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THE GAVEL

VOLUME 60, ISSUE 3 THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW DECEMBER 2011

Employment Law Clinic offers hands-on learning experience

By Dan Utrata
GAVEL CONTRIBUTOR

Looking to get your hands dirty doing some real legal work? Yearning to apply all the concepts you learned in your 1L year to real life situations? Look no further than the Cleveland Marshall Employment Law Clinic. Whether you are having a hard time finding employment and are looking to put some practical experience on your resume or if you already have a job, but want to get more face-to-face experience with clients, consider signing up for the Cleveland Marshall Employment Law Clinic where the coffee flows like wine and you don't have to worry about your leaving your laptop unattended!

The law clinics are located on the ground floor of the law school near the new trial court room. They are a secure environment that can only be accessed by individuals with a properly activated Viking Card. Security is a must because the law clinics are a working law firm representing dozens of clients. The law clinic facilities house the Employment Law Clinic, the Urban Development Law Clinic and the Community Health

Advocacy Law Clinic. The clinic office contains its own library, conference rooms, study areas, offices, a filing system, and copier. It also has its own refrigerator and a seemingly bottomless coffee maker.

The Employment Law Clinic, run by Professors Kenneth Kowalski and Maya Simek, provides students the opportunity to represent clients in employment cases filed in federal and state courts and with



SEE CLINIC PAGE 6

Truth and Non-Violence Seminar comes to CSU

By Sara Tackett and Scott Lynch
GAVEL CO-EDITOR-IN-CHIEF
AND GAVEL CONTRIBUTOR

The Kriyayoga Club for Leadership and Non-Violence hosted Cleveland State's first 3-Day Seminar on Truth and Non-Violence: "True Concept Behind Effective Public Service," at CSU from November 16 through 18. The seminar was conducted as a series of lectures and guided meditations by Swami Shree Yogi Satyam, president and founder of the Kriyayoga Research Institute in Allahabad, India. The Kriyayoga Club was able to bring the distinguished guest to Cleveland State as a part of the Viking Expeditions program which supports a culture of service on the Cleveland State campus and student involvement across the region.

The closing program on Friday, November 18, in the Fenn Tower Ballroom included warm remarks from Cuyahoga County Councilwoman Sunny Simon and former Euclid mayor, David Lynch.

Swami Satyam stated that in

years past he has travelled across more than two-thirds of the United States giving Kriyayoga lectures in various cities. "But somehow," the master stated "I got settled in this Euclid and Cleveland area." Although Mr. Satyam offers humanitarian service in the rural villages

of India for most of the year, he expressed his willingness to come to Cleveland again and again. Swami Satyam stressed that the uniquely humble and tolerant atmosphere of the greater Cleveland area has the potential to change the entire nation in the future. Councilwoman Sunny Simon

said in her remarks that she read the Autobiography of a Yogi by Paramahansa Yogananda several years ago. She recounted that the book had a tremendous impact on her life. The best-selling autobiography details the travels of a Kriyayoga monk in India and America and includes the account of Yogananda initiating Mahatma Gandhi into Kriyayoga in 1935. The seminars are a part of the ongoing mission of the Kriyayoga Club, which includes offering practical solutions for how to live out the principles of Truth and Non-Violence in daily life. Mahatma Gandhi is often quoted and praised around the globe, but it is impossible to understand or emulate his great

Above: Swami Shree Yogi Satyam

SEE TRUTH PAGE 4

C | M | L a w S t u d e n t s I n v i t e d t o Midwest Employment and Labor Law Seminar

By Dan Utrata
GAVEL CONTRIBUTOR

For the past 48 years, the Ohio State Bar Association has gathered together the best and brightest legal minds in the field of employment and labor law at the annual Midwest Employment and Labor Law Seminar. This year’s seminar took place on the weekend of October 13th and 14th at the Easton Hilton in Columbus, Ohio. The event featured presentations, small-group breakout sessions and a number of social events aimed at networking. The two-day conference provides licensed attorneys with fourteen CLE credits, more than half of the biannual number required to retain your licensure. Seminar attendees included a variety of lawyers from large firms, government agencies, solo practices, and in-house corporate firms. It provided student participants with an improved understanding of today’s employment and labor issues as well as a valuable opportunity to network with attorneys working in the industry. The first day began with breakfast and a free-for-all search for seating. Seats were a precious commodity and a number of people were forced to stand or sit on the floor. In true lawyerly fashion, the majority of the attendees seemed to show up just before the opening greeting. After the introduction of the planning committee, the presentations began. There were a total of five 45-minute presentations followed by six one-hour breakout sessions of, each attendee could choose two sessions. At the end of the first day, there was a reception in the lobby of the hotel with drinks, hors d’oeuvres, and conversation. To ensure that no one overindulged, the following morning kicked off with a substance abuse seminar before launching into another round of presentations and break-out sessions. There were so many interesting presentations that it was difficult to choose just a few to discuss in this article. However, among my personal favorites was Ohio State Moritz College of Law’s Professor Emeritus Louis A. Jacobs’s presentation: a federal law update

discussing recent federal court decisions affecting employment and labor issues in the federal courts. In that presentation Professor Jacobs spent a great deal of time discussing the case of Wal-Mart Stores v. Dukes, 131 S. Ct. 2541 (2011), in which seven named Plaintiffs sued to represent 1.5 million putative current and former female employees, alleging pay and promotion discrimination under Title VII based on local supervisors’ broad, subjective discretion. He highlighted the fact that in this case, the class was so large and nebulous that it was impossible to identify. Furthermore, because of the large area over which workers were spread out and the fact that they worked at different locations under different circumstances, it would be impossible for all class members to have suffered the same injury, especially when employment policies varied from location to location. Another interesting presentation was given by Donna L. Williams-Alexander, an Ohio State Moritz College of Law graduate from the Cleveland office of the Equal Employment Opportunity Commission. She led an interesting break-out session on the Genetic Information Nondiscrimination Act of 2008 (“GINA”). GINA was enacted to protect job applicants, current and former employees, labor union members and apprentices and trainees from discrimination based on their genetic information. This session was very well attended because so few employment attorneys have any experience with it. GINA has not yet been the subject of much litigation. Since its enactment, fewer than 300 GINA cases have been litigated. Nonetheless, the effects of GINA are significant in that they impact the health information that employers may legally collect. For example, in the case of FMLA leave, employers may no longer inquire as to the actual medical condition qualifying an employee for leave. Instead the employer may only inquire as to whether they suffer from a serious medical condition. Stephen S. Zashin, of the Cleveland firm Zashin & Rich Co. LPA, a Case Western Reserve University School of Law graduate, gave a presentation on emerging case law in the area of interference with Family

Medical Leave Act (“FMLA”) claims. The FMLA provides up to twelve weeks of unpaid leave when an employee or an employee’s family member suffers from a serious medical condition requiring the employee to take time off to care for themselves or a sick child, spouse or parent. Upon return from FMLA leave, the employee must be reinstated to their previous position or one that is comparable. Mr. Zashin’s presentation focused primarily on avoiding employer interference with FMLA applications. In his discussion he referenced the case of Strickland v. Water Works & Sewer Bd. Of Birmingham, 239 F.3d 1199 (11th Cir. 2001) which emphasized the point that an employee need only demonstrate by a preponderance of the evidence that he was entitled to the benefit denied and need not allege that his employer intended to deny benefits because the employer’s motives are irrelevant. Perhaps most valuable to student participants was the knowledge gained between sessions during discussions with the practicing attorneys. The practitioners were happy to see students interested in their field and offered words of advice for law school survival and approaching the job search upon graduation. One attorney suggested that looking for jobs with smaller firms in rural areas is a good option for students struggling to find jobs in big cities. Although the pay might not be as high, the cost of living is lower, enabling recent grads to live comfortably and stay on top of their loan repayments. Students traveling from outside of Columbus are provided a stipend to defray the cost of gas and lodging to the conference each year. The OSBA allocates two student scholarships for every law school in the state to attend this annual event. All participants receive two voluminous reference manuals containing valuable case law and outlines of all the presentations and break-out sessions that took place throughout the seminar. If you are interested in attending next year, consider joining the employment law clinic. If the clinic won’t fit into your busy schedule, the OSBA frequently has additional student scholarships available to interested students who write and express an interest in attending the seminar.

We look will be looking for new writers for the current school year!

Interested in being an Editor-in-Chief? Contact the Gavel staff at gavel.csu@gmail.com

Cleveland-Marshall’s Trial Advocacy Team Prepares for Spring Competitions

By Sara Tackett
GAVEL CO-EDITOR-IN-CHIEF

The members of Cleveland-Marshall’s Trial Advocacy Team have been preparing diligently for weeks as they look forward to their spring competition. The team performed well at their fall competition, and while the competition had no ranking effect, the team gained valuable experience and increased motivation to prepare for their ranked events in the spring semester. Members will be traveling to Wilmington,

Delaware to compete in a regional competition against the following schools: University of Connecticut, Quinnipiac University, Yale University, Ohio Northern University, University of Toledo, Capital University, University of Cincinnati, University of Akron, and Case Western Reserve University. Team members include David Emerman, Alissa Schriener, Jonathan Thompson, George Ofori, Christopher Enoch, Marcus Pringle, Lindsay Raskin, James VonDerHeydt and Nicholas Froning.

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the gavel

Office of Career Planning gives us job hunting hints for Winter



Jennifer Blaga,
Esq.
DIRECTOR,
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PLANNING

After a long fall semester most of you want to relax and take it easy! We agree; you should take some time to decompress from a tough semester but also have a bit of fun and get out there and network. Your winter break is a great time to request alumni to meet with you for coffee or attend a bar event!

For 1Ls, this might be the first time since law school started that you have time to think about your employment for the summer. Make an appointment with your career counselor to get your materials ready to apply for positions and to put together a plan for your job search. If you are unsure of what kind of law or position you are interested in, make sure to talk with as many practitioners as possible to get an idea of what they do on a daily basis.

For 2Ls and 3Ls, make sure that your resume is updated! It is important to update your resume every few months as you add additional relevant experiences and activities. OCP staff is available over winter break in person, by email or by phone, so take advantage of our services!

For all class levels, it is important that you utilize your winter break and network!!! Attend bar events and bar section meetings, attend holiday parties and reach out to friends and family to let them know you are seeking summer or permanent employment in the practice area of your choice. Use this time to get advice from alums over a coffee break (your treat, of course!) to learn more about their career paths. If you are seeking

summer employment in another state, plan a trip to that location to start making connections!

Winter break is several weeks long. If you feel you have time, offer to volunteer for a week or so at an organization that interests you. Get involved in community activities to become an active participant in the community you plan to join after law school. It is important to get involved and get as many experiences as you can while still in school. No matter what, make good use of your time and be aware of making a good impression... all roads have the potential to produce job leads. In the wise words of Tony Scott, Class of '09, "Always be professional. Do not consider yourself a law student; consider yourself a lawyer in training. Meaning, the practices that are expected of you as a practicing attorney, such as responding to client's emails and phone calls, should be practices that you employ now. The second impression is often too late to make a good first impression, and trust me, the professionals that you meet are looking at the first impressions that you make."

Additionally, one of our fantastic alumni, Nathalie Dibo, attorney at Giffen & Kaminiski, Class of '08, adds, "Networking is not just about making



new connections. Networking is also about developing relationships with the contacts you already have. Winter break is a great time to reconnect with some of your former high school or undergraduate classmates. Your time off from school is a great opportunity to reach out to a few former classmates for lunch or even a quick cup of coffee to develop and strengthen those relationships."

So when you attend a bar event, holiday party with friends and family, remember that you are marketing yourself as a future practitioner. OCP is ready to assist you! Make an

appointment today! Appointments can be made on Symplicity. We hope to see you soon and enjoy your winter break!

Would **YOU** like to write a column about politics, law school life, or anything else during the 2011-12 academic year? Email gavel.csu@gmail.com to stake your claim!

Would **YOU** like to publicize your organization's events? Make an announcement? Or write an incredible reflection about a conference you attended? **WE CAN HELP!** Email gavel.csu@gmail.com.

TRUTH

CONTINUED FROM PAGE 1

societal work without adhering to his values. The seminars stressed that the foundation for leadership like Mahatma Gandhi is first leading an exemplary life.

According to the seminar, the first Gandhian step toward leading an exemplary life is learning to practice tolerance. Surprisingly, however, the Kriyayoga concept of practicing tolerance is extremely technical. The practice focuses on leaders of the future having a confident tolerance of their own pain or stress or difficulty in their own lives.

When one’s internal powers of tolerance become so developed, it is possible to live the outward values of tolerance with complete ease and sincerity. Therefore, every experience of stress or pain becomes its own education in leadership which cannot be duplicated in any education system of the world. This universal concept of empowerment is free and available to everyone equally, and it stresses a deep cultural change towards virtue, which is the truest empowerment of the masses.

More programs and meditation classes are being offered by the Kriyayoga Club throughout the year. Please contact Scott Lynch scott.lynch@law.csuohio.edu for more details.



Left to right, Swami Shree Yogi Satyam, Scott Lynch, Sunny Simon, David Lynch

Left to right, Taramata (Dr. Zena Bedessee), Swami Shree Yogi Satyam, David Lynch, Scott Lynch



Left to right, Swami Shree Yogi Satyam, Scott Lynch, Taramata (Dr. Zena Bedessee), David Lynch, Sunny Simon



Swami Shree Yogi Satyam conducting a lecture

What do I do if my final exam grades aren't as high as I was expecting?

Legal Writing
Professor
Karin Mika

THE LEGAL
WRITING
COLUMN

My grades weren't as good as I expected in the first semester. Is it even possible to improve to the point of being at the top of the class? Are my prospects for a good job doomed?

It's probably true that those with the top grades in law school get the most lucrative employment opportunities, but that certainly doesn't mean that all meaningful job prospects are gone or that grades can't be improved. If you didn't do as well as expected in the first semester, you should first figure out why. Thus, visits to your professors to go over the exams are probably in order. You might also spend some time going over model exam answers after-the-fact. Just because a subject is complete (or a portion of a subject) doesn't mean that there is nothing left to learn or that additional immersion isn't beneficial. The structure of legal analysis sometimes clicks later for some than others. Consider doing a wholesale review of study techniques during the

first semester. If you discover that you did badly in the subject area you thought you knew most about, take a look at how you were reviewing the material. If you did particularly well in a class, examine your study technique in that area. Sometimes a student will do the worst in a subject area in which he/she was the most confident because the depth of preparation wasn't the same as in subjects where self-confidence was lacking. If, however, you review everything and decide there was nothing you could have done differently and that maybe you're just going to be a middle of the pack student, that doesn't mean that there isn't hope for meaningful employment. Figure out what you like and what you're good at. Focus on those aspects and learn as much as you can in those areas and meet as many people as possible. While it may be true that the top students get the most job interviews, the actual jobs are acquired by those who sell themselves and place themselves in situations where there is opportunity. In my experience, those who are happiest in the practice of



law were the ones that did not wind up accomplishing what they set out to do at the onset but happened upon a situation that wound up being more rewarding.

Seven Hurdles to Bar Exam Success (and how to overcome them)

By Marc D. Rossen
CJ|LAW CLASS
OF 1994
SUPREME BAR
REVIEW, FOUNDER
AND DIRECTOR



I am going to let you in on a little secret: The bar exam isn't fair. That's right. Despite what you may have been led to believe, the bar exam is not a fair test of your ability to practice law. If it were, then you would expect that a higher percentage of graduates from accredited law schools would pass the bar exam each time. Instead the exam is designed to intentionally weed out a certain percentage of law school graduates and keep them out of the legal profession. That does not mean that you cannot beat the system. However, in order to do so, you need to become aware of the specific reasons why the bar exam is not a fair test of your ability to practice law and the ways that you can avoid these traps:

Hurdle #1: There is never enough time to prepare.
The typical bar review course starts just after graduation and ends just a few weeks before the bar exam. For most students, this is all of the time that they have to prepare for the bar exam. Even if you did nothing else but study during these two months, you would still feel as though you did not have enough time to prepare. The truth is that no matter how long you study, you will always be left feeling like you could have done more. That's because the amount of information you must master is more than anyone could

possibly absorb in that short amount of time; which leads to our next hurdle . . .

Hurdle #2: There is too much material to master thoroughly.
While you are required to master a wide range of legal knowledge for the bar exam, the truth is that you cannot possibly know everything. Fortunately, the percentage of correct answers needed to pass allows for a reasonable number of wrong answers. Your goal is not to completely master any of the bar exam subjects but rather to demonstrate a working knowledge about a broad range of issues. Rather than spending too much time preparing for issues that are unlikely to appear on the exam, your best strategy is focus your efforts on the issues most likely to appear, such as the big picture issues and the issues tested most frequently.

Hurdle #3: Issues are randomly tested – it's the luck of the draw.
There is a randomness to the whole bar exam process, as the issues tested change from exam to exam. Since you cannot possibly know everything, you are hoping that the issues tested on your particular exam coincide with the things you know. If you make sure that you know at least a little bit about every issue in your bar review materials, then it is less likely that you will find yourself with nothing to say in response to a fact pattern. Therefore, instead of worrying about what you don't know, show the graders what you do know and you may still come away with enough points to pass, which is what it's all about.

Hurdle #4: Bar exam grading is subjective, not objective.
When I review essay answers with students after the bar exam, I am always surprised by the wide range of scores

received. If graders were adhering to a strict set of guidelines, you would expect to see more consistent scoring. However, what I find in reality is that some bar exam graders appear to be sticklers for organization, spelling, punctuation, grammar, handwriting, etc. and deduct points for such stylistic errors, whereas others will not. Since the scores do not always reflect the knowledge the applicant has demonstrated, it is clear that there is a subjective element to the grading process. The best way to avoid losing points on an essay where you knew the law is to practice writing essay answers that are easy to understand and pleasing to the grader. Make sure that your writing style is not getting in the way of what you are trying to say.

Hurdle #5: Bar exam tests things you never learned in law school.
Even if you took all of the subjects tested on your bar exam, there would still be specific issues on the bar exam that you never learned about in law school. In recent years, the bar examiners have tested on issues that tend not to be covered in detail in a typical law school course. Chances are that you will encounter some unfamiliar issues on the bar exam. The good news is that your bar review course is going to be familiar with these trends and will cover these issues.

Hurdle #6: MPT takes longer than 90 minutes to complete.
The Multistate Professional Responsibility Exam (MPT) is an open universe test where you are given not only the facts but also the correct law to apply. If you had unlimited time to complete the tasks, it would be too easy. Instead the bar examiners give you a strict time limit of 90 minutes per question in order to determine whether you can read, analyze,

and write under pressure. Too many students fail to prepare for the MPT thinking that the skills they have acquired while clerking for a law firm or from legal writing classes in law school are the skills that will carry them through the MPT. While the bar examiners claim that the MPT tests your ability to practice law, the truth is that the MPT only tests one skill: your ability to take the MPT. The only way to improve your MPT performance is to simply practice, practice, practice. The more you practice the MPT under timed conditions, the better you will be at taking the MPT under the 90 minutes. It's not simply about whether or not you can answer the MPT questions. Rather it is about whether you can complete them within the 90 minutes allotted.

Hurdle #7: There are no correct answers on the MBE
Unlike other multiple choice exams you have taken in the past, the multiple choice test on the bar exam does not ask you to merely identify the "correct" answer. Instead you are asked to select the "best" answer choice from among the four flawed answer choices provided. This requires a careful process of elimination in which you weigh each answer choice against the others to find the least wrong answer from among the four imperfect options presented to you. With practice you can learn how to eliminate the obviously wrong answer choices and increase the odds that you will choose the best answer. While many worthy bar applicants have had promising legal careers cut short by the bar exam, the good news is that the percentage of students who will pass on their first try is greater than the percentage who will not. So while the bar exam may not be a fair test of your ability to practice law, the ability to pass the bar exam is something you are certainly capable of mastering.

CLINIC

CONTINUED FROM PAGE 1

administrative agencies. Student clinicians are involved in every step of the process, from the client’s initial intake interview to the final disposition of the hearing officer or judge. The clinic advocates for clients with claims of discrimination based on gender, race, religion, age, national origin, color, exercise of First Amendment rights, protected immigration status and physical or mental disability. However, the majority of its cases are unemployment compensation hearings conducted via telephone.

In unemployment compensation hearings, clinic students represent clients seeking unemployment benefits from their former employers. The majority of clients are referred to the clinic through Legal Aid of Cleveland, but some are directed to the clinic by word of mouth. Students are tasked with calling the client, collecting their information and scheduling intake interviews. During the interviews, the only people in the room are the client and the student, but a professor keeps a careful eye on the room via video

camera to ensure that all the pertinent details are gathered and recorded. Then, if the student and professor agree that there is merit to the client’s claim, a representation agreement is signed, and a law and fact investigation begins.

To prepare for an unemployment compensation hearing, students gather documents such as paystubs, bank account information, phone records, timecards and witness lists. While gathering and organizing the information, legal research is conducted using Westlaw and LexisNexis as well unemployment materials located in the clinic library in order to create a working theory of the case. The next step is to subpoena any witnesses and submit any evidentiary exhibits that will be referenced in the hearing. On the day prior to the hearing, clients are brought in for hearing preparation. The preparation consists of asking the planned questions, collecting last-minute evidence and helping the client to recall the circumstances leading to their termination. On hearing day, the student, client and professor meet in a clinic conference room and go through the questions one last time before calling

the hearing officer who conducts a 45-minute hearing with the client and the former employer. Clinic students are responsible for direct examination of their client as well as cross examination of the employer and the employer’s witnesses.

If clinic students and their clients are not successful at the hearing stage, the case may be appealed to the Court of Common Pleas. Even at this stage, the student is responsible for representing the client and gets to take part in the case management conference with the attorney general, write a complaint, brief and reply brief, all of which are filed with the court.

As former Employment Law clinician Nathan Wagner put it, “the Clinic may be the only time you will get practical experience with feedback to help you improve your brief writing skills.” Professors Kowalski and Simek are there to help you every step of the way with words of encouragement and suggestions for improvement.

Although the process of conducting a hearing may sound daunting at first, clinical hours are supplemented with a mandatory weekly class explaining the process. Before the

first semester is over, all students have participated in a mock intake interview, mock hearing and a mock deposition as part of their classroom experience.

During second semester classes, students take part in mock settlement negotiations. All of these activities provide excellent experience as well as talking points during interviews with future employers.

In order to participate, students must agree to a two semester commitment and can sign up for three, four, or five credit hours per semester. However, if you are a graduating 3L and will only be available for one semester, the clinical professors will generally make an exception to the two-semester requirement.

If you have any interest in participating in the Cleveland Marshall Employment Law Clinic, contact Professor Kenneth Kowalski or Professor Maya Simek.

C | M | L a w E v e n t s J a n u a r y 2 0 1 2

| January 2012 | | | | | | |
|--------------|---------------------------------|--|--|---|--|--------|
| « Prev | | | | | | Next » |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | 10:00am - Winter Open House | | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | 4:00pm - Law Faculty meeting | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| | | 5:30pm - American Constiution Society program... | | 4:30pm - Lincoln: The Constitution and Civil War... | | |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| | 10:00am - Senior Staff meeting | | 5:00pm - Tour Through the Supreme Court of Ohio... | 12:00pm - Faculty luncheon presentation | 10:00am - Jump Start - Office of Admission | |
| 29 | 30 | 31 | | | | |
| | 11:00am - Red Cross Blood Drive | | | | | |

Professors & faculty, The Gavel wants to learn more about you and your work! Please send your interesting tidbits, projects, and ideas to gavel.csu@gmail.com.



PASS THE BAR!: One gift that you can give yourself is the gift of understanding how you learn.

*Professor
Mary Jane McGinty*
DIRECTOR OF
BAR EXAM
PREPARATION

The bar exam requires you to know and apply a large quantity of information. In order to be well prepared for the exam, you must read bar outlines, attend bar review lectures, prepare study tools, check your understanding of the law, memorize the law, and practice applying it through sample essays and MBEs. To use your time effectively, you must plan and monitor your study time and make adjustments to your study techniques. Finding out what strategies work for you and committing to their use will put you on the road to law school and bar exam success.

Michael Hunter Schwartz, author of *Expert Learning for Law Students*, describes a model that helps students learn more effectively and perform better. Expert learners have three characteristics. First, they actively engage with the material to be learned; they are not passive readers or listeners. Second, they take responsibility for their own learning; they view learning as something they do for themselves. Third, they practice self-regulated learning,

meaning they use specific processes to guide and assess their learning. These students take control of their learning and become experts by figuring out what approaches work for them.

A variety of strategies are available for each type of learning required in law school and bar preparation. Some of these you are already familiar with. For example, pre-reading, outlining, flow charts, flashcards, mnemonics, checklists, imagery, memorization, and mind maps. Many other approaches exist. Choosing a strategy depends on your overall goal as well as your time management skills,

personality and learning style. One thing you can do is go online and take a short quiz to find out your personality and learning style. This will give you a tool to help match these strategies with your personal preferences and help guide you in choosing your approach.

Learning style:

<http://www.vark-learn.com/english/index.asp>

Personality style:

http://www.personalitytype.com/career_quiz

<http://www.humanetrics.com/cgi-win/jtypes1.htm>

Whatever study techniques you use, the key is making conscious, thoughtful choices about how you are going to study. It is important to put your study choices into active, committed practice, and constantly assess those choices. You must be willing to change your approach if your study choices are not working. Wherever you are in your law school career, become the very best "learner" that you can. By doing so, you will have taken a significant step toward passing the bar. Do it now!

Read more about it!

- **Expert Learning for Law Students** by Michael Hunter Schwartz
- **1000 Days to the Bar** by Dennis J. Tonsing
- **Pass the Bar!** by Denise Riebe and Michael Hunter Schwartz



Spotlight on a Bar Passer:

Paul W. Smith J.D., C|M|Law December 2010, Bar Passer February 2011, employed at Tucker, Ellis & West LLP.

Study Plan:

TREAT STUDYING FOR THE BAR
LIKE A JOB!

I started every day by 7:30 a.m. I would view the day's Barbri lecture, which lasted about three hours, and on occasion I would view two lectures. After viewing the lecture, I completed my outline on the covered topic. I appreciated using the fill-in-the-blank lecture handouts provided by Barbri, and used them as the basis of my outlines. I also did MBE questions whenever I had a free moment. I did at least 30 to 40 per day.

At about 6 pm, I would take a break to be with my family, friends, or as a mental break, and then I would start my review again—including reviewing my outlines and completing practice tests. I finished making all of my outlines about three days before the bar review course ended so I had them ready to use. I had two study partners and divided my time 50/50 between studying with them and studying alone. I attended the MPT Workshops. I also listened to the audio CD's which accompanied the PMBR course while driving. During the last 10 days before the exam, I primarily focused on practice essay questions. I went through the entire book of released essays. Two days prior to the exam I began to focus

on preparing myself mentally and on remembering the mnemonics I created.

Advice and Suggestions:

First, as you get ready to start studying for the February 2012 bar exam, enjoy your holiday season and time off between your last class and bar review. Enjoy every moment with family and friends, and don't think about the exam. Soon, you will be in a two-month capsule. PMBR (MBE Boot Camp) starts the last week of December and from there on out it is "Game On!"

As you plan to study for the bar, one common worry is the cost of the bar review courses. It is worth the cost to spend both time and money now, especially when you consider the costs, both financial and mental, of not succeeding. Take a bar review course and a supplemental course. I took Barbri, Essay Advantage, and PMBR.

Taking OBEST was very helpful. I learned how to write the essays. I knew how to structure my responses. Be sure to view the bar review lectures; don't put them off. Make sure you hear every one. Find several good places to study so that you have different environments.



I found several places including Panera's and Cuyahoga Community College's Eastern Campus. Try to have places that are not too quiet because the bar exam is noisy, and also because an infrequent distraction may help keep you fresh.

Remember, don't get too caught up with anxiety. True, the bar is a difficult experience, not because the exam is overly difficult, but because it is a three day marathon brain-strain. Just know that there will be hard chairs, a lot of coughing and a feeling of isolation. It is exhausting, but it is the same for everyone. Most people pass the exam, and by the time of the exam you will have already done 8-9 MPT's thanks to OBEST and the MPT Workshop when

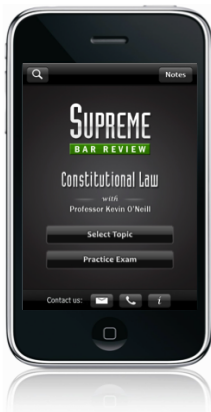
the majority of your peers may have done one. Many people find the MPT was the most relaxing portion of the exam.

Study every subject. Avoid focusing only on the subjects you know well. Make sure to really study the subjects that you do not know well. I would suggest actually writing out essays. When you do the essays for your bar review course, spend the time and submit them as if they were questions on the bar exam. Thirty minutes goes by fast and the practice is worth it. Please make sure you take the MPT sessions. Many people at the bar exam have never even written an MPT and all of the practice really helps. This is what most people worry about and these sessions can help you learn to write them.

Take care of everything that you need and make all of your arrangements before you get to Columbus. Make sure your computer is up to date. I had problem about a week before the bar exam. Make your hotel reservations as soon as you can. Figure out where to get food and how to get around so you only have to worry about the test. You do not want to worry about these details. One other tip, I had natural peppermints from Whole Foods with me during the exam itself. These little treats really helped.



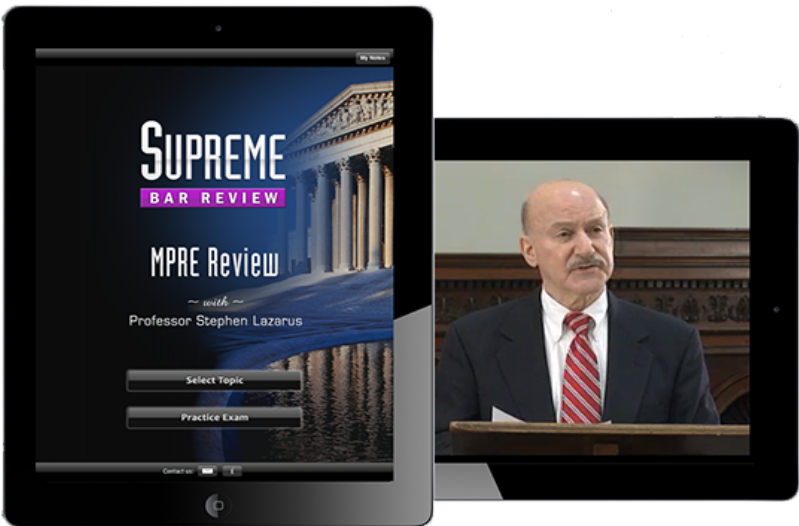
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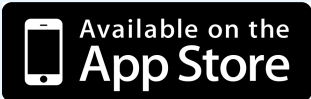
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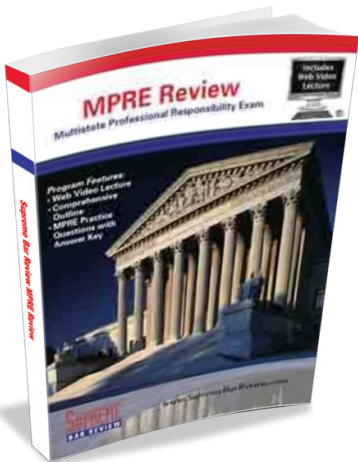


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