pleadings via FRCP 12(c). That should not take long, since the Governor's signing statement admits that this bill is a direct challenge to *Roe v. Wade* and is thus admittedly unconstitutional. If this case takes longer than a year to move through the courts, you can be sure it is due to a sympathetic trial judge or appellate court stalling the case. Perhaps Governor Rounds, like extremist hate-monger Ann Coulter, is hoping someone will poison Justice Stevens before the case gets there.

The real fun comes when the Supreme Court votes on whether to grant certiorari. There are still 5 pro-*Casey* Justices on the Court: Souter, Ginsburg, Kennedy, Stevens, and Breyer. So the court could vote to grant certiorari to reaffirm *Casey* or just deny certiorari altogether. Some have pointed to Justice Kennedy's recent vote to allow the partial birth abortion ban as a possible swing vote, but this is a far cry from overturning *Casey* altogether.

The conservative push to ban abortion for everyone is just another example of the incredible hypocrisy of Republicans in general. Republicans always complain about too much regulation, and push to "get big government out of our lives!" Except of course when it comes to the most personal decisions of our lives, like abortion, contraception, sexual preference, and end-of-life decisions. Then Republicans want the government to tell everybody what to do (see Terry Schiavo). Hey! Why not let the market solve these problems too? Big corporations can profit from abortions just like they do with tobacco, alcohol, pornography, slave labor, environmental pollution, war, and assault weapons! Brilliant!

There is even a push now to ban contraception. Groups like "No Room For Contraception" are lobbying Congress to pass the Health Insurance Marketplace Modernization and Affordability Act, which would allow insurers to ignore state laws mandating contraceptive coverage. Soon, they will outlaw male masturbation – for the wasteful destruction of so many potential lives.

If you oppose abortion personally or because of your faith, then don't have an abortion. That is your personal choice. But where do you get off taking that same choice away from every woman in this country?

Conservative rebuttal...

I will rebut your seven sentences actually relevant to our issue with just two of my own. It is too early to tell how far South Dakota would defend its ban in the legal system, especially given the current Supreme Court makeup. But the strategic benefit for pro-lifers comes from the sheer existence of this ban (and others pending), not from any notion that the Supreme Court would ever uphold it.

Your polls are relevant only to demonstrate PR problems for South Dakota, and not as to constitutional strategy to overturn or uphold *Roe*. But since we're on the topic, here are some you missed: respondents to the recent AP-Ipsos poll were 50 percent Democrats and 38 percent Republicans, 61 percent of Americans feel abortion should be illegal only when the woman cannot afford to raise the child (CNN January 2003), 51 percent of women think abortion is an act of murder (same), and 61 percent of Americans feel abortion should not be legal after commencement of a fetal heartbeat, meaning three weeks into pregnancy (Zogby April 2004). Thus, it is irrefutable that Americans reject *Roe*'s abortion-on-demand standard.

Your more "colorable" arguments are off-topic. Also, might I recommend a biology refresher course?

Vote Blackwell 2006.



SBA donates \$25,000 to Wolstein Fund

By **Brendan Healy**

SBA PRESIDENT

Dear Students,

As the semester draws to a close, I would like to inform you all of some of the great things the Student Bar Association is doing to benefit the student body and the law school.

I am pleased to announce that your SBA donated \$25,000 to the Wolstein Scholarship fund on behalf of the student body.

As some of you may know, Mrs. Iris Wolstein will match, up to \$1.25 million dollars, all money donated. Therefore, our contribution will result in \$50,000 worth in scholarships for C-M students. We thank Mrs. Wolstein for her generosity and commitment to the students of C-M.

I would also like to thank the entire Student Bar Association Senate for approving this gift, as well as the Wolstein Scholarship Committee, composed of Nadine Ezzie, Scott Kuboff, Mandy Shaerban, Greg Condra, Matt Mishak, and Eric Allain for their time and effort.

I am extremely confident that this gift will inspire others in the C-M community to donate to the scholarship fund.

In addition, your SBA unanimously approved a resolution to support nationwide efforts to formulate Loan Repayment Assistance Programs (LRAP). These programs exist to provide financial assistance and incentives for lawyers to pursue careers in public service.

Although C-M already has an LRAP program, the American Bar Association Law Student Division has asked SBA's throughout the country to pass similar resolutions to encourage all law schools to formulate such programs.

I am proud that we will be lending our support and voice to such a worthy cause.

Furthermore, the Student Bar Association has formally created an award in honor of Professor Werber, who will be retiring after 36 years of service.

The award is entitled the "Stephen J. Werber Collegial Integrity Award," and will be given to one student who has demonstrated high character, collegiality, and an outstanding commitment to C-M and/or the surrounding community.

I would like to personally thank Matt Mishak and Eric Allain for their hard work in developing this accolade.

Finally, your SBA approved an amendment to our constitution that creates a "Part-time Student Committee." This standing committee was established to ensure that C-M's part-time students are given a stronger voice in the SBA Senate.

I would like to personally thank Scott Kuboff for drafting this amendment and proposing it to the Senate.

As always, if you have any questions, please feel free to contact me.

C-M to begin class size reduction

Could this policy compromise C-M's dedication to providing opportunity?

By **Kurt Fawver**

STAFF WRITER

This fall, C-M's incoming 1L class will be significantly smaller than its first-year classes have been in previous years.

The current 1L student body exceeds 225. Next year the number may drop to as few as 200 constituting a decrease of well over 10 percent.

This is all part of a reduction plan C-M administrators are developing. Administrators believe that by offering admission to fewer applicants and maintaining more rigid admissions standards, C-M's lackluster bar passage rates will begin to rise and the law school will become more academically reputable.

However, there is some concern that C-M's altruistic qualities may be lost in the new admissions scheme.

C-M has always been notable for providing quality legal education to marginalized individuals who may not have particularly strong academic credentials but are, nonetheless, brilliant students.

The fear is that with a renewed emphasis on undergraduate GPA and LSAT scores those applicants may never have the opportunity to prove their worth.

Beginning with the incoming class of 2006-2007, administrators will be offering admission to fewer applicants at the lower end of the

academic spectrum.

While letters of recommendation and personal statements will still play a part in determining admissibility, applicants' undergraduate GPA and LSAT scores will be weighed more heavily.

Through the increased academic scrutiny, the administration hopes to eventually shrink all incoming classes to no more than 200 students.

As C-M's bar passage rates have been flagged and worries about the school's competitiveness have become more pronounced, administrators have devised this admissions reduction protocol as one solution.

In theory, selecting applicants with a proven record of academic success, both in the classroom and on standardized tests, should increase the probability of higher bar scores. With higher bar scores comes a revitalization of C-M's reputation and an increase in prestige.

In theory, limiting the offers made to applicants based on undergraduate GPA and LSAT scores should bring renewed distinction to C-M and its graduates.

But theory rarely conforms to reality, and the administration's plan fails to consider the intangibles that create success both in law school and on the bar exam.

Many of C-M's most successful students were admitted on the tail end of its academic admissions

criteria.

A large number of students have encountered financial, social, or familial hardships that resulted in lowered undergraduate GPAs and LSAT scores. Yet they were admitted because of their potential not because of their previous records.

These students often work doubly hard because their present, as well as their future, rests solely upon law school success.

C-M will be either the savior or the executioner of such hardworking individuals. These students succeed because they have to. They are not merely intelligent; they are driven.

As one anonymous 1L said, "This is it. If I don't succeed, there's nowhere else for me to go. There's nothing else for me to do. I have to work hard. This isn't just school, it's my life."

Under the new admissions plan, these hardworking individuals might never be offered admission or, at best, would be admitted in much smaller numbers. C-M has prided itself on being a college of opportunity, but that particular quality may be in jeopardy.

The administration maintains that any such fears are unfounded. They cite the Legal Career Opportunity Program (LCOP) as C-M's true source of opportunity for marginalized students.

The LCOP is "an admissions program for applicants who have

encountered adversity which negatively impacted their traditional academic indicators (i.e. LSAT scores and/or undergraduate grades) but whose background and experience warrant additional consideration."

This is an exceptional program with commendable humanitarian goals. Approximately 10 percent of every first-year class is admitted through the LCOP. The administration does not anticipate any decrease in that percentage.

With standard admissions numbers dropping, however, more applicants may try the LCOP route as a backdoor into C-M.

This could lead to a crowded LCOP pool in which many deserving students who would have been previously admitted are now turned away in favor of less deserving students with only marginally higher GPAs and LSAT scores.

No matter, Dean Geoffrey Mearns remains optimistic about the changes. "For over 100 years, this law school has been both a law school of opportunity and a law school of excellence," said Mearns. "The plan to raise admissions standards will simply ensure that this law school embodies both of these attributes in the future."

Whether Dean Mearns' confidence is well founded remains to be seen. Only one thing is certain: over the next several years, C-M is going to get a lot smaller, for better or for worse.

1Ls balance studying with partying

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

It's hard to believe that the "worst year" of law school is almost over. We only have a little over a month and a half before our rite of passage out of the 1L Life.

I don't know if it is for better or worse. After this semester we are expected to be responsible and become serious about our career choices (which basically means we have to look for real jobs).

Life as a 1L certainly has its perks. These past eight months have taken us right back to high school except that now we're allowed into bars. Admittedly some of us have been thrown out, or rather fallen out of one this past semester.

Life as a 1L has its moments. Since we're not allowed to work, what better way to spend our precious free time than to win our friends loan money at the Wednesday poker games. The 1L life also ensures that at least three intra-section romances will keep you busy, especially when the time comes to pick your date for Barristers.

Overall, we have got to have the best class

to ever go through the doors at C-M. What other class has had higher credentials and scores, and at the same time organized so much extra curricular fun. Jello anyone? Tackle football in Lakewood? Christmas Ale lunches? Trips to New Orleans. Whoever said the cure for six law classes wasn't balanced by four white Russians?

At least the cold has finally broken. Spring is definitely in the air. As finals are coming into view, oddly enough it seems that somehow everyone seems a bit more relaxed.

Just as the tension and stress from having 18 credit hours of work crammed into 15 hours of class time should be getting the best of us, we seem to be pulling together to help each other out.

There seems to be an energy and excitement, where there was overwhelming fatigue and stress. Maybe spring break was just the rest we needed before the start of March Mad-

ness. If George Mason could get into the Final Four, maybe just maybe, we can get through this year too.

We are either finding a way to swallow the stress, or we are just ignoring it. For the first time this year, certain days aren't being dreaded. Maybe the three alphabetically linked professors are just a little less intimidating?

Or maybe we are just finally getting an idea of what we're supposed to be doing. [Well, except in Legal Writing where advice on how to write papers is given after they're due].

Everyone always says once you get it your fine. Whatever that "getting it is" is beyond me.

What I am getting out of this whole 1L life is that the study of law is as interesting as the people studying it. We are all a bunch of crazies for willingly putting ourselves through this.

But the end is almost near. Pretty soon we'll be drinking beers, laughing about all the stupid and silly stuff we pulled off this year and watching Grady Siezmore take us to the series.

1L
First year
life
Part V

"The 1L life also ensures that at least three intra-section romances will keep you busy, especially when the time comes to pick your date for Barristers."

Students aid in Katrina relief effort

By Chris Tibaldi

GAVEL CONTRIBUTOR

The C-M group arrived about 1 p.m., New Orleans time on Sunday, March 11.

We were exhausted from a 17 hour car trip through the night, but anxious to see the city and any improvements that had been made (OK- we really went to Bourbon Street and had a Hurricane- yes they still have a drink called that on Bourbon Street!). We had to go to a meeting organized by the Student Hurricane Network at some fancy law firm downtown.

After eating the food, having a drink and meeting a few people from other law schools, we finally got down to business.

The gist of it was this: many people were still sitting in a jail cell six months later, for misdemeanors or petty crimes because the legal system was so disorganized that no one had figured out a way to get them out. We assumed these are the poorest citizens in New Orleans.

On Monday, we broke into two groups: one was to do legal work, hopefully helping some of the people still stuck in jail cells; the other was to work for Acorn, a group similar to Habitat for Humanity, only instead of building houses, we would be gutting them.

I was to be in the group do the gutting work. We finally found the office and our group leader for the week.

He took us to a house in the Ninth Ward, the poor area of town, and unfortunately, the hardest hit by Katrina. Sitting in the van, we could see run-down, small homes that were

devastated by Katrina.

We first saw a volunteer in his full body

workers? Where was the clean up? After 6 months, this is it? One deserted area after another?

The legal work also had its share of frustrations. The first day there was a lot of talk and little action.

The volunteers were finally starting to do some data entry by Tuesday afternoon. They were to create a new database of people ensnared in the system. Although the Sheriff supposedly had this info, he would not share it with the legal community, and they had to do a lot of paper work.

Some of the girls felt like this work would be helpful, but I couldn't help but get the feeling that it really lacked a hands-on feeling, and it was unorganized, which left some with the feeling that some of

encompasses disaster, poverty and desertion? The people who are back and trying to rebuild their lives are cautiously optimistic. Yes, they're very angry at the government, maybe rightfully so.

I felt like I was talking to people still deeply grieving. They wanted to tell their stories about driving 17 hours to get 1-2 hours away to stay with a cousin, only to find themselves doing the same again with Rita.

The people of New Orleans are raw with sadness and anger. Maybe some of it is misplaced, because really, no one could stop Katrina.

This catastrophic event has almost become an obsession for the citizens of New Orleans. Everyday on my trip I read their paper, and each and every page was filled with articles about Katrina in some way.

It made one feel helpless. Although we did help as much as we could in a week, gutting one house really did feel like it was just a drop in the bucket.

Did we help? Is it hopeless? Congress is still debating how much money to disperse to victims of Katrina. In the meantime, nothing much is getting done.

If you'd like to e-mail your representative to urge them to quickly rebuild this historic city, here are the addresses:

www.congress.com/write.html and

for senators, www.voinovich.senate.gov/contract/index.htm and www.dewine.senate.gov/



Photos by Ramsey Lama

Students worked in New Orleans with Acorn, an organization dedicated to providing services to low-income and minority families.

suit walking by us with a dead rat in his hand. We donned our new uniforms for the week; suit, gloves and mask. Inside the house it was dark, dirty and almost gutted. One of our guides pulled nails out by his hand.

All of the sudden we were off to another house. The next house we got to was in a middle class neighborhood. We got into the work, and at the end of the day we felt that we had done a good thing.

One of the group leaders from another school said that Acorn had talked to the family that lived there and they were very excited because we were doing their house.

As we drove back to the hotel that afternoon it occurred to us that there was very little action around the city. Where were the contractors? Where were the government



the work may not be used to help anybody.

So, really, what's going on there?

Well, how can words describe a place that

THE GAVEL

CLEVELAND-MARSHALL COLLEGE OF LAW
CLEVELAND STATE UNIVERSITY
216.687.4533 TELEPHONE
216.687.6881 FAX
GAVEL@LAW.CSUOHIO.EDU



Co-Editors-in-Chief

Ryan Harrell
Kathleen Locke
Jamie Cole Kerlee

Staff

Anonymous IL
Adam Davis
Nichole DeCaprio
Kurt Fawver
Christopher Friedenberg
Margan Keramati
Peter Kirner
Michael Laszlo
Aaron Mendelsohn
Shawn Romer
Brian Sammon
Paul Shipp
Daniel Thiel
Stephen Wolf

Contributors

Tiffany Elmore
Bradley Hull
Chris Tibaldi

Advisor Thomas Buckley
Printer P.M. Graphics

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Online networking yields new options

By Nichole DeCaprio

STAFF WRITER

Still handing out business cards to potential career contacts? Networking has gone the way of music, photos, and shopping – the newest way to network is online.

Two Web sites, www.friendster.com and www.MySpace.com are networking tools. The concept is that you create your own Web page, complete with photos and miscellaneous facts about yourself, and you can then search the site for people you know.

You set your page up somewhat like a resume, listing all the schools you have attended and companies you have worked for.

This is normally used to access other alumni and former co-workers. However, it has a double purpose in showing off your credentials to anyone visiting your page.

You then go about the site adding friends. You must first ask people if they will be your friend (sounds pathetic, I know), and they authorize letting you list them as a friend. Through your friends' pages you make new friends or reconnect with old ones.

It is also a great way to find older, established alumni from your schools who may be willing to help you out.

Networking this way means you can do a lot in a little time. You can also get to know other details about people that they might not share at live networking events. If you can find something in common with a potential career

contact, they will probably be more likely to remember you in the future and more willing to help you out.

Some tips for using MySpace or Friendster for networking: Keep it clean. It is not necessary, however, to keep your page completely professional like an actual resume.

The people using sites like these for networking are most likely young professionals anyway, so listing your hobbies and favorite bands will probably help you more than hurt you.

That being said, try to refrain from putting stuff on your page that will paint you in a less than wholesome way. It is better that prospective colleagues and clients not see pictures of you doing a keg-stand for obvious reasons.

An alternative to the Friendster or MySpace networking pages is LinkedIn (www.linkedin.com).

According to the website, LinkedIn is strictly a business-networking site. Your profile is your resume, including prior work experience and education. There is also a section at the bottom of your profile to add interests and awards won.

Though this site is not specifically for the legal profession, the conservative, strictly-business nature of the site make it ideal for representing yourself as a serious legal professional.

This site seems more likely than MySpace or Friendster to host clients who are looking

for new employees or business contacts. LinkedIn is free but offers paid accounts for those members who want extra help networking.

One other online networking option is the use of listservs. The American Bar Association (www.ABAnet.org) and the Ohio Bar Association (www.ohiobar.org) offer listservs to their members.

These listservs are basically e-mail mailing lists with which attorneys and law students can discuss the areas of law in which they are interested.

This is a great way to show off what you know, exchange ideas, and learn from others. You will also have a chance to get to know professionals in the fields, who may be willing to help you out in the future.

Unlike MySpace or Friendster, you already have a pool of professionals at your disposal, and there is no worry about creating a Brady-Bunch worthy profile.

The downside is that some of the listservs may not see much action, and it is more difficult to learn information about the other members.

Online networking can never recreate the benefits of meeting a potential contact face to face.

But then again, meeting people in person may never be as easy and convenient as scrolling through hundreds of profiles tailored to your specific needs.



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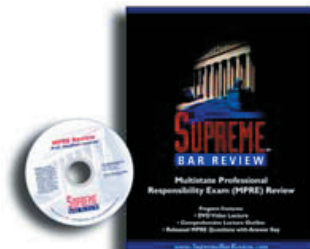
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