

POLITICAL BROADSIDE:

Healthcare Reform

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GAVEL OPINIONS:

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HEALTH ACTIVITIES

Community Health Advocacy Clinic and Health Law Society—new additions to law school's growing repertoire of health-related activities

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FARMERS MARKET

North Union Farmers Market brings new life to autumn. Visit the market on Euclid Ave., outside Law Building, Thursdays, 10:30 a.m. to 1:30 p.m. through October 22.

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THE GAVEL

VOLUME 58, ISSUE 1

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

OCTOBER 2009

CSU spring semester tuition increase appears imminent

Law students may face highest hike

By Kevin Kovach
Co-EDITOR-IN-CHIEF

Students beginning to budget for spring semester may soon have a choice to make—skip spring break or skip dinner. Under mounting pressure from the state's inability to draft a biennium budget that can withstand court challenges, Cleveland State University appears set to impose a spring semester tuition increase.

The CSU Board of Trustees must vote to impose any increase.

Jack Boyle, Vice President for Business Affairs and Finance, reported that the Trustees will next meet in November, and subsequently will not meet until spring semester. Boyle's position forces him to confront the university's budgetary realities. He plans to recommend a spring tuition increase to balance CSU's books.

"It is my intention to make a recommendation to the senior administration in time to be acted on—if they decide to request a change—at the November board meeting," Boyle said. He acknowledged that any decision must come at the November meeting; otherwise, the window for the Trustees to raise spring semester tuition will have closed.

The university is not taking the decision lightly. Although CSU enrollment is up 4.2 percent over last fall, Boyle fears that recent developments indicate even less money from the state than the legislature

allocated when it passed the budget in July.

Two recent court cases have left a more-than-\$1 billion hole in the state budget. In July, a Franklin County judge ruled that Ohio cannot use approximately \$258 million of tobacco settlement fund money and interest to fund social services including Medicaid. On Sept. 21, the Ohio Supreme Court ruled in a 6-1 decision that Gov. Ted Strickland's plan to raise an estimated \$933 million from video slots at horse-racing tracks must first pass a statewide referendum.

Regarding the impact the state's woes have had upon CSU, Boyle said, "I now believe it is unlikely that we will receive the dollars that were in the (budget) bill passed last July." Boyle relayed that while the Trustees can only raise undergraduate tuition by a maximum of 3.5 percent, they face no restrictions on how high they can raise graduate student tuition. However, he cautioned that an increase may apply uniformly, rather than hitting graduate

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"I now believe it is unlikely that we will receive the dollars that were in the (budget) bill passed last July."

JACK BOYLE
CSU Vice President for
Business Affairs and Finance

New Director of OCP expands C-M network

By Jillian Snyder
STAFF WRITER

When she graduated from Cleveland-Marshall herself in 1994, Jennifer Blaga knew that she would not be a traditional private practice attorney. Instead, she turned her attention to recruiting. From 1997 to 1999, Blaga served as Assistant Director of the C-M Office of Career Planning. Ten years later,

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In life, there are few guarantees. Among those are death, taxes, and difficulty finding parking on or around the Cleveland State University campus.

Parking Services recently opened the new, 623-space South Garage next to the Wolstein Center on East 21st Street. Students may have expected this new garage, just two blocks south of the Main Classroom Building, to alleviate pressure on parking at the Central Garage, closest to the Law Building, and the West Garage, closest to the Business College. Yet, Parking Services announced on its webpage that



New school year, new members for C-M Law organizations

Four weeks into the academic year, the Annual Student Organization Fair inundates students with information about opportunities to participate with the C-M community. Missed the fair? See a list of upcoming events, PAGE 9



TOP: Students browse the many organization tables in law school atrium. BOTTOM: Leaders seek new members. Photos by Kevin Kovach.

Campus parking headaches persist

Parking Director urges students to educate themselves

By Mike Borowski, STAFF WRITER
and Kevin Kovach, Co-EDITOR-IN-CHIEF

everyone, including CSU Prepaid Parking Permit holders, will have to pay \$1 an hour or a daily maximum of \$6 to park in South Garage. If the news did not frustrate students enough, Parking Services also noted that the garage will be subject to special event parking rates, which are often much higher than standard rates.

However, students upset over the controversial decision to refuse to honor the \$160-per-semester prepaid parking permits at the South Garage can rest easy. The new garage features solar panels that Parking Services projects will produce 10 percent of the garage's power needs. For those whose anger this "green technology" fails to mollify, Parking

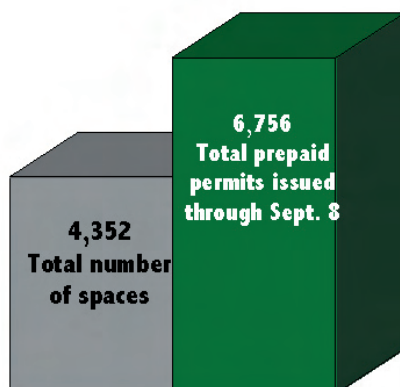
Services Director Charles Wiersma provided a different spin in a recent email.

"Use of CSU prepaid parking permits at the South Garage is currently under review, and a public announcement is expected shortly," Wiersma wrote.

On Sept. 6, the CSU *Cauldron* reported that Wiersma cited South Garage expenses and a university financing problem as the reason for requiring all users of the new facility to pay each day. Wiersma's more recent comments indicate a potential policy change, even as the university's budget difficulties deepen in the wake of widening state budget gaps.

In his email to *The Gavel*, Wiersma provided specifics that underscore students' parking headaches. Parking Services administers a total of 4,352 spaces available to students. Faculty with prepaid permits may also park in these spaces. Last fall, Parking

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Dean adapting to meet challenges, creating opportunities in a changing legal profession



Geoffrey Mearns
THE DEAN'S COLUMN

Several weeks ago, I had the privilege of welcoming the new entering class of students to our law school. As usual, I was excited and inspired by the optimism and enthusiasm of the new class. In the past few weeks, I have also had the opportunity to speak with many of the returning students. It is gratifying and rewarding to hear about their summer experiences. It is particularly interesting to hear these students describe how they were able to apply their knowledge of the law and their legal skills in practice settings.

Each year, these first few weeks of the academic year are filled with promise and potential.

But this year, I am acutely aware that the external environment—the world outside the walls of our law building—is changing in many ways. These changes are unsettling in many respects.

The legal economy is suffering amidst an unprecedented downturn. Law firms are shedding lawyers and terminating their plans to hire new lawyers. Clients are demanding that law firms reduce rates and provide alternative billing arrangements, instead

of the traditional hourly billing systems. Budget cuts are even forcing some courts to close on some regular days.

In my view, these changes are not the product of just another cyclical recession. Rather, I believe some fundamental changes are underway. In 10 years, the legal economy will not look like what it looked like 10 years ago.

I do not share these concerns because I like to dwell on the negative. If you know me, you know that I am not a pessimist by nature. To the contrary, I am an optimist. Indeed, I try to see challenges as opportunities.

I share these observations about the legal economy with you, however,

because we must accept the reality we now face. The first step in overcoming any challenge is to recognize that the challenge exists. The next step is to develop and implement a plan to respond to the challenge.

We—the faculty and staff of this law school—recognize that all of us, including our students, are facing an historic challenge. And we are developing plans to respond.

Permit me to identify briefly some aspects of our plan.

First, I have asked Jennifer Blaga,

I am acutely aware that the external environment—the world outside the walls of our law building—is changing in many ways.

DEAN MEARNS

the new director of the Office of Career Planning, to develop a strategic plan for her department. The principal objectives of that plan will be to expand the number and variety of employment opportunities that will be available to our students.

I anticipate that Ms. Blaga will complete that plan in the next two months. In the meantime, she and her staff are meeting actively with students to discuss how to obtain jobs in this challenging legal market. I encourage you to meet with her.

On a related point, Lindsay Wasko, the president of the Student Bar Association has created a new committee

that will serve as a liaison between the students and the administration on career planning issues. We welcome the opportunity

to foster greater communication on these important issues, and I am grateful for Ms. Wasko's initiative.

The second significant way in which our law school is responding to the current challenges to the legal profession is through a comprehensive evaluation of our entire curriculum and academic program. That evaluation will be conducted initially by an ad hoc faculty committee, which I appointed last May. The principal purpose of this evaluation is to ensure that we are providing our students with the knowledge and practical

skills to succeed in a changing and increasingly competitive legal market.

The third significant initiative that is well underway is a campaign to increase and enhance the public perception and reputation of our law school. I anticipate that, by the time you are reading this column, you will have begun to see the first tangible signs of this campaign—a new “mark”: C M Law. Simply put, we have developed a new short-hand symbol for our law school, so that we can use a consistent reference to the institution in our brochures, our publications, and on all kinds of apparel.

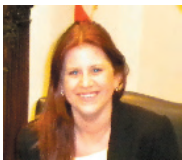
By now, you have probably seen some faculty and staff wearing the new black C M Law t-shirts. I anticipate that, in the near future, your SBA will make available to all of you a variety of t-shirts, sweatshirts, and ball caps with this new mark.

I hope that you will wear these items with pride. Indeed, one of the objectives of this effort is to demonstrate our pride in the institution.

In future columns, I will elaborate on each of these initiatives. In the meantime, I want you to know that the faculty and staff of your law school are responding to the challenges to the legal profession. We are committed to seizing the opportunities presented by these challenges. We are not complacent. To the contrary, we continue to work to make this law school even better.

And we are committed to your success.

SBA President discusses new initiatives



Lindsay Wasko
SBA President's Column

Five weeks in the books—is that not crazy? It seems like just last week I was reunited with my classmates. Hopefully classes are going well for everyone. First and foremost, I would like to thank all who attended the welcome back social hosted by the Student Bar Association at Barroom. We had a great turnout and received numerous positive reviews. Luisa Taddeo, Vice President of Programming, did an excellent job planning the event—so kudos to you roomy.

Second, as President of the SBA, I would like to take this opportunity to inform the Cleveland-Marshall community of some of the goals and projects the SBA is hoping to achieve this year. Since I started at C-M two years ago, it was obvious that the school's Career Planning program needed improvement. The timing to revamp could not have been better, due to the addition of the new Career Planning Director Jennifer Blaga. The Career Planning Committee, alongside Jennifer, will be working on what is going to be a time consuming and difficult process.

The first order on the agenda is setting up a panel discussion with each class of the student body (1L, 2L, 3L/4L). Students in each class will be encouraged to attend these discussions to voice comments and concerns on what can be done to help improve students' abilities to secure jobs. It is our plan to have the first panel discussion take place some time

at the end of October for the 3L student body. The focus of this discussion will be upon helping these students in securing a job after graduation, despite the harsh state of the economy. All 3L students are encouraged to come, so please keep your eye out for announcements.

Third, the SBA, in conjunction with Dean Mearns, is focusing its efforts on extending Cleveland-Marshall's recognition beyond its affiliation with Cleveland State University. Initiating the first step, Dean Mearns has begun to distribute t-shirts unveiling the new logo, “C M Law.” The SBA is working with Dean Mearns to help further distribute this new and distinct logo by ordering apparel and merchandise that match those already distributed. By branding this unique and separate logo throughout the law school, those in the legal community and the Cleveland area as a whole will become more aware of C-M's existence outside of the university.

Lastly, we are currently in the process of renovating the area behind the lockers in the cafeteria into an SBA “store.” The store will provide the SBA with a better opportunity to directly interact with the student body. No longer confined to the SBA office in the student organization room, the SBA will better serve the students in a more open forum. It is the SBA's hope that this merchandise will be available at the store's “Grand Opening.”

Now that we got the dirty part out of the way, what do we have planned for students to blow off some steam? Excited to collaborate with other student organizations, the SBA will be focusing its efforts to come up with meaningful

and entertaining events. We will kick off October by working with BLSA on its Health and Fitness week. To end the week, students will have the opportunity to show their competitive sides in a sports tournament. Also, as its annual fundraising event for charitable causes, the SBA will be raising money to support breast cancer awareness and research. The month will be capped celebrating my favorite holiday—Halloween. I challenge Hotdog, Ketchup, Mustard, and Relish to beat the reigning champions, Assault & Battery. As a final note, none of this would be possible without the support and help from my fellow executive board members and senators. At the conclusion of the 1L/1LE elections, members representing the incoming class will take their seats on the senate. I look forward to this addition to the SBA.



Law school gets furniture makeover

Matching the significant facility renovations over the past few years, the school has now installed new student lockers (above) and modern, movable furniture in the Atrium (below). The lockers are a culmination of a year of logistical planning by the Student Bar Association (SBA).



Photos by Kevin Kovach

CAREER

CONTINUED FROM PAGE 1

she has returned as OCP Director.

Since her first stint in OCP, Blaga has managed attorney recruitment for several major local firms. She also worked in national account sales with LexisNexis, training attorneys in Cleveland's top 25 law firms on Lexis research products. For the past four years, Blaga served as the Executive Director of the Cleveland office of Special Counsel, where she was responsible for selling legal staffing services to law firms and corporations throughout Northeast Ohio.

Blaga is thrilled to be back at C-M. "I am very excited to be back in the Office of Career Planning," she says. "Students have been incredibly receptive and welcoming to see the many changes happening within our office."

One major change C-M can expect to see this year in OCP is a student-based committee being coordinated between OCP and the Student Bar Association. OCP staff has been meeting with SBA President Lindsay Wasko to launch the committee, which will act as a conduit for students to share their career planning concerns.

The committee will also offer OCP with a sounding board for ideas.

This student-OCP collaboration will focus on expanding employer outreach far beyond the Cleveland-area. Some ideas for successful implementation include inviting employers to visit C-M for outreach programs, and a series of talks to address job market issues specific to each student level.

"In October, we're hoping to introduce a networking panel, which will discuss networking and its benefits," Blaga explains.

"In the spring, we're planning a speed-networking event, modeled after speed-dating, which should be a different, fun approach to networking. Our goal is to have at least one networking event each month."

Blaga notes that the OCP's overarching message is pulling out all the stops, for every student.



Photo of Jennifer Blaga, courtesy of The Office of Career Planning.

"Everyone has to cast a broader net now. The law degree is broader than ever before, with many ways to work within the legal community as a non-billing lawyer."

JENNIFER BLAGA, OCP DIRECTOR

"Everyone has to cast a broader net now. The law degree is broader than ever before, with many ways to work within the legal community as a non-billing lawyer. Following the Dean's ongoing initiative for expanding employer outreach, OCP will be fully on-board with making sure we're doing everything we can to get information out to students for employment opportunities

locally, regionally, and nationally." Blaga wants students to familiarize themselves with her office and get to know the staff. "I'm in my office all day, every day," she says. "I understand the urgency of questions and I'm always available to give honest advice or make a phone call for a student. I also really want ideas for networking opportunities students would like to see. We're going to be videotaping most speakers and webcasting them, but we'd like to address what will get students to come to these lunch-hour events."

In the meantime, students should look for information about upcoming networking panels and monthly OCP brown bag luncheons. The first networking panel is geared towards 3Ls and is planned for October.

Jennifer Blaga can be reached at jennifer.blaga@law.csuohio.edu. Her office is in the Student Services Center on the first floor of the Law Building.

What is the best document to submit for a writing sample?

Legal Writing Professor Karin Mika
THE LEGAL WRITING COLUMN

There are no real rules on what should be submitted for a writing sample, except that the sample should be your best work, should demonstrate a degree of depth in legal analysis, and should not be too lengthy (probably no more than ten to fifteen pages, and a bit shorter for students applying during or after their first year of law school). Most students applying for employment during or after their first year tend to use documents created in Legal Writing as writing samples. This makes sense, because these documents tend to be the right length, are polished, and were written in response to an assignment that theoretically had the student combine good writing, research, and legal analysis.

However, there's no rule that provides that an upper-class student cannot submit another sample – one written outside of the first year Legal Writing course, or a paper from the first year that has been modified and enhanced. I am often asked whether it is all right to submit a document that is revised after it has been graded. The answer is yes. The work submitted must be your best work.

Keep in mind, too, that the memos assigned during the first semester are apropos for a first year student—very basic, often without too much in-depth analysis or even assigned case law. While this might be an appropriate writing sample for a student attempting to gain employment during or after the first year, this might not be such a great writing sample (without modification) for a second or third year student.

I generally advise that the best writing samples are motions written (and potentially revised) during the second semester of law school. The motions tend to be the right length, and

hopefully demonstrate a higher level of integration of case law than one might see in a first semester memo. Motions also demonstrate a student's ability to advocate—the seminal skill of the legal profession.

I do not advise using appellate briefs as writing samples unless they are short enough not to make for cumbersome reading. I don't think law review articles are appropriate for the same reason. Also, most hiring attorneys are more interested in seeing practice documents. Excerpts from longer documents (such as appellate briefs) may make for appropriate writing samples, but only if they stand on their own—if the reader does not need additional information to understand what is going on in the excerpt.

Another useful tip is to be careful about the use of names in whatever document is submitted. Any real names from real cases should be redacted (for instance, if the writing sample itself was produced during employment), and any "silly" names probably should be changed if you believe the reader might be distracted or annoyed by the hypothetical fact situation. (Sometimes, a law professor's only outlet for creativity is in drafting fact situations.)

All that being said, the key is, "know your audience." If the person reading your writing sample would have reason to find your selection something that makes you stand out (such as a law review article on a topic in his/her field, or an appellate brief incorporating a hiring judge's opinions in a favorable way), then go ahead and submit that as your writing sample.

Whatever you submit, just make sure it is your best work—that it is carefully proofread and demonstrates the quality that the employer would expect to see from you as an employee.

come out all right. Every time we get asked about school, it makes us re-evaluate our decisions and actions with that much more undue scrutiny, which makes us reconsider and reevaluate the most trivial things about our study habits. A lot of us get by just by doing and learning and not necessarily dwelling on the fact that we should be spending more time on this subject or another. This all may just be me, but I do things at my own pace and privately. I don't want or need an audience. Of course, everyone loves to see a good car accident. You've got an audience that asked "how's law school" insincerely. They want to hear how hard or terrible it is. They're curious about the classmates; which ones are the jackals that walk on two legs?

THE ANONYMOUS 1L

Law school: Not really that bad, but fun to pretend otherwise

The following is the first article in a six-part series tracking the experiences of an anonymous first-year law student. If the student desires, his/her identity is revealed at the end of the year.

I'm going to assume that none of us have avoided social interaction to the point where we order our groceries online, so we've all heard that one question that we're not sure how to answer. It may come from a parent, friend (be they real or Facebook), sibling or utter stranger. They use one of a million different wordings, but the question stays the same: "How's law school?"

How does a law student begin to answer that question? Granted, we have had very limited experience with law school. Hell, I'm not sure if I could tell you the difference between estoppel and restitution damages.

The truth is, I honestly don't think it's been that bad. Yes, we're relearning simple concepts and spend most of our days understanding only bits and pieces while "That Guy/Girl" (I'm being inclusive here, you can thank me later) seems to nail every answer with a smug satisfaction similar to that which your older brother illustrated when he kicked your eight-year-old ass at Monopoly. Most of us have had an "oh (your-choice-of-expletive)" answer that, while correct enough by the professor's standards, makes not a bit of sense to you. In fact, we're probably already picking readings to skip and Facebook stalking in class, just like upperclassmen. I bet you're reading this in class. (If so, then put this away and pay attention. You probably just missed something important.)

I have come to those conclusions after observing my classmates. We all seem to be fairly in control of ourselves right now, even though we're all struggling through. We are studying in quiet, dignified desperation, proudly eking our way through one of the most stressful years of our lives with a smile and the belief that things will

The Infamous Question: "How's law school?"

If you are interested in writing an "Anonymous 2L," "Anonymous 3L" or other column, please contact us at gavel@law.csuohio.edu.

PARKING

CONTINUED FROM PAGE 1

Services issued 5,236 prepaid permits, not including an estimated 1,200 biennial tags issued the previous year. Spring semester saw a slight drop to 5,130 prepaid permits, not counting an estimated 1,200 biennial tags issued during the fall 2008. Wiersma related that through Sept. 8, his office had issued 6,756 prepaid permits for the fall 2009 semester. This figure represents a 22.5 percent increase over the number of permits issued last fall and 35.6 percent more permits issued than spaces available.

As any litigator or political observer can attest, statistics can be misleading and easily manipulated. Wiersma implied that the overwhelming demand for the overwhelmed supply of parking spaces does not tell the whole story.

“Since January 2009, there has never been a day on CSU campus where there was not a parking space available somewhere to meet demand,” he wrote.

Wiersma explained that students merely have to research available parking options and may have to walk a few blocks more than they like.

“Admittedly, during peak times these available spaces are in more distant areas of campus, such as Lot A—Cole Center—or Lot 41, at the corner of East 18th and Carnegie.” Cole Center is located at Chester Avenue and East 30th Street.

Law students should remember that even though it has 915 spaces, the Central Garage on East 19th Street tends to fill earlier than the 600 space West Garage on East 17th Street. But beyond those two garages, law students may lack awareness of nearby spaces open to Prepaid Permit holders.

Wiersma advised, “CSU leases Lot 17 located off East 17th Street, just behind Becky’s. Also, CSU Prepaid Permit holders are permitted to park in the Playhouse Square Garage located on Chester Avenue and East 15th Street. A permit holder need only show (a) valid permit and the parking charges will be paid by CSU Parking Services.”

Wiersma also cautioned students to circumvent peak parking times. He reported that Mondays and Wednesdays see the highest volume of parkers and that 9:00 a.m. to 2:00 p.m. is the most difficult window in which to find parking each weekday. Director Wiersma also warned of a second parking rush on the west end of campus, where the law and business schools lie.

“Certain parts of campus, the West Garage for example, see a second daily spike in the late afternoon and early evening hours.”

A likely reason is that many master’s degree classes in the College of Urban Affairs convene at 6:00 p.m. Many students in those classes drive to CSU directly from their full-time jobs.

Those who forgo prepaid parking permits have several options. Metered parking is available on all main streets on and around campus, with one exception. Euclid Avenue no longer has meters, but offers free one-hour spots. Students

Street Location	Direction	Time Parking Permitted	Total Parking Time Permitted
East 18th between Chester and Payne	Northbound	7 a.m. to 6 p.m.	4 hours
East 18th between Euclid and Chester	Northbound	9:30 a.m. to 6 p.m.	4 hours
Chester east of East 18th	Eastbound	7 a.m. to 4 p.m.	4 hours
Chester east of East 18th	Westbound	9:30 a.m. to 6 p.m.	4 hours
Chester between East 18th and East 17th	Westbound	9:30 a.m. to 4 p.m.	4 hours
Euclid	Either	All day	one hour free

parking at meters must remember to read all posted signs carefully and to never park in front of a fire hydrant. The city of Cleveland operates all meters and parking officers patrol the area diligently.

East 18th Street between Chester Avenue and Payne Avenue offers four-hour parking from 7:00 a.m. until 6:00 p.m., at which time all parking at

Cleveland meters becomes free of charge. Between Euclid Avenue and Chester Avenue, parkers can purchase four hours at meters from 9:30 a.m. until 6:00 p.m. All Chester Avenue meters on campus offer four-hour parking, but require careful notice of posted signs designed to facilitate the flow of rush hour traffic. Meters on the eastbound side of Chester, east of East 18th Street, are only available from 7:00 a.m. until 4:00 p.m. On the westbound side of Chester, meters east of East 18th Street are available from 9:30 a.m. until 6:00 p.m. Meanwhile, meters on the same side of the street, but between East 18th Street and East 17th Street, are



ABOVE: Central Garage on East 19th Street. Gavel file photo.

available from 9:30 a.m. until 4:00 p.m.

Whether you park in a garage or lot on campus, or a meter on or near campus, remember to research your options. Ten minutes spent on parking research can save far more time than that otherwise spent waiting for someone else to exit a space. No matter where you park, remember to protect yourself. Any student who would like a safety escort to or from any location on or around campus may contact the CSU Police Department at (216) 687-2020. Police and security officers provide safety escorts 24 hours a day, each day of the week.

TUITION

CONTINUED FROM PAGE 1

students worse than undergraduate students. Spring tuition rates are “yet to be determined,” Boyle emphasized.

Student Bar Association President Lindsay Wasko said, “I do think that the tuition increase was inevitable. When CSU did not raise the tuition for the fall semester, everyone pretty much knew it was going up in the spring.”

SBA Speaker of the Senate Samantha Vajskop noted that while she appreciates the difficulty of the Trustee’s situation, she is worried the Board may unfairly target graduate and law students.

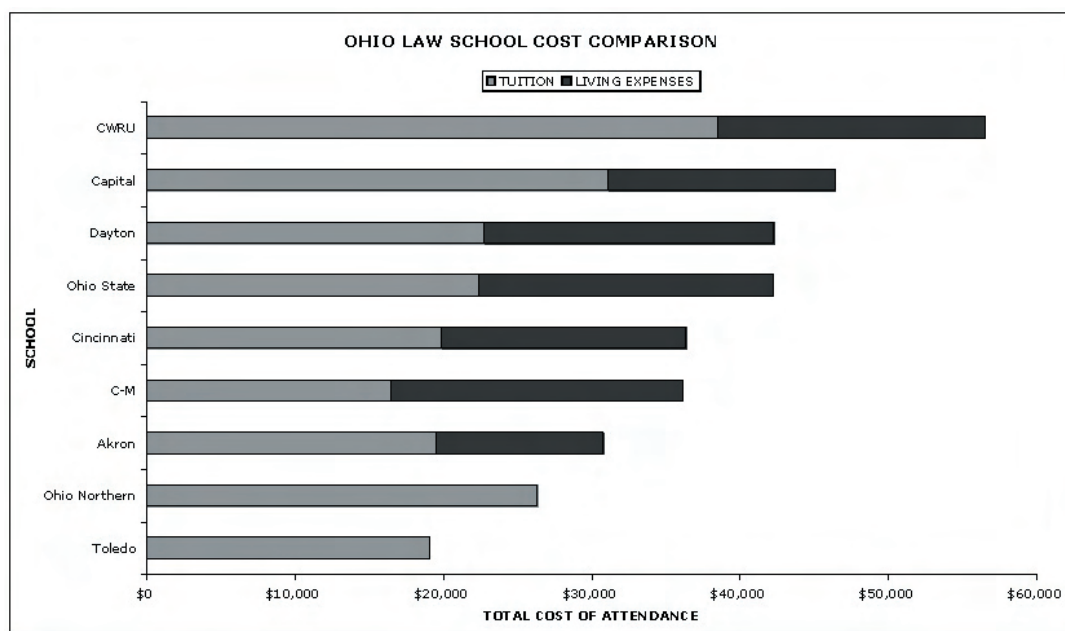
“I’m always understanding of an educational institution’s plight and how difficult a decision it is to make a tuition increase. But given the financial situation, it doesn’t make sense to hit law and graduate students harder than everyone else. If the Trustees are going to increase tuition, it should be a flat increase, across-the-board,” Vajskop said.

The SBA Speaker added, “Just because we may have money in the future doesn’t mean we have it now.”

Wasko echoed Vajskop’s sentiments. “What I do not understand is why there is a cap on undergraduate studies and not on graduate. It seems unfair that graduate students have the potentiality of being punished more than undergrad students. We are the ones who want to further our education.”

Wasko also expressed the anxiety of law students everywhere.

“As tuition increases, what do students get in return? A better education, or just more debt? With the state the economy is currently in, jobs after graduation are by no means guaranteed. As law students, upon



NOTE: Living Expenses were calculated by subtracting Tuition from the Cost of Attendance figures, which are provided by each school’s Web site. The Cost of Attendance figures upon which this graph was based were not available for Ohio Northern University’s or The University of Toledo’s law schools. From this chart, it is evident that C-M students pay less tuition than all other Ohio law schools.

receiving our degree, we then must endure the cost of preparing for and taking the bar exam. When does the cost end?”

Pete Zahirsky, a 2L dual degree student, said, “I think everyone is going to feel the same way about a tuition increase. I don’t think anyone is going to feel good about it.”

All students must keep their financial aid packages within the Cost of Attendance or secure private loans that usually carry higher interest rates than federal student loans. The law school has its own Cost of Attendance, which for the 2009-10 academic year is \$36,152, or \$18,076 per semester. Ann Coburn, Associate Director of Financial Aid, noted that the Cost of Attendance for each year is set the previous January, meaning that this year’s Cost

of Attendance was set in January 2009.

Coburn reassured law students that Financial Aid included an anticipated law tuition increase in the 2009-10 law Cost of Attendance. However, Coburn cautioned, “We won’t be making any other adjustments to the Cost of Attendance this year.”

Though Financial Aid tried to protect law students from the immediate financial burden of a tuition increase, the Trustees’ expected law tuition increase may exceed Financial Aid’s estimate. If the increase is higher than what Financial Aid accounted for, students will have to cut personal expenses. Zahirsky shared, “This may force me to use my U-Pass more, instead of driving all the time.”

Any student can go to the

Cashier’s Office in MC 115 to get a U-Pass sticker affixed to the student’s CSU identification card. The U-Pass permits a student unlimited use of RTA. All students pay a \$25 U-Pass fee as part of tuition each semester.

Some students who receive C-M scholarships will enjoy a scholarship increase that matches any tuition increase that materializes. However, other scholarship recipients will have to increase their federal Grad PLUS loans or private loans.

Christopher Lucak, Assistant Dean for Admissions and Financial Aid, advised, “If the student was given a full tuition scholarship, it will increase. If the

student was given a specific dollar amount, that will not increase.”

Of course, circumstances may change before the Trustees meet in November. A generous individual may make an Andrew Carnegie-sized donation to CSU. The state legislature and Gov. Strickland may reach a compromise that solves the budget chaos and protects CSU’s state assistance.

However, no one contacted for this story expressed optimism that the Trustees will have any option but to increase tuition.

First on-campus farmers market treats students with a green perspective

By Susanna Ratsavong
LAYOUT EDITOR

Fall is the time for harvest. Cleveland State University harvests a fresh crop of recently-graduated high school seniors each fall semester. Cleveland-Marshall harvests a new group of prospective attorneys each fall. Unlike educational institutions' allegorical harvests, farmers harvest actual crops, something not unheard of, but unseen, in the city. This fall, CSU has combined the two harvests to make an urban destination for fresh food: the first-ever farmers market to operate on a Cleveland-area college campus.

Each Thursday through Oct. 22, the North Union Farmers Market is setting up shop from 10:30 a.m. until 1:30 p.m. on Euclid Avenue, outside the Law Building. The market features a vast assortment of local produce, including seasonal favorites like sweet corn, pumpkins, and squash.

The market also offers goods and attractions, including cheese, meats, pasta, real honey and maple syrup, artisan baked goods, prepared foods, pita chips, hummus, tabouli, and live music. Four weeks into its eight-week run and the market has breathed life into Euclid Avenue each time it has operated.

Donita Anderson, Executive Director of the North Union Farmers Market, noted that the CSU market is the first local on-campus farmers market and is a test site for future on-campus markets. She said that CSU took the initiative to start the on-campus market.

"Some community activists on the CSU staff contacted us," Anderson remarked.

While the market will close before winter, it is not the end of this green initiative on campus. Anderson also revealed that CSU and North Union are hoping to build a permanent "green" site to offer an expanded market. The proposed site would likely be in the same location as the current market, would have space for 50-60 farmers, and would feature an overhead cover to catch rainwater. Discussing the current market, Anderson said, "We've had a great start and we're hoping to have it catch-on as we go along."

After a roaring start, Anderson has witnessed consistent crowds. "It was a big blast the first day," she said. "Since then, we have had a pretty steady lunch and later crowd."

Dr. Rosemary Sutton, Vice Provost for Undergraduate Studies, said that she has visited the market each week. She commented that she has come



TOP: A heavy crowd browses the farmers market for a Thursday lunch or weekend groceries. BOTTOM LEFT: An array of pumpkins, gourds and other produce sit side-by-side for sale with flowers and herbs. BOTTOM RIGHT: Local employees shop the market during their lunch breaks. Photos by Kevin Kovach.

Fresh food at the North Union Farmers Market, in front of Law Building—first of its kind on a Cleveland-area college campus

at different times and noticed a decent crowd on each occasion. Dr. Sutton mentioned that she has observed a diverse crowd from the campus community and possibly people coming from off-campus, and suggested that while "students might have taken an extra week" to visit the market, she has noticed a number of students in the past few weeks.

Professor Stephen Lazarus has also been a regular market visitor. "I've been coming each week. I get orders telephoned to me by my wife to pick up peaches and tomatoes," Lazarus remarked.

Someone unfamiliar with local farmers markets might find it confusing that the market has prepared foods. Indeed Brad Eier, a 2L, mused, "What kind of farm grows fudge and pastrami sandwiches? We should call it what it really is; it's more like a county fair midway."

Dave Mullen, a 1L, offered a sunnier take on the market.

"I think the farmers market is a fantastic feature that should be integrated and expanded further," said Mullen. "I actually tried a recipe for stuffed peppers that I got from Rainbow Farms' stand there and it was delicious. The prepared food that they have there is also very nice."

While students have provided mixed reviews, the new Thursday crowd is benefitting from a green idea for an otherwise unused, concrete space.

NEW PROFESSOR ARRIVALS

Kelly K. Curtis comes to C-M from the office of the Ohio Public Defender in Columbus, where she served as an Assistant Public Defender. She currently teaches Legal Writing.

Jonathan Witmer-Rich comes to C-M from the Office of the Federal Public Defender for the Northern District of Ohio, where he specialized in research and writing. He currently teaches Criminal Procedure I and Legal Responses to Terrorism.

New professor brings criminal defense expertise to the classroom

By Jillian Snyder
STAFF WRITER

Not long ago, Jonathan Witmer-Rich was on the front lines of criminal defense, representing defendants accused of terrorism. As a criminal practitioner with big firm Jones Day in Cleveland, and a research and writing specialist in the Office of the Federal Public Defender for the Northern District of Ohio, he witnessed the practical application of the law.

Now a month into his new role as Cleveland-Marshall professor, Witmer-Rich has already begun to appreciate the different perspective teaching brings.

"I'm really enjoying stepping back to spend time reading, thinking about, and debating the issues I worked on in practice," he says. This semester, Witmer-Rich is teaching Criminal Procedure I and Legal Responses to Terrorism. In the spring, he will teach Criminal Procedure II and Criminal Law.

"I really enjoy both of my courses this fall," Prof. Witmer-Rich says.

"The law and terrorism course is probably my favorite because the topic is so current. For example, last week I started the class by playing a news story from NPR that I happened to hear on my way into the law school that very morning; it was reporting a significant development in a terrorism case from Somalia that we had discussed a few weeks ago. There are many significant questions about

the legal issues surrounding terrorism—issues such as interrogation and torture, preventive detention, and the balance of power between the three branches of government—that are being debated and decided day by day. So in many ways, the course is operating almost in real time, following the legal developments as they happen. To me that's very exciting."

Witmer-Rich is excited to join the C-M community, and encourages his students to utilize office hours and academic resources offered by the college of law.

"I remember as a law student being a bit timid and not wanting to 'bother' my professors," he says. "But now as a professor I realize that interacting with students is one of the best parts of my job, and I try to be open and accessible to students. I love the back-and-forth debates in class. The student body also has a real diversity of past experiences, and class is always more interesting when students can bring those experiences to bear on the legal and policy issues we're debating in class."

While Professor Witmer-Rich is still getting a sense for the law school's activities and rhythms, he has already noticed that there are great opportunities for students and faculty to interact outside of class.

"I think the law school should feel like a joint venture between and among students and faculty," Witmer-Rich says. "We have a shared interest in a dynamic, creative, and successful institution."

What: North Union Farmers Market

When: 10:30 a.m. to 1:30 p.m. Thursdays until October 22

Where: Euclid Avenue, in front of the Law Building

For more information: (216) 751-7656 or
www.northunionfarmersmarket.org

Law school increases ties with the healthcare community

By Marilyn Robertson
CONTRIBUTOR



MetroHealth Medical Center (above) is home to the MetroHealth System, partner in C-M's newest law clinic.

A 2008 Cleveland State University study reported that the metropolitan areas of Cleveland, Akron, and Canton all ranked in the lower half of metro areas nationwide on measures of growth in employment, per capita income, productivity, and gross metropolitan product. During a walk down Euclid Avenue, it becomes evident that Cleveland is home to some of the poorest of the poor: working class residents waiting on the next paycheck, the homeless with only the clothes on their backs, immigrants with limited or no steady source of income, elderly people stretching their last dollar; recently-released men and women looking for a second chance, and disabled people with special needs. All share one critical need: access to health care and the legal issues associated with their current status in life.

Cleveland-Marshall faculty and students now provide a holistic approach to bridge the interdependencies with law and medicine. On Oct. 21, the school will introduce the Center of Health Law and Policy (CHALC) at a reception open to the legal community and general public. The Center will coordinate all components of health law at the law school, including the renowned Journal of Law and Health, the Community Health Advocacy Law Clinic and the Health Law Society.

The Center's new health law classes will prepare students for successful careers in health care law. The Center will be designed to teach students how to identify and address the legal issues that affect individuals living with health problems. A certificate will be available in Health Law with concentrations in Bioethics, Healthcare Legislation and Regulations, and Non-profit Organizations.

In Fall 2009, the inaugural members of CHALC at C-M began classes. CHALC is a partnership among three public institutions: Cleveland Marshall, the MetroHealth System and the Legal Aid Society of Cleveland. CHALC's mission is to help the city's most vulnerable citizens resolve legal problems that may place their health and health care at risk. The Clinic approaches cases through a model of collaboration between law students and medical professionals, which simultaneously helps resolve legal disputes and leads to improved health outcomes for clients. For the poor, finding adequate medical care is often compounded by legal problems.

The student work with the faculty, social workers, and legal aid attorneys on a holistic approach to representation, and the students deal with many legal issues the clients face as an obstacle to health care. The CHALC cases run the gamut, from helping a single mother obtain Medicaid for her children, to representing an HIV-positive client in a Social Security disability hearing, to setting-up an education plan for a child having difficulties with mainstream classes.

Professor Pamela Daiker-Middaugh, the founding director of the law school's nationally-acclaimed Pro Bono Program, will direct the new clinic. CHALC offers law students academic credit

and includes classroom instruction as well as client-counseling experience. CHALC students and faculty will augment an existing partnership between MetroHealth and Legal Aid collectively known as the Community Advocacy Program (CAP).

CAP helps doctors, nurse practitioners, social workers and lawyers address patient needs. CHALC's involvement will increase CAP's ability to assist the city's elderly and low-income families in areas of the law that most often affect their physical, mental and social well-being: special education law, public benefits, disability law, housing law, and immigration law. The clinic's legal services will alleviate a great deal of stress for our clients, allowing them to focus their limited energy on their underlying health problems.

Thus far, participating students have practiced a broad range of practical lawyering skills in the areas of client interviewing, factual investigation, client counseling and litigation advocacy. The student interns will assist clients to access necessary health care, obtain public benefits, secure or maintain stable housing, establish court-approved emergency plans for the future care of children, and develop proxies that authorize health care agents to make health decisions.

Another addition to Cleveland-Marshall is the newest student organization, the Health Law Society. The Health Law Society is dedicated to making students more aware of health law issues, exposing students to a variety of health law career options and providing a community outlet for its membership. The new Clinic is actively involved with Health Law Society, coordinating additional health law activities and opportunities for organization's members. *Marilyn Robertson is a 2L student at Cleveland-Marshall. Marilyn is among the inaugural class of the CHALC clinic. She also serves as the President of the Health Law Society.*

A Libertarian view on healthcare

The United States dwarfs the rest of the world in healthcare spending per capita, but we are no healthier for it. While U.S. Government spending alone rivals that of most socialized countries, what America spends in its private system is exponentially beyond any other nation. Why do we use our resources so inefficiently, and what is the solution?

People prefer compensation in money, rather than being limited to consuming or bartering goods and services received as payment. The exceptions to this rule are healthcare benefits, which employers provide to their employees in lieu of a salary. Why is this the case?

Section 106 of the U.S. Tax Code allows for employer-provided healthcare benefits to be tax-exempt to the employee. With few exceptions, all other healthcare must be purchased with after-tax dollars. This tax policy warps the natural preference to be paid in salary, as opposed to goods and services. An enormous incentive exists to receive as much healthcare as possible under the employer-provided umbrella.

Many argue that, irrespective of this backdoor subsidy for employer-provided benefits, employees would still prefer to receive them, due to aggregatory efficiencies (i.e., buying in bulk). While this possibly could be true in limited circumstances, particularly within corporations large enough to exercise economies of scale, the healthcare product offered would be unrecognizable, compared to the "insurance" that employers provide today.

Employer-provided health "insurance" is actually a misnomer. Insurance is defined as "the equitable transfer of the risk of a loss from one entity to another, in exchange for a premium." Common examples are homeowner's insurance, which pays-out in the event of fire, and car insurance, which pays-out in the event of an accident. Insurance, by definition, does not pay for routine expenses: homeowner's insurance does not pay to clean your gutters and car insurance does not pay to change your oil. Why then, does health insurance pay for routine doctor visits and prescriptions?

The reason is that health insurance is a thinly veiled, third-party payment mechanism. A comprehensive third-party payer maximizes one's tax savings under Section 106. With insurance companies paying for routine healthcare,

market price signals are stripped from the patient's decision-making process. This turns health insurance into the equivalent of an all-you-can-eat buffet where consumers gorge themselves with no consideration of cost, other than the price of admission. When was the last time you selected a doctor based on price? What about a prescription? When was the last time you even knew what the price – not the co-pay, mind you – actually was?

With no responsive pricing mechanism, healthcare demand becomes highly inelastic. Malinvestments are made to accommodate the unchecked demand for healthcare. Malinvestment is investment made in response to artificial price signals warped by government fiscal, monetary, or tax policy, as opposed to the legitimate signals generated by an unfettered market.

Malinvestment is the "air" that forms economic bubbles.

Repealing the tax exemption for employer-provided health benefits is the pin needed to burst this enormous bubble. Prices would be forced down considerably, wringing out the bubble's excessive froth. While this would result in staggering losses for the US healthcare industry as it is forced to liquidate malinvestment, it would result

in tremendous wealth and efficiency gains for the healthcare consumer.

It is important to realize that these losses would not be new, but instead already exist; they are presently socialized amongst healthcare consumers in the form of exorbitant costs. Those with no access to employer-provided coverage, who have to use after-tax dollars to purchase healthcare, are hit disproportionately hard.

It is telling to look at those few areas of medicine that fall outside the insurance system. Cosmetic surgery is an excellent example. While medical procedures in virtually all areas are seeing double-digit annual percentage increases, the cost of cosmetic surgery in inflation-adjusted terms has steadily fallen over the past twenty years!

The solution to America's healthcare crisis is repealing Section 106. Health insurance would return to the traditional product that one would reasonably expect it to be – insuring against the risk of serious illness or accident. Price signals would be reintroduced to consumer decisions, there would be forced liquidation of malinvestment, and healthcare would once again be affordable.



By Matt Brakey
CONTRIBUTOR

Christian Legal Society plans active semester

By Jason Csehi
CONTRIBUTOR

Observant students may have noticed that since the first day of fall semester, the Christian Legal Society has had a prominent display in the cafeteria area. CLS has already held a major panel discussion and has much more on its agenda for the rest of the semester. Thus far this year, few organizations have been able to match the group's pace.

CLS President Tyessa Howard relates that CLS will hold monthly meetings at 5 p.m. on October 19, November 9, and December 7. Each meeting will include a brief Bible study and planning for future events. Bible study will

continue during the spring semester.

The organization is looking into establishing a Christian Legal Aid Society chapter in Cleveland. Howard notes that Cleveland is one of the few major American cities that lacks such a group. CLS will also seek volunteers to help at a local soup kitchen on Nov. 20 and 21, and the group is considering participating in the Salvation Army's Angel Tree program, which accepts donated Christmas gifts for needy children whose parents are incarcerated.

CLS opened its busy semester slate on Aug. 31 with a panel discussion on Christian faith and the law. Panelists included the Hon. William "Bill"

O'Neill, Cleveland Municipal Court, Judge Anita Laster Mays and Cleveland City Council Ward 8 candidate Jeff Johnson. Rev. Dr. Joseph Kovitch of the Lutheran and Episcopal Campus Communities offered an invocation, after which CLS Vice President Crystal Bryant, a 3LE, introduced the panelists.

The speakers shared what their faith and legal journeys have meant to them and how the two aspects have combined to lead them to their careers today. They discussed how they became Christians and how their faith has helped them through difficult times, some of which persist.

Johnson, a graduate of Case Western Reserve University with a dual degree in law and political science, spoke of his troubling time in prison, where he spent 15 months for campaign fundraising-related violations he committed while



POLITICAL BROADSIDE

THE FORUM FOR DEBATING THE HOT-BUTTON ISSUES OF THE DAY

Issue 1: Healthcare Reform

A LIBERAL ARGUMENT

When I was first approached about writing the Political Broadside column at the end of last school year, I assumed that my first topic would be healthcare reform. I anticipated writing a column that would extol the virtues of the newly-passed reforms, and how much good they would do for the average American. I looked forward to praising Democrats in Congress

for their swift action, and praising some members of the Republican Party for their courage in crossing party lines on such a difficult issue.

As summer flew by, I realized that this column would not be one of praise for a job well done, but might advocate for single healthcare reform bill that would be up for a vote in Congress in the first few days of October. However, during the last few days of summer, I realized two things. First, no one bill was likely to emerge from the morass of partisan rhetoric that was passing for “civilized debate” from the right side of the isle. Second, the Republican Party is completely out of touch with the struggles facing many Americans.

While I may not agree with many Republican ideals, there are many that I understand and respect. I understand concern about a public option. I understand not wanting federal dollars to cover abortions. I can even understand apprehension over mandatory coverage and increased fees for private insurance companies. What I cannot understand is why, in the face of overwhelming increases in insurance costs, with the number of uninsured and underinsured Americans growing larger daily, Republicans have done nothing but criticize those trying to improve the system, while offering nothing more than to continue on as if nothing is wrong.

Over the past few months, the Republican Party has been framing the debate over healthcare reform in extremist terms. The GOP has allowed puffed-up journalists and party standard bearers alike to fill the airwaves with lies and half-



By Lindsey Wilber
LIBERAL COLUMNIST

truths. They have silenced any meaningful debate by encouraging the rudest of behaviors.

So, as I write this column in the last few days of September, I urge all Democrats, from Senators to the guy on the street, to reframe the debate. No longer can we sit by and allow the current system to wreak

havoc on our society. Healthcare reform is, above all else, a moral imperative.

We must enact reforms that make it possible for every American citizen to have affordable access to the best quality healthcare that this country has to offer. As the most prosperous nation in the history of human civilization, we have a moral obligation to ensure that all citizens have access to affordable, high-quality healthcare. While this country might lead the world in advancements in medical technology, those advancements amount to nothing until the least among us can see a doctor without first checking a bank statement. The progress made by pharmaceutical companies means nothing if those who need medication the most have to decide between groceries and filling a prescription.

It is unconscionable that in the wealthiest nation in the world, almost 50 million people are uninsured, and nearly 20 million Americans are underinsured. In the past 10 years, insurance premiums in Ohio have increased over 84 percent, from an average of \$6,596 for family coverage in 2000, to \$12,145 in 2009. While rates have gone through the roof, the quality of the coverage has, on average, decreased.

We have all sat idly by while insurance companies reduced the lives of human beings to numbers on a spreadsheet. We have allowed pencil pushers to decide a person's worth, based on how large a risk he or she may be. If we as a nation truly believe that it is unfair for everyone to have to pay a bit more so that all people can live healthy, productive lives—if the bottom line has become more important than a person's life—then we have truly lost our moral compass. It is up to the silent majority to stand up and demand reform; if not, we will be judged poorly by generations to follow.

CONSERVATIVE REBUTTAL

I wouldn't be too quick to lavish praise upon Congressional Democrats. You speak of partisan rhetoric, extremist terms, and puffed-up journalists filling the airwaves with lies and half-truths, when in fact, these are the very things that the Democratic Party has been guilty of for the past nine years.

Take Senate Majority Leader Harry Reid and House Speaker Nancy Pelosi. Both have threatened to use reconciliation to push healthcare through Congress by simple majority, to avoid a Republican filibuster. Reid recently said, “If we can't work this out to do something within the committee structure, then we'll be forced to do the reconciliation,” adding that he views this as a “last resort.”

How are we supposed to be able to work this bill out within the committee structure when Senate

Finance Committee Chairman Max Baucus rudely interrupts and cuts short Republican committee members trying to point-out flaws in the legislation? The answer is that we are not supposed to. The Democrats in control are so fanatic in their behavior, so brainwashed by ideology, so beholden to Barack Obama, that they can't wait to push the button on this “nuclear option.”

You say the silent majority must stand up and demand reform. I say to you that they already have. They have stood up at town hall meetings across the nation, attended tea parties by the thousands, and even marched on Washington, D.C., demanding reform all the while. We were told by the Obama administration that we would be entering a new age of bi-partisanship. Instead, all we have entered into is a new age of thug bureaucracy where threats, rudeness, and lies reign supreme.



A CONSERVATIVE ARGUMENT

After watching the Browns struggle through yet another Sunday I'm now convinced that Coach Eric Mangini should consider signing President Obama to fill our troubled quarterback position. By dodging two major issues with the healthcare package – the massive spending required to pay for the overhaul and the rationing of care brought

about by the introduction of a public option – Obama continues to remain elusive and misleading; perfect for picking up the dreaded zone blitz plaguing the Cleveland offense, but not so perfect for fulfilling his promises of transparency.

Healthcare accounts for one-sixth of our economy. Despite public support for the President's healthcare proposals sitting at 42 percent, President Obama remains convinced that the best approach to overhauling one-sixth of the economy is to do it as quickly as possible, without taking into full consideration the logistics of such a large task, or to even listen to what the American people actually have to say about the situation. Instead, he just keeps pushing on with his politically-motivated liberal agenda while preaching his hypocritical message of bi-partisanship.

Despite the fact that massive amounts of government spending will be required to pay for the proposed healthcare overhaul, President Obama claims that Congress will be able to pay for half of the \$1 trillion healthcare cost over the next 10 years by cleaning up Medicare and Medicaid to eliminate, in his words, “hundreds of billions of dollars in waste and fraud” from the system. If the President thinks this kind of logic is supposed to instill confidence in the American people that the government will actually run a more efficient healthcare system, he is sorely mistaken.

Cutting out waste and fraud is nothing more than a pipe dream. Sure, it sounds great when the President says it on television. Nobody likes government waste and fraud, but the reality of the situation is that with more government involvement, the amount of waste and fraud will only increase.

If Medicare and Medicaid are so ripe with waste and fraud, why must we wait for the healthcare bill to be passed to



By Mike Borowski
CONSERVATIVE COLUMNIST

correct this problem in the first place? The focus should instead be placed on fixing the parts of our healthcare system that are in need of repair, not destroying it. The only answer I can come up with is that President Obama and his cohorts really feel that the American people are stupid enough to believe what they are trying to sell them.

The President continues to insist that the government-run healthcare plan would be self-sufficient and remain deficit neutral.

I'm sorry, Mr. President, but no dice. Over the next 20 years, the estimated cost of a government run healthcare system will rise to almost \$2.5 trillion and passage of the current healthcare package or its various incarnations will send the deficit rocketing past the \$10 trillion mark.

With the number of uninsured estimated to be over 46 million and talk of making health insurance a mandatory requirement enforced through the use of fines, the cost of healthcare will ultimately be passed onto the middle class in the form of the same tax increase that President Obama promised during his campaign that we would not see.

Let's not forget to address the other major issue brought about by the sudden, massive influx of 46 million new people into the healthcare system: shortages of doctors, nurses, equipment, facilities, and services. The overload on the system would create long waits for medical tests and procedures that may prove to be life saving. Ultimately, it will be the elderly that suffer most. They spend a lifetime paying into the healthcare system and now that they've reached the age in which they need it, President Obama wants to take that medical care and give it to the young and healthy. President Obama needs to slow things down and stop letting his political agenda interfere with what is good for the country.

LIBERAL REBUTTAL

First, the reason that President Obama's calls for bi-partisanship seem hollow is that no one on the right is brave enough to step forward. Any Republican who fails to toe the party line will be branded a traitor. No one in the GOP wants to risk the anger of Glenn Beck and his Tea Bagger.

Second, my esteemed Republican colleague seems to believe reforms to the current system would be too costly and problematic. The fact is, doing nothing will cost us more in the long run. Small Business Majority recently conducted a survey that found that without healthcare reform, small businesses will pay nearly \$2.4 trillion over the next 10 years for employee healthcare. The study also found that by 2018, rising healthcare costs will cause the elimination of 178,000 small business jobs. While an influx of 46 million newly-insured

Americans might temporarily burden the system, the rise in the supply of patients would create jobs. The patient supply increase would increase demand for doctors, nurses, and other medical staff.

Finally, there is public support for healthcare reform. A CBS News poll released September 11 found that 73 percent of Americans support increased regulation of insurance companies, and 68 percent of Americans support a public option.

Americans do well with a challenge. We colonized a new world, broke ranks with the world's first superpower, and established the longest-running republic in human history. Currently, we lead the world in technological advancements and have become a symbol for hope and prosperity to billions. But overhauling a broken healthcare system would pose some challenges, so let's just do nothing? It is apparently no longer “morning in America.”

DIVERSIONS

YOU WORK HARD; TAKE A BREAK



Courtesy of <http://www.andertoons.com/cartoon/59061>



Courtesy of <http://www.andertoons.com/cartoon/58071>

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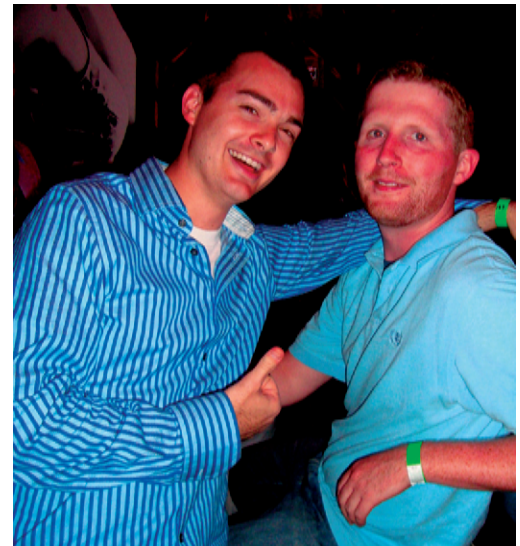
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Courtesy of www.websudoku.com



SBA welcomes students back with the first social of the year, gives 1Ls taste of downtown nightlife



Students gathered Aug. 28 at the Cadillac Ranch, 200 Euclid Ave., in the East Fourth Street Entertainment District, for SBA's annual Welcome Back social. The social was SBA's first of many planned throughout the year. For more information about SBA events, see EVENTS on the next page.

Photos courtesy of Maryanne Fremion



Have photos of your own to share?
 Want to write a column?
 Have story ideas or know of any upcoming events?
 Want to see *The Gavel* at a stand near you?
 Would you like to buy an ad in the paper?

CONTACT US!

Submit photos, articles and other ideas to gavel@law.csuohio.edu
 The Gavel meets once a month to discuss story ideas and make assignments.
 Our next issue will be released near the beginning of November 2009.

UPCOMING STUDENT EVENTS

THE GAVEL ASKS STUDENT LEADERS TO TELL US ABOUT THEIR UPCOMING EVENTS

DATE	ORGANIZATION	EVENT DESCRIPTION	PLACE	TIME	CONTACT INFORMATION
10/1/09	Justinian Forum	Cleveland Italian Film Festival	Cedar-Lee Theater, 2163 Lee Road, Cleveland Heights	5:30 p.m. pre-party, 7:30 p.m. film	Luisa Taddeo, Justinian Forum President, LTaddeo@law.csuohio.edu
10/3/09	SBA	Outlining event for 1Ls	LB 11	1 p.m.	Luisa Taddeo, SBA Vice President of Programming, LTaddeo@law.csuohio.edu
10/5/09	Black Law Student Association (BLSA)	Cardio Boot Camp	TBA	TBA	Aja Brooks, BLSA President, abrooks@law.csuohio.edu
10/7/09	BLSA	45-minute stress management seminar	TBA	TBA	Aja Brooks, BLSA President, abrooks@law.csuohio.edu
10/8/09	Democratic Law Organization, Law Republicans, Federalist Society, Libertarians, and American Constitution Society	Navigating Campaign and Election Law with election law expert Don McTigue, 1 hour free CLE	Moot Court Room	6-7 p.m.	Pete Zahirsky, DLO President, pzahirsky@law.csuohio.edu
10/9/09	BLSA/SBA	Spring Sporting Tournament: dodge ball; \$25 per team of five	Rec. Ctr. (MAC Gym)	1:30-3:30 p.m.	Aja Brooks, BLSA President, abrooks@law.csuohio.edu
10/15/09	American Constitution Society	Ohio Attorney General Richard Cordray discusses <i>Keith Smith, Warden v. Frank G. Spisak, Jr.</i> , U.S. Supreme Court Case 08-724; Cordray will argue this case as lead counsel on October 13	Moot Court Room	3-4 p.m., 45-50 minutes of remarks followed by 10-15 minutes of Q & A	Kevin Kovach, ACS President, kkovach@law.csuohio.edu
10/15/09	BLSA	1L Concerns Committee Monthly Initiative: Legal Writing Seminar	TBA	TBA	Aja Brooks, BLSA President, abrooks@law.csuohio.edu
10/16/09	Catholic Lawyers Guild	Red Mass	Cathedral of St. John the Evangelist	10:30 a.m., Lunch to follow	Elizabeth Cullivan, CLG President, ecullivan@law.csuohio.edu
10/16/09	BLSA	General Body Meeting	TBA	5 p.m.	Aja Brooks, BLSA President, abrooks@law.csuohio.edu
10/23/09	Global Business Law Review	Symposium, "International Finance after the Crash: Regional Responses to the Global Financial Crisis of 2009" (3.5 hours CLE credit pending approval)	TBA	1-5 p.m.	Andy Trout, Director, GBLR Symposium, atrout@law.csuohio.edu
10/30/09	Allies, co-sponsored by WLSA, ACS, Law Review, BLSA, SBA, C-M, Law Library, Office of Diversity and Multicultural Affairs, GLBT Student Services, and ACLU of Ohio	Symposium, "The State of LGBT Rights: Ohio, America, and the World" (4 hours CLE pending approval)	Moot Court Room	1-5:30 p.m.	Alana Jochum, Allies, alana.jochum@law.csuohio.edu, http://www.acluohio.org/_tests/LGBTSymposium.htm
10/30/09	SBA	SBA Halloween Social	TBA	TBA	Lindsay Wasko, SBA President, LWasko@law.csuohio.edu
10/19/09 to 10/22/09	BLSA	School Supplies Collection Drive for Juvenile Detention Center	TBA	TBA	Aja Brooks, BLSA President, abrooks@law.csuohio.edu

Did we miss something? Be sure to contact us at gavel@law.csuohio.edu. It won't happen again.

CHRISTIAN

CONTINUED FROM PAGE 6

serving in the Ohio Senate. He also discussed how his faith helped him to endure the hardships of incarceration. In April, Johnson had his law license reinstated by the Ohio Supreme Court. He attributed the reinstatement of his license to his faith. Johnson said that he credits his relationship with Jesus Christ for empowering him to overcome hardships and move forward as a public servant.

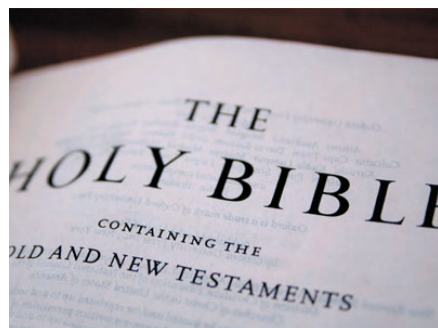
Judge Mays, a C-M graduate running unopposed for re-election, shared the experience of her brother's death, as well as difficulty in running for judge with the audience. Though challenged by these events in her life, Judge Mays confirmed that her faith has strengthened her. She stressed the importance of faith for law students when they are here at school and urged them not to lose faith once they enter the workforce.

Judge O'Neill, a Vietnam veteran and C-M graduate, retired from the military in 2001. He is a former Ohio court of appeals judge and ran last year

as the Democratic nominee for the 14th Congressional District against incumbent Steve LaTourette. O'Neill discussed how his faith has helped him through each stage of his long career in public service.

Judge O'Neill said that his faith-driven desire to help others prompted him to return to college at age 50 to become a nurse. He currently works evenings and weekends in the pediatric emergency room at Hillcrest Hospital.

Howard encourages any students interested in joining CLS to email her at thoward@law.csuohio.edu for more information.



PREVIEW OF NEXT GAVEL ISSUE:

- Ohio Issue 3: Casino gambling in Cleveland?
- Competing Cuyahoga County reform measures: sorting through the confusion
- Cleveland mayoral race
- Ohio Attorney General Richard Cordray visits C-M on the heels of arguing before Supreme Court
- You're studying; what are the professors researching?
- Inauguration of new CSU President Berkman

Any thoughts or concerns about these or other issues? Contact us! gavel@law.csuohio.edu

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
Kevin Kovach
Tara Chandler

LAYOUT EDITOR
Susanna Ratsavong

STAFF
Anonymous 1L
Jillian Snyder

GAVEL COLUMNISTS
Mike Borowski
Lindsey Wilber

GAVEL CONTRIBUTORS
Matt Brakey
Jason Csehi
Joe Fell
Maryann Fremion
Marilyn Robertson
Jeremy Samuels
John Stryker

ADVISER Thomas Buckley
PRINTER P.M. Graphics

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Legal writing professor May adds 'playwright' to her resume

By Tara Chandler
CO-EDITOR-IN-CHIEF

One might expect to see scholarly articles, textbooks, and even student writing assignments in their legal writing professor's office, but what about a script? Professor Claire May has tapped into her creative, non-legal side with her new play "Mother/Tongue." "Mother/Tongue" will be performed on a double-bill the evening of Saturday, November 14, at the Cleveland Public Theatre at 6415 Detroit Ave.

May's play has been accepted as part of the Public Theatre's Little Box Series, a collection of staged readings to help the development of new works. Prof. May will work with a director and actors to present the reading. She is particularly excited about this type of staged reading format, noting, "it provides me with the opportunity to receive feedback to help improve the play and take it to the next level in its development.

And what exactly is a play entitled "Mother/Tongue" based upon? May calls the play "something completely different. She explains that the plot is centered around "a workaholic mother, Margot, who gets laid off from her job, but instead of telling her family the news, instead begins obsessively preparing Julia Child's 1960's-era beef tongue recipe, vanishing for hours, and speaking only French.

Her two teenage children keep their own secrets as they live under the shadow of their parents' sky-high academic expectations. Margot's mother-in-law Beverly, husband Tom, and best friend Jane round out the cast of characters. The play is about communication—or the lack thereof—in this family dynamic. And, of course, there's that deliciously gruesome tongue in a pot. Nearly every character helps prepare the elaborate

recipe over the course of the play, culminating, naturally, in a feast."

Creative outlets through CSU's main campus offered inspiration, as well as encouragement to May throughout the process. She cites gratitude to CSU's Imagination Conference last summer, and especially to CSU Professor of English, Mike Geither, for his playwriting workshop offered last spring that inspired her work on Mother/Tongue.

May explains, "Professor Geither pushed me to write something unexpected, without knowing what might be coming next. This is definitely that play!" May is also grateful to Cleveland-Marshall student Stephanie Smith-Pinsky, who provided some key information about tongue-piercing featured in the play.

The Cleveland Public Theatre is located on the near west side of Cleveland, in the Gordon Square Arts District in the Detroit-Shoreway neighborhood, just a five or 10 minute drive from C-M. "Mother/Tongue" promises to be an exciting evening, both for the audience and for Professor May.

"I am extremely grateful and excited to have this opportunity to take my playwriting to the next level and have my work performed in front of an audience. When I was a little kid, I wanted to be a writer, so it is nice to be pursuing my dream and having some success at it," says May.

"Obviously, this is a very different kind of writing from what I teach here at the law school."

Echoing May's own description of her work, if you are looking for something "completely different" to do on a Saturday night, check out "Mother/Tongue!"

More information, including online ticket purchasing, will be available in the coming weeks at <http://cptonline.org>.



May's play will be performed at the Cleveland Public Theatre, 6415 Detroit Ave.



Cleveland sports fan searches for silver lining in darkest clouds

By Joe Fell
STAFF WRITER

If someone asked Cleveland sports fans to sum up the events of the summer and early fall in Cleveland sports in one word, those who selected "tumultuous" could be guilty of gross understatement.

Picked by several prognosticators to make the playoffs at the beginning of the season, the Cleveland Indians had one of the most frustrating and disappointing seasons in recent franchise history. These predictions appeared reasonable: a Cy Young award winner was leading the rotation in Cliff Lee, a healthy Travis Hafner was returning to the cleanup spot, and Kerry Wood, a solid, reliable closer, would now be taking the ball in the ninth inning.

However, the Indians began the season with a 0-5 record, and they were never able to achieve the success that had been predicted. Many factors led to the team's collapse, such as an underperforming bullpen that failed to hold leads and injuries to star players like Grady Sizemore. Midseason trades of Lee and catcher Victor Martinez disrupted the team's chemistry and stripped the roster of two of its most talented and accomplished players.

The significant roster turnover has ushered in a new group of potential stars, including David Huff, Matt LaPorta, Justin Masterson, and Luis Valbuena, who all received extensive playing time towards the end of the season and will be the players leading the team into 2010. The Indians face many questions as

they advance towards the offseason, but the biggest question could be whether Eric Wedge will return as manager.

Many believe that Wedge will be replaced after he mustered only one playoff appearance in seven seasons. No matter what happens with Wedge, the Indians will need to work hard to recapture a fan base that has become disenchanted as a result of the team's poor play, the ownership's refusal to increase the payroll, and the constant reshuffling of the roster.

The Cleveland Browns' offseason was also very eventful. Head coach Eric Mangini brought a great deal of structure and discipline to the team—two characteristics absent during Romeo Crennel's tenure as coach. At first, Mangini's tenure got off to a strong start. He brought over former players like Abe Elam and Eric Barton from the New York Jets to bolster the Browns' defense. Mangini also used low-round draft picks to obtain players like James Davis, a running back who has the potential to be a strong performer in the NFL. The Browns were also able to sign several solid, if unspectacular, free agents such as Mike Furrey, Robert Royal, Floyd "Pork Chop" Womack, and John St. Clair.

However, Mangini has recently received a rash of negative publicity for his delay in selecting Brady Quinn as the starting quarterback and for his no-nonsense style of coaching, which some observers have described as excessively controlling. Of course, the naysayers will be few and far between if Mangini is able to lead the team to success.

Unfortunately, the Browns' 0-3 start to the season has not helped matters. However, despite the team's record, there remain signs for hope and optimism. Quinn has at times shown solid decision-making and the defense has been able to put pressure on opposing quarterbacks. In fact, much to the surprise of many around the league, the Browns in general have played very well for some stretches during each of their games.

Against Minnesota—a team picked by many to win the Super Bowl—the Browns led 13-10 at halftime. But during the second-half, Adrian Peterson, the NFL's best running back, wore down the Browns defense en route to a dominating performance and a Minnesota win.

In the Browns' second game against Denver, the Browns kept the game close before losing control in the fourth quarter. Sunday in Baltimore, little went right. However, Quinn played well for a few series before being replaced by Derek Anderson. The Oregon State alum moved the ball against the Ravens defense but he threw three interceptions on forced throws. Perhaps the new quarterback competition will breathe some life into the team.

With 13 games remaining in the season, the Browns have time to build upon their few successes, develop chemistry on offense, and give one of the most loyal and intense fan bases in the NFL something to cheer about while the winter winds gust in from Lake Erie in November and December.

House votes to overhaul undergraduate student aid Law and graduate students will see no immediate benefit

By Kevin Kovach
CO-EDITOR-IN-CHIEF

"My private loan has been an absolute nightmare. My federal loan has been the complete opposite," CSU Student Government Association Secretary Shauna Jackson said Sept. 17, when she joined Eleventh District Rep. Marcia Fudge and United States Student Association President Gregory Cendana on a student media press conference call to discuss the Student Aid and Fiscal Responsibility Act of 2009. Just hours later, the House approved the measure by a vote of 253-171. If the measure passes the Senate, it will cause all undergraduate student loans to originate through the federal government's Direct Loans program. Congress expects the move to save over \$87 billion in ten years.

The legislation also aims to increase Pell Grants from a \$5,500 2010 maximum to a 2019 cap of \$6,900. Rep. Fudge said, "\$40 billion of this bill is directly focused on Pell Grant scholars. Another \$3 billion is to bolster programs that provide college access and support students completing their education."

Fudge argued the federal government can provide lower interest

rates and better service than private lenders. "Right now, 97 percent of private loans are guaranteed by the federal government, she said." By taking away the profit-making portion of the student loan program, we get the \$87 billion to fund this. We can put at least \$10 billion of this to reducing the deficit," Fudge continued.

Cendana, whose organization represents more than 4.5 million students at over 400 campuses, described the bill as "historic." Jackson beamed, "it feels like the government is working for us."

Rep. Fudge acknowledged that the bill will have little immediate impact on graduate and law students, because it addresses neither Stafford nor Graduate PLUS Loans. However, her answer to a reporter's question suggested implications for the future of graduate and law aid.

A *Gavel* writer pressed Fudge on comments Nebraska Sen. Ben Nelson made about the bill. Sen. Nelson worried that the bill might eliminate 1,000 loan servicing jobs in Nebraska, while a private lending industry spokesperson claimed the House measure could ultimately eliminate 35,000 jobs nationwide.

Rep. Fudge countered, "We don't believe that it will eliminate those

jobs. We will still need people to service those loans and provide customer service. We believe the people who now have the ability and expertise will continue to (service student loans), but will just work for us instead of for individually-owned private financial institutions."

Fudge claimed a new system would provide competition. "There will still be people going to banks to get private loans," she remarked.

Cendana stood behind the Congresswoman. "Through the Department of Education in the past year alone, more than 800 institutions have switched to Direct Loans, and most haven't let anyone go. We're confident we can have that smooth transition."

For practical reasons, if the Student Aid and Fiscal Responsibility Act of 2009 passes the Senate and the entire undergraduate Perkins loan program shifts to a more cost-effective, lower interest rate system, other areas of the student aid structure will face pressure to cut costs. In the long-term, such pressure may mean more affordable graduate and law student loans with lower interest rates. Unfortunately for current students, such a result has little promise of materializing for several years.

Bar Coordinator Williams shares words of wisdom to all students

Advice to 1Ls, 2Ls, 3Ls and everyone in-between on how to pass the bar exam

By Jeremy Samuels

CONTRIBUTOR

Every student at Cleveland Marshall who wishes to practice law will eventually have to take the bar exam. For some students that time is years away; for others it is only a few months. Professor Gary Williams, Director of Academic Support and Bar Coordinator, shared advice targeted at specific classes in a recent interview.

Advice for 1Ls

Williams' advised 1Ls, "You are going to Law School in order to pass the bar." He stated that merely graduating from law school is not the most important concern. No one can practice law without passing the bar exam.

According to Williams, the bar exam does not test each area of law equally. He noted that certain subjects are "double-tested." This means that they are tested on both the multi-state portion of the bar and on the essay portion. In contrast, other subjects are "state-specific." This means that they will be tested on only the essay portion. Williams shared that the double-tested subjects are contracts, torts, real property, criminal law (including criminal procedure), evidence, and constitutional law (including First Amendment). The subjects that are state-specific to the Ohio Bar are commercial law (commercial paper and secured transactions), business law (corporations and agency and partnership), legal ethics, estates and trusts, and civil procedure. Additionally, personal property is considered state-specific.

The C-M Bar Coordinator offered advice specifically for 1Ls.

"Take all of the subjects that the bar will cover. You cannot trust a bar review course to tell you everything that you need to know about the subject. Consider the subject of secured transactions. (bar review courses) will spend one day on a specific subject, whereas an ordinary law school course on will take over thirteen weeks to effectively teach you the same subject."

Williams described bar review courses as "providing a general overview of specific subjects." He commented that bar takers are usually assigned an essay and/or multiple choice questions regarding each subject. Williams cautioned that a student who opts against taking a course tested on the bar will virtually ensure that the student will not learn everything that the bar exam will cover. The details the student misses out on by not taking a subject in law school can mean the difference between passing and failing the bar.

Advice for 2Ls

A student's primary concern during the second year of law school is completing the Character and Fitness application. The purpose of the Character and Fitness application is for the state Supreme Court to judge a student's worthiness to both sit for the bar and serve as a member of the legal profession.

This application is a tedious process. Students must provide

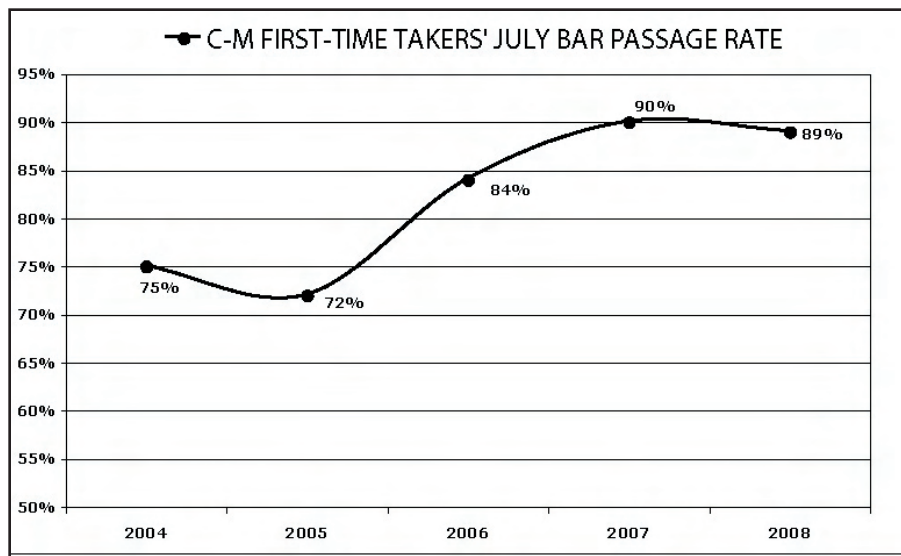
information about virtually everything that they have ever done—where they have lived, where they have worked, and everything they have ever done that may be considered dishonest or illegal. This can include serious discipline you received in high school or college, and speeding or parking tickets. Williams stressed that students apply "due diligence to answering every question." He notes that if a student tries but fails to locate exact details of a particular

Even after submitting a Character and Fitness application, a student's work is not complete. These applications must be constantly updated. If an applicant receives a traffic ticket or a new job after applying, the applicant must forward that information to the Supreme Court. Williams insisted that anyone with a question about the Character and Fitness application ask for assistance. Both Williams and Professor Stephen Lazarus can share good advice. The Character and Fitness application for 2Ls is due by Nov. 15. Dean Williams said

that a failure to meet this early deadline will cause an applicant's information to be "more closely examined when you do submit it." Failure to apply by Nov. 15 will cause application costs to more than double, from \$225 to \$500. Anyone who fails to meet the Nov. 15 deadline will have to file a Character and Fitness application by Jan. 15 for the subsequent July Bar Exam, or Aug. 15 for the following February exam.

Williams noted that to prepare for the Bar Exam itself, students must register for a bar review course. He suggested to treat the course and additional studying as a job, devoting a total of eight-to-ten hours per day. C-M also offers Ohio Bar Exam Strategies & Tactics, a bar preparation course for academic credit. Williams directed all students to take OBEST, particularly those with a grade point average below 3.0. The course refreshes students' memories on subjects from previous years.

Finally, Williams stated that all graduating students who intend to take the Bar Exam in another state should log onto to the website of the National Conference of Bar Examiners at www.NCBEX.org. The site will contain information about bar exams in other states.



CM introduced OBEST (Ohio Bar Exam Strategies and Tactics) in the 2004-2005 academic year as a non-credit course. The course became for-credit beginning with the 2005-2006 academic year and student bar results have improved since.

indiscretion, the fact that the student tried is often enough for the state Supreme Court. This is most often the case with speeding or parking tickets.

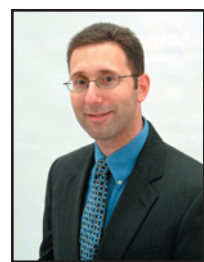
Williams urged students to be upfront and honest on the application regarding every detail they believe the Character and Fitness application covers. If a student thinks a detail matters, no matter how minor, the student should put it in the application. "Full disclosure" is the best policy to practice, because the Supreme Court will consider an attempt to hide evidence of wrongdoing as worse than the actual wrongdoing.

Anyone who fails to meet the Nov. 15 deadline will have to file a Character and Fitness application by Jan. 15 for the subsequent July Bar Exam, or Aug. 15 for the following February exam.

Advice for 3Ls and 4Ls

Graduating students should focus on passing the Multi-State Professional Responsibility Examination and the Bar Exam. Williams said the MPRE is an absolute necessity, no matter where a student plans to take the bar exam. Most states require the MPRE, and each has a different grading system. Ohio considers a score

Bar in mind: be selective when choosing your electives



By Marc D. Rossen
GUEST CONTRIBUTOR
C-M CLASS OF 1994
SUPREME BAR REVIEW,
FOUNDER & DIRECTOR

Should I take bar exam subjects while in law school? This is a question that most law students struggle with as they choose their elective courses. While Cleveland-Marshall does require you to take bar subjects as part of your core law school curriculum, every state bar exam will test on additional subjects which you are not required to study in law school.

If, for instance, you plan to be a criminal defense attorney, then of course you should take a course in Criminal Procedure. But what if you have no interest in criminal procedure and no plans to practice in that area of specialty? Should you enroll in that class anyway to ensure your success on the bar exam? In most cases, I would argue that you should take that class.

Some of you may be surprised by my answer. Maybe you thought I would give you the same advice as your undergraduate academic advisor who told you to "follow your bliss" and take courses that interest you (if those people are so smart, why

are they working as academic advisors?).

Don't misunderstand me. I am not against taking courses that interest you, as long as they fit your schedule. If you have room on your class schedule for classes that interest you as well as classes that can help you pass the bar exam, then by all means take both. But as you survey the list of potential elective courses to take in your upcoming semester, if you are forced to choose one or the other, choose the one that will help you pass the bar exam.

By now you may be wondering, "won't I learn 'Criminal Procedure' (or whatever subject I am missing) in my bar review course?" Of course you can learn any subjects in your bar review course that you did not master while in law school. However, trying to learn a completely unfamiliar subject in a matter of a few days (rather than a full semester) puts you at a slight disadvantage. You will not be as familiar with the concepts and vocabulary of these subjects as someone who is merely reviewing them (they call it bar "review" for a reason). Multiply this disadvantage by the number of bar subjects you did not study in law school and you can see that you will have many gaps in your knowledge to fill. Studying for the bar exam is hard enough without that additional handicap.

Nonetheless you must balance

the above advice against the desire to specialize in a particular area of law. For example, if you are passionate about intellectual property law and want to practice in this area upon graduation, then it would certainly benefit your career to take an elective course in this area. However, if you are just one of those intellectually curious types who always wanted to learn about the law of endangered species but have no desire to practice in that area (and it does not appear on your state's bar exam), then you may have to forgo that class if it conflicts with your opportunity to take a course on a bar exam topic.

As for those interesting but non-essential courses you missed in law school, you can always learn about them by taking Continuing Legal Education (or CLE) classes on these topics once you are licensed. That's right. The learning never stops, even after you graduate and pass the bar exam. Lawyers must be life-long learners by constantly taking CLE classes to maintain their law licenses.

So don't worry about missing out on learning opportunities in law school. You must be selective in choosing your electives. Your biggest priority is to pass the bar exam so that you can become a lawyer. That's when the real learning begins.

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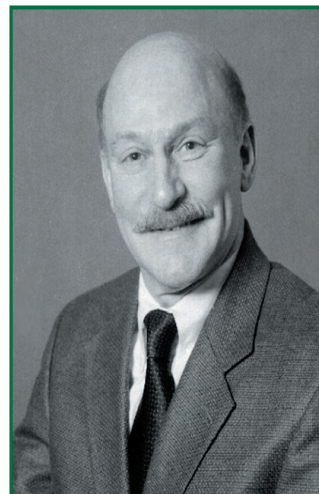
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