

**Salacious? Tasteless.**  
When 3L Tania Meola saw a sexually suggestive sign advertising pressure washers in Parma she took action. The scantily-clad "pressure girl of the month" is no more thanks to Meola and the city of Parma.

**LAW, PAGE 2**

**Fear and Loathing in Law School**

Is it possible? A social life between briefs and socratic induced paranoia? The Gavel slips into the mind of the 1L.

**OPINION, PAGE 7**



**Triathlons and Tribulations:**

Mirroring the triathlon, from the training to the competition. How to succeed in the triathlon that is law school.



**CAREER, PAGE 4**



# THE GAVEL

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THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## Alums bring High Court Clerk to C-M

**By Ed Pekerek**  
NEWS EDITOR

The Clerk of the U.S. Supreme Court, retired U.S. Army Major General William K. Suter, visited C-M Sept. 12.

The animated Suter entertained and informed the fortunate few who attended the discussion, covering a wide range of topics including; *Bush v. Gore*, anthrax scares at the Court, Sept. 11 and terrorism, military tribunals and the Court's current docket, which is set to begin hearing disputes the first Monday of October.

Suter came to C-M at the request of long-time friends and fellow Delta Theta Phi members, Fred Lick '61 and Fed. Judge Thomas Lambros '52, who joined Suter in the Joseph Bartounek Moot Court Room for the hour-long Q&A session.

Suter claimed to have consistently picked the disposition of cases after oral arguments with roughly 70 percent accuracy during his 11 year tenure as Clerk,

See **CLERK**, page 5



*Sept. 11, 2002*

Along with the rest of the nation, the Gavel pauses to look back and to examine the current state of the nation.

Here, the subway stop for the World Trade Center is

open again, taking passengers to the area near the site, the financial district of lower Manhattan, where the business of life goes on.

Turn to pages 6-7 for more.

## Man charged in 3L's death

**By Jay Crook and Ed Pekerek**

Russell H. Roupe of Prosser Road in Slavic Village has been charged with multiple counts of aggravated vehicular homicide, involuntary manslaughter and receiving stolen property (motor vehicle), in connection with the death of Cleveland-Marshall 3L, Frank Cwiklinski.

Roupe appeared before Cuyahoga County Common Pleas Judge Lillian Greene Sept. 5 for a pretrial hearing.

Roupe, who will celebrate his 24th birthday Oct. 1, has been convicted of multiple felonies, including priors involving other stolen vehicles, possession of criminal tools, breaking and entering, vandalism, theft and felonious and aggravated assaults. Roupe has never served a sentence longer than six months and was extradited from Cleveland as a fugitive from West Virginia authorities in 1997. He currently remains free on \$2,500 bail.

According to the Cleveland

Police traffic crash report and Det. James McNamee, Roupe was operating a 1995 Toyota Camry owned by B&A Auto Sales of 6605 Clark Avenue in Cleveland, on Saturday, June 29 when Cwiklinski was killed. Roupe was allegedly operating the stolen Camry with a suspended Ohio driver's license at approximately 70 mph when he struck Cwiklinski's driver-side door at the intersection of Fulton Road and Lorain Avenue in Cleveland.

The report further states that, "[Roupe] failed to stop for a red electronic traffic control device and collide[d] into [Cwiklinski's BMW]."

The collision occurred at 2:54 a.m. Cwiklinski was traveling northbound on Fulton when Roupe allegedly struck him while traveling eastbound on Lorain. According to the narrative and diagram of the traffic report, the impact of the collision was so severe that it

See **CWIKLINSKI**, page 2

### You Should Know

By JASON SMITH



### 1Ls by the numbers

Some basic information about the 2002 1Ls

Number of Students:	264
Full-time Day:	185 (70 %)
Part-time Day:	14 (5 %)
Part-time Night:	65 (25 %)
Female:	111 (42 %)
Male:	153 (58 %)
Resident:	212 (80 %)
Non-resident:	52 (20 %)
Minority:	49 (19 %)

	LSAT	UGPA
25th percentile	154	3.48
75th percentile	149	3.16

Information courtesy of Roslyn Perry

## 1L class proves leaner and meaner

School sees strong applicant pool, C-M enrollment down, scores and diversity up

**By Colin Moeller**  
MANAGING EDITOR

Despite a 17 percent jump in applications to C-M last year, the incoming 1L class is smaller than the 2001-2002 class by 28 students. But, while the number of entering students decreased, the class reflects a diverse make-up unparalleled in recent years.

According to a C-M admissions report, over 18 percent of the 264 students admitted in 2002 represent races other than Caucasian.

The 1Ls come from 16 different states and hold degrees from 96 different universities.

"Our goal this year was to cut the entering class size to between 150 to 160 rather than 170 to 180," said Margaret Mc Nally, former dean of admis-

sions. "By doing this we can be much more selective." Mc Nally noted that this year's entering class is not only one of the most diverse but is also one of the brightest to enroll at C-M, as evidenced by the jump in median LSAT and undergraduate GPAs. "The admissions committee, headed by Phyllis Crocker, truly dedicated themselves, working very hard to select a strong class," said Mc Nally.

According to Mc Nally, C-M does not use race as a special factor in its admissions decisions but does evaluate the pool of those it extended an admissions offer to, making a special effort to encourage certain applicants to accept. "We look at the pool as a whole and ask ourselves what characteristics are lacking," said Mc Nally. "We then make a

concerted effort to let these perspective students know that they are not only valued in our minds but would be very welcome here."

According to Mc Nally, Dean Steven Steinglass and minority alumni focused efforts this year to contact admitted minority students and encourage them to accept admission offers.

According to Mc Nally, this year's increase in applications not only was a result of a weak economy, but also fits an ongoing admissions trend. Mc Nally noted that the increase in applications allowed the admissions committee to be more selective only because many of the applicants were strong candidates. But, a large applicant pool, said Mc Nally, does not always mean a strong pool.

## C-M booked for the year

By Steven H. Steinglass

I am writing to welcome all our new and returning students to the 2002-2003 C-M school year. By now, with the calendars distributed and all our events listed on the Web, you must have an idea that you are studying law in a school that does not confine learning to the classroom. This year you will have an opportunity to hear some of the country's imminent jurists, lawyers and public servants at C-M. Soon after our award-winning Gavel prints its first edition of the year, students will have met former United States Attorney General Edwin Meese, an important figure in the Reagan administration, in an informal coffee hour. The Criminal Law Faculty has put together an impressive roster of speakers, who will discuss subjects from ethnic profiling in the wake of Sept. 11 to infanticidal mothers.

### The Dean's Column

Our 30-year-old Visiting Scholar Program brings five distinguished lecturers, including Marshall University Prof. Jean Edward Smith, a noted authority on the life of John Marshall. Professor Smith will speak on Marshall's contributions to the American system of government, as we commemorate the bicentennial of *Marbury v. Madison*. In April, the law school will join with the rest of the state in celebrating the bicentennial of the Ohio Constitution. We will sponsor a two-day conference. And this year, with the support of the law firm of Duvin Cahn & Hutton, the Employment-Labor Law faculty are inaugurating a three-lecture series on issues relevant to the employment law practice.

Prof. Alan Weinstein begins the Faculty Speaker Series Sept. 30 with an arresting subject, "What do Nude Dancing and Churches Have in Common? Dealing with Legal and Policy Issues Where the First Amendment Meets the Street."

In this brief overview, I have only hinted at the abundance of opportunities stored on the calendar of our newly redesigned, soon to be up-and-running website, created by the law school's webmaster, David Genzen '98. The new site will make student life easier, allowing you to navigate the site more easily and to stay tuned to life beyond the classroom. I wish each of you a productive and successful year.

Steinglass is Dean of C-M.



# Advertiser bends under pressure

3L's outrage results in resolution against salacious sign

By: Colin Moeller

MANAGING EDITOR

Towering above Ridge Road in Parma, not far from Ridge Park Square and just off of I-480, a billboard advertising pressure washer equipment featured a nearly nude model in a suggestive pose, for everyone stuck in traffic to see.

Today, this billboard is gone thanks to the determination of 3L Tania Meola. Meola worked to have a resolution passed in Parma opposing the advertisement and urging its removal.

Meola, described the billboard as "insulting and degrading to women." The billboard for Roman Equipment Consultants Inc.'s pressure washers read, "The only thing you cannot clean with a pressure washer from Roman is a filthy mind!!!" Meola said the advertisement professed that the pornographic advertisement would invoke sexual thoughts about the "girl" on the billboard.

In the Feb. 9, 2002 edition of the *Plain Dealer*, Roman President, Jack McManus was quoted as saying, "More people get a bang out of it than it offends." McManus was further quoted, saying, "When I put up a boring billboard, the phone doesn't ring. When I put up an entertaining billboard, the phone rings." McManus noted that the billboard changes every month and that it was common to use "girls" in ads. According to McManus, he recruits models from bars as his "pressure girl of the month."

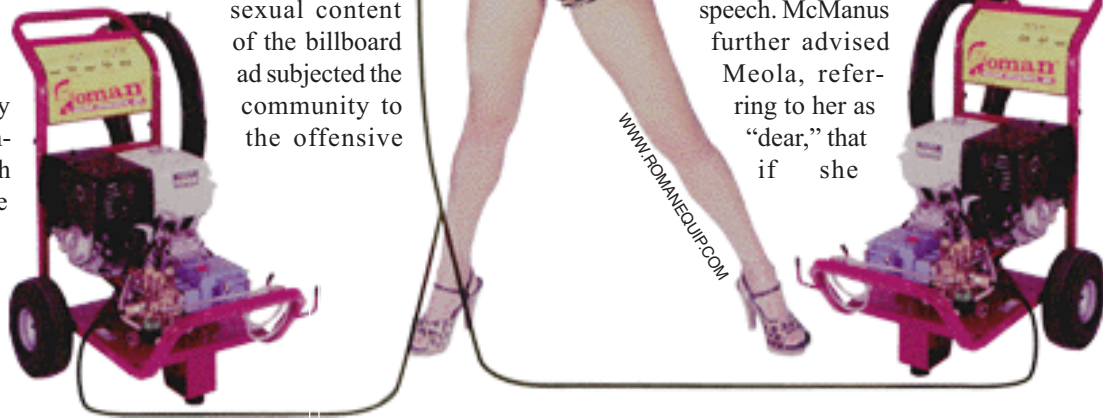
"The explicit sexual content of the billboard ad subjected the community to the offensive and unacceptable display of women," said Meola. "As a law student and professional woman, I found this advertisement to be unacceptable, unnecessary and intolerable. These ads must be protested in order to prevent further reprehensible advertisements from invading our society and the morals of our community."

Protest is exactly what Meola did. Her first line of defense was to call Roman and express her disapproval. The call not only failed to rectify the situation but according to Meola, made it worse. According to Meola, McManus defended his billboard, invoking his right to free speech. McManus further advised Meola, referring to her as "dear," that if she

to sell pressure washers. He concluded the conversation by telling Meola to give him a call if she needed a pressure washer.

Meola contacted Parma Mayor Gerald Boldt and Parma City Council to voice her complaints about the billboard. Unlike McManus, Parma City Council offered Meola assistance in her crusade as she convinced them to pass an official resolution "opposing and urging the removal of the billboard advertisement sign." The resolution declared the billboard to be "of an offensive nature" stating the "explicit sexual content subjects to community to the offensive and unacceptable display of women." The Parma City Council declared the resolution, "an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the city of Parma."

Meola's persistence not only gave her an early opportunity to exercise her lawyering skills but successfully brought down the offending billboard.



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would have looked at the billboard instead of looking at the girl she would have known that the purpose of the billboard was

opportunity to exercise her lawyering skills but successfully brought down the offending billboard.

## CWIKLINSKI: Man faces felony and misdemeanor charges in Cwiklinski's death

continued from page 1 -- forced the BMW past a building and into a tree on the north side of Lorain.

Cwiklinski was attended to at the scene by Cleveland EMS Paramedic, Stacie Nofer who was among the first to arrive. "I tried everything I could to bring him back and intubated him as fast as possible to get him to the hospital," Nofer said.

Cwiklinski was pronounced dead at Metro Health Medical Center at 3:31 a.m. "His injuries were so severe that there was nothing we could do to bring him back," Nofer said. "I've never known a victim's name before and really never wanted to, but I'll never forget Frank for as long as I live."

Carol Skutnick '92, is the assistant prosecutor assigned to the case. According to Skutnick, "if the defendant is found to have been under the influence of drugs or alcohol [at the time of the accident], he can be convicted of a second degree felony and sentenced to two to eight years. The second count is a reckless driving offense that includes [the allegation



"I've never known a victim's name before and really never wanted to, but I'll never forget Frank for as long as I live." Nofer was among the first to the scene.

that] the defendant was traveling at 70mph and ran a red light, and does not consider drug and alcohol allegations."

The second count of the indictment is a class three felony and carries a one to five year sentence. The third count is involuntary manslaughter with an attached misdemeanor of driving under the influence of drugs and/or alcohol, according to Skutnick, and also carries a one to five year sentence.

Skutnick said the defendant was charged with "three different methods of attack." The three alternate theories of prosecution are mutually exclusive, or, "one or the other," Skutnick said. "Under the new 'truth in sentencing' laws, [convicted felons] receive no credit for good time... [and] we won't take a plea lower than a second degree felony." Roupe was declared indigent and is represented by court-appointed counsel, Timothy Lautner '70.

Lautner declined to comment, saying, "I was assigned to this case at the arraignment."

Cwiklinski, graduated from Valley Forge High School in 1985 and the United States Military Academy at West Point in 1989, interning at the Pentagon and attending Airborne school prior to graduation. Upon graduation, Cwiklinski was commissioned as a Second Lt. in the U.S. Army and attended Armor Officer Training. Cwiklinski was stationed in Germany and as a First Lt. in Operation Desert Storm.

Cwiklinski was honorably discharged from the Army in 1993 due to an injury sustained on duty. Cwiklinski, a former Law Review Editor, top 10 percent student and columnist for the Gavel, was slated to graduate from C-M in December and had accepted a position with the Ohio Attorney General's office in Columbus shortly before his death.

A memorial scholarship fund is in the offing and it is expected that the Cwiklinski family will receive an honorary C-M degree in May.

Crook is a 3L.

# Williams named assistant dean and head recruiter

By becoming the new C-M Assist. Dean of Student Affairs and recruiting, Gary Williams '84, has completed a personal quest of sorts.

"I've always wanted to be in academia full-time," said Williams, who assumed the position in June. "I've done part-time a number of years. The spot opened up. I looked at it, and it seemed like I could do a lot of good for the school."

The chief projects entrusted to Williams include developing a comprehensive long-term assistance program for students and improving the bar passage rate. In the end, Williams said those tasks can be combined under one umbrella because doing well on tests in law school refines traits prospective lawyers require while taking the bar exam and in practice.

"You're teaching people to think like lawyers," Williams said. "You're teaching people study skills, analytical skills. You're teaching people critical thinking, and you're teaching people how to articulate well what they learn."

Williams is interested in a pilot program that emphasizes small-group teaching for at-risk students. He would like to make this program available for students to incorporate cooperative learning methods.

Williams arrived at C-M after serving as law director for the City of Shaker Heights for nine years. He also had stints as chief prosecutor and assistant law director of Shaker Heights, as both an assistant prosecutor and assistant law director for the city of Cleveland, as a trial attorney for the United States Solicitors general's Office and as a litigator in private practice.

A Cleveland native and CSU graduate with a bachelor's degree in psychology, Williams started teaching as an adjunct professor at C-M in 1994 and taught at David Meyers College from 1985-88.

## REAGAN'S ATTORNEY GENERAL FRIDAY AT C-M

Former Reagan, U.S. Attorney General, Edwin Meese, III, is coming to C-M this Friday, Sept. 20. Meese, who currently holds the Ronald Reagan Chair in Public Policy at the Heritage Foundation, was invited to speak at C-M by his colleague and friend, Prof. David Forte. Forte is a member of the Philadelphia

Society, an intellectual association in which Meese is the president.

Throughout his career, Meese has undergone the scrutiny of two Special Counsel investigations, both of which resulted in no charges. Forte attributes this success to Meese's "full

cooperation, open communication and his high standard of ethics."

Despite his vast experience and his significant position, Meese still relates well to the legal minds new to the profession. Forte agrees, noting Meese has appointed some of the best young law clerks in the United States. As U.S. Attorney General, he "cultivated a staff of these young legal minds and turned them loose on the U.S. Constitution."

Forte said C-M is honored to host a guest of such integrity. Forte said that even now, after being friends with the former Attorney General for years, he and many others in Washington,

D.C. still refer to him as "Mr. Meese" as a means of demonstrating their utmost respect.

U.S. Attorney General Meese's colloquy will take place this Friday in the faculty lounge at 11:00 a.m.

## C-M ON THE WEB

C-M's new website is nearly complete. The website will launch any day now...

## AMBROSE ALUMNI HEAD

Former Browns' player Dick Ambrose '87 is the new C-M Alumni Association president.

## E. 18TH CONSTRUCTION

The Howard Shanker building, which once stood at the corner of E. 18th Street and Chester Avenue, was demolished this summer. The acreage will be developed into a green space as part of C-M's efforts to replan and renovate the Law Building.



Oh the times, they are a changin'.



## DELTA THETA PHI CLAMBAKE

The Cleveland Alumni Senate of Delta Theta Phi Law Fraternity will hold its annual clam-bake Sept. 22 from 2-6 p.m. at River Oaks Racquet Club in Rocky River.



Schwartz and Steinglass greet Ohio Supreme Court Justice Thomas Moyer.

## OAKAR SEEKS A J.D.

Former U.S. Rep. Mary Rose Oakar recently joined the class of '06 as a 1L night this year.

## MOOT COURT NEWS

The John Marshall Competition team of Christine LaSalvia, R.J. Roberto and Denise Salerno are headed to the competition in Chicago, Oct. 16-18.

## 2002-2003 C-M FACULTY SPEAKERS SERIES

The annual C-M Faculty Speaker Series begins Mon., Sept. 30 at 5 p.m. in the Student Services Center. Prof. Alan Weinstein discussing, "What do Nude Dancing and Churches Have in Common: Dealing with Legal and Policy Issues where the First Amendment Meets the Street."

## 1L ORIENTATION

Ohio Supreme Court Justice Thomas Moyer joined CSU President Michael Schwartz in welcoming the incoming C-M 1L class this August. Schwartz will be officially inaugurated on Thursday, Sept. 23. All afternoon classes are cancelled for the ceremony, which commences at 1 p.m. at the Palace Theater.



One of C-M's newest 1Ls, former U.S. Rep. Mary Rose Oakar.



Steinglass with new CMLAA chief, Ambrose.

## CRIM LAW FORUM

The first Criminal Justice forum is Tuesday, Sept. 24 at 5 p.m. in the Moot Court Room. David Harris, University of Toledo Balk professor of law will discuss racial and ethnic profiling post-Sept. 11.

Notes in Brief compiled by, Brian Murphy, 1L, Amanda Parr, 1L, Ed Pekarek

All photos by Ed Pekarek, except Moyer photo, Bill Reiter-CSU.

Tips for Notes in Brief may be submitted to the Gavel at, 687.4533, or via e-mail, gavel@law.csuohio.edu

# Delta Theta Phi's Annual Clambake

Sunday, September 22, 2002

River Oaks Racquet Club  
21220 Center Ridge Rd  
Rocky River, Ohio  
(NE of Rocky River Brewing Company)

2 - 6 p.m. Browns v. Titans

\$10 Students & Guests  
\$25 Alumni & Guests

Price includes draft beer, soft drinks & lots & lots of...



For more info call ΔΘΦ - 216.221.7817

## Class Prep 101

By Karin Mika

LEGAL WRITING PROFESSOR

*Q: All of my friends brief our cases in first year, but it seems that whenever any of us gets called on, none of us can ever answer a question!*

*A: There's a lot of things going on during the first few weeks*

*of law school. Students are learning a new language, a new learning method*

and, in many instances, new class preparation techniques. Unlike in some other objective learning situations, a law professor's primary concern is not always "Who did what to whom?" or "Who won?" Thus, as you brief a case, it is not always enough just to know the basics. I realize that it is hard at this point understanding context, especially while looking up every other word in *Black's Dictionary*, but this is the time when you really have to put in the effort to do that—slowly and meticulously. It is not enough to read the cases just once so you have something written down. Ideally, you need not only to re-read cases, but ponder them (and discuss them) in the context of the other cases and the unit you might be reading.

Some questions that you need to start asking yourself are, "Why is this case here?" and "What point is the professor probably going to make about the case?" It's those deeper inquiries that generally give rise to the questions asked.

Keep in mind, however, that learning the law is a lengthy process. Some students "get it" earlier, and some later. The idea is to put in time during these initial stages so that you start "getting it" sooner rather than later.

## A Triathlete's Guide to Law School

I ran my second triathlon this August, a small-scale sprint version or the Ironman. We swam, biked and ran, but at distances far more realistic than the body-shattering triathlons for which the sport is most famous. When discussing the event with another law student, it was mentioned that there are several parallels between law school and triathloning.

After first looking at him incredibly, and then questioning exactly how much beer he had drunk, I will admit he got me to thinking. So after much pondering, and more than a few beers between that time and now, here is the triathlete's guide for 1Ls.

1. Know yourself - to be good at triathlon, you have to very clearly evaluate your strengths and weakness and plan your training and your race accordingly. I'm a much better cyclist than a swimmer or runner (I sink like a stone and run like a penguin with a limp); therefore I have to work harder at the later events to stay competitive. At the same time, I don't get upset when I get regularly passed by those more svelte than I who swim by me like a barracuda or dart past me gazelle-like while I muddle along. I have my moment to shine in the run, and take my satisfaction from it; while at the same time work hard before the race to ensure my run and swim don't negatively affect my overall time.

The same goes for law school. If you're just starting take a good hard look at yourself. Are you a better writer than speaker? Do you study better in groups or alone? Do you learn by doing or by observing? All of these things should play an important role in dictating your approach to law school. At the same time, you can't let yourself be discouraged by your setbacks. Some students are better writers, others better speakers, others better test takers. By working hard at your weak areas, and taking (as much as possible) a class load that emphasizes your strengths you are setting yourself up to finish with the best GPA you can.

2. Know your goals- Not everyone can be a world class athlete, nor can ev-



Know yourself - to be good at triathlon, you have to very clearly evaluate your strengths and weakness, and plan your training and your race accordingly.

The same goes for law school. If you're just starting take a good hard look at yourself. Are you a better writer than speaker? Do you study better in groups or alone?

by Jay Crook

everyone have a 4.0, win the moot court competition and be editor of the law review. The importance to setting attainable goals cannot be over-emphasized. Even if you are the most brilliant student imaginable, there is still the issue of time. Balance is critical to law school success. Think about it, every student must juggle at a minimum: school, work, family and social obligations. Neglecting any one of these areas cannot only harm you as a person, but could negatively affect your law school performance. The same goes for racing. Not only must you balance training for three separate events, but the personal factor

is critical. I have several friends who are much more serious endurance athletes than myself, and their worst races have been attributed not to training or preparation, but to mental state. Turmoil at home, at work or with your significant other can greatly affect your ability to function at top levels. Address problems in turn, it's alright to let things slide, but let problems fester and run the risks.

3. Get ready to suffer, but look for the bright spots - Triathlons are hard work and painful. The payoff comes at the end of the race, in the natural high you get, in the feeling of self-satisfaction when you look at what you accomplish, and even in the admiration of those who wish they could do what you do. During the race, there is suffering. Shin splints, burning lungs, leg cramps, scorching heat, unfriendly winds. The list goes on. Another triathlete I know put it best "Triathlons are fun to have run, not to run." But at the same time there is joy to be had. Passing another runner, finding a burst of speed and determination you didn't know you had, the camaraderie of fellow masochists...er...triathletes all are small moments of joy in what is an otherwise arduous event.

The same for law school. If you want it, you're going to have to work for it, and you're going to have to be prepared to make yourself unhappy. Finals at law school are a fairly unique and painful experience. The same can be said for oral arguments, note writing and Constitutional law. Knowing it is going to hurt going in should make the pain less of a shock.

At the same time, there is fun to be had in law school. I've made some great friends here, taken a modicum of pride in what I've been able to do, and have tipped more than one pint to wash away the sting of a particular miserable week of classes. By accepting the fact that law school sucks, yet still seeking the good things to be had has made law school a much more bearable experience to date.

So there you go 1Ls. Welcome to law school, and let the games begin.

## OCP's Fall Interview Program helps students get a foot in the door

by James Lucas

CONTRIBUTING WRITER

As the Fall semester kicks into gear, C-M 2Ls and 3Ls revise and sharpen their resumes and pull their best suits from their closets in preparation for the Fall Interview Program.

The program is coordinated by the Office of Career Planning (OCP) to introduce students to the art of effective legal job interviewing as well as the competitive job market.

Recruiters from nearly 50 firms of all sizes, primarily from Ohio, hold interviews with students who bid for interviews on eAttorney.com. Successful bidders interview with potential employers for positions for the fol-

lowing summer.

"Every summer associate who participated in the program last year that we know of has received an offer for permanent employment so far, even in Washington, D.C.," said Bernadette Salada, assistant director of the OCP. The OCP emphasizes the skills necessary for a successful interview, from the proper appearance and demeanor, to how to answer, "Why did you come to law school?"

An interviewing skills workshop and mock interviews were recently held by the OCP to help students prepare for the interview process. "Interview skills can make or break you," said

Getting a job requires standing out from the law student-stereotype.



NORMAN ROCKWELL

Salada. "You need a positive mental image, and what you think is really who you are."

The OCP's program has been growing every year since its inception in Spring 1999. Accord-

ing to Salada, 35 employers participated in 1999. That number has grown to about 50 employers, including firms such as Jones, Day, Reavis & Pogue and other entities such as the CIA.

The job opportunities do not end with those employers holding interviews on campus. According to OCP Director, Jayne Geneva '87, 35 firms from across the nation participate in Resume Collect or Direct, where students send resumes and writing samples to firms and other employers to receive an interview. "Big firms from across the country are choosing not to come to campus due to September 11th security concerns," said Geneva. According to Geneva, over 300

students are expected to participate in the 2002 program. Activities such as Moot Court, Journal of Law and Health, and Law Review are desirable in the process. "Employers tell me they want somebody who is strong academically but also someone who has worked on such a publication," said Geneva. Work experience in the legal field is a plus. "Outside employment experiences and specialties are paramount in employment decisions," Geneva said.

Geneva cited a strong work ethic among the student body and the quality of legal education one receives at C-M as major reasons why students are successful in seeking employment.

Lucas is a 2L.

## CLERK: Gives a glimpse of life behind the scenes with the Supremes

Continued from page 1 --

and said, "I can always tell what kind of case the Court is hearing before I've even read the briefs. If the attorneys are wearing Armani suits, it's a business case, if they have beards, it's probably a criminal case and if they're wearing pocket protectors, it's likely a patent dispute."

Suter also predicted that the Court would likely grant *cert* in the matter of *Grutter v. Bollinger*, the highly publicized case of the University of Michigan's controversial Law School Admissions policy that was the subject of C-M's 2002 Summer Writing Competition.

"Over 8000 petitions are filed each year and only around 80 are granted *cert*," said Suter, explaining that, "the Court is there to decide issues of great national importance and not to correct every [judicial] error. The Court generally doesn't like to interpret the Constitution, with the exceptions of the first, fourth, fifth and fourteenth amendments... [the Court] prefers to interpret statutes."

In recounting *Bush v. Gore*, Suter described the process involved in as "unprecedented." "The Court granted *cert* one day after the filing, both sides' briefs were due the next day, oral arguments were the following day and the opinion

was released the day after that."

Suter recalled the events on the evening of the Court's release of the opinion and the frenzied media, describing how his staff was "at the ready with fingers on their mice, waiting to circulate the opinion to the media."

"We had a countdown to 10 p.m. precisely, as the entire nation and world waited," said Suter. He recounted how the media scrutinized every detail, including how the lights were turned off in Justice Suter's chambers and speculation that a decision was imminent. Suter then went to the Justice's chambers and turned the lights back on, just to add another element to the mystery.

Suter reflected on CNN's Charles Bierbauer seeking a story from the Clerk and Suter replied, "how about, '[t]he justices are toiling away in their chambers with a decision expected some time before midnight.'" To his amazement as well as amusement, Bierbauer went on the air moments later with a report almost identical to his comments.

When asked by the Gavel about the Court's long history of refusing television media access and the decision to allow an audio feed of oral arguments in *Bush v. Gore*, Suter quickly noted, "it all goes

back to one 1995 case... O.J. Simpson. Lance Ito is a friend of mine," said Suter. "But it seemed that the case got away from him on the first day that the cameras were in the courtroom."

Suter went on to describe the process by which the nine Justices reach such a decision by way of "The Conference," and recalled how Justice David Souter once told a reporter, "when they bring cameras into the Supreme Court, it will have to be over my dead body."

Suter also commented on books published that purportedly disclose "behind the scenes" views of the Court, characterizing Bob Woodward's account of the Court within *The Brethren* as, "embellished... [and] despicable," and said that Ed Lazarus, author of *The Chamber*, "should have been brought before the Bar for ethics violations for disclosing the contents of confidential memos between the Justices."

Suter used the examples to emphasize to C-M students and newly sworn-in members of the Federal Bar in attendance of the importance of upholding a sworn oath. Suter advised that "props and attempts at humor won't fare well with the Court," and cautioned those in attendance, "don't ever try to outfox a federal judge...

your reputation is everything."

Among his many accomplishments, Suter previously served as the Assistant Judge Advocate General of the Army, Commander of the U.S. Army Legal Services Agency as well as Chief Judge of the U.S. Court of Military Review. Describing his views on the possibility of military tribunal proceedings to prosecute the alleged co-conspirators of Sept. 11 and members of the Taliban, Suter said, "military commissions are older than the United States...but are only to be used during military conflicts." While Suter said, "there is ample precedent for their legality," he said that he personally hoped such tribunals would not be used. But that if they were, he said, "they should be held at least twelve miles off the coast [in international waters] on an aircraft carrier."

Suter also advised C-M students that, "the three secrets to appellate advocacy are, preparation, preparation and more preparation," recounting advice provided in his book,

*Guide for Counsel in Cases to be Argued Before the Supreme Court of the United States*, available free online at the U.S. Supreme Court's website: [http://www.supremecourt.us/oral\\_arguments/guideforcounsel.pdf](http://www.supremecourt.us/oral_arguments/guideforcounsel.pdf).

## Be a part of the biggest paper on East 18th Street (south of Superior)

We may not be as prodigious as the *Plain Dealer*, but we are the most accessible publication our law students produce.

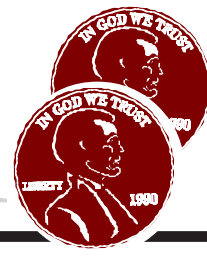
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# THE GAVEL

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## SBA welcomes you back

By Chris Tucci

SBA PRESIDENT

Welcome back C-M students! I am happy to announce that the Student Bar Association (SBA) will have a column in each issue

SBA of the Gavel. This column will be an excellent way to convey "what is going on" with SBA and the law school. SBA would like to thank the editors.

The SBA book sale was a success for both students and the SBA. Compared to SBAs in the past, we were able to gross as much money and give a larger cut to those students who donated their books for sale. Thank you to all who participated!

SBA held its first social Sept. 12 in the student lounge. This year, SBA will be holding socials around the greater Cleveland area; therefore, we need your help.

We are asking our fellow students to contribute their input on where SBA should hold these socials. Please e-mail suggestions to our Vice President at: Matt.Basinger@law.csuohio.edu, or write to me directly at: Christopher.Tucci@law.csuohio.edu. The more students involved with these socials, the better they'll be!

By far, the most important social of the year for the law school is the Barrister's Ball. This event has it all: food, drinks, dancing, etc. In past years, SBA has held this event at the Renaissance Hotel Ballroom, Cleveland Browns Stadium and Jacobs' Field. The event will most likely be held in early March. That may seem far away; however, SBA needs to approve the venue for Barrister's soon. SBA is looking for your suggestions for alternate venues. We need your ideas. Please e-mail Matt Basinger or myself with suggestions.

1L senator elections are coming up. They will be held Sept. 24 and 25. The voting times will be announced soon. 1Ls, I encourage everyone to run for a senator position. As I expressed at orientation, if you want to make a positive difference for your law school, and you want a great resume component, run for a senator position. Please e-mail me if you have any questions about the elections.

SBA is looking forward to an exciting year, but we cannot do it without our fellow students. I know that law school is a lot of work, but any way you can contribute this year will be greatly appreciated by everyone in the C-M community.

Tucci is a 3L.

# A winning argument



Times Square brims with people cheering for Bon Jovi in a concert to kick off the NFL season, Aug. 29.

**A**FTER SEPT. 11, pundits began speculating. Irony was dead. Pop culture would never be the same.

We were told our laughter would never sound the same, drowned by the sounds of Sept. 11 echoing.

We were told that our lives changed, and that in the wake of the nation's worst disaster, nothing would be the same.

What did that mean?

Some things were certain to change. And the evidence was clear: longer lines at the airport; Ashcroft's color-coded terror-warning system, and; the slumping economy. (But, wasn't the economy headed that way already?)

Or did "change" in the post-Sept. 11 U.S. mean more than the inevitable? Would we be forced to abandon parts of our culture and part of our national identity?

If that is the sort of change Americans are being sold, we are not buying.

Granted, things have changed; but by no means has our way of life changed as drastically as some would have us believe.

Once we sort through the cable news stations, network news and magazine news shows that tell us to say goodbye to yesterday, we will eventually run into *Friends*, *Everybody Loves Raymond*, *The Sopranos* and David Letterman taking shots at color-coded warnings.

## Post 9/11 culture is familiar

Irony is not dead. The comedy, violence and drama that permeated American pop culture on Sept. 10 remains.

If you can shake off the code orange warning to take in a movie, you'll see more than news reels. You will probably find many people there with you who want to see a good film. And it is a real possibility the film you take in will have explosions and all the gratuitous violence Hollywood does so well as our nation's largest export.

Come Saturday night, you will need to make your restaurant reservation because people are still eating out. And don't worry, that annoying "talker" will still be sitting next to you on the plane when you travel.

When you head to New York, you will find Fifth Avenue still packed with credit card-wielding shoppers and a sea of people and taxis in Times Square.

It did not take our nation very long to return to those things we enjoy. The economy may be sluggish, and airtravel may be lighter, but for the most part, life went on.

Unfortunately, there is a tendency to declare, "we changed." A sense of guilt trails this sentiment attempting to make those who do not feel "different" ap-

pear shallow and callous. Guilt is unnecessary and counterproductive. Our resistance to change should be celebrated as our resiliency as a nation.

The most potent weapon we have against enemies that feed on fear and strike with terror is our strength.

pear shallow and callous.

Guilt is unnecessary and counterproductive. Our resistance to change should be celebrated as our resiliency as a nation.

Strength is not tantamount to callousness. We mourned. We grieved for our losses throughout the past year. Many of us are still mourning. But it is our strength that allowed us to grieve without requiring us to change.

The most potent weapon we have against enemies that feed on fear and strike with terror is our strength. Courage wins. Our ability to maintain our culture demonstrates our lack of fear. Their efforts have been thwarted.

We won when we continued to live like only Americans can.

After all, when late night talk show comedians slowly approached us to see if we were ready to get back to laughing two weeks after Sept. 11, we said yes. When *Saturday Night Live* hardly called a day off despite a slight dusting of Anthrax and movies studios kept pumping out product, we said thank you.

Strength and resilience are integral parts of American history and culture. They are qualities inherent to our nation qualities that should never change.

## THE GAVEL

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**By Ed Pekarek**

NEWS EDITOR

I've been on the verge of tears more than once because of the atrocities committed against the United States one year ago.

A year later, I'm physically ill and unequivocally depressed... It's the anniversary of this generation's Kennedy and King assassinations. It is a day that most, if not all, can vividly recall down to most minute of details. It is the most shocking and horrific moment of our young lives.

I knew a Morgan Stanley executive who schlepped down 90 flights in 1993 when Sheik Rahman and his thugs detonated a rental truck in the basement of the same World Trade Center. She chose early retirement because in her opinion, "it would happen again." She moved away from Manhattan altogether to raise her young son in suburbia. Whether her prescience was rooted in some Cassandra-like ability or a cynicism towards American complacency isn't at issue, but when she first muttered the phrase, it may have been something understood only by one who had witnessed such carnage firsthand.

Sept. 11 touched us here intimately. The doomed souls of United flight 93 flew over Cleveland's airspace as the aircraft was pirated. The jet made a sharp turn over Sandusky and began its evil course for Washington, D.C. I can only imagine what the atmosphere was like as those brave passengers turned heroes planned to retake the craft again over our airspace, ultimately wrestling it to a fiery landing in a Pennsylvania field, instead of an attack on the Capitol or White House as was suspected.

I swelled with pride when the President later addressed the nation and without warning, C-M Prof. David Forte's rhetoric on the "hijacking of Islam" came from Bush's voice. Even today, tensions between Muslims and Jews continue to run high, even at C-M, where there was recently an incident



## Days of Remembrance

Events haunt our wounded nation as we find ways to heal

of invective between Jewish and Muslim students in Forte's Islamic Law course. Forte said he was going to remove at least one of the students from the course for "unprofessional conduct," but instead prudently opted to allow this microcosm to exist with the hope that the philosophical divide between the factions can be closed.

I went to New York to pay my respects and view the devastation this Summer, feeling the pilgrimage was almost a duty. I went there with a mission to bring back images for this publication. My nerves were jangled as I rode the 1 from Midtown to the Chamber Street station on a foggy and unseasonably chilly day. I walked through the area with trepidation and a sense of a lack of familiarity while the skies opened into a downpour.

As I made my way from the memorials surrounding St. Paul's Cathedral, the jangled nerves transitioned to a state bordering mild hysteria and severe nausea. I silently prayed as I approached what was

approached me and inquired who I was shooting for. I told them about the Gavel and about SPILO's sponsoring of the victims from Brooklyn Law School. They each had an umbrella and demonstrated our new-found sense of national community as they graciously held them over me as I continued to shoot. They later introduced me to a construction worker who allowed me to briefly pass through the high security fence surrounding "ground zero" and permitted me to shoot from the sacred ground. It was then that I was able to capture images of the structural wreckage recovered in the shape of a cross. It seemed a fitting symbol for all that has occurred.

I am dismayed that CSU did not take steps to appropriately acknowledge the atrocities on this day. Classes are canceled for President Schwartz' inauguration, yet not for this day of unprecedented national import. It confuses and angers me beyond description. Sept. 11 must be declared by Congress as a national holiday of remembrance.

once familiar but now horrific with tears streaming down. The rain began to pour in sheets of almost biblical proportion and I regretted not buying an umbrella from one of the many opportunistic street vendors. I began to shoot, not caring about my camera being drenched, only occasionally wiping off the moisture with my shirt and used the fastest film I had to overcome my chilled and trembling hands.

I have been to New York many times and know Lower Manhattan as well as any visitor from Ohio could. I have stood in the WTC plaza, touched the golden sphere and gazed upward in amazement. The WTC complex is immense and once stood at twice the height of Cleveland's largest monolith. Now, there is only a mammoth chasm that spans the entire 16 acre site, draped with Stars and Stripes and banners that express sentiments such as, "We will never forget."

Two men from Indiana approached me and inquired who I was shooting for. I told them about the Gavel and about SPILO's sponsoring of the victims from Brooklyn Law School. They each had an umbrella and demonstrated our new-found sense of national community as they graciously held them over me as I continued to shoot. They later introduced me to a construction worker who allowed me to briefly pass through the high security fence surrounding "ground zero" and permitted me to shoot from the sacred ground. It was then that I was able to capture images of the structural wreckage recovered in the shape of a cross. It seemed a fitting symbol for all that has occurred.

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## Scared by the Socratic and other horror stories

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

Welcome to law school. "For the next three years, you will have no life because, from now on, you will eat, breathe and sleep with nothing on your mind but school."

This theme had been pounded into my head by anyone I talked to about my intention to attend law school. It was further reinforced during orientation week when we were told that nights in the library until 2 a.m. (isn't it only open until 11 p.m.?) would be commonplace.

Now, here I am almost five weeks into my new life. Although I know that it is still early, and I do not want to draw any

conclusions in such a short time. However, I am wondering if this is the same experience that I had been worrying about for the past eight months.

I was told, as I am sure most other entering students were, that during your first year it is impossible to do anything but school-work because of the vast amounts of reading and preparing that must be done. However, the amount of homework is not nearly as bad as I had been told. Because of this, I sometimes find myself scared that I am not doing enough work. Believe it or not, I am actually able to do things other than homework, finding plenty of time to do other things, such as going to the bars with friends.

Don't get me wrong. There is plenty of work. I have probably done more work in the past five weeks than I had done in my

entire undergraduate career (although I am not sure if this tells you more about my attitude during undergrad or the workload in law school). However, while the amount of work is high, I do not feel it is insurmountable, especially with decent time management skills. This being said, I am sure this will all change once finals start to creep closer.

The other aspect of law school that I had heard about was the Socratic method. I am sure that most entering law students heard the horror stories about this unique way of teaching. I am still waiting for this method to rear its ugly head. I hope that it does not happen, but I am pretty sure that professors are just warming up, and that this method will soon embarrass even the most prepared students.

I am convinced that these stories are a well-planned con-

spiracy. It is a known fact that the number of students graduating from law school is far greater than the number of law related jobs available. Could it be that current students fabricate these stories to scare students away from entering law school, thus ensuring themselves of a better chance of obtaining a job in the future?

Hopefully, I will have the same thoughts about my experience the next time this column comes due. Until then, keep reading and relax.

## Heartbreak heard over cheers

**By Grant Monachino**

CONTRIBUTING WRITER

Once again, Cleveland fans are treated to a dose of the reality of being a fan in this city. For those of you who: don't care about sports; Cleveland teams; have given up on Cleveland teams, or; live under a rock, the Browns season opener turned into what seems to be par for the course for the major Cleveland sports teams.

I am not talking about losing, rather, I am referring to the expectations the fans have for the teams. Whether it is Jordan's shot over Ehlo, Jose "Senor Smoke" Mesa blowing the World Series, John Elway and his "drives" ending the Browns' seasons short of a Super Bowl or more recently, the recent Browns' game-ending catastrophes that spilled over to this season's opener, my expectations as a fan have been crushed.

Ask yourself, "is it really surprising the Browns lost the way they did to the Chiefs?" Maybe I have become cynical because the Browns, Cavs and Indians have yet to capitalize on championship opportunities. Maybe I have become pessimistic because unlike cities with fans used to losing or with a championship to find comfort in, Cleveland teams are usually good enough to excite their fans to the extent that victory seems assured, only to have cursed luck change the seemingly inevitable.

I know I will still watch all the Browns' games this year, I will follow the Indians next year (I gave up on the Cavs when Price left) and I will root and hope for victory. My outward enthusiasm, though, will be tempered by the inner haunting of crushed expectations from past Cleveland sports teams. Until one of these teams beats the odds, no loss because a helmet was taken off, and a 300-pound lineman ran for 40 yards to set up a chip shot field goal with no time on the clock, will come as a shock.

Monachino is a 3L.



# NYC Photo Gallery

Counter-Clockwise from top left -- 1. Airport security remains a question, 2. WTC recovery workers have forged ahead despite the elements 24/7 (the DuetscheBanc building in background still held victims' bodies), 3. A memorial photograph at the Brooklyn Promenade shows the gaping hole left in the Manhattan skyline, 4. Recovery workers return to the western side of the WTC site, 5. NY news crew conducts an interview from the Promenade, 6. Mourners pay their respects at the northern side of the site - the "NEVER FORGET" banner is attached to the eastern edge of the site (left), 7. The depth of the chasm is illustrated in this view of the southern side of the site, 8. The unexpected memorial at the center of the site, support members recovered from the wreckage stand prominent in the downpour.



*Guilt is unnecessary and counter-productive. Our resistance to change should be celebrated as our resiliency as a nation.*

*The most potent weapon we have against our enemies that feed on fear and strike with terror is our strength.*



Photos by Ed Pekarek.