

Alumnus business a hole in one



While attending law school, Mike Burkons created a unique business plan. The Gavel talks with Burkons about how this plan became a reality.

CAREER, PAGE 4

Special insert: The Gravel

After a two-year absence, The Gravel returns just in time to distract you from studying. This satirical insert looks at the lighter side of law school life.



INSERT, PAGE 1

Immigration reform debated

Proposed federal reforms strengthen the penalties for illegal immigration. The Gavel's columnists debate whether this reform will be effective.



BROADSIDE, PAGE 5



THE GAVEL

VOLUME 54, ISSUE 6 MAY 2006

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Professor Werber leaves C-M

By Jamie Kerlee
Co-EDITOR-IN-CHIEF

After 36 well spent years, Professor Stephen Werber will be closing the book on a satisfying career at Cleveland-Marshall College of Law.

"If I had it all to do again, I'd marry the same woman and take the same job," Werber said.

Not many people in this world can make that statement with the certainty and passion that Werber expressed. Very simply stated, Werber considers himself to be a very blessed person.

Werber began his teaching career at C-M in 1970 after receiving his Juris Doctor from Cornell in 1964. Prior to teaching, Werber specialized in products liability litigation with Herzfeld-Ruben in New York. Hired to teach tort law, the administration then shocked Werber with a new teaching area, contract law.

See **WERBER**, page 2



Photo by Shawn Romer

Cleveland Mayor and keynote speaker Frank Jackson addressed the crowd at the Black Law Student Association's annual banquet.

This year's scholarship and awards banquet was held at the City Club in downtown Cleveland. Mayor Frank Jackson, an alumnus of C-M, graduated from law school in 1983.

Turn to page 2 for more.

C-M hires two international law professors

By Chris Tibaldi
STAFF WRITER

Next year, C-M welcomes two new international law professors to the faculty. The two new professors, Brian Ray and Milena Sterio, both have extensive and diverse resumes and experiences.

Professor Ray currently works in Cleveland at Jones Day as a litigation associate and is a graduate of the Ohio State University Moritz College of Law.

Ray's courses for next year will include Conflict of Laws and Comparative Constitutional Law.

"I think it's important to understand how other legal systems work," Ray said.

"Conflict of Laws deals with how to figure out which jurisdiction's laws to apply when there is more than one possibility," said Ray. "Conflicts arise all the time in both domestic and international

disputes."

One of his passions is other cultures, especially Japanese. He spent his sophomore year studying in Japan and went back for one year to research Zen Buddhism and the philosophy of Keiji Nishitani, a Japanese thinker who sought to articulate Buddhist concepts in Western terms.

According to Ray, he failed to reach enlightenment when he could not "hear the sound of one hand clapping," and he returned to the United States.

Ray continued to pursue his interest in East Asian culture by receiving his masters at Penn State in 1998. He eventually decided to attend law school and graduated in 2001.

Ray has clerked for Judge Alan E. Norris on the U.S. Sixth Circuit

See **PROFESSORS**, page 3



February 2006 Bar Passage Rates

	First Time	Overall
Capital:	81%	60%
CWRU	88%	62%
CSU:	68%	54%
Ohio Northern:	83%	60%
OSU:	85%	82%
Akron:	63%	66%
Cincinnati:	88%	89%
Dayton:	75%	59%
Toledo:	67%	57%

Students vote for SBA executives

By Kathleen Locke
Co-EDITOR-IN-CHIEF

On April 26 and 27, approximately 375 C-M students elected Action, one of this year's tickets, as the 2006-2007 Student Bar Association executive board.

The Action ticket was comprised of Scott Kuboff, 2L, for president, Meredith Danch, 2L, for vice president of programming, Chan Carlson, 2L, for vice president of budgeting, and Nick Hanna, 1L, for treasurer.

"I believe that the hard work and dedication of my entire ticket ensured our victory in the election," Danch said.

The opposing ticket, who campaigned on a message of "expect more", consisted of Greg

Condra, 2L, for president, Michael Whitaker, 2L, for vice president of programming, Jeff Stupp, 2L, for vice president of budgeting, and Cathy Reichel, 1L, for treasurer.

"Our message was about the future rather than the past," said Condra. "Our action items were specific and took on some big issues."

Students were not bound to vote solely by ticket affiliation, but they nonetheless elected each member of Action.

"Based on our team's unity and friendship, I really did not want to have only half of our ticket getting elected," Carlson said.

While Action's victory was decisive, the election results were closer than in previous years'

elections.

"I knew it was going to be close," said Kuboff. "The other ticket ran a very good campaign, but at the end of the day, I was excited that the students chose us to lead them next year."

"I am glad the results were close," said Reichel. "As a candidate, that is all you can really ask for."

This year's campaign process was also more extensive than in years' past and included socials at local bars, color posters, fliers, t-shirts and lanyards, which were paid for by the members of each ticket. "Elections were very spirited this year," said current SBA president, Brendan Healy. "We had a very strong voter turn out."

Dean thanks students, staff for successful year

By Geoffrey Mearns

As I approach the end of my first year as dean, I thought it would be appropriate to reflect on our accomplishments this year and our plans for the future.

From my perspective, my transition from the private practice of law to legal education has been an easy one. Many people are responsible for this smooth transition.

First, I am indebted to Dean Emeritus Steven Steinglass. He spent a great deal of time with me last year before I started, and he has made himself available throughout the year when I needed his advice. He left our law school well positioned to achieve our collective goals.



The
Dean's
Column

I am also indebted to the faculty and staff. They have patiently answered my questions, sometimes several times. They have provided great support to me.

And I am grateful to you – the students. From my first day on our campus, you have made me feel welcome. Moreover, your commitment to excellence is an inspiration and your commitment to the future of this institution, as reflected in your contributions to the Wolstein Scholarship Fund, is simply unprecedented. I am deeply grateful for your confidence and your support.

We have had a successful year in many other respects. As discussed in detail elsewhere in this issue, we have recruited two outstanding new faculty members, Brian Ray and Milena Sterio.

In my view, nothing is more important to the success of our law school than attracting and retaining excellent people. Professor Ray and Professor Sterio satisfy that standard. They will bring new energy and new expertise to our institution.

We also had a successful site visit by the ABA and the AALS. While we have not yet received the formal report, I know that the site team was very impressed with our law school, particularly the enthusiasm of our students and the dedication of our alumni.

The members of the site team were also quite impressed with your accomplishments this year. Space does not permit me to list them all, but the list includes the continuing achievements of our moot court teams, the award received by *The Gavel*, the quality of the student journals, and the extraordinary commitment of our students to *pro bono* service.

Next year, we will build upon these accomplishments. Indeed, we have ambitious plans for the future.

Our most important priority is to continue to attract bright and industrious students. Stronger students will improve our bar passage rate, improve the job placement opportunities of our graduates, and enhance our regional and national reputation. In order to become even more attractive to the best law school applicants, we need to keep tuition affordable and allocate more money to scholarships.

We must also continue to attract and retain outstanding faculty, including professors who better reflect the diversity of the communities we serve. I have already appointed the faculty members who will serve on the Faculty Appointments Committee next year, so that they can get an early start on this very important task.

During the upcoming building renovation project, we must make our facility a more attractive environment for students and faculty who come here every day, as well as for alumni and others who visit our law school. In the future, we must also continue to introduce more technology into our classrooms and improve the facilities for the staff who faithfully support our students and faculty.

To accomplish all of these objectives, we must allocate our existing financial resources efficiently, and we must raise more money. With respect to existing resources, I intend next year to take a fresh look at the budget to ensure that our money is properly allocated to support our strategic goals.

With respect to generating more money, our most important development priority is matching Mrs. Wolstein's generous \$1.25 million scholarship challenge pledge. Our goal is to meet her challenge by June 30, 2007. At the same time, we are presently focused on increasing the percentage of alumni who contribute to our annual fund. If we do so, we will have more money to fund student activities and to support faculty research.

This year has been a very good one. And the future promises to be even better. There will be challenges. But I believe we are capable of overcoming them and that we are prepared to succeed.

BLSA hosts annual awards and scholarship banquet

By Shawn Romer

STAFF WRITER

On April 7, 2006, the C-M Black Law Student Association hosted its annual banquet at the City Club in downtown Cleveland.

The banquet recognized the student members, faculty, and other supporters of the organization, along with presenting the annual BLSA scholarships.

Keynote speaker and Cleveland Mayor Frank Jackson ('83), Dean Mearns, BLSA advisors Assistant Dean Gary Williams and Ms. Roslyn Perry, and various other BLSA alumni, friends, and supporters attended the event.

Platinum sponsors of the banquet included Baker and Hostetler, LLP, and Hahn, Loeser, and Parks, LLP. Current BLSA President Lakecia Foster served as the Master of Ceremonies.

Mayor Jackson's speech focused on a request to C-M students and future attorneys to enter a career of public service.

Mayor Jackson started his ad-

dress by detailing the various failures he has experienced along the career path and how they made him stronger and more motivated by overcoming them.

Mayor Jackson also focused on his plans to improve Cleveland through education initiatives, population retention, and economic development.

The banquet also highlighted various BLSA events throughout the year, including the semester exam review, "Soul Food Wednesday" fundraisers, and the BLSA national convention, which the C-M chapter sponsored six students to attend.

Following dinner, the banquet recognized outgoing officers and members. They also presented the scholarships.

This was the first year BLSA opened the competition to non-members. Participating students were required to write an argument regarding the Cleveland residency requirement for city employment and its Constitutionality.

One of the scholarship recipi-

ents, first-year student Carrie Callahan, found the topic particularly relevant to Cleveland natives, who comprise a large portion of the student population at C-M.

"I'm really interested in what Cleveland can do to build a middle-class presence and offer better services to city residents," said Callahan. "I see the debate about residency requirements as a debate about the rights of city residents to self-govern and effectuate those goals."

Callahan went on to express her satisfaction with the banquet.

"It was inspirational to go to the BLSA banquet and see all the city leaders who have come out of C-M," Callahan said.

Before concluding the banquet, BLSA announced its 2006-2007 executive board.

Anthony Scott will serve as president, Rashiya Washington will serve as vice-president, Augustina Davis will serve as treasurer, and Teirra Everette will serve as secretary.

Werber: a distinguished career

Continued from page 1--

Teaching allowed Werber the time to focus on his family. After a few years of teaching, Werber spent the 78-79' academic year back with Herzfeld-Ruben in New York.

He discovered that the trials were predominantly out-of-state. Having spent five weeks in Los Angeles, six weeks in Phoenix, and two weeks in Germany, Werber came to a very important crossroad when the firm offered him a partnership.

He proudly returned to C-M in lieu of accepting the partnership and became of-counsel with a local law firm.

Werber has brought just as much to C-M as the school has given to him. Over the years, Werber has simultaneously served as an advisor to the Journal of Law and Health and as the Moot Court advisor. Twenty years with the Moot Court team provided him with what he considers to be the most rewarding experience.

"It was more rewarding than winning a big trial," Werber said. It's amazing to watch the growth of the students.

In addition to his extracurricular commitments, Werber has taught 10 different courses. At a time when very few law schools around the country offered a separate course in products liability law, Werber was able to offer that course to C-M students.

Similarly, when only 20 other schools offered a course in Jewish law, and before there was an official casebook, Werber introduced that course to the school.

And behind several of C-M's administrative policies, Werber has actively participated with various committees to enhance C-M.

"The school has been great, the students have been fantastic, and the C-M Law Alumni Association has been very good to me," Werber said.

His commitment has been rewarded over the years. Werber was the only faculty member to be awarded the President's Award for his numerous contributions to the school, and he was the first recipient of the Stapleton Award for excellence in teaching.

Evidence of Werber's dedication to academic and scholarly excellence is best exemplified by his most recent achievement. While balancing a full teaching load, a marriage, and grandchildren, Werber attained a Masters degree in Judaic studies from the Sigal College in 2003.

"The purpose of getting this Masters was so that my daughter wouldn't know more than me," Werber said.

The proud father of two accomplished children, Werber's daughter is a Rabbi and his son an attorney in Denver, Colorado. Werber looks forward to spending more time with his family, enjoying more golf, and traveling with his wife.

Werber will be moving on from C-M, but certainly his scholarly legacy is permanently engrained in the community.

"The school is on the verge of unbelievable, enormous progress," Werber said.

Over the next five years, he predicts an exciting transition under the influential and capable new Dean. Within this period, there will be changes in the faculty as individuals reach retirement. And with these retirements, C-M will have the opportunity to select faculty with higher credentials, experience, tremendous energy, and enormous potential to be great teachers and great scholars, Werber said.

With these changes, the admissions program is also restructuring by shrinking class sizes and demanding higher qualifications. But Werber notes that C-M will still maintain its reputation as a school of opportunity and will continue to provide the evening part-time program.

"It's going to be an amazing thing to watch," Werber said. He is sad to be leaving C-M, but he will always be looking in on the school. And he has not completely departed from teaching yet because he has committed to serving as Professor Emeritus in the area of first-year contract law for the next incoming class.

Werber leaves his students, friends, and colleagues with the following request.

"If anybody wants to do anything to say thank you for my service, contribute to the Wolstein fund because that fund is a major part of the future of this school," Werber said.

Bar passage rate to determine effectiveness of C-M bar course

By Margan Keramati
STAFF WRITER

Evaluation of the structure and effectiveness of the bar preparation course being offered to C-M students for the first time this academic year will be based upon the passage rate of students who took the course before the February or July 2006 Ohio bar exam as well as from student suggestions.

The goal of the course from the outset of its creation was threefold, said Assistant Dean for Student Affairs, Gary Williams, who also teaches the course. The course is designed to give students a head start on some of the substantive material on the bar, familiarize students with the writing style needed to write essays for the bar, and introduce students to the structure of the bar in general.

"The course is not meant to replace commercial bar preparation courses, but is instead structured to be a pre-bar prep course," Williams said.

Jared Hartman, 3L, is taking the course so that he would know what to expect on the bar exam. "I didn't even know what the MPE or MBE

were before taking this class, and I didn't want to leave it up to just a few weeks of Bar/Bri to get ready by the end of July," Hartman said.

The Ohio bar exam covers six double-tested subjects including contracts, torts, property, criminal law, constitutional law, and evidence, as well as five single-tested subjects including wills, commercial paper and secure transactions, ethics, Ohio civil procedure, and business associations, which can include corporations and agency & partnership.

The bar course at C-M focuses on the double-tested subjects, namely contracts, property, and torts because students feel like they are the most challenging subjects going into the bar, Williams said.

The structure of the course is mainly a lecture style, and students are required to turn in weekly outlines covering the subject material covered during that week. "To study for the bar, you need to outline, make mind maps, note cards, or something," said Williams. "You remember better when you outline."

Students in the course also take four practice MPT tests throughout

the course, and are able to receive individual feedback, Williams said.

The MPT, or Multistate Performance Test is a relatively new part of the bar where applicants are given all of the relevant facts and law they are to use and are given 90 minutes to complete the requested task which could be drafting a motion, interrogatories, or other kinds of tasks beginning lawyers are expected to be able to draft. (Students who are not enrolled in the course can still access practice MPT tests on the National Conference of Bar Examiners' Web site, www.ncbex.org, where tests from 1991-1997 as well as grade sheets are available for students to download.)

Some possible changes for next year's class will be to cover fewer subjects, but review the covered subjects more intensely, said Williams. "However, most of my class has told me to keep the course the way it is."

"The class is definitely helpful in that it reduces anxiety about the structure and format of the bar," said Hartman. "It is also helpful because we are refreshing ourselves with torts, contracts, property, and evidence."

C-M professor, students study bioethics in Israel

By Tiffany Elmore

GAVEL CONTRIBUTOR

Earlier this year, five students traveled to Tel Aviv, Israel for an intensive seminar in bioethics, co-taught by C-M Professor Dena Davis and Bar-Ilan Professor Noam Zohar.

Davis, a former Fulbright Fellow, and Zohar were both awarded the Fulbright Alumni Initiative Award that provided funding for two intensive bioethics seminars of approximately one week to be held at Bar-Ilan University and C-M.

In January, Davis and five students—four C-M students and a Cleveland State University graduate student—traveled to Tel Aviv with all expenses paid by Fulbright funding.

The seminar topic focused on end of life issues that analyzed ethical and legal concerns involving refusal of life-saving treatment, physician-assisted suicide, and hospice. The seminar addressed both American and Israeli standards and legal provisions.

"In Israel, it has been quite difficult to protect the right of people to make autonomous decisions about their own care," said Davis. "They don't have things like advance directives."

Davis and the students took time out to tour Jerusalem and experience local Israeli culture. "The important interaction was between the [C-M and Bar-Ilan] students," Davis said.

In June, Professor Zohar will travel to C-M with five Bar-Ilan students to co-teach the bioethics intensive seminar with Davis, which focuses on reproductive technology.

C-M competes in annual charity softball tournament



Photo provided by Brendan Healy

By Kathleen Locke

CO-EDITOR-IN-CHIEF

On April 7, 2006, C-M students traveled to Virginia to compete in the University of Virginia School of Law's 23rd annual softball invitational.

Sixty-four teams from 47 different law schools competed during the weekend competition. The games were played on 12 different fields at the University of Virginia and around Charlottesville. The softball team from C-M finished in the top 16.

The tournament raised money for the Child, Youth and Family Services. CYFS provides programs for families that teach parenting skills, encourage reading and promote quality child care.

This year, the tournament raised \$10,000 for this organization.

Members of the SBA-sponsored softball team were: Brendan Healy, Keller Blackburn, Scott Kuboff, Jared Hartman, Henry Geha, Eric Allain, Jack Mills, Joe Hada, Mandy Shaerban, Jen Isaac, Cathy Reichel, Meredith Carey and Evelyn Holmer.

Professors: new faces

Continued from page 1--

Court of Appeals, and he has clerked in Johannesburg, South Africa. He has a wife, two children and two dogs.

Ray hopes to bring unique contributions to the school and build on the exciting changes that are in progress. He hopes to get students interested in clerking, especially international clerkships.

The other new professor, Milena Sterio, is a native of the former Yugoslavia.

Sterio received her Bachelor of Arts from Rutgers University in French literature and political science.

Sterio combined both interests by enrolling in the joint Juris Doctor/maitrise en droit (French law degree) program at Cornell Law School where she spent two years studying in Ithaca, New York and two more years in Paris.

Sterio now works at Cleary Gottlieb

Steen and Hamilton in New York City.

According to Sterio, she has always had an interest in international law.

"I have worked on an application in the European Court of Human Rights for one of the former Yugoslav republics, on ICC arbitration, and worked for the Special Court for Sierra Leone," Sterio said.

Dean Mearns expressed his enthusiasm for these two new professors.

"We are fortunate to recruit these two new faculty members," Mearns said.

He cited their great life experiences and their commitment to excellence in teaching and scholarship. Mearns also encourages students to look into international law classes.

"As the business and legal professions become increasingly international in scope, it is important for our students to have more opportunities to learn about international law," 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!

Preparation key to success on final exams for students

By Karen Mika

LEGAL WRITING PROFESSOR

Any words of wisdom for doing well on finals?

The only way to do well on something is to rehearse for it. Consequently, aside from studying material, the best way to prepare for finals is to do mock exams under exam conditions.

Obviously, there is no way to tell how you did unless you have some type of model answer, so the best mock exams to use are the ones with sample answers.

In the alternative, the mock exams should be done in a group and should be compared. When comparing what is written down, the content should not be critiqued so much as the format.

Students too often underestimate the value of these dress rehearsals. Pretty much every student knows the same amount of law

prior to going into finals.

Legal Writing

There are only a finite amount

of elements and tests to memorize.

Success on exams depends on

clear organization, articulation and

application of those elements or tests.

Additionally, it is nearly impossible to anticipate how one will parcel out time under exam conditions. Quite often, exams involve complex issues that have many subparts.

Without "rehearsing" how long it will take to organize and set out the numerous subparts, it is likely that organization will suffer during an exam.

Panic often sets in, and the student winds up writing a stream-of-consciousness diatribe on every aspect of a particular course.

Despite what some students think, law professors are rarely impressed by a piece of writing that is simply a "mass" of information related to a particular topic.

Perhaps everyone knows this on some level, but there are a few things with respect to taking exams that must be repeated:

1. Answer the question(s)! Students have a tendency to dive right into the law without addressing the specific question posed. Students also have a tendency to decide to answer other questions besides those that are posed. Think of the answer as the topic sentence of a paragraph. Most paragraphs require a topic sentence in order to be coherent, and the same is true for exam answers. If you can't point to the topic sentence of a segment of an exam, chances are the answer is organized poorly.

2. Separate out rules from analysis, and place the rules first. Once again, if you can't look at an exam answer and be able to circle where the rules are and see that they come before any analysis, then there is probably something wrong with the answer.

3. Do not set out stray statements of facts that are disassociated from a legal rule that should precede it. For instance, the phrase, "The defendant pushed the plaintiff into on-coming traffic" means nothing legally. Compare that with, "The 'harmful touching' occurred when the defendant pushed the plaintiff into oncoming traffic."

4. Remember good principles of presentation. Don't underestimate the value of writing legibly, using headings, avoiding arrows and scratch outs, and refraining from paragraphs that continue on for pages. If you turn in your exam answer thinking, "I'm glad I don't have to sort through that," chances are that the professor will not find your work to be commendable. Too often students will say, "Well, it may not have been pretty, but it was all in there." The reality is that "pretty" is very significant.

C-M alumnus finds success with Charitee Hole-in-One venture

By Aaron Mendelsohn

STAFF WRITER

For three years Mike Burkons, class of 2004, was just like any C-M student.

He woke up, went to class, studied, and occasionally made time for extracurricular activities.

But while Burkons was attending law school, he was devoting hours to designing a system to monitor a golf hole for a hole in one and developing a business plan to reward golfers for doing this near impossible feat.

Perhaps the most coveted shot in all of golf, the hole in one has long made for competition, whether as a fundraiser during scrambles, or promotions at a golf course, and Burkons saw an opportunity and took it with the creation of his company, Nine Irons, and its Charitee Hole-In-One Monitoring System.

It all started back when Burkons was an undergraduate student at Connecticut College, when he and friends would hit the links on a regular basis.

At the time, every Tuesday a local Catholic school sponsored a hole in one contest on a certain par three hole, and for a five dollar chance, a hole in one won a new SUV.

A couple nuns monitored the hole and took the fee from prospective golfers, and Burkons and his friends continually found themselves going to the course on Tuesday, always plucking down the money in hopes of winning the prize.

"It was something we thought was exciting and cool," Burkons said via phone on his way back from his latest installation. "And I went back there the following year, and they didn't have it. We asked why they didn't have it, and the golf pro said they did it here on Tuesday, and did it somewhere in Rhode Island on a Thursday. Someone hit the hole in one and now it's over."

In further discussions with the course's golf pro, Burkons learned that the nuns' hole in one contest increased volume on Tuesday by over 20 percent, and he kept thinking to himself that if we were that golf pro, he'd find some way to duplicate that type of attraction.

Fast-forward a few years, and Burkons is living in Cleveland, attending C-M after working at a surveillance

company installing high tech security systems for clubs and restaurants. And that's when he started really thinking about creating a monitoring system for a hole in one.

"I said I bet I could create a system through outdoor surveillance technology that now makes it so a course could install this to every golfer for every round, so you don't need a human out

and ended up coming in second in the startup category.

He then spent most of his final year of law school working with an out-of-town engineering company, finalizing the prototype and pitching the idea to courses.

Finally, a month after graduation from C-M, Burkons saw his brainchild come to fruition, and he installed his first hole in one system at Manakiki Golf Course in Willoughby Hills.

Then on the first day of operation, someone hit a hole in one.

"It scared the hell out of me," said Burkons. "I thought maybe a lawyer was the way to go. It was the only one we had all year, but at that time I'm thinking, we can't afford one a day. This is no good."

Since then, four more hole in ones have been hit on Burkons' Charitee Hole-In-One Monitoring System, but Burkons says his

business plan actually calls for about four times the number of hole in ones than probability would have it.

"We have a pretty good cushion for some bad luck our way," said Burkons. "But hole in ones are good. We like seeing hole in ones. I don't like seeing them every day, but if no one hit hole in ones we wouldn't have a business."

Today, Burkons's monitoring system is on its third design iteration with installations on 4 area golf courses and another in Orlando.

Over a dozen more are in the works around Northeast Ohio and outside the region in warm weather markets.

Prizes start at \$500 with a normal green fee, and progress up to \$10,000 or a three-year lease on a Hummer, depending on whether the golfer decides to upgrade his chance for an added fee.

A charity of the golf course's choosing will then receive a substantial donation whenever a hole in one is hit.

As to that law degree he worked so hard to earn, Burkons said it was the best three-year boot camp to being his own boss.

"I believe that anyone that wants to go into business should go to law school instead of business school," said Burkons. "Law school really teaches you to pull out issues. A lot of time you know there is a problem, but the problem is so convoluted it's hard to see the issue. The one thing law school really teaches you to do is find the issue, and then find the way to solve it."



Photo provided by Mike Burkons

A golfer celebrates hitting a hole in one on a course with Burkons' system.

there," Burkons said.

"And that's kind of how it started. It was just one of those things, you have an idea, and all it is is an idea, and you just think about it, talk about it," said Burkons. "Then when I was in law school, I got to know one of my professors [Stuart Mintz], and he said, 'That's a great idea. Why don't you write a business plan for the Council of Smaller Enterprises (COSE) business plan contest?'"

So Burkons took Professor Mintz's advice and throughout his second year of law school began fine-tuning the design of the system, and also assembling a business plan to make his idea a reality.

But before Burkons got too involved, he put his legal education to work, researching the law to ensure there were no legal roadblocks.

In his research, Burkons discovered that the majority of state supreme courts and attorney generals found nothing wrong with someone investing in himself to get a return.

"I think the last time this has been litigated was 1992," said Burkons. "And every single time it said, this is not a game of chance. A good golfer's got a better opportunity to hit a hole in one than a poor golfer. When I came up with this idea in law school that was the first thing I researched. Was this gambling? And every decision in the history of it has come out that it isn't."

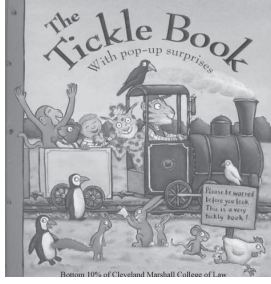
So with the support of the law and his professor, Burkons entered into the COSE small business plan competition,

Battlestar Galactica taped



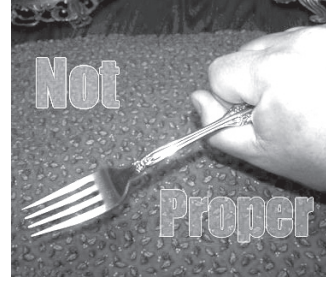
LAW, PAGE 4

Bottom 10% to publish journal



OPINION, PAGE 5

OCP to focus solely on nagging



CAREER, PAGE 6



THE GRAVEL

VOLUME 54, ISSUE 6 MAY 2006 SPECIAL INSERT

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Online VCR-repair college beats C-M in U.S. News and World Report rankings

By Ann B. Davis
STAFF WRITER

In a stunning upset, Cleveland-Marshall College of Law was felled by www.vcr-repair-diy.com, an online college offering three and five-month degrees in VCR repair, in the recent ranking of law schools by U.S. News and World Report.

C-M officials declined comment, except to express puzzlement that an institution that does not even tangentially address the study of law was considered better than C-M.

U.S. News spokeswoman, Dora Cline, said that the online college has expressed pluck, and boasts an impressive job-placement rate.

"Ninety-eight percent of its graduates pass the minimum-competency tests required by some

See VCR, page 2

C-M reaches Tier I in minesweeping

By Barry Williams
STAFF WRITER

While perhaps undue emphasis is placed on the ranking of law schools by U.S. News and World Report, C-M has quietly joined the ranks of something even more prestigious.

Microsoft has recently announced its ranking of the country's leading minesweepers, and C-M has vaulted to the 24th spot, good enough to be included in the top tier of minesweeping.

"In our rankings, we look at more than just the overall completion rate of the game," said Microsoft spokesman Jon Trammel. "We also consider the difficulty level chosen, and the chances the sweeper takes, as well as any innovative and unorthodox methodology used. C-M students, especially those in their last semester, exhibit all of these qualities brilliantly."

Among the attributes that impressed Microsoft was the fact that C-M students were more likely to select the intermediate or expert difficulty level than they were to select the beginner level.



"Oftentimes, law students will exert only minimal effort in order to get the biggest payoff," said Trammel. "So they select the easiest level, where there are only ten mines and you can win almost every time. Frankly, future clients deserve better than that."

Trammel said that the biggest problems were within the Tier IV schools.

"You wouldn't believe it. These are students likely to use the custom option, whereupon they create a huge minefield, but only put five mines in it," said

Trammel. "These are students who will simply not perform well when forced to play a standardized game after law school. Preparing for a standard game is hard enough. You don't want to be in the position of having to play again six months later."

God annoyed by Christian Legal Society fliers



By Maureen McCormick
STAFF WRITER

Heaven – In an unprecedented move, God, the creator of the universe, has denounced all of the fliers put up by the Christian Legal society.

Surrounded by cherubim and seraphim at a press conference on Tuesday, God explained that while He agrees with the purposes and goals of the student organization, He believes the fliers are not a proper means to these goals.

"Hey, I'm all for self-esteem boosting; that's part of why I'm in this business," said God. "But these fliers are not going to attract anyone with which I'd be caught dead. Don't get me wrong, I'm supposed to love all of my Creation, but some folks are really pushing that unconditional love."

Among the offending catchphrases on the fliers was "God answers knee-mail."

"Yeah, nice one," retorted God sarcastically, "Somewhere in 1995, a rural church sign is missing its slogan."

Also offensive to God was a flier that showed a mohawked punk stating that he and his barber were still in litigation.

"It's friggin' 2006, people," said God. "Surely not even my most backwards fundamentalist followers can be phased by mohawks in this day and age."

God also explained that he was sympathetic to the punk rock movement. "I spent a lot of time on the

See GOD, page 3

Retro-crazed student Shepardizes by book exclusively

By **Eve Plumb**

STAFF WRITER

When it comes to modern legal technology, 2L Jason Dixon is not a friend. This is not from a lack of know-how when it comes to services such as LexisNexis.

Rather, Dixon feels that doing research by book harkens back to a simpler, more innocent time.

Dixon explained his preference by checking out a 1972 Shepard's book from the library. "Dig it, man," Dixon said. "When this book was printed, these cases were hot off the presses. People were just starting to talk about them, and they were not the classics that they are today."

Dixon added, "Just imagine reading that *Samson v. Central Machine Corp.* had been overruled. Right off these very pages! That's a feeling that little digitized stop signs and yellow triangles can never replace."

Dixon also expressed his preference of slip sheets over any other form of case compilation.

"What modern lawyers don't understand is that these slip sheets represent the way these cases were *intended* to be



Photo by Don Herbert

Jason Dixon pursues his obsession in an abandoned section of the Law Library.

read. The way that each page only contains two or three paragraphs, there's just such a perfect flow," said Dixon. "The manner in which cases are digitized into one page on Lexis or Westlaw is just pure travesty."

"The judges who wrote these opinions wanted you to take the time to turn each page. That pause was there for a reason. Nowadays, people just scroll through the whole thing in one sitting. What a shame," Dixon added.

Dixon's behavior has attracted some attention from Law Library staff.

"At first, I thought he might be Amish or something," said a library staff member. "When I asked him if he needed help logging on, he flew into a tirade about how scratches and smudges on the pages gave the cases character. I quickly made up an excuse about how I had to go elsewhere in the library."

Still, Dixon's odd behavior has been applauded by law book publishers.

Said one Thompson-West representative, "Without weirdos like Jason, we would go bust. His fetish literally justifies the row upon row of never-opened books you see before you."

C-M students protest date and location of commencement

By **Robert Reed**

STAFF WRITER

To the ignorant masses, May 20 is just an ordinary day.

However, for those who know their history, May 20 is a day of infamy. It is also the date set for C-M commencement.

Graduating 3L Charlie Gleason is trying to raise awareness about the shame of this day and is urging administration officials to change the date of commencement.

"Did you know, that on May 20, in 1986, the Chinese government authorized martial law in Tiananmen Square," said Gleason. "Obviously anyone who attends graduation ceremonies on this date

tacitly supports the running over of student protesters with tanks."

According to Gleason, the atrocities of May 20 do not end there. "North Carolina seceded from the Union on May 20, 1861," added Gleason. "Do you really want to send the message that by attending graduation, you support everything the Confederacy stood for?"

Also offensive to Gleason is the scheduled location of commencement, the former CSU Convocation Center.

"Undocumented migrant workers almost certainly contributed to the construction of this facility," said Gleason. "If you are com-

pletely ok with the socio-economic inequities inherent in this dark side of capitalism, then by all means attend. Have fun. Eat cake."

C-M administrators are taking these protests seriously, and have stated that they are dedicated to finding a date on which nothing bad happened.

"Statistically, February 29th would be most palatable because it occurs only once every four years," said an anonymous C-M administrator. "Unfortunately, current 3Ls will have to wait until 2008 to graduate. If it means, however, that a couple people won't be offended, it will all be worth it."

CSU to open college of Honda modification

Applications from Parma alone triple within minutes of the announcement

By **Christopher Knight**

STAFF WRITER

Cleveland - Big things are afoot for undergraduates at Cleveland State University.

At a press conference on Wednesday, President Schwartz announced that the university will offer a new course of study that will focus on entry-level car modification and loitering.

The university will open the College of Honda Alteration Vocation, or CHAV, in the fall of 2009.

"For years, we've been telling our undergraduates that they can be the CEO of a large corporation if they apply themselves," Schwartz said.

"We feel, however, that it is time that CSU adjusts its expectations. The truth is that our graduates are most likely to spend the remainder of their careers driving a bass car with an undercarriage neon light around a Giant Eagle parking lot," said Schwartz. "We feel that CHAV will help prepare these students for their inevitable futures."

While much of CHAV's curriculum will place emphasis on attaching awkward spoilers to hatchbacks and the application of window tinting with a copious amount of air bubbles, non-automobile related courses of study will also be addressed.

"CHAV will allow its students to tailor their degrees," said Schwartz. "For example, we plan on offering minors in hanging out all damn day in front of Walgreens, and public spitting/cussing."

Women's studies will also be addressed by CHAV, said Schwartz.

He explained that while a great deal of emphasis will be placed on the male deadbeat, CHAV will offer special courses in Kappa tracksuit wearing and conspicuous thong display.

The announcement has already had a substantial impact on future loiterers.

13-year-old Jeff Butcher of Garfield Heights, who is an avid Insane Clown Posse fan and glue sniffer, said the new college had piqued his interest.

"After high school, I was just planning on standing in front of convenient stores, asking older people to buy me bottles of Boone's," said Butcher. "Now I can channel that non-energy into a career."

VCR: a humiliating defeat

Continued from page 1--

states to fix VCRs," said Cline. "Compare that with the mere 60 percent of C-M students who pass the Ohio Bar. We just feel credit ought to be given where it is due."

Although C-M would not specify what measures it would take to avoid future defeats by other quasi-colleges, the situation has already emboldened would-be competitors.

Dwight Pinkson, who runs a kennel out of his trailer, thinks he has what it takes to get a leg up on C-M.

"I was thinkin' I could offer some kind of dog grooming certification," said Pinkson. "My Ebay business selling used carburetors is going good too. That's probably as good as some lawyer, huh?"



The bane of Cleveland-Marshall's existence.

Professor Sagers celebrates 1000th in-class pop culture reference

By Florence Henderson
STAFF WRITER

With an exclamation of "You're out of your element, Donnie!", Professor Chris Sagers achieved what other law professors only dream about.

That is because, with this passing reference to the 1998 movie *The Big Lebowski*, Sagers made his 1000th reference to pop culture in the course of his law school instruction.

Such fluid references did not always come easily, said Sagers, who insisted upon being interviewed while wearing a "Vote for Pedro" t-shirt.

"A few years back, I actually made some crack about the Business Judgment Rule being the shiznit," said Sagers. "Boy, did I have a lot to learn."

But the youthful Sagers did learn many lessons, specifically that "dope" and "fresh, yo" can be used ironically, but never as earnest superlatives, and also that nobody has gotten jiggy with anything for quite some time.

Sagers also emphasized the importance of mild profanity.

"When you're well into the second class period dealing strictly with conflicts of interest among corporation officers, a well-placed "biyaaaatch" can lighten the mood and really get students to pay attention. When the going gets real tough, I break out 'Damn, it feels good to be a gangsta!', and my point usually gets across," Sagers said.

Other C-M faculty members have met with less success when trying to inject pop-culture levity into their lectures.

"One time I made a reference to [Lawrence Welk accordionist] Myron Floren," said an anonymous professor, "but I think my delivery was a little too subtle for the students to pick up."

Meanwhile, Sagers has big plans for the Fall 2006 semester.

While refusing to tip his hand, Sagers wryly remarked, "We'll just see what happens when you mix defective incorporation with *Brokeback Mountain*." Lucky students will see, indeed.

Homeless men enjoy stimulating academic atmosphere at C-M, Family Feud on television with poor reception, your lunch

By Susan Olson
STAFF WRITER

C-M prides itself in the positive effects it has not only on its students, but also on the community at large.

Nowhere is this more evident than in the services that the school offers for transients who are just trying to scrape up enough money for a bus ticket somewhere.

"Being in a place where students are exercising their minds is nice," said area homeless man Terry Metzo. "But what I really enjoy is standing in front of the hand dryer in the men's room for 20 minutes or so."

Fellow transient Russell Jenson agrees.

"This student lounge is the perfect place for me to set down the eight plastic bags full of worthless crap that I carry around all the time," Jenson said.

By far the biggest draw, however, is the television located in the student lounge.

The set receives one channel and encounters substantial signal interference, but its selection of quality daytime programming is unsurpassed.

"Plinko!" yelled Metzo, while watching *The Price is Right*. "Plinko!" yelled Metzo four hours later, while watching *General Hospital*.

The increased popularity of the lounge area among transients has resulted in a drop-off in similar stew-bum activity in the law library.

To counter this loss in transient business, the library is offering incentives, such as unlimited computer access to conspiracy-theory Web sites, "Defecate on the Floor Fridays" and has even considered installing restroom facilities in which men such as Metzo can take a sponge bath.

GOD: Smites fliers

Continued from page 1--

New York club scene in the late seventies, and counted the crowd at CBGB's as some of my closest friends. No respectable punk would sue his barber. Hell, it's decidedly un-punk to even go to a barber."

God took issue with a recent flier that insinuated that law students were more likely to know lines from popular movies than Bible verses.

"Well, no shit, Holmes," said God. "Frank the Tank is funny stuff. How is the Old Testament

supposed to compete with that? Truth be told, that entire book was just part of a contractual obligation with my publisher. I wrote it in, like, four days, and I barely remember any of it. I didn't even take my traditional day of rest afterward. Don't tell Me that people still take it seriously?!"

In contrast to the present wrath of God, Jesus Christ, His son, took a more tempered approach.

"Hey, I'm reserving judgment until the End Times," said Mr. Christ. "Although from what my old man tells me, it sounds like I should reserve an extra plague of locusts for these jokers."

Lost and Found

As I tip-tip-tiptoe through the dark corners of time, those things which are lost to myself and others explode through the synapses of our collective minds. For instance, a key chain. This handsome accessory, complete with bottle opener, can enable one to open doors, but one must always hesitate to open that which should never be opened. For the dark Mr. Hyde to the Jekylls of the world can run amok. By the way, the key chain says "brew crew" on it.

Socks are strange and socks are nice. A lost sock is a harbinger of things to come. I foresee a blue and yellow argyle sock that would be suitable to a foot or perhaps the leg of a wombat. I have been told that wombats have very exacting tastes, and would not be caught dead in such a sock. So the sock will have to go to its rightful human owner, or until such time that wombats lower their standards.


Disclaimer

This is a work of satire. Any similarities to actual persons, places or events, whether intentional or not, are nevertheless coincidental.

No animals were harmed in the making of this issue. May cause scurvy, dropsy and scarlet rubella.

Do not operate heavy machinery. Women who are or may become pregnant should consult a doctor prior to reading.

THE GRAVEL
CLEVELAND-MARSHALL COLLEGE OF LAW
CLEVELAND STATE UNIVERSITY
216.687.4533 TELEPHONE
216.687.6881 FAX



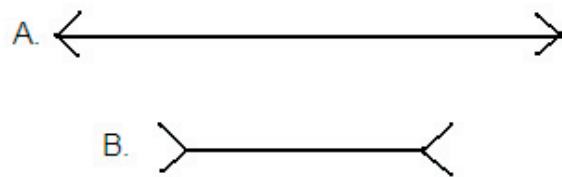
Editors-in-Chief
Robert Van Winkle

Staff
Ann B. Davis
Florence Henderson
Christopher Knight
Maureen McCormick
Susan Olson
Eve Plumb
Robert Reed
Barry Williams

Linguistic Advisor
Mared Jaloof

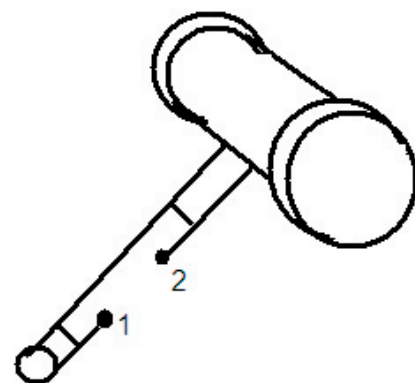
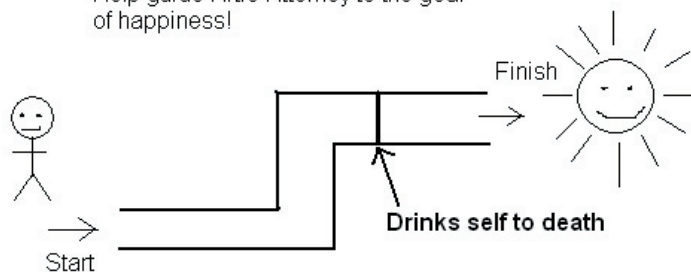
KIDZ CORNER

Hey there, kiddos. Can you guess which line is longer?



Answer: Although both lines appear to have the same length, line A is actually longer!

Help guide Artie Attorney to the goal of happiness!



Hey Kids! Connect the dots to reveal a mystery picture!!! (Hint: it has something to do with the name of this newspaper.)

IT'S BACK AFTER 17 YEARS!



Make sure you don't miss a chance to be a part of this historical event ! It's a hardback book, 100 pages in full color!

Orders yours today at:
csu.fanfare.sales@gmail.com

Yearbook	\$25.00
Name embossed	\$ 2.00
Mailed to you	\$ 5.00

The Political Broadside

Immigration policy debated

Question: Will tough sanctions on illegal immigration lead to effective reform?



By Bradley Hull
CONSERVATIVE GAVEL COLUMNIST

Any law without an enforcement mechanism is doomed to failure. By passing H.R. 4437, the House of Representatives has formally recognized that a guest-worker program (like all immigration reform measures) is meaningless behind a broken border. The bill requires dramatic new southern border security measures. Roughly 900,000 illegal immigrants cross the Mexican border annually, and they enter the United States with nearly no protected status. Thus, H.R. 4437 represents the first step toward solving the security and economic problems associated with illegal immigration,

and the Senate, in drafting a counterpart bill, must incorporate similarly strong border-strengthening measures.

Illegal immigration poses a substantial security threat to the United States. As of 2005, illegal aliens from 12 countries that sponsor terrorism or harbor terrorists had entered the United States across its southern border. This includes Mahmoud Youssef Kourani, who in 2005 pleaded guilty to federal charges of “providing material support” to the foreign terrorist organization Hezbollah.

In addition, illegal immigration imposes staggering financial costs on both individual states and the entire country. The estimated 12 million illegal immigrants currently living in America are 50 percent more likely than citizens to be on welfare. The Center for Immigration Studies estimated based on Census Bureau data that households headed by illegal aliens used \$10.4 billion more in federal government services than they paid in taxes in 2002. The economic burden on Border States is also substantial.

H.R. 4437 is largely patterned on DHS Secretary Michael Chertoff’s “Secure Borders Initiative”. It first attempts to combat these problems by requiring up to 700 miles of fencing along the southern border at points with the highest number of illegal immigrant crossings. The fence would be modeled after the Israeli West Bank barrier, credited as a major causal factor in reducing incidents of terrorism within Israel by 90 percent between 2002 and 2005. Further, 56 percent of Americans favor building a security fence along the Southern Border.

Next, the bill requires federal authorities to take custody of detained illegal immigrants and to reimburse local agencies in Border States for related costs. This would end the disturbing practice of “catch and release,” demonstrated in a 2004 press conference by Rep. Solomon Ortiz (D-Texas). Ortiz noted that Middle Easterners with possible terrorist ties have been detained after entering the country from Mexico, but subsequently released for lack of jail space.

In addition, H.R. 4437 imposes substantial fines on those who employ illegal immigrants. This penalty would deter corporations from employing people in conditions unfit for their health and welfare. It would also meaningfully encourage lawful entry into America, thereby discouraging use of the brutal smugglers and gangs involved in illegal immigration. A supermajority 73 percent of Americans, including 79 percent of Republicans, favor imposing fines on employers who hire illegal immigrants.

In addition, lawmakers need to remedy the glaring problems of fraud in procuring immigration documents. A 2002 Government Accountability Office report found that immigration fraud was “pervasive and significant”. A later GAO report found two-thirds of the 94 foreign terrorists known to have operated in the United States between 1992 and 2004 committed immigration document fraud.

The Western Hemisphere currently contains a large third-world population, and an America with both a broken Southern Border and a financial inability to formally deport all illegal immigrants it catches. If the Senate is serious about creating meaningful immigration reform, then it must first work to secure the border. Otherwise, a guest-worker policy behind an unenforced border would be treated by illegal workers as optional and laughed at by plotting terrorists.

Liberal rebuttal...

I find it amusing that we need a giant fence along our border to prevent “plotting terrorists” from getting in, but we can allow all our ports to be controlled by the United Arab Emirates. We have to check our shoes at the airport, but we don’t have to search imported cargo containers. You conservatives always want to make every issue about “terrorism” and “fear”, while neglecting the obvious hypocrisies of your other policies.

Your numbers are suspect. Illegal immigrants are ineligible for welfare. Big business does not want to end illegal immigration because they economically benefit from their cheap labor. A 1996 study by the ultra-conservative Heritage Foundation reported that immigrant men had a higher labor force participation rate than American-born men (77 percent vs. 74 percent), so a larger proportion paid employment-related taxes. Also, a 1995 Cato Institute study (also conservative) found that illegal immigrants paid approximately 46 percent as much in taxes as American-born citizens, but they received only 38 percent as much from the government.

In closing, remember, we have a Republican President, House, and Senate. We also have Iraq, Katrina, Jack Abramoff, record deficits, record government spending, and outrageous gas prices. There is no one else to hold accountable for all this disaster but those in control.

By Paul Shipp
LIBERAL GAVEL COLUMNIST

Like most of the problems that plague our country, the recent debate over illegal immigration is largely a result of our own government’s doing.

NAFTA, pursued by George H. Bush, and signed by Bill Clinton (with a Republican Congress) is one of the major reasons for the increase in immigration from Mexico in the last 12 years.

The mostly Republican push for free trade and a global economy has exploited the labor, resources, and environments of countries like Mexico for years. This in turn lowers wages, living standards, environmental standards, and creates the dire working conditions that spur a massive exodus from Mexico into the United States in search of living wages.

Imagine you were born in a poor country with few economic opportunities. Wouldn’t you do anything to feed your family?

The recent House Bill that would make illegal immigrants felons, as well as anyone who aided and abetted them, is the worst idea ever...well, other than the Iraq war.

Implicit in this bill is the idea that a tougher punishment will “deter” illegal immigrants. Just like the death penalty “deters” murder, or how federal mandatory minimum drug sentencing “deters” people from selling drugs.

This is the classic Republican solution of trying to solve a problem by punishing people with harsher penalties. All that does is fill our prisons with the poor. People must make a living and survive.

Nothing will deter someone from trying to feed their family, even the risk of crossing the border illegally in search of work.

Instead of punishing behavior, we must address the causes of the behavior. If we want to stop illegal immigration, then we must demand better treatment of workers and families in Mexico through U.S. policies that do not allow exploitation by U.S. companies.

A recent Plain Dealer article by Michael Sangiocomo put the number of illegal immigrants in Ohio at 150,000. The article also noted that the majority of illegal immigrants have no criminal records, they are just here illegally.

It makes no sense to turn this entire group of people into felons, as well as any family or friends they have in this country for aiding and abetting them. The end result would fill our prisons with Hispanics.

With consequences like that, it’s easy to understand why the recent immigration bill ignited hundreds of thousands of people to protest in major U.S. cities. The economic consequences of illegal immigration, to which there are pros and cons, should be at the forefront of the issue. However, for many Americans it is an issue of culture, race, and class.

There are approximately 12 million illegal immigrants in the United States. Hispanics are the second largest and fastest growing ethnic population in the United States and have become a powerful voting block that has already flexed its muscles via the recent mass demonstrations.

Illegal immigration is a major issue for both political parties. The current administration and the current Republican Party are incapable of formulating the progressive policies that are necessary to straighten out illegal immigration.

Ultimately, making illegal immigration a felony will only further exacerbate the problem and expose illegal workers to more exploitation. They will fear being discovered, not seek help, and will be even more easily taken advantage of by employers of illegal immigrants.

For a party that claims to be so Christian, Republicans are very intolerant of poor people and ignorant of the issues that cause poverty. Wasn’t Jesus all about helping the poor? Would Jesus have thrown poor immigrants in prison for trying to feed their families?

Conservative rebuttal...

Facts matter. Bill Clinton’s NAFTA was passed in 1993 by a Congress with Democratic majorities in both the House (258-176-1) and Senate (56-44). Every Democratic Presidential nominee since 1992 has supported NAFTA. Yet you falsely claim that the free trade movement is “mostly” Republican. Last time, your entire abortion argument rested on the false premise that a majority of Americans support abortion-on-demand, even though 55 percent of Americans think abortion should be illegal beyond circumstances of rape, incest, or to save a pregnant woman’s life (CBS, 1/2006).

You correctly observe that “the economic consequences of illegal immigration...should be at the forefront of the issue”, but subsequently fail to address them.

You wisely argue that helping reduce poverty in Mexico is both morally correct, and necessary for the United States to reduce illegal immigration. However, you fail to demonstrate that this would be incompatible with creating meaningful immigration reform in America, which requires border security.

However your “blame America” attitude, combined with a total oversight of the security issues associated with a broken border, is the most telling. If the Democratic Party adopts this stance, it will be pushed one step closer to total irrelevance to Washington politics this November.



President-elect recaps successful year, looks ahead

By Scott Kuboff

SBA PRESIDENT-ELECT

First and foremost, I would like to thank everyone for giving me this opportunity to serve as your SBA president.

You have elected an executive board dedicated to improving the quality of your experience here at C-M.

In our last meeting of the school year, Senator Eric Allain, 3L, was awarded the "Gerald R. Walton Senator of the Year Award."

Mr. Allain earned this honor through his dedication to the student body and his active participation in the senate.

Also, the senate passed a resolution, drafted by Senator Brian Hardman (1L), creating the "Sample Answers Program."

Hopefully, this initiative will make sample answers, for every class, available on law library reserve. Speaker Matt Mishak (3L) chaired the Committee.

This year the SBA End of Year Social will be held at the rooftop bar of the Velvet Dog on Thursday, May 18 – time to be determined.

This will be a great opportunity to celebrate the end of a successful year, as well as to meet your new SBA officers and thank the out-going officers for their hard work and dedication.

Looking ahead, some of our objectives include: improving the communication between the SBA, student leaders, and the student body at large; searching for new resources through which students can seek employment; fundraising to continue great student traditions; fighting to keep funding for student organizations; and ensuring that part-time students are well represented in the senate.

Finally, I will be around all summer, so please do not hesitate to contact me by e-mail if you have any questions or comments.

Good luck on your final exams, and to the graduates, congratulations and good luck on the bar exam.

Does a lawyer in the family lead to better grades?

By Kurt Fawver

STAFF WRITER

For many C-M students, family has an incontrovertible influence over academic successes and failures.

The jobs family members hold and the amount and type of support they give all factor into a student's mental and emotional well-being.

But how much does family history and, more importantly, legal knowledge gained through parents, siblings, spouses, or other family members affect a student's performance?

The Gavel recently conducted an informal survey to answer that question.

In the survey, C-M students were asked to anonymously answer a series of questions regarding their family background's impact on their legal education.

The survey intended to focus on the subjective extent, if any, that lawyers in students' immediate families played in their law school careers.

Objective questions were also given in an effort to compare academic success between students from families with lawyers and students from families without members in the

legal profession.

The survey's results were mostly predictable, but a few aberrations did appear.

Here is a sampling of the statistics, based on the 98 C-M students surveyed:

- Nearly 80 percent of the students did not have lawyers in their immediate families.

- Of those students with non-legal family backgrounds, 58 percent believed that their academic performance has not been negatively affected by the lack of a lawyer in the family, while 42 percent contended that it has hurt their success.

- The average approximate GPA of a student with a lawyer in the family was 3.16, while the average approximate GPA of a student from a non-legal family was 3.02.

- The percentage of students with GPAs below 3.0 was close to three times as great in the non-legal family group as in the legal

family group.

- More than 60 percent of all students from non-legal families felt that their performance in law school could be better if a close

drawn.

While both groups had similar grades, the heightened occurrence of sub-3.0 GPAs among the students without lawyers in their families suggests that there may, indeed, be a correlation between academic success and sharing genes with a lawyer.

"Law is in the blood," said one unnamed 2L. "There's a lot expected from you. But, you also get valuable advice."

The fact that nearly all students with lawyers in their family received assistance in substantive classes is also telling.

A lawyer in the family can prove to be an invaluable study aid. Better than a Hornbook, better than a Nutshell, a lawyer in the family can be an interactive tool to help students muddle through troublesome subjects.

"I'd love to have someone else to turn to for answers," said a 1L survey taker. "I don't know if it would help my grades, but at least it would give me more peace of mind."

"...the heightened occurrence of sub-3.0 GPAs among the students without lawyers in their families suggests that there may, indeed, be a correlation between academic success and sharing genes with a lawyer."

relative was a lawyer.

- Roughly 75 percent of the students from legal family backgrounds felt that having a lawyer in the family helped them in law school.

- Of the 21 students with lawyers in their families, all but three said they have received help in substantive classes from lawyer family members.

Overall, the survey did not reveal any shocking truths or alter the fabric of C-M's reality.

It did, however, highlight some intriguing discrepancies from which many conclusions could be

1L looks back on successful year, reveals self

By Amey Griffin

GAVEL COLUMNIST

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

It is almost over! As finals are rapidly approaching, it is down to crunch time.

We have had a great year full of hard work, fun and memories.

As we approach the home stretch it is difficult to look back at all the experiences of first-year law school and not roll with laughter.

Were we really that afraid of being called on?

Did we really have to analyze every single meaningless detail of the case in our five-page briefs?

I thought my worst law school nightmare was waking up 15 minutes into my first property class on the first day of school after spending half the night analyzing

one case!

Little did I know there would be so many more ups and downs over the next nine months!

I know one day we will all look back on the experience as a tool for learning and growing that ultimately made us stronger lawyers, and even more so, stronger people.

But screw all of that now! Finals are rapidly approaching and the stress has never been so high. It is now or never!

The home stretch is right in front of us, and it is time for our final kick to break the tape.

Many of us may have started off slow, but how we finish is truly how we should be measured.

The bottom line is that we are another year closer to meeting our

goal and another year closer to beginning our careers.

In the end, it is not the achievements that define us but the journey.

Our journey is more than grades and honors. It is also more than journal invitations and elections.

At the end of the day, whether we are in the top 10 percent or the bottom 10 percent of the class, we are still just people.

We are not a class percentage; we are a whole person, complete with desires, aspirations, and experiences.

We need to remember that there is life beyond law school, especially (thank God!) the first year.

The first year has given us a valuable experience in learning the law.

It has also taught us a thing

1L
First year
life
Part VI

Workshop held on campaigning tactics

By Shawn Romer

STAFF WRITER

On March 30, 2006, the C-M College of Law Republicans hosted a workshop for aspiring politicians.

The workshop featured four area Republican experts in local campaigning: Mathew Abens, a member of the Cuyahoga County Republican Executive Committee; Michael Chadsey, Political Director of the Summit County Republican Party; Nicholas Ciofani, former political consultant for Chagrin Falls Mayor Tom Brick; and Scott Maloney, former Bay Village Board of Education member.

Though hosted by the C-M Republicans, the event was non-partisan and provided information regarding nearly all aspects of organizing and running a grass-roots political campaign.

According to the panel, a potential candidate must first choose the kind of office he wishes to seek.

Running a political campaign is a major time commitment, so one must decide whether he can afford to wage a campaign that will require a full-time commitment. Also, when making this decision, one's chances at winning may not be the major consideration.

Often, candidates run even though they predict failure. Running an inevitably unsuccessful campaign could be a way to gain experience, notoriety, or please

the party. Hopefully, this will prepare the candidate for future elections.

Sometimes it is best to have the party ask you to run rather than to individually seek office. This ensures party support and hopefully funding.

To be recruited, the panel recommended participating in party events, including fundraisers for other candidates, volunteering for other campaigns, and attending rallies, speeches, etc. Becoming visible is paramount.

A potential candidate also has to fulfill a number of technical requirements. First, a potential candidate should go to the local board of elections and learn all rules and regulations regarding elections and campaigning in that particular district.

Each district is different, and many campaigns have faltered by assuming that they knew the rules.

Normally, a candidate will have to file a petition for candidacy with the local board of elections. This requires a certain number of signatures. There will be a specific deadline for filing the petition, which is often inflexible.

Failing to timely file will lead to disaster – either inability to run, or the candidate will have to mount a write-in campaign. Also, a candidate must declare a treasurer, who should be someone the candidate knows and trusts.

The campaigning itself involves a lot of door-to-door politics. Often, shaking hands and spreading the

candidate's message through word-of-mouth are the most effective ways to wage a local campaign.

Also, passing out useful items, such as notepads and pens, which a potential voter is likely to use repeatedly and not immediately discard, are excellent campaign tools. They promote name recognition.

Mounting a letter-to-the-editor campaign, putting out advertisements in the local newspaper, and putting your name on anything and everything are effective campaigning activities as well.

One of the most effective campaign techniques is to mail fliers, though it is a very refined art. The average life of a flier is a matter of minutes because they are often discarded almost immediately after receipt.

Potential voters usually read only enough to discern that the piece of paper is a political flier, which usually includes a glance at the name and possibly the office sought.

Accordingly, an effective flier will devote most if not all of its front page to this information.

The goal is to attract the reader's attention and persuade him to flip-over the flier, where more detailed information on the candidate and reasons to vote for him are located.

Even if the reader does not get that far, he has put the candidate's name with an office, which might be enough to induce him to punch that name on a ballot amidst a handful of unknown names.

A candidate's best campaign tool is himself.

Promoting oneself by showing that the candidate is informed, takes a stance on issues, empathizes with the plight of the voter, and honestly cares about the well-being of the district are all important messages to send to potential constituents.

When attending events, be the most outgoing person there and wear a nametag.

A candidate should say his name and the office sought as many times as possible. Repetition is a valuable marketing practice.

Possibly the most important part of any campaign is fundraising.

Calling individual voters and asking for donations, seeking large contributions from organizations and wealthy individuals, and personal expenditures are the most common sources of campaign funding.

Also, reducing payroll by enlisting volunteer help is a key way to indirectly fund the campaign.

However, one should proceed with caution when using volunteers – an awkward, misinformed, or otherwise rude volunteer can frustrate rather than encourage potential voters.

According to a multi-state campaigner not affiliated with the panel discussion or C-M, funding is one of the most important distinctions between local politics and state-wide campaigns.

While one can run a local campaign with little to no news media

expenditures, this will make or break a state-wide election effort.

Campaigns are focused on getting as much attention as possible for the candidate (preferably positive), and an integral way to achieve this on the state level is to use television, radio, and newspapers. These ads are very expensive.

Door-to-door campaigning will help, but it is unlikely that a candidate will succeed without the funding necessary to utilize a media in drawing attention to him.

Also, according to the same multi-state veteran campaigner, negative campaigning is the major difference between local and state-wide campaigning.

Because state-wide campaigns have to use the media to communicate their message, if they wish to communicate a negative message against the opposing side, they must have their ads approved by the media outlet.

These outlets are liable for libel and other lawsuits, so they require a heightened amount of credibility.

No such requirement exists in local campaigns, where word-of-mouth rumor campaigns are effective and carry no similar liability.

Running for office is not simple, and there is no specific rubric for success.

However, these tips have proven effective in the past and are all aimed at accomplishing the same thing – reaching the voters, and any way a potential candidate can do this will elicit success.

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

Adam Davis
Nichole DeCaprio
Tiffany Elmore
Kurt Fawver
Christopher Friedenberg
Amey Griffin
Bradley Hull
Margan Keramati
Peter Kirner
Michael Laszlo
Aaron Mendelsohn
Shawn Romer
Brian Sammon
Paul Shipp
Daniel Thiel
Chris Tibaldi
Stephen Wolf

Advisor Thomas Buckley
Printer P.M. Graphics

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

Lethargy sets in on 3Ls' home stretch

By Nichole DeCaprio

STAFF WRITER

Ahh, my last semester of law school. The end is in sight.

But am I sprinting, pushing myself to the limit to come out ahead?

Nope. Now that I can see the finish line, I figure I'll just mosey on by...

Wikipedia, the online encyclopedia, defines "senioritis" as "the laziness displayed by students nearing the end of high school and college."

Though not recognized by the American Psychological Association, it can be considered a combination of attention deficit disorder and amotivational syndrome.

Its symptoms include slowness, procrastination, apathy regarding schoolwork, truancy, and the inability to control mood swings, consummate relationships, or maintain personal hygiene.

It smells a lot like what many graduating 3Ls and 4Ls are going through.

According to the 2005 Law School Survey of Student Engagement conducted by the Indiana University Center for Post-secondary Research, the approximately 8,000 graduating (3L or 4L) Juris Doctor

students responding to the survey said that, on average, they spent less time on academic work as compared to their 1L and 2L counterparts.

3Ls and 4Ls were reportedly less likely than 1Ls or 2Ls to come to class with readings or assignments complete, less likely to work harder than normal to meet a faculty member's standards or expectations, and less likely to discuss ideas from classes with others.

Most students like to think professors aren't on to our clever laziness-masking strategies (who among us hasn't used the old stand-by "I read this case so long ago, the facts are a little fuzzy to me" when called on unprepared?).

Unfortunately, professors themselves were once law students and can sniff out senioritis like a bloodhound. Professor Sagers is one of those bloodhounds.

"As for senioritis among C-M students, oh *man* have I noticed it, like every spring," said Sagers. "My favorite story was the time a 3L came to see me at about 11 a.m. on a

"...who among us hasn't used the old stand-by 'I read this case so long ago, the facts are a little fuzzy to me' when called on unprepared?"

St. Patrick's day, obviously already seriously loaded, and said 'Professor Sagers, I'm really sorry but you can't call on me in class today. I mean, you know, it's St. Patty's, and I'm totally shit-faced.'"

It's not just C-M students. Kate, a 3L from the University of Dayton School of Law, sees a form of senioritis around her school, too.

"Examples include not attending class anymore, not doing any reading at all, and not caring about anything," Kate said.

Kate recognizes that of the 3Ls that even bother to attend class, most of them are unprepared. "A good portion leave at 'half time' when we have two hour classes; most definitely don't care," Kate said.

So how do you prevent 3L-itis? I don't know, and frankly, I don't feel like finding out for you right now.

SUPREME
BAR REVIEW
 www.SupremeBarReview.com

Lock-In Your Savings!

ENROLL NOW
 TO AVOID THE FALL PRICE INCREASE!

ONLY
\$2,174*

Lock-in your tuition price and receive everything you need to pass the Ohio Bar Exam, from the only bar review course taught by a 100% Ohio-based faculty.

*** With \$25 Discount. Use Discount Code: OHSUM658**
 Discount offer expires July 31, 2006

Enroll now to receive the following additional benefits:



FIRST YEAR REVIEW Volume,
 featuring outlines for:

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

These black letter law outlines are designed to help you understand the key concepts in your first year courses.



UPPER LEVEL REVIEW Volume,
 featuring outlines for:

- ✓ Constitutional Law
- ✓ Criminal Procedure
- ✓ Evidence



Complete MPRE REVIEW
 program featuring:

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

How to enroll:

- ✓ Visit our website at www.SupremeBarReview.com
- ✓ Call our office toll-free at 866-BAR-PREP

We Turn Law Students Into Lawyers!®