



Why do law students drink so much?

The Anonymous 3L explores what drives students to consume alcohol.

OPINION, PAGE 9



Iraq from a soldier's perspective

One *Gavel* staff writer describes his experience in Iraq, and discusses what should be done there.

OPINION, PAGE 9



Special Insert C-M Valentines

The C-M community sends Valentine's Day wishes to fellow classmates, and loved ones.

LAW, PAGE 9



THE GAVEL

VOLUME 56, ISSUE 4 FEBRUARY 2008

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Supreme Court of Ohio justice visits C-M

By Paul Deegan
CO-EDITOR-IN-CHIEF

The C-M College of Law Republicans hosted a Lincoln Day dinner event in the Moot Court Room featuring keynote speaker, Supreme Court of Ohio, Associate Justice, Maureen O'Connor on February 11, 2008.

Justice O'Connor offered nuggets of wisdom to attendees including the advice to take advantage of all opportunities that arise and not to exclude any possibilities.

Her talk focused on the importance of public service and she expanded on the events that led to her being elected to the bench. Justice O'Connor said her time at C-M impacted her career. Her story illustrates how perseverance and acting on opportunities is the real key to success.

Justice O'Connor graduated from CM in 1980 and has served Ohio for nearly her whole career.

See O'CONNOR, page 4



PHOTO BY PAUL DEEGAN—GAVEL

Cuyahoga County Coroner, Dr. Frank P. Miller III spoke on behalf of the Journal of Law & Health and the Criminal Law Society on Thursday, February 7, 2008 in the Moot Court Room. Dr. Miller held the rapt attention of the crowd as he graphically displayed some of the aspects of forensic science in suspicious death investigations. The event was open to the public and offered one CLE credit.

Some students fail to receive grades before semester starts

By Michelle Todd
STAFF WRITER

Ask any law student what the most challenging and stressful part of law school is, and undoubtedly, they will tell you it is the process of studying for and taking final exams. However, many Cleveland Marshall students may argue that the wait for grades that follows after taking exams has become just as difficult. The source of their anxiety is that the majority of final exam grades are not released until after the spring semester has already begun. Many students have a difficult time understanding why this is the case, considering that they have taken their final exams weeks ago. Also, by not having grades from the prior semester, students feel de-motivated and frustrated as they begin a new semester without knowing whether their hard work has paid off, or whether they will need to work

harder in the spring.

As stressful and frustrating as this wait has become, C-M students can rest assured that they are not alone. In fact, they may not have as long of a wait as the majority of students enrolled in other law schools across the country. According to C-M Associate Dean of Academic Affairs Phyllis Crocker, most law schools actually allow professors four to five weeks to finish grading final exams. "For the fourteen years that I have been here at Cleveland-Marshall, the faculty have been given three weeks to grade their exams," Crocker said. She added that these three weeks begin at the end of the week that the professors administer the test.

Dean Crocker also said that the majority of C-M professors are very good about meeting this deadline. "Most of our faculty

See GRADES, page 2

Committee rejects trial team proposal regarding credits for participation

By Kevin Shannon
STAFF WRITER

In a controversial decision last semester, the C-M Curriculum Committee decided to reject a proposal by the trial team that would have awarded team members more than the two hours that they currently receive. The team members were seeking more credit hours, requesting that they receive grades for the course, and asking for that they be allowed to receive credits for two years of membership on the team. As it currently stands, team members are limited to two credits for only one year of participation.

Sitting on the committee this year are Professors Gordon Beggs, Dena Davis, Peter Garlock, Kunal Parker, Lloyd Snyder. Dean Jean Lifter is an ex officio member of the committee.

Only two professors on the committee responded to the *Gavel's* request for comments on the decision. Professor Davis explained that she no longer sits on the Curriculum Committee. Professor Lloyd Snyder expressed a willingness to discuss the topic. However, due to the publication schedule, the *Gavel* was not able to interview Professor Snyder in time for this article.

The *Gavel* will publish Professor Snyder's comments in the next issue.

Neither Heather Galioto nor Keith Scheurman, the committee's student representatives, responded to an email asking for their comments.

Dave Valent, a 3L member of the team expressed dismay over the treatment that the team has received. He thought that if the school is going to offer the trial team as a class, it should be judged on the same standards as any other class. He thinks that the class should be graded and offered for at least four credits per year.

Valent also explained that he put more time into the trial team than any other class that he was taken at C-M. Every team member shared Valent's opinion. Another team member, Ramsey Lama, explained, "I have never taken a class at Cleveland-Marshall more demanding than participation in trial team." Noting that he practiced from 10-14 hours each weekend, Lama added that "to receive only two credits for so much work is difficult to understand."

As a result of the decision, two of the trial team's coaches decided to resign. Robert Yallech

See TRIAL TEAM page 4



CSU to Host Presidential Candidate Debate

Democratic presidential candidates Barack Obama and Hillary Clinton have accepted an invitation from Cleveland State and NBC to debate in Cleveland on February 26, 2008.

Dean reflects on C-M's future, achievements

As you make your way through another semester of law school, I suspect you have settled into a familiar routine of preparing for and attending classes. In addition to feeling comfortable in that routine, I hope you share my sense of excitement of what the future holds for each of you -- and for this institution.



The Dean's Column

Some of you are in the middle of your final semester of law school. Undoubtedly, you are excited that the finish line is drawing near. You should also be excited that, in a few months, right after you pass the bar exam, you will embark on a career for which you are well prepared.

At the other end of the spectrum, some of you have returned for only your second semester of law school. While I hope that those first-year fears have dissipated, I hope you retain the enthusiasm and optimism you felt during orientation.

And for those of you who fall somewhere in between those two extremes, I hope that you feel an increasing confidence in your skills and abilities and that you continue to appreciate the opportunity that has been given to you. I encourage you to draw upon that confidence and that sense of appreciation as inspiration to pursue the goals that brought you to law school in the first place.

In addition to feeling optimistic about your individual aspirations, I am very excited about the future of our law school. These are exciting times for our institution.

As you know, we are about to complete an \$8.8 million renovation of our law building. When it is completed in the next couple of months, we will have new law clinic space, several new classrooms, a new student organization suite, a new room for faculty presentations, and a beautiful new front door at the corner of East 18th Street and Euclid Avenue -- a new entrance that will include lots of informal, light-filled space for students and faculty to gather.

These renovations were made possible by the extraordinary generosity of Mrs. Iris Wolstein, who donated \$6.25 million to fund the project and to create a new endowed student scholarship fund.

Her generosity has inspired many other alumni and friends to provide financial support for our law school. Indeed, last year, we received more than \$3 million in donations to the law school -- by far, the most money in our 110-year history.

This year, our alumni and friends, and many law firms in the community, continue to express their appreciation for our law school by giving us the resources to educate the next generation of lawyers and leaders.

And the Class of 2008 has already embarked on a Graduation Challenge campaign to raise donations and pledges to support the law school. I am very grateful to the students who are leading this campaign and to all the students who are responding to their appeal. Your commitment to the future of this institution is an inspiration to me -- and your generosity gives me great leverage when I am asking our alumni and friends to support us.

As I travel the country, I meet many alumni who are grateful for the opportunity and the education they received at our law school. It is very gratifying to hear their personal stories and to hear about their professional achievements.

In turn, I tell them that this is an exciting time to be at Cleveland State and Cleveland-Marshall. And that's because you are expanding our reputation for excellence and service.

Schedule change affects receipt of grades prior to start of semester

Continued from page 1--

consistently meet these deadlines, and those who miss it usually have a good reason for not getting the grades in on time," Crocker said. When asked if C-M professors who fail to miss these deadlines face any sort of sanctions, she stated that they do not, but added that "many law schools do impose monetary sanctions on professors who miss deadlines, but these are usually schools who have already given these professors a generous amount of time to grade their exams."

Perhaps many students have expressed frustration and confusion over the grading process because they are unaware that the spring semester has only recently begun to start during the second week of January. Two years ago, the SBA passed a resolution asking the law school administration to begin the spring semester a week earlier than it previously had so that graduating students would be given an

extra week to study for the bar exam in July. After this change was put into effect for the 2006-2007 school year, students were not receiving their fall semester grades until the spring semester had already begun. "Unfortunately, this was the side-effect of beginning the spring semester early, but there was really no way to avoid it," Crocker said. "I did some research to find what other law schools were doing and found the majority had even longer wait times for grades than our students."

She added that the University of Akron's law school solves the problem by administering final exams on Saturdays and Sundays in order to cut the exam period from two weeks to ten days. Although, this is a possible solution, it is not one that Dean Crocker felt the majority of students would want in the long run. She also stated that with the recent bar passage rate success of C-M students last year, it seems that

the extra week given to graduating students for bar exam study is beneficial. "There is a balance that has to be struck between giving graduating students the time they need to study for the bar exam and getting the final grades for fall semester out to students in a timely manner," Crocker said. She added that although the earlier start to the spring semester has resulted in a longer wait for grades, it is a sacrifice that was made to accommodate graduating students, and so far it has paid.

But, Crocker does recognize the frustration that students have about the wait for their fall semester grades and encourages them to talk with law school administration or faculty if they are concerned. "Students should feel free to come to me or to their professors with any problems they have with the grading process," she said.

Debate over CSU or C-M reduces availability of law school "spirit wear"

By Sarah Dixon

STAFF WRITER

Are you tired of wearing your undergraduate yoga pants? Have you worn holes in your high school T-shirts? Are you discouraged by walking through the halls of our beloved university only to see students wearing their tired, old clothing from their schools of yesteryear? Do they like their undergraduate schools better? Are they ashamed of C-M?

Dean Mearns explained that part of the problem in the past has been the battle over what to call the school. Vendors have been afraid to order products with "Cleveland State University" or with "Cleveland-Marshall College of Law" because students and alumni are split between two groups who prefer one or the other. He stated that he would be very happy to see more students supporting the school by wearing items that showed their school pride with whichever name they choose.

There may be a lack of supply to satisfy our demand for the apparel. The bookstores carry a number of items with Cleveland State University on them, but it is difficult to find anything that specifies "Law." If you have ever tried to buy gifts for your friends and family who may be proud of your attendance here, you may share in the frustration. The options are limited at best. The good news is that things are looking up.

The Student Bar Association is having their annual sale of C-M apparel in the second week of February. Tony Scott reported that the items sold very well last year and that they have re-ordered their best sellers. They have ordered long- and short-sleeved T-shirts, hooded sweatshirts, baseball caps, coffee mugs, yoga pants, and shot glasses. They also have a few items left from last year's sale that will be sold at discounted prices. All of their products have "Cleveland-Marshall College of Law" printed on them along with the Scales of Justice, and the caps and yoga pants are embroidered. The products are of a good quality and help support the Student Bar Association.

The bookstore's floor merchandising manager, Kalita Jackson, stated that there was previously a lack of support for C-M specific clothing, but she has recently ordered a new supply. The book store used to carry clothing with the Scales of Justice, but the new items display the Cleveland State University Seal, which includes "Cleveland State University" and "Cleveland-Marshall College of Law" to represent both names.

Along with several clothing items such as hoodies, long- and short-sleeved T-shirts, polo shirts, and hats, they also carry license plate holders, shot glasses, coffee mugs, and lanyards. Ms. Jackson stated that she would love to hear what students are looking for and would be happy to order items upon request.

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- Non-student guest tickets may be purchased for a nominal fee.

Please see a Graduation Challenge representative for details.

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Judson.Stelter@law.csuohio.edu.

Future of Marshall's trial team remains uncertain

Continued from page 1--

resigned immediately in protest and Brad Barmen decided that he would resign after this season. Dean Geoffrey Means explained that he had spoken with Mr. Yallech and asked him to reconsider his decision to resign. Means noted that Yallech "and his colleagues at Reminger & Reminger have made a substantial contribution to the law school through this program and in other ways." He is hopeful that with the passage of time, Yallech will decide to stay with the program.

The coaches enjoyed coaching the team but they resigned because they feel that the committee's decision will not allow them to compete on the level that they want to. Mr. Barmen explained that every other school that participates that has a trial team offers credits for at least two years. The decision to limit C-M students to one year means that the team is "guaranteed to be unable to compete at the level we expect." Both Barmen and Yallech enjoyed the team but "if we don't have a chance to win – or even seriously compete – I can't justify the time anymore," Barmen said.

Barmen stated that with the committee's decision he believes that "the C-M program is doomed to mediocrity." He noted that membership on the team will

still be a valuable and worthwhile experience for participants; especially those who wish to become litigators. However, he believes that students will no longer be willing to contribute as much time as they do. As a result, the team "won't be able to compete region wide like we do now."

Barman called the committee's decision "arbitrary and short sighted" and noted that no one from the administration had ever attended a practice or competition to see how much time and effort goes into it. Dean Means explained that while he respects the committee's decision, he also disagreed with it. He said that he thinks that students would benefit from the ability to receive credit for two years of trial competition courses.

Barmen is encouraged by the interest and support expressed by both Dean Means and Dean Crocker. However, he also noted that "they took no steps to influence the committee's decision in any way." Barmen feels that "a few words from them would have carried significant weight."

Despite the committee's decision, the members of the trial team are still putting in long hours on the weekend preparing for competition. Only time will tell how this decision will impact the future of the program.

C-M's response to political survey about upcoming Ohio primary election

In which voting block do you include yourself as a member?	
Democrat	25
Republican	60
Independent	28
Other	2

Who do you intend to vote for on March 4th, if you intend to vote for a Democrat?	
Hillary Clinton	30
John Edwards	20
Dennis Kucinich	2
Barack Obama	50

Who do you intend to vote for on March 4th, if you intend to vote for a Republican?	
Rudy Giuliani	8
Mike Huckabee	7
John McCain	50
Ron Paul	12
Mitt Romney	12
Fred Thompson	5
Unlisted candidate	1

Role of student evaluation in the faculty critiquing process

By Drew Odum

GAVEL CONTRIBUTOR

One thing that can be heard in the hallways of many universities is students discussing their classes. Students can be heard complaining of how boring a class is or even praising their professor's incite and clarity on a subject. However, are these critiques ever heard by the faculty?

At many other colleges across the nation, students are asked to evaluate their courses. Here at C-M, at the end of every semester students are asked to complete the Cleveland-Marshall College of Law Faculty & Course Evaluation Questionnaire. This questionnaire asks students to rank on a scale of 1 (Poor) to 5 (Excellent) their professors and the course. Only after the professor submits the final grades for the course are they able to see the actual questionnaires. A copy of each is also made available in the law library and can be accessed by students.

Dean Crocker, a professor and associate dean at C-M, explained that the evaluations are used by students, faculty and staff. She explained that she uses the evaluations from the courses she teaches by looking for specific comments that pinpoint an item that she can change to help students. In the past, she has considered changing course books based on student comments. In her capacity as an Associate Dean, she looks over the evaluations of all the adjunct professors; while Dean Means reads the evaluations for the entire faculty. The student evaluations of the course are an important aspect of each professor's annual review with the Dean. The evaluations can be used

when decisions are made about tenure, teaching assignments, salary, promotions and retention.

2L's and 3L's can use the evaluations when deciding on which courses to take for the semester or in considering which course to drop. All students may consider using the evaluations to try to discover the most effective way to learn given the professors teaching style.

New York University College of Arts and Sciences has a similar program, however their evaluations are searchable online and the results are averaged amongst all students. Upon visiting the website, anyone can search through the evaluations by subject, course, or teacher. After locating the course, one can see the percentage of students who participated in the evaluation process versus the amount in the class. The website also offers averages of how the students responded to the questions. Dean Crocker commented that she would be interested in seeing how a web-based evaluation process would work here at C-M. However, Professor Weinstein cautions against relying too heavily on averages. He observed that the averages may not accurately reflect a student's view of a professor because it can be difficult to quantify subjective material. One student's 3 may be another student's 4.

The evaluations are most useful when students give specific comments on how professors have done during the semester. Whether good or bad, the evaluations are designed to get honest feedback from students to improve the services provided by the university.

Justice O'Connor, C-M alumna, offers advice to current students



PHOTO BY SHAWN ROMER—GAVEL

The C-M Republicans hosted their 2008 Lincoln Day Dinner with keynote speaker Supreme Court of Ohio Justice Maureen O'Connor on Monday, February 11, 2007. Chuck Northcutt (below), C-M Republican president introduced the keynote speaker.



PHOTO BY SHAWN ROMER—GAVEL

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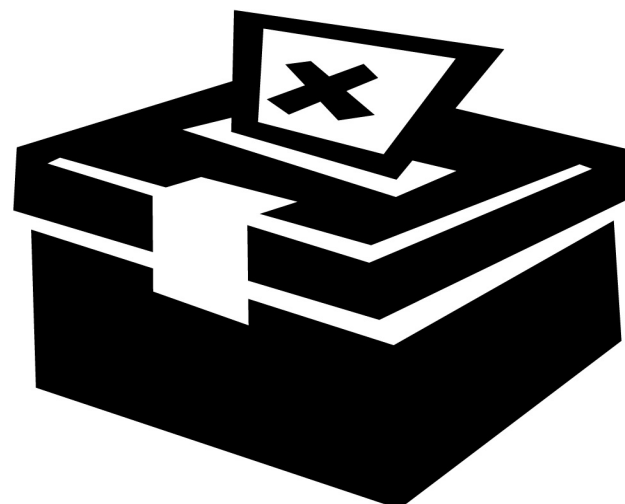
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(Fri)
@ 3pm**

MC 401



What to do during the summer after your first year

By **Karen Mika**

LEGAL WRITING PROFESSOR

How important is it to get a clerking job after the first year as opposed to taking classes or doing something else?

It is important to get legal experience as quickly as possible to be competitive in the job market, but that doesn't mean that there aren't choices.

Legal Writing

Some first year students take clerking jobs for the sake of taking a clerking job, and it isn't always the right fit.

For the unattached 23-25 year old who knows he/she is going to be an attorney, but doesn't quite know what kind, the answer is easy. That person should find some type of summer legal job and get experience.

For students falling into other categories, the answer is not so simple. There are sometimes other options, including studying abroad, or participating in various other service projects that are rewarding and/or resume building, but do not necessarily result in a paycheck. For family breadwinners, sometimes there is no choice but to retain (or procure) a higher paying job with benefits outside the scope of the law.

There is also the possibility that a student might choose to take classes over the summer. This choice has its benefits, too, because it could result in more "experience building" time later on in law school. In addition, taking a class does not necessarily preclude working in the summer.

Lastly, a student might consider taking it easy in the summer and doing something enjoyable before embarking on a life of endless work. That might be the best choice of all, as long as it isn't the continuous choice throughout law school and after law school.

Frankly, I'm of the opinion that anyone who graduates from this school should be able to find a job in the legal field, even if he/she never worked an outside clerking job at all, but that's in part due to being realistic about the possibilities and using your experience to your advantage. If you chose not to work an outside clerking job at all during school, then your career in the "legal field" might have to start with setting up shop at the back of your house and doing family wills, or property transfers.

The bottom line is always to think before you act, always weigh your options, and always consider what might be the result of the options you do choose – whether they relate to future employment or present personal fulfillment. Don't think that the decision that you make in the spring of your first year of law school will necessarily be life-altering, but look at each decision with at least one eye on future possibilities.

And a plug for the Placement Department: Talk with them. They're the ones who know the most about possibilities and can relate the experiences of former students who may have followed a similar path that you are contemplating.

Study abroad opportunities for law students

By **Tara Chandler**

STAFF WRITER

Maryann C. Fremion

STAFF WRITER

Have you been asking yourself, "what am I going to do this summer?" If you have, you probably haven't landed that dream summer clerkship you've been banking on. But don't be discouraged—there is an alternative way for you to spend the summer.

Studying abroad offers an opportunity to immerse law students in a different culture and language while taking a class (or classes) in another country. Some programs even offer internships. For many students, it is a great way to get out of Cleveland, get some credits out of the way, and even get some practical experience in the legal field.

What kind of opportunities are available this summer? You might be surprised to find programs ranging from a class in antiquities law in Turkey to maritime law in Greece. Or, perhaps you want something a little more applicable to your future niche in the legal profession. Then you may want to consider an intellectual copyright class in London, or an international human rights class in Costa Rica.

Program lengths vary, but the average time for a class is three weeks. Some programs offer the opportunity for the student to stay for an additional period of time to

work at an internship. For example, if you studied in South Korea, you could intern at various locations, including Samsung, Hyundai, and the South Korean Supreme Court. Various programs in Beijing offer placements in law firms around the People's Republic of China. Externships in Guanajuato, Mexico, involve the Mexican legal system and social development.

When choosing a study abroad program that's right for you, there are several things you should research. First, what country is right for you? Is there a language or culture that particularly interests you?

Keep in mind that the exchange rate of the United States dollar ranges from country to country. Right now, one US dollar is worth approximately .67 Euros, compared to the US dollar's value relative to the Australian dollar, 1.12. If you are partaking in the St. Petersburg program in Russia, it will be helpful to know that each American dollar you spend is worth 24.47 Russian rubles. For more currency conversions, you can visit: www.gocurrency.com.

Also, when choosing a program, think about a class that will help fulfill your requirements for graduation at Cleveland-Marshall. To see if a program credit can transfer to this law school, send the program's website to Jean Lifter. She will then review it and guide you ac-

cordingly.

Summer is not the only time when study abroad programs are available. You can also participate in classes during the regular school year. If you are planning to study abroad in the summer, you may find a program that starts earlier or later in the summer, making it conducive to also having a summer internship. However, pay close attention to application deadlines, some of which may be open until May.

No matter what program you choose, you should make sure to prepare a budget in order to ensure that you can afford the experience. Remember to include additional money in case there is an emergency.

In order to maximize your experience, reading up on the culture and language of your destination is imperative. Knowing something about the country you are visiting not only will help you better appreciate your experience, but it will also help represent C-M. Believe it or not, English is not the only language spoken abroad, and many common American gestures can be very offensive. Make sure you know enough of the native language to be polite to native speakers as well as how to navigate in an emergency.

For a complete listing of ABA programs, please visit: <http://www.abanet.org/legaled/studyabroad/foreign.html>.

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The Political Broadside

What should the U.S. do about illegal immigration?

By Chuck Northcutt

CONSERVATIVE GAVEL COLUMNIST

In creating a solution to the illegal immigration epidemic, I'm the first to admit that we should not forget that illegal immigrants are people, too, and should be treated with dignity. However, it is equally important that we don't sacrifice our laws when dealing with illegal immigration. Fortunately, we can uphold our laws and treat illegal immigrants with dignity all at the same time.



In solving this issue, we must first acknowledge that this is a crisis with detrimental effects to our nation. One such danger is that, while a lot of illegal immigrants are hard working people in search of a better life, many are also criminals. As reported in 2005 before the House Judiciary Subcommittee on Immigration, Border Security, and Claims, the California Department of Justice estimated that 60% of the 20,000 strong 18th Street Gang in southern California, which collaborates with the Mexican Mafia, are illegals. This gang commits an assault or robbery every day in L.A. County. Furthermore, in 2000, the L.A. County Sheriff reported that 23 % of jail inmates were deportable. Not only are these particular illegals criminals, but now we have to support them in our jails, creating a strain on taxpayers.

Another outrageous epidemic is the "anchor baby." This is where illegals have babies after arriving here, and due to a misinterpretation of the 14th Amendment, the baby is automatically considered a U.S. citizen. Because our government doesn't want the bad press of splitting up families, they usually let the whole family stay. In effect, this practice allows the U.S. born baby to "anchor" the rest of the illegal family here. According to U.S. Census data, 380,000 children are born each year to illegal-alien mothers. This creates families headed by illegal immigrants that are allowed not only to stay, but to collect social benefits. This was estimated to cost U.S. taxpayers \$700 million under the Aid to Families with Dependent Children program, and another \$400 million in food stamps in 1995, according to a 1997 General Accounting Office report.

The 14th Amendment has been misinterpreted. In comments made by its drafters in a Senate debate, it was made clear that "All persons born ... and subject to the jurisdiction thereof, are citizens ..." was included to show that simple accidental birth in the United States does not justify citizenship. Comments made by both Senators Jacob Howard and Reverdy Johnson on the jurisdiction requirement supports this interpretation. You must first be subject to U.S. jurisdiction, which illegals are obviously not.

Another problem is that many illegals don't even respect our culture or bother to learn our language. As a result, many businesses are now catering to this growing population by offering banking services in Spanish or, even worse, accepting Mexican pesos. According to the Los Angeles Almanac, there are about 20 Spanish speaking radio stations in Los Angeles. You can't even get a job throughout the Southwest anymore without speaking Spanish. I know this firsthand because I used to live in the Southwest and have personally experienced this job discrimination against English speaking Americans.

While there are differing proposals circulating in the Republican Party, I favor the strictest of these because of the harm that illegal immigration does to America. We should absolutely increase border patrol, invest more in surveillance technologies, and, yes, build a fence. It's our border, and we have a sovereign right to protect it - not just from illegal immigration, but also from drug runners and terrorists who take advantage of our lax enforcement. Next, we need to severely punish those who encourage illegal immigration. If you get caught hiring illegals, then you should face a hefty fine and possible jail time. Additionally, because amnesty sends the wrong message that we award those who come here illegally, it can never happen. Illegals must be sent back across the border but informed of the process of coming here legally, all the while being treated with dignity and respect. The message must be loud and clear that we will only accept immigrants who come here legally and learn our language. If there is a need for more migrant workers, then legally change the system to allow more immigrants, but don't reward those who come here by breaking our laws.

Liberal rebuttal...

Unwilling to address the real reasons for job losses among blue-collar workers, the Republicans have been busy inventing the "illegal immigration" crisis. The methods are typical: manipulating statistics, creating false generalizations, casting a shade of doubt where there is none. Case in point: my distinguished colleague cites a statistic about violent gang crime among illegal immigrants in L.A. county and somehow reaches the conclusion that we should deport all 12,000,000 undocumented immigrants, most of whom have never committed a crime other than crossing the border North in search of a better life.

My colleague offers the opinion that "simple accidental birth in the United States does not justify citizenship" as a time-tested truth, when it has never been more than an ultra-thin minority opinion. The Executive, Legislative, and Judiciary branches of the government have consistently followed the opposite view. I am most puzzled, however, by my colleague's complaints about the growth of Spanish-speaking culture in this country, in the context of a debate about illegal immigration. Is he actually proposing to deport all Spanish-speaking people - whether documented or not - from the United States? Or shutting down the Spanish-speaking media? Is this the Republican Party's official position regarding the Hispanic minority?

The forces of labor supply and demand that fuel illegal immigration won't be put to rest by populist rhetorics but by practical measures to regulate the inflow and outflow of needed foreign workforce. Such measures have been advocated by moderates from both parties: create a long-term path to citizenship for the best and the brightest, who want to live the American dream; allow those who are already here and are already employed to keep their jobs and offer them a simple path to legality.

By Alin Rosca

LIBERAL GAVEL COLUMNIST

This title assumes undocumented immigration must be stopped. Must it? The answer depends on which wing of the Republican Party you're asking: the one that's louder but less astute about economics, or the one that's quietly employing undocumented immigrants to slaughter hogs in Alabama, pick strawberries in California, or mow lawns in Ohio.



If you listened to the Rush Limbaughs of the world - who've never picked strawberries or slaughtered anything other than the common sense - you'd think the American agricultural, food processing, and service workers are under imminent threat. In fact there aren't enough of them to fill the available positions. You'd think we're facing an invasion of men with foreign accents, armed with hand hoes and lawnmowers, who are going to sink our high-tech economy. In fact they're helping our economy grow. At 4.6%, we're having one of the lowest unemployment rates among developed countries; Germany's is 9.10%, France's is 8% (2007 data). Where are all those supposed job losses due to illegal immigration?

The unspoken truth is, a very large part of our agriculture, food chain, construction, and service industries is built on cheap labor; and undocumented labor is the cheapest available. Of course the CIS and the IRS could catch these guys whenever they want; they could have done so since the advent of computers, electronic databases, and the Internet. They don't need to build a thousand-mile long fence to stop them. They could just stop companies from employing them.

They don't. Instead, Washington Republicans are resorting to cheap tricks and building ridiculous fences across our Southern border. One wonders if the contractors that build the fences use undocumented laborers. Cheap may be the tricks be, but they serve well those politicians looking to get votes from citizens whose jobs were outsourced to China by US companies that happen to be major political contributors.

With the fences, everybody's happy: the politicians get elected because of their tough stand on immigration; the poor unemployed voters think they found the real culprit for their misery in the even-poorer, undocumented immigrants; and the multinational corporations continue unabated to export American jobs to the sweatshops of the world, not worried anyone would hold them accountable.

Of course, "everybody" in that statement doesn't include the undocumented immigrants. They're being branded criminals; the favorite label of Conservatives is "illegals"; one wonders when they'll start calling them "inferiors" and perhaps make them wear a yellow tag on their chests so they could be recognized in public.

They're being hunted in operations televised live; their families are being broken apart; parents are being deported in handcuffs straight from their jobs, while their minor children are left to fend for themselves. One gets the feeling he's in a modern day, high-tech Coliseum, where slaves are being slaughtered by gladiators to entertain the crowds. Oh, but they deserve it, them foreign felons who dared mow our lawns for half-the-minimum-wage; we're going to kick them out from the land of the free and the home of the brave, and scare them well so they never come back!

Yet, this op-ed piece itself is committing the same sin that xenophobic Conservatives so often commit: portraying the "illegals" as a faceless crowd, a mass of beings without a name or an identity, without dreams and aspirations, without souls.

It's always more morally comfortable to oppress a group rather than a person. It sounds less of an embarrassment to blame the "illegals" in general than to say, here is Jose-the-Immigrant, who dared dream to live a better life and bring his family up in a better place, who works as a construction worker without health or accident insurance and for a dirt-low pay, who doesn't protest his working conditions because he's afraid he'll get fired, who doesn't complain to the police when someone busts into his house because he's afraid he'll get busted himself; and whom we're going to deport because he's an illegal. True, Jose-the-Immigrant is otherwise a law-abiding person, never causes trouble, but crossing the border to get a job in this country, contribute to our economy, and raise his family here are unforgivable sins. So we'll take his dream away.

Conservative rebuttal...

As usual, my counterpart offers no data to back up his typical emotional tirades. Nor does he have America's best interests in mind when he suggests handing our country over on a silver platter to a bunch of illegals, while ignoring the economic ruin this would cause. Additionally, my counterpart needs a crash course in illegal immigration 101, since he doesn't even understand why we call a person who crosses our border illegally an "illegal." If he did some actual research, he might know this answer. However, I'll break it down so even an emotional liberal can understand ... (read slowly!) the reason we call them illegals is because by crossing our border illegally, they broke our laws! If you break a law, you've committed an illegal act, making you an illegal. I hope this clarifies your confusion.

While I've already admitted to the differing plans among Republicans that my counterpart points out, I will gladly take any of these plans over those of the Democrats. Just last week on CNN, I heard Hillary and Obama debate whether illegals should have driver licenses, despite their illegal status. Any party that even has to ask this question is clearly not responsible enough for the Presidency and, much like my counterpart, does not have America's best interests in mind.

The only thing we agree on is that those who encourage illegal immigration by hiring illegals, thus encouraging America's economic ruin, should be punished. My counterpart implies, though, that illegals take jobs that otherwise would go unfilled, while ignoring our 4.9% unemployment rate (that's 7.6 million unemployed Americans). Like a good Democrat, he'd rather have our unemployed sit at home collecting welfare checks, instead of working in jobs taken by illegals, so Democrats can continue to buy their votes, as they always have.

Women's evolving experience in the legal profession

By **Katie Vesoulis**

STAFF WRITER

The presence of females in law school has become so acceptable that it seems almost outlandish to think that at one point in time otherwise qualified female applicants were rejected based solely on their gender.

During the 19th century, the general view perpetuated by the court regarding a woman's ability to practice law can be summed up by the Wisconsin Supreme Court's statement that womanhood is "molded for gentler and better things." Although I would not necessarily categorize myself as a feminist, I believe issues regarding the experience of female attorneys are important and interesting enough to warrant some sort of dialogue amongst law students.

According to an employment and gender survey published by the American Bar Association (ABA), female students receive about 48 percent of all J.D.'s awarded each year, but they comprise only 29.1 percent of the traditional legal workforce.

First-year student Luisa Taddeo believes that although there is a discrepancy in the numbers, eventually the statistics will level out and become more equal.

She attributes this potential trend to "changing societal tides in which it is now more acceptable and commonplace for a woman to be a primary income earner in a family."

Whatever the reasons may be, the statistics suggest that women are not using their law degrees in the same way as men.

I sat down with Professor April Cherry who periodically teaches a class entitled "Women and the Law" which, among other interesting topics, spends some time talking about experiences among female attorneys.

The most interesting part of our conversation revolved around her first job as a young female associate at a larger firm. Her experiences were probably not unique in that she worked among highly competitive peers whose work ethic can be surmised by instances in which associates would leave their lights on in their office and their coat on the chair to make clear to others that even after a 14 hour work day,

they had never really left work.

Regardless of the competition, she noticed that there were different expectations proscribed by gender, and little flexibility in scheduling for women with children.

Because women, even professionals, are traditionally viewed as the primary caretaker of kids, progression towards the top of any ladder, including partner, is many times stunted or nonexistent.

Ultimately, Cherry decided

that entering academia would be more conducive to the lifestyle she hoped to maintain, but she is still concerned about her female students potentially being treated unfairly in the workplace.

Luckily, with time comes change. Virtually every law student has seen the movie *Paper Chase*, and despite the fact that we all may have one Kingsfield as a professor, law school is a very different place than it was 30 or more years ago.

People in law school have also changed, and we may perhaps be the first generation of lawyers who actually want to leave work after 14 hours to spend time with our families. It is my hope that this change in attitude and beliefs will transfer to increasing opportunities and ensuring equitable treatment of female attorneys.

As illustrated in class on a daily basis, females and males sometimes approach legal issues in different but complimentary ways that makes the understanding of the issue complete.

It is important to remember that both men and women are receiving the same tools and building blocks towards becoming lawyers, and it is up to us to make sure that we are all given equal platforms in which we are able to practice these skills.

3Ls artificially inflate 2L grades

By **Matt Samsa**

GAVEL COLUMNIST

In the last issue of the Gavel, I read an article that criticized the practice of allowing 1Ls and 2Ls to be graded against each other in some core classes.

The article noted that 2L part time students in 1L classes could potentially disadvantage the 1Ls because the 2Ls have more experience with the rigors of law school. However, the article failed to note one important fact – those 1Ls more than make up for any possible prejudice when they become 2Ls and compete against 3Ls.

Third year law students are possibly the laziest creatures I have ever seen. There's a general sense of malaise surrounding these burnt out students.

3L Alexis Osburn recently described herself as a "stain" when asked how much work she was doing in her classes. Matthew Gambrel noted that he "would rather gouge his eyes out with a rusty spoon than read another case." When asked why a spoon, he responded "because it's dull you twit. It'll hurt more."

They are not alone. Dazed 3Ls can be spotted throughout the school. Unlike 1Ls, they are no longer scared of their classes or professors. Unlike 2Ls, they no longer even care to complain about classes. That's probably because they've stopped doing work altogether.

I think the problem is that the third

year of law school is ultimately devoid of any value whatsoever. It's really kind of a joke. We all know that what we learn in law school just prepares us to be able to be trained on the job to function as lawyers.

I understand that students get really concerned about GPA and class rank and all of that rigamarole, but competing against five part time students and a 2L that failed a core course really isn't skewing the curve too terribly.

aspects.

For example, my experience in the Urban Development Clinic has been helpful, because clinical experience teaches me something that I can carry over into my career.

And the third year does allow students one last gasp before becoming lawyers and trading in free time for work. Because from what I can tell being an attorney involves quite a bit of work.

That's yet another reason that 3L students can't bring themselves to do much work – the summer is a wash because of the bar exam and then after that it's off to being an attorney and working the long hours. If other 3Ls are like me, they're a little bit afraid to start having the responsibility of being an attorney.

So remembering the name of another case, or for that matter even reading *one more case* seems to be asking far too much. Certainly being tested on the material can't be fair.

That's not to say that the third year can't have some interesting or useful

So any 1L that complains about being in classes with part time 2L students, who probably have a lot more responsibility at home than the 1L students, should really take a step back.

I understand that students get really concerned about GPA and class rank and all of that rigamarole, but competing against 5 part time students and a 2L that failed a core course really isn't skewing the curve too terribly. And any energy wasted complaining about it should probably be spent studying anyhow.

Assuming *arguendo* (yet another useless law school word) that 1Ls face any prejudice from that type of competition, they more than make it up in the 2L year.

Especially in the second semester, when 3Ls are so burnt out that it's unrealistic to expect any of them (aside from the aforementioned stain) to actually score well on a test.

You can generally spot these 3Ls in classes by their responses when called on. The standard response is "pass" although "I don't know" shows up often enough. The standard response from the professor is to give the hapless 3L the stink eye and move on.

Because it does no good to attempt to motivate a 3L through fear or embarrassment. They're way beyond that stage.

The third year should be restructured to be an entire year of pass/fail classes. That way, the law school could still collect tuition, 3Ls could postpone adult life for another year and nobody would be any worse for the wear. Let the 2Ls fight it out in their classes as the 3Ls continue to respond "pass."



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3L describes drinking as a popular escape from the pressures of law

Anonymous 3L

The following is the fourth of a six-part series following the beaten and broken law student.

Fellow 3Ls, we will be finished with law school in 3 months. Yep. That means we will have our JDs and soon become practicing attorneys and attempt to manage paying back loans. (Speaking of finances, I recently stumbled upon a website that has great advice and tips about loans – www.frugallawstudent.com.)

It is a scary thought, however, that

some people I know are more knowledgeable about the contents of a long island iced tea than the rules of evidence. And, they're still going to be lawyers.

This got me thinking about drinking and law school.

As shocking as it may seem that I have non-law school friends, I was telling one of "these" friends about the last law school social I attended. In the middle of a great story, he stopped me and asked, "What is it with law students and alcohol?" I guess this is a good question considering this is the most I have ever drank in my life – including college.

Are we alcoholics? Has law school pushed us over the edge? Is alcohol the

only way we can deal with the stress? It's true that law students do work hard, but we sure know how to play hard.

I propose that drinking excessively does have something to do with the massive amounts of stress we are forced to deal with everyday. However, I think it also has to do with the fact that we are perfectionists as well.

We are Type As. We want to have the best grades, best internships, best of everything or we are not happy. Wikipedia states that Type As are actually intrinsically insecure and, therefore, are workaholics to make up for the lack of self esteem. I think wikipedia is on to something there.

In other words, we don't know how to do something unless we do it balls to the wall. I believe this to be true in every aspect of our lives. Ok, maybe I'm being a bit extreme in my own theory here.

Anyways, drinking has been a big part of my law school experience. I'm not sure if this is a good thing or a bad thing. I do know one thing though, if it weren't for drinking I sure wouldn't have been able to deal with the stress – unless I trained for a marathon. And, if looking around at the Blind Pig on a Friday during happy hour tells me anything it's that this drinking trend will go on through my legal career as well.

Lessons learned after completing first semester of school

Anonymous 1L

The following is the fourth of a six-part series following the experiences of an anonymous first-year student.

The internet beckons my restless mind. There are numerous sites just a click away, waiting for my eager eyes to read about Heath Ledger's death, or about Hillary crying for the ladies' vote.

All this emotion and still my contracts book sets in front of me, like my mother standing in the doorway telling me to clean my room. After all, it was in my best interest after she discovered the petrified hotdog under my bed. (I was about 5 mind you). So reading contracts is perhaps the best decision as opposed to filling my mind with delightfully ridiculous information that will not help when I am called on.

I did not exactly delve into my studies after a long break of doing nothing. The first 24 hours of break was spent in pajamas watching season one of Nip Tuck and drinking warm alcoholic beverages.

Then came the bars. My hometown is not exactly famous for its nightlife, but truckers with frazzled looking beards and a bulging bottom lip from their dip provide

interesting conversation and surprising insight. I once met the old guitarist from Quiet Riot. Seriously. We took a shot of Ten High and congratulated each other on our achievements. At the time I had just finished my junior year of college and he had just kicked his heroine addiction. Something to celebrate.

I suppose completing the first semester of law school is something to celebrate, but somehow there is still a nagging feeling of inequity lurking behind every case brief. I was in no hurry to see my grades, not because the prognosis was less than decent, but because I had taken those thoughts pertaining to my marks and tucked them away into the recesses of my mind. Break was about relaxation. I had wiped the worries from my thought process and drowned in relaxation and family.

Two very important things after one has completed first year finals and has a couple of weeks of "spare time". For those of you who have forgotten what those words together mean, here is a definition to clear things up: Spare time is time not spent working or attending to other day-to-day responsibilities. So in the recesses those thoughts stayed until Sunday night, when I checked and was pleasantly surprised. Somehow I still feel like an imposter, like my grades were purely based upon

luck. Law school has a way of forcing me to really look for answers.

Introspection is tough to do. Holding myself up to the same scrutiny as I hold others leaves much to be desired. Law school has forced me to examine myself under a magnifying glass, and the sight is quite surprising.

I see a person who tends to lay the blame on others who are willing to take it, when the only person to blame is the one I can't escape. I see someone who is terrified of responsibility for the door to failure is always a few steps away, waiting for me to pass through. I have known myself as much as I do now because I never really tried at anything. I had always done slightly better than mediocre and that was safe. I could still tell myself that I if I tried my hardest, I could be the best. This was easy to do, but it kept me from learning one of the most important lessons I could learn. Doing your very best, trying your very hardest, releases you from responsibility of failure, because if you fail, you did ALL that you could do. You could give no more. While the sting of failure may prick my pride, and leave a salty taste behind, it is better than spending my entire life telling myself I could have been the best.

When can we leave Iraq? A foot soldier's perspective

By George Sakellakis

STAFF WRITER

There is much debate recently between our political candidates as well as our friends and families about when the proper time to leave Iraq would be.

We are constantly bombarded with the opinions of would-be experts and the politicians who got us there in the first place. "I will withdraw our troops immediately" says one. "I would stay until the job is done" says another. Which of them should we listen to?

As a former U.S. soldier who has personal knowledge of the bitter taste of Mesopotamian sand and everlasting memories of service members dying, I hope some might listen to me.

In the Army, I learned to read between the lines and assess a situation for what it is, not what it might seem. From the first signs of the Bush administration's verbal hostility towards Saddam Hussein, I had a good feeling we would eventually be invading Iraq, no matter what kind of truth or "intelligence" was given. I knew that our leaders would throw my buddies and I into a pointless confrontation, and lo and behold, in March of 2003, away

we went.

Mindful of the fact that I was a soldier, an implementer of the policy of others, I headed north from Kuwait with duty on my mind.

We were asked to project U.S. policy from the ends of our M-16 rifles and SAW machine guns, and project we did. We earned a reputation in our little corner of Baghdad and were attacked on a daily basis because of it. We did what we had

to do to kill our enemies, not because we believed in the cause or for our love of war, but simply to keep them from killing us.

On the battlefield, I did not have the luxury of time to contemplate the effects of our actions – that the bullets we were firing ripped through the soft tissue, bones, and skulls of fellow human beings. Other humans were left without fathers and brothers and, sometimes, babies and grandmothers.

I didn't have the occasion to realize that the U.S. soldier screaming next to me, his arms or legs a mangled mess, had family back home wondering how he was

doing, and soon would get a knock at their door from a man in a dress uniform. But I did recall the sarcastic words from an old WWI soldier's poem – "The old Lie; Dulce et Decorum est, Pro patria mori" – [it is a lie that] It is sweet and right to die for your country. And I couldn't wait for that stupid war to end.

After I returned, I constantly thought about how pointless and wrong everything we just did really was. I have more reasons to hate this conflict than just about anyone except the families of the fallen, and for the last few years, I have put serious thought to how best to avoid wars like this one in the future. To my own surprise, I have come to the conclusion that as much as I loathe war, finishing what has become of this one in a proud and victorious manner is our only option if we want to avoid more senseless death in the future.

The justification for invading Iraq is now a history lesson, and arguing and taking sides on that issue will do us absolutely no help right now. The fact is, whether we like it or not, we invaded and took over a country. We have a responsibility to the Iraqi people to stay there as long as it takes to establish reasonable security for them (which is now the definition of victory.) The U.S. is not fighting the same war we started in 2003. Our enemy and our purposes have changed. To tuck our tails between our legs and run

now would not only have the immediate effect of destabilizing the entire region, handing terrorists a country all their own, but it would also speak volumes to the world about American resolve, our ability to take casualties, and our willingness to fight a protracted war.

The people we're fighting today are not "defending" anything except their own arrogance. Their brutality and disrespect for the law of war are slowly turning the rest of Iraq against them. Our casualties are decreasing as more and more Iraqis are starting to trust us and take responsibility for their own neighborhoods. We have the requisite momentum to achieve some real security in Iraq, which would allow us to pull enough forces from the throws of combat, and we would rarely lose service members there. Seeing the war through to that point would put us in a position to teach the world a serious lesson – that America will not kowtow to a few disorganized losers without uniforms just because they are scary and somewhat patient.

I join with many Americans in decrying the reasons this war was started. But we MUST be the ones to finish it, and that will not happen as long as half the country hints towards a policy of back-turning and surrender. Let's throw these white flags away, win this war, and go home. In that order.

C-M's spreadin' the love for Valentine's Day

Compiled by Tara Chandler & Maryann Fremion

To: Stephanie Marder & Nina Lucci
From: Emily Honsa

You guys are the best law school friends EVAR. May your lives be filled with love and happiness. . .oh, success too.



To: Terrie Collier
From: The Legal Writing Professors

You are the best. You keep us and our students in line. You make our jobs so much easier. You may think you might retire, but we are going to do our best to see that you don't!



To: Professor Kevin O'Neill
From: Federico Fellini

Happy Valentine's Day. Thank you for your wicked sense of humor. From the Nuuuucleus of my heart.



From: Learned Hand

Although the burden of loving you is Great and the probability of you breaking my heart is High, the severity of said broken heart is a risk I'm willing to take.



To: Stephanie
From: Tom

Happy Valentine's Day!



To: Williston
From: Corbin

My love for you is not unconscionable. Although I was under duress the night we met and you asserted your undue influence. This love is no mistake and I will never attempt rescission via impracticability if you frustrate my purpose.

To: Professor Borden's Contract's Class
From: Ashleigh

I just wanted to wish you all a Happy Valentine's Day! I am so proud of all of you for being the smartest and best students ever!!!



To: Chris Germano & Melanie Shaerban

From: Emily Honsa

Working with you guys is better than . . . a lot of things. Thank you for all your fabulous guidance- Happy Vaelntine's Day.



To: Rachna Patel
From: Arunesh

Happy Valentine's Day, I miss you! See you soon!



To: Carrie
From: Alex

Happy Valentine's Day



To: Adam
From: Samantha

I heart you. 17 months!



To: Michelle
From: Brian

Happy Valentine's Day



To: Alex McCready
From: Carrie Lewine

Happy VD!



To: Andrew
From: Ashley

I love being married to you. Happy Valentine's Day!



To: Israel
From: The Student Body

Thank you for all you do for us. Happy Valentine's Day!



To: Maryann
From: Anthony

Happy Valentine's Day :)



To: Aarti
From: Heidi Valdes

I love you! I am very grateful to have a friend like you.



To: Jody Allen
From: Vallerie

Happy Valentine's Day!



To: Moore
From: Lindsey

Thanks for noticing my shoes!



To: Tara
From: Heidi Valdes

I love you! You are one of the funniest friends I have. Thanks for being a wonderful friend.



To: Lauren
From: Dan

Happy Valentine's Day. You are the coolest law student ever!



To: Nicole
From: Heidi Valdes

I love you! You are a blessing. I'm so thankful to have a friend like you. Moving from California was not easy, but being around such great friends has made my life much easier.

To: J. Andrews
From: J. Cardozo

I am a foreseeable Plaintiff within your Zone of Danger.



To: Maryann
From: Jake

Happy Valentine's Day, you are probably the coolest person ever.



To: Ed
From: Lindsey

See you after graduation! Hugs & Kisses! (see, this is what you get in return for Guitar Hero)



To: Anthony Rich
From: S. Burke

I hereby charge you with trespass to chattels for taking my heart away, for you came in like Pierson v. Post, and snagged up my heart like it was the wily quadruped fox. Happy Valentine's Day.

From: Post Hayashi
To: Pierson Popov

Ever since you mortally wounded my heart, the law of capture has reigned supreme with our love. You ensnare me with your net like arms and deprive me of my liberty, but still my love remains.



To: Tara
From: Anthony

Happy Valentine's Day :)



To: Matt
From: Sheree

Vegas baby. Happy Valentine's Day



To: Maryann and Tara
From: Rob

Happy Valentine's Day



To: Maryann and Tara
From: Kaleb

Newspaper ladies keep it sexy.



To: The C-M Community
From: The Gavel

HAPPY VALENTINE'S DAY



Volume 1, Issue 3

February, 2007

Student Bar Association

SPECIAL NEWSLETTER SECTION

LETTER FROM THE PRESIDENT

On behalf of the S.B.A. Executive Board and Senate, I'd like to welcome everyone back for the spring semester. To those of you in your last semester, congratulations!

The semester is off to a quick start and the S.B.A. has been busy planning numerous activities for the spring. The S.B.A./BARBRI sponsored "Welcome Back" social was very well attended and a huge success. We'd like to thank all who attended, and also BARBRI for their continued support.

The S.B.A.'s next major social event will be the highly anticipated Barrister's Ball, which will be held March 1, 2008 at Windows on the River. Tickets for this event will be on sale in a few short weeks, so be sure to get yours.

A special thanks to Greg Gentile and the members of the Programming Committee for their hard work in planning this event. For those of you who don't know, Barrister's Ball is the law school's formal event, and is always a great time.

If you have any questions regarding the event, please contact Greg Gentile at gregory.gentile@law.csuohio.edu.

On another note, due to successful fundraising, the S.B.A. is happy to announce that it will be awarding three student leadership scholarships at the end of February. Applications for these scholarships will be available via email; and also on paper in the student services center and S.B.A. office. A special thanks to Lydia Arko and Emily Honsa for their hard work on this initiative.

Finally, the S.B.A., along with every other Student Organization will be relocating on February 11th. All organizations will be moving from their library location to the brand new Student Organization Suites located across from the locker area. Be sure to stop by and check out the newly renovated offices.

Thanks for your time, and as always feel free to contact me or any of your S.B.A. representatives if you have any questions or concerns this coming semester.

Nicholas Hanna, S.B.A. President

1L SENATOR PROFILE: JUSTIN KOTERBA

Justin Koterba is excited about his recent seating as a 1L Senator. Mr. Koterba, best known as J.J., hopes to get as involved in being a representative as he did in his undergraduate studies and travels.

Before becoming a 1L Senator, Koterba attended Duke University. He majored in History and Markets and Management with a concentration in North American History. After he graduated, he traveled to Europe with his parents and his best friends, and spent a good deal of time in Italy. Koterba explained, "I have a cousin who lives in Rome, and he gave us a place to stay and showed us around."

When Koterba is not traveling, he is enjoying Cleveland. J.J. loves taking in Cleveland sporting events, watching the Indians and Cavaliers at every opportunity.

Koterba also has a special place in his heart for Marshall, particularly first year students in Sections 2 and 3. J.J., a current Section 2 student, explained, "My favorite thing about law school is meeting all different types of people and hopefully generating friendships where we can be colleagues later in life."

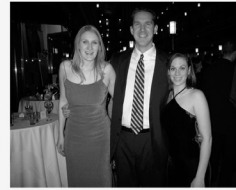
Thus far, Koterba's favorite class is property "minus all the estates and future interest stuff. I like it because I understand it, I thought it was pretty interesting, and it relates to what I want to do." He further noted, "Eventually I would like to get into commercial real estate, so real estate law is an interest of mine." Koterba concluded, "Basically, after I graduate I have dreams of getting a job, I dream pretty big..."

J.J. looks forward to the rest of his law school career, and asked that if he could be of help to any 1L's, they should contact him at jkoterba@law.csuohio.edu.

Laura Kolat, 1L Day Senator

BARRISTER'S BALL ALMOST HERE!

Mark your calendars! It is once again time for the annual Barrister's Ball. This year's event will be held on March 1st at the beautiful Windows on the River located on the second and third floors of the Powerhouse in the Flats of Cleveland.



Windows on the River boasts a spectacular view of the bridges and the riverfront area in the Flats. The Powerhouse is a National Historic Landmark and will provide a beautiful setting for this year's Ball.

To all of the first year students, this is the annual formal event for the law school, which is sometimes also called "Law School Prom." Unlike your high school prom, this gives you the opportunity to get dressed up and finally be able to drink beverages legally.

Last year's Ball was a fun and eventful time for all who attended. Held at the Hyatt at the Arcade in downtown Cleveland, C-M students mingled and danced the night away. By the end of the night, students had a chance to honor their favorite Marshall associates.

The Professor of the Year award was presented to Professor O'Neill. Faculty of the Year award was presented to the Student Services guru and author of those creative "Lost and Found" e-mails, Israel Payton. The Stephen J. Werber Collegial Integrity award was presented to Maggie Troia, who is now a proud C-M alum.

ADOPT-A-UNIT A SUCCESS!

Thanks to the generosity of the C-M community, the S.B.A. was proud to collect two full boxes of donated items for the U.S.O. to ship out to the troops as part of the S.B.A.'s Adopt-a-Unit initiative. This is even more impressive, given that the drive was held during the hectic final exam period, speaking volumes about the good heartedness of our law school community.

Although last year's venue had an adjacent hotel, no such hotel accommodations are available this year due to lack of interest over the past few years.

Because there is no hotel attached to the Powerhouse, now is a good time to insert a disclaimer for that evening: Please remember to consume your beverages responsibly and plan accordingly to get home on the night of the Ball. Remember that you will need to complete a Character and Fitness test in order to be approved to take the Bar exam!

Emily Honsa recalls her first time experience at last year's Ball with enthusiasm: "Barrister's Ball was a blast. I had so much fun last year, and so did all of my friends. I highly recommend all first year students attend this event!"

This year's festivities will commence at 6:30P.M., starting with a cocktail hour. Dinner will be served afterward, and guests will have their choice between two meat dishes or a vegetarian dish, and of course, free beverages. Dancing will follow dinner, as well as an awards ceremony. This year's D.J. is from Rock the House Entertainment Group and will provide hours of musical entertainment for guests to groove to.

Tickets will be sold on February 13th, 14th, & 19th-22nd, and are priced at \$50.00 per person and \$75 for faculty members.

Make sure to attend the Barrister's Ball on March 1st and give yourself the opportunity to relax and enjoy the evening with your friends and classmates!

Nina Lucci, 2L Day Senator

Both the S.B.A. and the U.S.O. are extremely appreciative of everyone who donated items to this program. Due to the success of this program, the S.B.A. will hold another drive to support our troops with the U.S.O. later in the semester, so be on the look out for more details!

Chuck Northcutt, 3L Day Senator

Visit the S.B.A. Website for more information: www.law.csuohio.edu/currentstudents/studentorg/sba/

Editors: Rick Ferrara, 2L Day Senator; Chuck Northcutt, 3L Day Senator

Bar exam is waste of time, money, and energy

The bar exam is pointless. There, I've said it, the heresy of all heresies. The bar exam is nothing more than an inane roadblock on the path to legal practice. It serves no functional purpose. It undermines the essence of legal education and it is ridiculously costly and time-consuming. The bar exam, frankly, should be abolished as a requirement for legal licensure.

I have never heard a cogent, convincing argument advocating the bar exam's existence. Some claim that the bar exam tests the substantive knowledge you've accumulated through law school and can, ultimately, gauge your ability to practice law. But is this actually true?

The bar exam supposedly tests the retention of core subject material from law school, yet everyone takes at least one bar review course in preparation. Why? If we learned what we were supposed to, enough to be promising young lawyers, we shouldn't need a bar review, should we? Of course not. A few subject outlines and some Nutshell guides should suffice. Yet, most law students shell out several thousand dollars to BarBri or Supreme Bar Review.

The truth is that no one really mastered contracts or torts or civil procedure their first year and, even if they did, they have since forgotten much of what they learned. We simply forget many of the minute caveats that the bar is so loathe to examine. Then, after graduation, we're

supposed to pull the mother of all cram sessions.

We try to fit three years of learning into just a few weeks. We may have never even been exposed to some of the bar subjects before a review course, either. With this sort of tight timetable, and with so much hasty cramming, is anyone actually learning anything?

If this is the case, the bar exam becomes not a test of your ability as a potential lawyer, but a test of your memorization skills. There is less emphasis on understanding than on mindless regurgitation.

All the cramming and all those bar review courses are also completely antithetical to the legal education you just completed. How? Consider this: for three years, you plod through law school, trying to learn, trying to make out good grades, and then it's all over.

You earn your degree, but you're still not a lawyer. You have to pass the bar exam to become one. So why is the JD necessary? Is it preparation for the bar? Not really, given the aforementioned cramming and bar review courses. Those are the true, and perhaps most useful, preparatory tools for the exam. So were the last three years a waste of mental energy, when all you have to do is pass one test to become a lawyer? Maybe, and that is precisely why the bar exam undermines legal education. It deemphasizes those past three years of schooling and places

your entire focus on one standardized test.

Sure, you need a JD to sit for the bar exam, but that almost seems like a formality, no different than writing your social security number or listing previous employers. The goal of the future lawyer, and what everyone pounds into your head the minute you enter a law school, is to pass the bar, not to attain your JD.

So, is there any reason the bar exam might be necessary? To ensure that new lawyers realize the peculiarities of practicing in a particular jurisdiction, perhaps? It seems to me that a single test is a terrible means of acclimating potential lawyers to jurisdiction-specific rules and regulations.

The knowledge required to practice law in specific jurisdictions could just as easily be imparted through continuing legal education courses. CLE courses are how many lawyers become informed on important changes in the law. They are necessary and, in many cases, required in order to remain in good professional standing. There is no reason why bizarre statutes or unique procedural rules could not be learned through this system.

True understanding of law can only arise through practice. Virtually all law professors have practiced before teaching. These individuals have perhaps the most intimate knowledge of the intricacies of law. Yes, they may have done well in law school or on the bar exam, but their

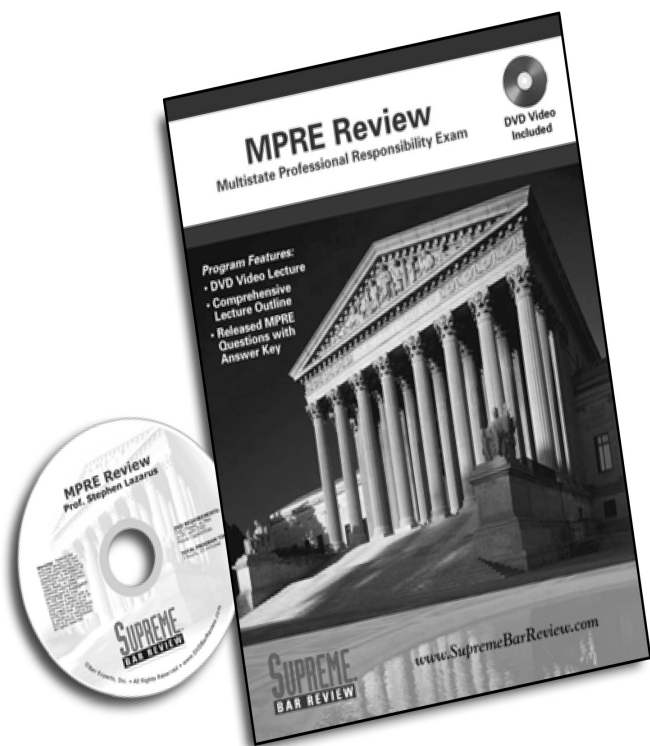
rich understanding of legal principle comes from their time in practice and years of hands-on research, not from a Gilberts law summary or a Thompson-West casebook.

This is why some sort of apprenticeship program should take the place of the bar exam. A required one to three years of working extensively and closely with a licensed professional lawyer would be much more beneficial than studying for, and passing, a test. Once these years of service are completed, and the licensed lawyer is satisfied that the apprentice is able to work alone and has sufficient mastery of the law, he or she can refer the potential lawyer for licensure. This extremely brief plan is merely one method of licensing lawyers that could be used in lieu of the bar exam.

The problems with the bar exam are legion. It would take a book to catalogue them all and a companion volume to explain how to rectify them. Clearly, the bar exam is not going to disappear overnight. However, I urge current and former lawyers, professional academics, and, most of all, law students, to rethink the system and try to see the bar exam for what it is: a useless test of memory that does not help build legal skills but, instead, undermines the three years of your life spent pursuing a career in law.

By Kurt Fawver, reprinted from *The Gavel*, Issue 5, Volume 55.

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