

**PROFESSOR FORTE SHARES THE STORY OF ALBION TOURGEE** SEE PAGE 2

**DID LEGALIZING ABORTION CAUSE CRIME TO DROP?** SEE PAGE 3

**FIND OUT WHY YOU SHOULD GET FAMILIAR WITH STAR TREK: DEEP SPACE NINE** SEE PAGE 4

**SHOULD SUSAN G. KOMEN KEEP FUNDING PLANNED PARENTHOOD?** SEE PAGE 5

**WHAT DATING AND THE MBE HAVE IN COMMON** SEE PAGE 6

**FIND OUT HOW TO DRESS TO IMPRESS AND SAVE MONEY ON GROCERIES** SEE PAGE 7



# THE GAVEL

VOLUME 60, ISSUE 4

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

FEBRUARY 2012

## What's the hold up?

Some students had to wait as long as 20 extra days to receive their grades this past semester

By Paul Shugar  
GAVEL CO-EDITOR-IN-CHIEF

The 46 first-year Cleveland-Marshall College of Law students in Professor Reginald Oh's civil-procedure class returned for spring semester to find their professor missing along with his grades from their fall-semester report cards.

Turns out they were not alone in waiting for their marks.

Nine professors in 12 classes were late turning in their fall-semester grades. Oh was the worst offender, filing his grades on Jan. 30, 20 days after his school-mandated deadline. While Cleveland-Marshall Associate Dean Mark Sundahl admitted that some professors are usually late submitting their grades each semester, he could not remember a time when so many professors were late.

"With 40 professors teaching in a given semester, I don't think it has ever occurred that a professor has not turned in grades late," Sundahl said. "It happens to some extent every semester, but typically I'm talking about only two to three professors getting their grades in a day or two late. I think this last semester was particularly bad for some reason."

On average the professors were 4.8 days late turning in their grades. Professors Gwendolyn Majette, Harold Babbit, Lolita Inniss, Peter Garlock, Peter Traska and Patricia Falk all missed their grading deadlines by three days or less. Behind Oh, Professors Alex Frondorf and Chris Sagers were the worst offenders, missing their deadlines by eight and seven days, respectively.



Nine professors in 12 classes were late turning in their grades this past Fall Semester.

Sundahl said adjunct professors who repeatedly turn in their grades late could face consequences such as not being asked to return to teach at the school. Tenured and tenure-track faculty members who were late might not receive bonuses or their yearly pay increases depending on their histories regarding grade submissions. Whether or not professors turn their grades in late is part of Dean Craig Boise's annual performance-review process.

As for Oh, both his present and his future at the school remain in doubt. Sundahl said he did not receive any explanation as to why Oh's grades were late. He also refused to comment on why Oh has not returned to teach this

### WAITING FOR GRADES

**A look at the Cleveland-Marshall professors who turned their grades in late this past Fall Semester:**

- Civil Procedure, Reginald Oh, 20 days
- Scholarly Writing, Alex Frondorf, 8 days
- Banking Regulation, Chris Sagers, 7 days
- Corporations, Chris Sagers, 7 days
- Torts, Harold Babbit, 3 days
- American Legal History, Peter Garlock, 3 days
- Property, Lolita Inniss, 3 days
- Contracts, Gwendolyn Majette, 2 days
- Advanced Brief Writing, Peter Traska, 2 days
- Local Government Law, Harold Babbit, 1 day
- White Collar Crime, Patricia Falk, 1 day
- Psychology of the Courtroom, Patricia Falk, 1 day

SEE **GRADES** PAGE 6



Ohio native Albion Tourgée was one of the most renowned civil rights lawyers of the 19th Century.

## Getting to know Albion Tourgée

One of Ohio's own, Albion Tourgée, was the most renowned and activist civil rights lawyer of the 19th Century. Today, we would call Tourgée



David Forte  
CON-LAW  
STORIES

a man who had difficulty controlling his emotional boundaries. Courageous, impetuous, judgmental, passionate, self-aggrandizing, rebellious against even reasonable

authority, and dedicated, the cause of emancipation was in his heart from the time he reached manhood until his death.

He was born in Williamsfield, Ohio, in southeast Ashtabula County and raised in the radical abolitionist atmosphere of the Western Reserve. His hero was John Brown. When Fort Sumter was attacked, signaling the start of the Civil War, President Lincoln called for volunteers to preserve the Union. Tourgée was a lackluster student at Rochester University at the time and immediately enlisted, joining the 27th New York Infantry. With one day of target practice outside of Washington, D.C., the regiment headed to Bull Run. They marched for eight hours and directly onto the battlefield, where they charged and were repulsed. At the end of the day, during the chaotic Union retreat, the regiment was among the last to leave the battlefield, kept together by the energy and actions of Tourgée. The rout to Washington, D.C., crowded the narrow roads, and an artillery battery, careening at full speed down the road, struck Tourgée with its wheel full in the spine.

Unconscious for 39 hours and not expected to live, Tourgée awoke to find himself paralyzed from the waist down. The doctors told him that he would be permanently disabled the rest of his life. He demanded to be returned

to Ohio, against the doctor's advice. Maimed, he refused to marry his fiancée in his condition and embarked on a rigorous physical therapy regime and the study of law. With the therapy and a prescription for "large quantities of strychnine," Tourgée could walk again in a year. In August of 1862, he re-enlisted, this time with a Lieutenant's Commission, a unit that would be vehemently abolitionist throughout the war.

In October 1862, the 105th was in Kentucky and giving shelter to escaped slaves, much to its commanders' embarrassment since they were under orders to return the slaves to their unionist Kentucky owners. With the 105th, Tourgée fought at Perryville. Massively engaged on the right, the 105th suffered casualties amounting to one-third of its complement. During the hottest part of the fighting, a shell exploded among the troops and a fragment slammed into Tourgée's side, breaking his hip. Taken off the battlefield, Tourgée had to endure more painful recovery and therapy. But astoundingly, after a few weeks, he was once more on the line as the army moved into Tennessee.

At Battle of Murfreesboro in 1863, Tourgée was captured. He was taken to the notorious Libby Prison in Richmond, where he spent the next four months. He then was released as part of a prisoner exchange and rejoined the 105th and fought in the Tullahoma Campaign, at Chickamauga, Chattanooga, Lookout Mountain, and Missionary Ridge.

Throughout his service, his passion for emancipation only increased. He called the Civil War a revolution, he declared, "For Union, suffer, toil, or die." He believed that slavery and the Southern culture that supported must be destroyed. The 105th had little regard for Southern sensibilities in Kentucky and Tennessee. One of their artillerists observed when they took Tullahoma, the "street resounded with the noise of demolition.

The houses were torn down, every conceivable article of furniture was carried off to the camps...the soldiers seemed wild with the idea of emptying the town." Tourgée himself said, "A burning house gives me light to write by."

At the end of 1863, ailing from his wounds, bristling under the discipline of army life, and disappointed in failing to be appointed as an officer in a colored regiment, Tourgée left the military.

He married and, from 1865 to 1879, Tourgée and his bride settled in Greensboro, North Carolina. He rallied support for black suffrage, denigrated the Southern plantation culture and became roundly hated by the Ku Klux Klan. As a superior court judge, he won praise for his even handedness, and soon became a popular novelist. In 1879, as Reconstruction ended, and the tide turned against his point of view, he returned north to raise his family and soon became the most outspoken advocate for black equality. In 1893, a petition to have him nominated to the Supreme Court was ignored by Grover Cleveland, who was beholden to South for its solid Democratic support.

Tourgée instead took on the cause of a group of black leaders in New Orleans who sought to have a newly passed segregation law overturned. Tourgée helped script the case of *Plessy v. Ferguson*. It was timed to coincide with the Republican National Convention being held in Minneapolis in order to excite political attention, as the Republicans remained the last hope of political support. By the time the case reached the Supreme Court, four years later, Tourgée was still there, writing the brief and making the argument. The phrase in his brief, "the Constitution is color blind" was incorporated by Justice John Marshall Harlan in his famous dissent.

Tourgée may have lost the case, but through the eloquence of Justice John Marshall Harlan, the cause he had bled for continued on.

Wanted to be a journalist but went to law school instead? The Gavel is hiring columnists and contributors.

Interested in being an Editor-in-Chief next year and earning a \$4,000 scholarship?

Contact the Gavel staff at [gavel.csu@gmail.com](mailto:gavel.csu@gmail.com)

CLEVELAND-MARSHALL  
COLLEGE OF LAW  
CLEVELAND STATE UNIVERSITY  
(216) 687-4533 TELEPHONE  
(216) 687-6881 FAX  
[GAVEL.CSU@GMAIL.COM](mailto:GAVEL.CSU@GMAIL.COM)

#### CO-EDITORS-IN-CHIEF

Jessica Fredette  
Paul Shugar  
Sara Tackett

#### GAVEL COLUMNISTS

James Booker  
Tony Cox  
David Forte  
Brianna McLaughlin  
Karin Mika  
Samuel O'Leary  
Bree Wright

#### GAVEL CONTRIBUTORS

Steve Antol  
James Booker

#### ADVISOR

Thomas Buckley

PRINTER  
PM Graphics

All rights revert to author.

The opinions expressed within this publication do not necessarily reflect those of the editors, Cleveland-Marshall, or Cleveland State University.

the gavel



## Keep your options open when searching for employment

**Question:** *Given the economy, where are the best prospects for getting jobs?*

I think the best prospect for getting a job is not to limit yourself in what you consider opportunity, even if that means doing something



**Karin Mika**  
THE LEGAL  
WRITING  
COLUMN

unconventional or forging out on your own. The legal world has changed considerably and it is unlikely that it will change back. Many law firms that have survived on fees from litigation may have to rethink

their strategies. There are a finite amount of clients out there, and most of them are neither eager to pay large fees for litigation, nor “retain” an attorney for a large sum of money to deal with ongoing issues.

But the good news is that the law is omnipresent, from the privacy agreements that are now being written for Google, to the copyright arrangements on iTunes. Thus, the new way everyone should be looking at the law is to prevent litigation and to ensure compliance with the law. For this, the opportunities are voluminous; it is just that sometimes people will have to convince others that it is more beneficial to pay someone ahead of time to avoid future litigation than to ultimately litigate.

The same methodology for securing employment existed as before – networking, doing non-pay internships if necessary – but students should not think that the only place for legal employment is a law firm. There are many businesses that could use help in terms of legal compliance, lease agreements, or reviewing contracts (among other things). The object is to sell yourself whenever you can as far as your abilities, and that often means educating yourself on various legal issues that affect every day life, or what goes on day-to-day in a business. There might be no better place to start than where you work now, or where a family member works. Look for opportunity.

Additionally, do not foreclose working on your own after graduation or perhaps with a group of friends. With word processors and internet access, your ability to be your own person won't be hampered by a lack of office or secretarial services. But again, doing something like that requires zeal and the willingness to acquire knowledge on an abundance of topics.

As far as “hot topics,” I think health-care and insurance law are big in Cleveland. I also think that, nationally, everyone in every type of business will have to possess a working knowledge of intellectual property law as well as technology law. With everyone having smart phones, smart TVs, remote access to email, and other types of remote access, the big issues will stem from copyright infringement, and anything dealing with technology issues.

## Lott debunks connection between Roe and crime

By James Booker  
GAVEL CONTRIBUTOR

On January 25, the Cleveland-Marshall Federalist Society held “Abortion and Crime.” The event featured a presentation by author and scholar Dr. John Lott. Dr. Lott's presentation focused on the theory that a decrease in crime from the 1970s to the present can be attributed to the increase in abortions as a result of the decision in *Roe v. Wade*.

John J. Donohue III and Steven Levitt wrote a paper titled *The Impact of Legalized Abortion on Crime* in which they developed the theory that the legalization of abortion was the cause of the decrease in crime the United States experienced in the 1990s. Donahue and Levitt based their theory on a study that was conducted in Sweden in the 1930s and 1940s. The study followed the lives of children whose mothers attempted to abort them but were denied the abortion by their government. Results of the study showed these unwanted children were more likely to engage in crime. Donohue and Levitt claimed that because of decreases in unwanted children brought on by abortion, crime decreased in the United States.

Dr. Lott's presentation focused on debunking Donohue and Levitt's findings. After *Roe v. Wade*, Lott claims that abortion has led to an increase in crime. Because of the widespread availability of abortions after the *Roe v. Wade* decision, Dr. Lott stated pre-marital sex drastically increased. With more sex came more pregnancies, and while many pregnancies during this time were aborted, some mothers could not make the decision to end their child's life.



**Dr. John Lott**

Dr. Lott claims this led to increases in out-of-wedlock births and children raised by single-mothers.

Dr. Lott went on to claim that because there were more children raised by single mothers who could not provide the care and guidance needed to raise a child, individuals raised by single mothers committed crimes at a disproportionate rate compared to individuals who were raised by two parents. Due to the increase in births of children to single mothers and the increased likelihood of those children committing a crime, the crime rate in the 1990s was higher than what it would have been had abortions not been widely available.

Then to what does Dr. Lott attribute the decreased crime rate? He claims the decrease was a result of various factors, including a change in strategy concerning the war on drugs, more arrests, longer prison sentences, and improved economic conditions.

Dr. Lott was one of the many speakers the Cleveland-Marshall Federalist Society brings to campus. Please check your e-mail for upcoming speakers and events hosted by the Federalist Society and other student organizations.

## Law school holds annual Jump Start program for high school kids

By Steve Antol  
GAVEL CONTRIBUTOR

Cleveland-Marshall held its annual Jump Start program on Jan 27. Jump Start is a diversity-focused program held by Cleveland-Marshall College of Law that targets local high school students to participate in a half-day conference on college and law-school preparation. Students attending this event obtained information about college and law school opportunities to get a “jump start” on a career in the legal field, as well as promote higher education opportunities in general. The event provided an opportunity for these students to interact with local magistrates, attorneys, and current law students at Cleveland-Marshall.

Some of day's scheduled activities included a “Discover Law, It's More Than You Think” workshop, which included attorney Tyresha Brown, and Magistrate Retanio Rucker leading a panel discussion on diverse practice areas of law. The school presented an American Bar Association video presentation entitled “Choose Law: A Profession for All,” and there was an undergraduate admission visit at the Welcome Center as well as a law school admission presentation in the

Moot Court Room. The event concluded with a lunch panel with the law students and tours of the law school, which featured a look at the new trial court room.

This year students from the Cuyahoga Community College Upward Bound program, C.A.S.T.L.E. High School and Range of Change Enrichment Center attended the Jump Start program. In the past, the program has had students attend this event from Warrensville High School, Maple Heights High School, Bedford High School and The Arts Academy.

The Law School Admission Council's Diversity Committee developed *DiscoverLaw.org* to encourage racially and ethnically diverse high school and first- and second-year undergraduate students to discover career opportunities in law and to choose paths of undergraduate study to help them succeed. Cleveland-Marshall is committed to diversity in the legal profession and proud to sponsor this important event.

Cleveland-Marshall College of Law was selected to receive the Diversity Matters Award from the Law School Admission Council in 2010 and was recognized as one of the top law schools for diversity in 2011.

The Student Bar Association cordially invites you to attend

### *The Annual Barrister's Ball*

on Saturday, March 3rd, 2012

Cleveland Browns Stadium  
100 Alfred Lerner Way

Cocktails and Hors d' oeuvres ~ 6:00pm  
Dinner ~ 7:00pm

Tickets are \$50 per person

See your SBA Senators for Tickets!



# The excellence of Star Trek: Deep Space Nine



During some rare down time, the crew of Star Trek: Deep Space Nine gets together for a group shot.

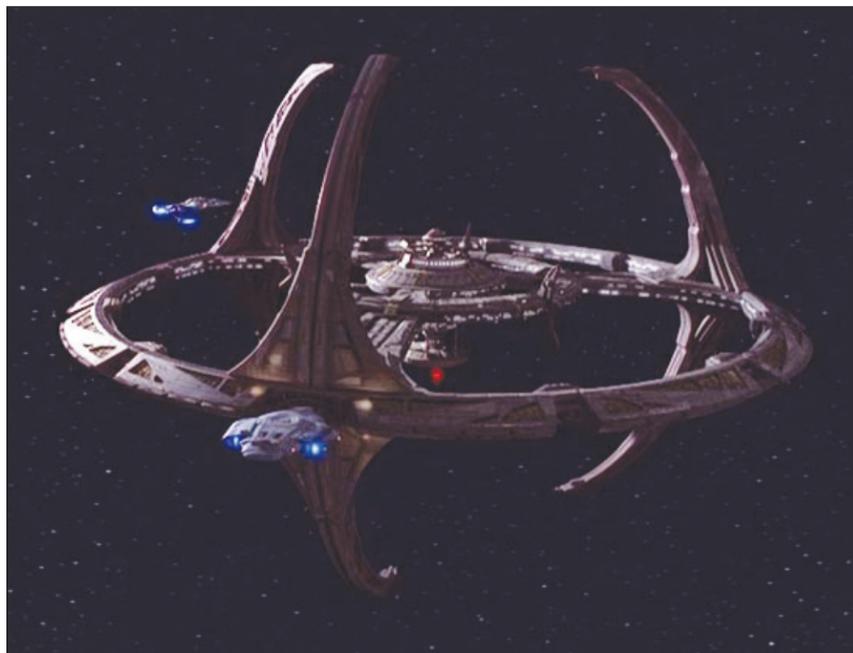
## Forget Star Trek: The Next Generation, DS9 is the best

By James Booker  
GAVEL CONTRIBUTOR

Many of you were in preschool or elementary school when Star Trek: Deep Space Nine (DS9) first aired in 1993. If your parents allowed you to watch television, you were likely watching Rugrats or some other animated program. If you were a bit older, though, you might have watched one of the greatest shows ever produced – Star Trek: Deep Space Nine.

The early seasons revolve around the Bajorans, a recently liberated alien race, and their relationship with their former occupiers, the Cardassians (not to be confused with the attention-mongering seeds of the late Robert Kardashian). The United Federation of Planets sends Commander Benjamin Sisko to the formerly-owned Cardassian space station called Deep Space Nine to command the station and to oversee the Bajorans' entry into the Federation. Many of the show's stories are based on the random happenings at the station and the conflict that still exists between the Bajorans and the Cardassians.

The show's greatest strengths are the rich assortment of the characters



**While Captain James Tiberius Kirk might have had the Starship Enterprise to boldly explore where no man has gone before, Star Trek: Deep Space Nine just sat around and waited for the action to come aboard. This, along with a cast of colorful characters made DS9 the best Star Trek spinoff.**

that appear in various episodes and the show's great stories. In combination with well-developed storylines, the viewer is entertained when watching the

various characters deal with adversity and how they solve problems. Even characters with smaller roles, such as Quark, the Ferengi barkeeper, are

so well developed that they can carry episodes by themselves without the help of any other of the show's main characters.

Many of you may be familiar with Star Trek: The Next Generation and its strong cast of characters. Even with Captain Picard, Data, and Geordi, The Next Generation cannot compete when compared to the depth and quality of characters that appear on DS9. While this might sound like heresy to some of you science-fiction fans, once you take the opportunity to watch DS9, you will find my claim to be true.

DS9 is responsible for several great individual episodes. My favorite episode of DS9 is "In The Pale Moonlight." The episode examines the moral struggles of individuals in wartime conditions and the fine line between honor and treachery. Many of the show's parables are applicable to events that affect us in 2012 (without sounding preachy).

If you are bored and have an itching for some Star Trek or a good television series, I suggest you take the time to watch DS9. It is currently available to be streamed on Netflix. Live long and prosper!

# POLITICAL BROADSIDE

THE FORUM FOR DEBATING TODAY'S HOT-BUTTON ISSUES

## Should Susan G. Komen remove funding from Planned Parenthood?

Sean O'Leary  
NO

Susan G. Komen for the Cure is the nation's leading breast cancer charity and an icon of American philanthropy. During the last 30 years, the foundation has invested more than \$2 billion in cancer research, education, advocacy and health services.

The foundation's recent escapades, however, belie the mission of the organization and tarnish the ubiquitous pink ribbon that had accrued so much goodwill. Amidst a deluge of anger and frustration aimed at Komen in the days following the announcement that it would be ending its grant that enabled women's health-care provider Planned Parenthood to perform breast cancer screenings, the foundation tried to hide behind a technicality. According to Komen, it was a change in its newly-adopted criteria that prohibited the foundation from awarding grants to groups under investigation by federal, state, or local authorities. Currently, Planned Parenthood is the subject of an investigation by Rep. Cliff Stearns that aims to determine whether any public funds have been improperly spent on abortions.

If these were all the facts, the Komen Foundation's decision to stop funding Planned Parenthood's breast cancer screenings would be far more understandable, and, perhaps, even a laudable attempt at strict oversight of its benefactors' dollars. Unfortunately, there was much more to this decision than an objective application of Komen's rules, and the more the circumstances surrounding this decision come to light, the more reprehensible it becomes.

The efforts of Rep. Stearns more closely resemble an inquisition than an investigation. The investigation began six months ago and has no timetable. Further, the investigation is congressional, meaning it is not being conducted by a law enforcement agency, is not based on probable cause or even reasonable suspicion of wrongdoing, and is not even focused enough to articulate how Planned Parenthood supposedly broke the rules. The notion that a member of Congress thinks that he can slap a badge on his chest and call himself the abortion police is troubling in and of itself, but what's more troubling is that a reputable charity like the Komen Foundation would choose to lend credence to such nonsense.

On top of all that, Komen recently hired a Senior Vice President for public policy. Her name is Karen Handel and, while she was losing her race for governor of Georgia, she spoke out loudly in favor of defunding Planned Parenthood. Suggesting that Komen's sudden decision to amend its rules in a way that only affects Planned Parenthood shortly after hiring Handel is as disingenuous as it is insulting to the intelligence of Komen's supporters.

Komen has been providing Planned Parenthood with funding for



cancer screenings for years, typically with an annual grant around \$600,000, which Planned Parenthood reports has funded more than 170,000 exams during the history of the partnership. Planned Parenthood, for its part, has performed more than four million cancer screenings during the last five years and estimates that abortions comprise about 3% of the organization's work. Arguments that Komen could have just shifted funding to a less controversial group with no drawback are misguided because many of Planned Parenthood's patients are uninsured or without regular access to health-care services, meaning that in the absence of Planned Parenthood's cancer screenings, many of its patients would simply go without – meaning more undetected cancer cases and more cancer deaths.

Some in the anti-choice camp are upset that Komen has been providing funds for cancer screenings to an organization that also provides abortions. Setting aside the fact that a decision which leads to more cancer deaths axiomatically can't be "pro-life," the more important realization is that money is fungible.

Ultimately, Susan G. Komen for the Cure made things right again, but fighting cancer shouldn't be a red issue or a blue one. Tragically, the foundation's willingness to compromise its singular objective, combating breast cancer, for the sake of a political agenda leaves the question open: is pink just another shade of red?

### WANT TO DEBATE?

Send an e-mail to the Gavel at [gavel.csu@gmail.com](mailto:gavel.csu@gmail.com).

James Booker  
YES

This year's production of *Much Ado About Nothing* starred the Susan G. Komen for the Cure, formerly Susan G. Komen Breast Cancer Foundation, and Planned Parenthood. The two parties have a five-year relationship that has consisted of Komen giving money to Planned Parenthood to provide breast cancer screenings to the women receiving services from Planned Parenthood. On January 31, however, Komen decided to revoke the funding it previously provided to Planned Parenthood.

Komen stated it was its policy not to give money to organizations under investigation. Conveniently enough, Planned Parenthood is involved in a congressional investigation to assure they are in compliance with the Hyde Amendment (which prohibits the use of certain federal funds to pay for abortions). Days later, Komen buckled under the pressure of women's groups, the media, politicians, and abortion supporters and reinstated their funding to Planned Parenthood. A week after Komen's announcement, everything returned to normal, and harmony was restored. Or was it?

As an individual who has known people who have fought breast cancer, I understand the importance of providing a means to allow individuals to get screened and deal with the situation before it becomes deadly. Komen does a lot of good, and I feel they took a great deal of unnecessary negative press when they decided to revoke their funding to Planned Parenthood.

Komen is a private entity with a goal to fight breast cancer. If Komen feels its funds can be used in better

manner to accomplish its goal, then they have the prerogative to direct their funds to a source that allows Komen to do just that. Komen is responsible only to its mission and its donors. All of the outrage that developed after Komen's announcement to cut funding was sickening because many people who were outraged appeared to feel Planned Parenthood was entitled to Komen's support. All of the outrage based on this idea of entitlement is misplaced. Only those who gave to Komen with the intention that their support also trickle down to Planned Parenthood should be outraged, and I would hazard a guess that you could count those people on your right hand. (Why wouldn't they just give the money to Planned Parenthood instead?)

Another reason I feel Komen was unnecessarily dragged through the mud is pretty controversial. Why would an organization that is so focused on preserving life give money to an entity that provides counseling and procedures that end pregnancies? Planned Parenthood is the largest provider of abortions in the United States, and it provides between 290,000 and 320,000 abortions annually. Komen raises money and spends money to save lives, not end them. Even if you pull the wool over your eyes and view abortion as a matter of "choice," the Komen foundation doesn't exist to fund an organization that helps women with their "choice."

Planned Parenthood does provide some breast examinations with the funds they receive from Komen, and that's terrific. However, if Komen wants to reallocate those funds to an organization that preserves life and can offer the same services, nobody should give Komen any grief for their "choice."

# Dating is a lot like the MBE

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



Both the Multistate Bar Exam (MBE) and the Multistate Professional Responsibility Exam (MPRE) differ from multiple-choice exams you have taken in the past. Unlike the traditional multiple-choice exam where you simply pick the right answer, the National Conference of Bar Examiners (NCBE) has devised a different kind of multiple-choice, called a “best answer choice” exam. That means you can expect to see each question followed by four imperfect answer choices. Your job is to pick the “best” choice from among those presented.

With Valentine’s Day upon us, it got me thinking that the multiple-choice portion of the bar exam is a lot like dating. When you enter the dating world, you start off with an idealized vision of your perfect mate. But you quickly discover that such a person does not exist (with the exception of my own wife, of course – Happy Valentine’s Day Honey!). So instead of looking for the “right” person, you begin to look for the “least wrong” person for you. Over time, you figure out how to quickly eliminate obvious wrong choices from consideration. Eventually you settle for the one that most closely resembles what you were looking for, without falling for bad choices disguised as good ones.

How will you know when you found the right one? In dating, you might never know if there is someone better around the corner. Fortunately, on the bar exam, you are limited to only four possible choices and you must choose one. Since this is a process of elimination, once you have eliminated the bad choices you can safely choose the remaining option with confidence and live happily ever after (which is more than I can promise in my dating analogy).

To help guide you in your decision-making process, here are some



**Bar-exam takers do not have to show up for the test with flowers, but it probably would not hurt their chances.**

situations to watch out for as you begin your search for the perfect mate and/or bar exam answer choice:

(1) Watch out for choices that are wrong for you. In dating, the qualities that make a person right for someone else might not be the same qualities you are looking for. Similarly, an MBE answer choice might contain a correct statement of the law, but it might not be law that is applicable to your fact pattern. So make sure that the reasoning behind the answer choice is responsive to the call of the question. A choice can only be correct if it matches what you are looking for.

(2) Watch out for choices that are not as they appear. If you are dating someone and you start to notice inconsistencies between the way they describe themselves and what you observe, that person might be overstating or misrepresenting the qualities that attracted you to them. Similarly, if an MBE answer choice has obvious flaws such as misstatements of the law or facts, you can be sure that it is not the choice for you.

(3) Don’t assume facts. For instance, if someone drives a nice car, don’t assume that they are wealthy. That car might be the only thing they own, or maybe it’s not even theirs (maybe they borrowed it from their mother). Similarly, on the bar exam, do not assume facts that are not there. The facts that you need in order to answer the question are going to be given to you. So you must rely on those facts alone. Any choice that requires you to assume facts not given, is probably an attempt to deceive you into making a bad choice.

(4) Don’t let yourself get seduced. On the bar exam, as in dating, you must consider your choices carefully. There are concepts that seem as though they ought to apply to a wide range of fact patterns, but they actually have no application to the fact situation in question. For instance, in Constitutional Law questions, the Privileges and Immunities Clause of the Fourteenth Amendment sounds as if it should make a variety of laws unconstitutional. However, that is not

the case, which is why it is an attractive, yet often wrong, MBE answer choice.

(5) Don’t base your choice on the wrong reasons. Sometimes you can find yourself presented with a viable choice but find that you are choosing it for the wrong reasons. For instance, if you meet someone who drives a nice car, has a steady income, and makes a good impression on your mother, you might continue to date that person even after you realize that you are not compatible with one another. Similarly, on the MBE, you might be presented with an answer choice that states a correct response to the call of the question, but that bases that response on faulty or incomplete reasoning. While you might be drawn to such an answer choice, it might not be the best choice available to you. Be sure to compare it to other potential answer choices. Remember that there are plenty of fish in the sea.

I hope that the above advice will help you in your search for love AND the correct answer to every MBE question you encounter.

## GRADES

CONTINUED FROM PAGE 1

semester and what disciplinary sanctions he might face for the late grades because personnel matters are confidential.

Sundahl said Oh will not teach classes this semester. Professor Brian Ray is teaching Oh’s Civil Procedure class this Spring, and Professor Pamela Daiker-Middaugh is teaching his Law and Policy Issues in Education class.

Sundahl received different reasons as to why the various grades were filed late. Some professors simply requested more time to ensure their grades were fair. Other adjunct professors had trouble submitting their grades because of their other professional responsibilities. The tenured or tenure-track professors had deadlines for scholarly articles or other

school responsibilities that slowed their grading processes.

Sagers said his underestimation of his end-of-semester workload caused him to be late in his Corporations and Banking Regulation classes. While Sagers admitted to being late filing grades in the past, he said his grades have never been filed later than a few days past his deadline.

Working with one of the school’s moot-court trial teams and penning scholarly articles is why Sagers said he fell behind. He also contended with larger-than-normal class sizes this past semester, leaving him with an estimated 400,000 words in the form of take-home exams to review. To eliminate subjectivity as much as possible from his grading process, Sagers said he grades every essay question on his tests one by one, and this process requires plenty of time to

be done properly.

“You can’t race through it,” said Sagers, who estimated grading exams for one class often takes him a week and a half to complete. “I got myself in a pickle of getting a whole bunch of other stuff done then realizing I had only four to five days until my grading deadline. I could have tried to race through them, but I have learned through hard experience that you just can’t grade them quickly.”

Both Sundahl and Sagers expressed regret about the effect the late grades had upon the students. Sundahl sent an email to the entire student body about the issue, and he visited Oh’s class to discuss the problem with Oh’s students. Sagers also sent an email to his classes, apologizing for any effects the late grades might have upon the students’ bar applications or job searches. Sundahl said the late grades

did not affect when class ranks were released this semester.

Sundahl said Boise is in the process of drafting a letter that will accompany the transcripts of students who had late grades make them miss deadlines for various job applications. The letter will inform potential employers that any late transcript submissions are not the students’ faults. The administration said this should minimize any trouble the late grades might have caused.

As for correcting the problem, Sundahl said he is talking to other associate deans through listservs to determine the procedures other schools use to ensure timely grade distribution.

“We take it very seriously,” Sundahl said. “We understand why it’s important, and we are really talking actively about everything we can do to rectify the situation.”

# Keys to building your professional wardrobe

The unfortunate tendency among modern American males to underdress is, by now, well-known. We see a necktie as a noose, a sportcoat as



*Tony Cox*  
**DRESS FOR  
SUCCESS**

a straightjacket, and we'll be damned if anyone tells us that blue jeans aren't appropriate for the occasion. It's not your fault, though. Forces beyond your control created this monster. The

freewheeling '60s counterculture made it chic to dress like a bum, and the meritocratic Silicon Valley culture of the '90s made casual dress a status symbol: the more innovative you were, the less you had to worry about conforming to other people's expectations.

This is fine if you're Abbie Hoffman or Steve Jobs. But you're not. You're a law student, preparing for entry to a tradition-minded profession where your decisions will have a profound impact on your clients' lives, so you should look like you're capable of handling this responsibility. Of course, style is no replacement for substance. A sharp suit won't improve your research, and a classy tie won't help you write the winning brief. But like it or not, the way you look has an impact on your professional relationships. Your appearance sends a message to the people around you. And it starts with your clothing.

For most, this is not a stunning revelation. You knew that eventually you were going to have to start dressing



**Fashion is Jason Bieber. Style is James Bond.**

up a little. But what many don't realize is that dressing up and looking good are two different things. If you want to look like a confident adult professional, and not a 5<sup>th</sup> grader at his uncle's wedding, stuffing your only collared shirt into a cheap pair of slacks isn't going to cut it. So here's some food for thought as you build your professional wardrobe:

Knowledge is power. Don't let the 19-year-old clerk at J. Crew make decisions for you. Educate yourself on the governing dynamics of men's style. Blogs such as Put This On and books like Alan Flusser's *Dressing the Man* are invaluable resources in determining what looks good, and why. Get smart, so when it comes time to go shopping, you'll know what you're doing.

Focus on fit. Whether you prefer a fuller American cut or a slimmer Euro-style silhouette, it's important to make sure everything fits

correctly. Ensure your pantlegs aren't too long, your shirtsleeves aren't too short, and your jacket fits through the chest and shoulders. You'll look better and feel more comfortable. Remember: the tailor is your friend.

Quality over quantity. A tightly edited collection of well-made, versatile classics is preferable to a closetful of sweatshop-made junk that will wear out in a year. Buy the best you can afford, and take care of it – you'll save money in the long run, and your clothing will get better with age. But don't let the tag fool you: many "luxury" brands don't live up to the standard of quality the high price might lead you to expect.

Your goal should be style, not fashion. There's a difference, so don't confuse the two. Fashion is about cutting-edge trends; style is about timeless principles. Fashion is about flash; style is about class. Fashion is a

## WHERE TO BEGIN

**BROOKS BROTHERS:** The standard in traditional American menswear and the go-to clothier of lawyers, businessmen, and politicians for nearly 200 years. Retail may be a bit pricey for a student budget, but holiday sales can save you 40% or more. Tower City, 240 W. Huron Rd., Cleveland, or [BrooksBrothers.com](http://BrooksBrothers.com).

**LANDS END:** A great choice for very affordable, decent-quality wardrobe staples (and outstanding customer service). Superstar attorney David Boies can attest: an inexpensive, blue Lands End suit is his trademark courtroom attire. Available at select Sears locations, or [LandsEnd.com](http://LandsEnd.com).

**EBAY:** If you're patient, eBay is a great way to find excellent new, like-new, or gently-used clothing for pennies on the retail dollar. Just make sure you contact the seller with any questions (especially about sizing) as most sales are final. [Ebay.com](http://Ebay.com).

glossy magazine; style is your grandpa's photo album. Fashion is Justin Bieber; style is James Bond.

# Saving time and money in the grocery store

Law students are incredibly short on two key assets – money and time.

We live entirely off student loans, and our school responsibilities eliminate any free time we once used to buy necessities such as groceries and toiletries. For most, the idea of saving time and money when it comes to food is buying a \$5 foot-long sandwich from the neighboring Subway.



*Brianna McLaughlin*  
**THE  
BARGAIN  
BABE**

Yet through trial and error, I have learned effective ways to maximize both my free time and my money. The first step is cutting your grocery costs. Here are my top three tips on how law students can save money on their groceries.

## 1. Become a Coupon Lady (or Man)

The most obvious way to save money on groceries is to clip coupons. After watching one episode of *Extreme Couponing* on TLC, I was hooked.

These coupon-obsessed people made it seem simple to go to the store, whip out your coupons, and go home with a huge stockpile of goods for pennies on the dollar. While I do not possess the coupon skills exhibited on the show, I have been able to cut costs on groceries, toiletries, and other household goods.

In my short-lived attempt to be an extreme couponer, (and before you judge . . . who *doesn't* want to get essential items *for free*?) the thing I found most difficult was figuring out how to get the most bang for my coupon buck without wasting time putting in time to find the best deals (i.e. the work).

After some online research, I stumbled upon the Coupon Mom Website ([couponmom.com](http://couponmom.com)), which solved this "doing the work" problem for me. Not only can you access free online grocery coupons to print from your computer, but the web site does pretty much everything but put the coupon in your hand and drive you to the store.

When you register for free access to the web site, you can sign up for email alerts on deals at stores such as Wal-Mart, Target, Sam's Club, Giant Eagle, Aldi's, etc. Then, the web site sends you an email every week for each

store you selected to inform you of each store's best deals. The email includes a link to a spreadsheet stating the item on sale, the sale price, the date and location of the applicable coupon (i.e. printable online, or in a Sunday newspaper), the percentage you will save by using the coupon, and the ultimate amount you will spend.

A couple weeks ago, a coupon email made me \$5 for buying a Brita Water Filter. You cannot beat getting paid to shop.

## 2. Buy in Bulk

The best way to buy in bulk is shopping at either Costco or Sam's Club.

The downsides to this approach are the cost of the membership fee and the large upfront cost of the items. Membership at Costco costs \$55.00 per year. The Advantage Membership at Sam's Club costs \$40.00 per year and includes two household membership cards.

If you have the money to spend upfront, I suggest shopping for at least non-perishable items at either of these wholesale stores because of the savings and the convenience.

For example, Sam's Club sells 81 rolls of Charmin Bath Tissue for \$19.98, which is roughly \$0.25 per roll

of toilet paper. Wal-Mart sells 24 rolls of the Charmin Bath Tissue for \$7.97, which is roughly \$0.33 per roll. If you paid the Wal-Mart price for the 81 rolls of toilet paper, you would spend \$26.73. By shopping at Sam's Club, you save \$6.75 in toilet paper alone.

If you expand these savings out, you are likely to at least cover the cost of membership and will save both money and time.

## 3. Go to the West Side Market

I am embarrassed to admit this, but I lived in Tremont for almost a year before I went to the West Side Market.

Huge mistake. The West Side Market is not only part of Cleveland's history; it is THE place to get amazing deals on fresh produce, bread, and meat. The market is open year round on Mondays and Wednesdays from 7 a.m. to 4 p.m. and Fridays and Saturdays from 7 a.m. to 6 p.m.

It is incredibly difficult to find parking on Saturday mornings, so I recommend going either during the week or on late Friday afternoons when the free public lot is less likely to be full. When dealing with the produce vendors, make sure to examine your produce before buying to make sure it will not go bad within two days of bringing it home.



Constitutional Law | Contracts | Criminal Law | Criminal Procedure | Evidence | Real Property | Torts | MPRE Review



Study for the Bar Exam or MPRE on your iPhone or iPod Touch and now....

# Study on your iPad

iPad apps include all of the features of the iPhone version, PLUS a complete subject outline that you can read alongside the video lecture.



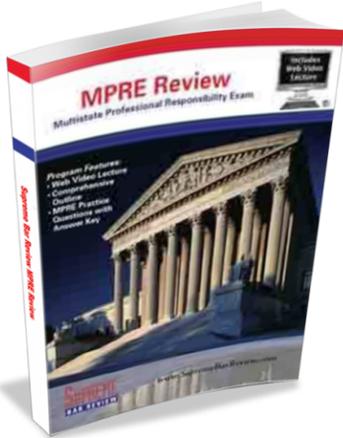
### Download mobile apps for the following subjects:

- ✓ Constitutional Law
- ✓ Criminal Procedure
- ✓ Torts
- ✓ Contracts & Sales
- ✓ Evidence
- ✓ MPRE Review
- ✓ Criminal Law
- ✓ Real Property



Now available from the Apple iTunes Store

Search "Supreme Bar Review" in iTunes Store for complete list of apps



Only \$39.95 Plus \$5 S&H

## MPRE Review book Revised Edition

This comprehensive program includes:

- Complete MPRE subject outline
- Over 200 MPRE practice questions with explanatory answers
- Free access to our online MPRE video lecture

To order, call toll-free: (866) BAR-PREP or order online at: [SupremeBarReview.com](http://SupremeBarReview.com)

## BAR EXAM UNIVERSITY POWERED BY SUPREME BAR REVIEW



For a limited time only . . .

Cleveland-Marshall students can register for free access to Professor Stephen Gard's complete Torts video lecture AND Professor Stephen Lazarus' complete MPRE Review lecture.

For FREE instant access, visit:

[www.BarExamUniversity.com/cleveland-marshall](http://www.BarExamUniversity.com/cleveland-marshall)

