Legal opportunities abroad

The Gavel explores opportunities for C-M students to gain experience in this field while studying abroad.

C-M Dean goes for the ballot

C-M Dean Melody Stewart runs for a judicial seat on the Ohio 8th District Court of Appeals. The Gavel interviews Stewart about her campaign and how she balances it with her duties at C-M.

Cleveland tops poverty list

Cleveland hits bottom once again as the poorest big city in the United States. The Gavel liberal and conservative columnists debate possible causes and solutions to the problem.

PMBR ordered to pay $11.9 million in copyright suit

By Joanna Evans

In a copyright infringement lawsuit filed by the National Conference of Bar Examiners (NCBE), in consultation with other educational institutions, PMBR was enjoined from reproducing official MBE practice questions and that many of PMBR's MBE practice questions had likely been copied.

C-M adjunct professor remembered

By Kathleen Locke

Cleveland-Marshall College of Law adjunct professor Christopher Fagan passed away after a battle with cancer on August 19, 2006, at age 68. Fagan, a graduate from Georgetown Law School, was a partner at the intellectual property law firm Fay Sharpe Fagan Minnich & McKee where he had worked since 1967. Fagan taught copyright, patent and trademark law at C-M since 2000, said Joan Shirokey, secretary to academic deans at C-M.

2006 - 2007 First year class profile

Information provided by Annette Hoerath

Number of students: 227
Full-time: 154 (68%)
Part-time: 73 (32%)
Female: 102 (45%)
Male: 125 (55%)
Resident: 179 (79%)
Non-resident: 48 (21%)
Minority: 34 (15%)
Median LSAT: 154
Median GPA: 3.29

2006 - 2007 First year class profile

By Kathleen Locke

Cleveland-Marshall College of Law adjunct professor Christopher Fagan passed away after a battle with cancer on August 19, 2006, at age 68. Fagan, a graduate from Georgetown Law School, was a partner at the intellectual property law firm Fay Sharpe Fagan Minnich & McKee where he had worked since 1967. Fagan taught copyright, patent and trademark law at C-M since 2000, said Joan Shirokey, secretary to academic deans and adjunct professors.

"He was always smiling and upbeat," said Shirokey. "I was so fond of him."

Fagan's colleague from Fay Sharpe, Timothy Nauman is teaching the course this semester, Shirokey said. Nauman worked with Fagan for 21 years at Fay Sharpe.

"He was very charismatic and a positive person," said Nauman. "Some people look at being a lawyer as a 'job' but to Chris, he was genuinely excited about coming to the office."

The enthusiasm he had as a lawyer bubbled over into the classroom, Nauman said.

"He loved to discuss cases he handled over the years and loved the interaction with the students," said Nauman. "He was always encouraging students to explore intellectual property as a career."

"He made it easy to relate to the subject matter," said Mark Watson, who took Fagan's class in fall 2005.

Fagan extended an open invitation to students interested in intellectual property to talk with him about classes, the patent bar exam, networking, interviewing or what the practice was about, Watson said.

Watson, a full-time engineer who is interested in intellectual property law, took advantage of Fagan's offer, Watson said.

After the semester was over, Fagan wrote Watson a letter commending his performance over the past semester and inviting him to meet with Fagan at Fay Sharpe, Watson said.

Watson accepted the invitation, and he met with Fagan where they discussed several topics including the pros and cons of different intellectual property firms in Cleveland and about the possibility of scheduling an interview with Fay Sharpe, Watson said.

Even though he wanted me to interview with Fay Sharpe, "he was truly unbiased," said Watson.

"He was focused on my needs and not his."
Legal community aids city schools

Students participate in 3Rs program with local attorneys, judges

By Ben Wiborg

The Cleveland Bar Association

The 3Rs program, which stands for rights, responsibilities and realities, is a volunteer organization consisting of more than 200 lawyers, judges and law students from northeast Ohio.

The volunteers visit area 10th grade social studies classes to improve passage rates on the social studies section of Ohio's graduation test.

The lecture program is meant to encourage minority students to attend college and to seek legal careers. The program is also designed to promote a positive attitude toward the law and the justice system and to give the students a better understanding of the Constitution.

The 3Rs Program is the initiative of the Cleveland Bar Association. Hugh McKay, the president of the Cleveland Bar Association, is the driving force behind the program's creation. Mary Groth, the pro-bono and community programs director for the Cleveland Bar Association, and Pamela Dau-Kidd-Middaugh, clinical professor at C-M, were also major participants in the development of the 3Rs Program.

The 3Rs Program has a daunting task ahead of it: since Cleveland was recently rated the poorest city in America, the Cleveland Municipal School District had a graduation rate of 51.8 percent for the 2004-05 academic school year. Furthermore, only 44 percent of 10th grade Cleveland Municipal School District students passed the Social Studies portion of the Ohio Graduation Test. Passage of the Ohio Graduation Test is required for graduation.

The Cleveland Bar Association in compliance with the Cleveland Municipal School District has created a specially designed curriculum for the 3Rs Program. First semester lesson topics include the First Amendment, Second Amendment, Fourth Amendment, equal protection under the Constitution, due process, and the separation of powers. A total of 19 Cleveland High School students are involved in the program for the 2006-07 school year.

The 3Rs Program volunteers are put into small teams of around five individuals. Each team consists of a combination of volunteer lawyers, judges and law students. The teams will visit area 10th grade social studies classrooms and teach the students about the Constitution and other aspects of the legal system.

The classroom sessions consist of presenting an introductory fact pattern followed by a question and answer session. The volunteers will then give a short lecture on the lesson topic. The lecture is followed by a discussion that is guided by the volunteers. The entire classroom session lasts for an hour and 20 minutes.

The teams will visit the 10th grade Cleveland Municipal School District Social Studies classes a total of 10 times during the 2006-07 school year. Each team is assigned to one school and will visit that same classroom throughout the fall semester, and a new school will be assigned to the teams in the spring.

A major aspect of the 3Rs Program is the counseling component. The final 10 to 15 minutes of every classroom session is allocated for counseling and guidance lessons. The purpose of the counseling is to educate the students on how they should prepare to attend college.

Counseling lessons include having the students create a map of their educational goals. The students are informed about the PSAT and on the importance of taking AP or honors classes. The program volunteers encourage the students to participate in extra-curricular activities.

Students are also given information regarding financial aid, scholarships, and grants that the students can obtain in order to pay for college. The financial burdens of secondary school education will be a major hurdle for many of the students.

The volunteers will act as positive role models for the students. They will also give the students general advice and help them create resumes.

The 3Rs Program volunteers can also be a potential reference that the students can use when applying to either a college or a job.

Dean welcomes new students, looks forward to year

By Geoffrey Mearns

The new academic year is off to a very good start.

On August 14, we welcomed our new class of students. They are an accomplished and diverse group of men and women. They come to us from 113 colleges and universities in 21 states and seven foreign countries. I am very pleased that they decided to pursue their professional aspirations here.

In August, we also welcomed two new faculty members. Professor Brian Ray and Professor Milena Sterio. Although they come from diverse backgrounds, they share an interest in international law, and both of them have great potential to be outstanding teachers and scholars. I am also very pleased that they decided to join us.

This year promises to be a busy and exciting one. We implemented a new orientation program this year. In addition to providing an informative introduction to law school for the first-year students, we wanted to engage more faculty and upper-level students in the orientation program. I believe the new program was a success.

We have also implemented a new program in connection with our efforts to increase the bar passage rate of our graduates. We are conducting individualized counseling sessions with every second-year student to review each student's risk factors and to provide specific guidance on how to improve the likelihood that all of our graduates will pass the bar exam on the first try. I am personally meeting with over 35 second-year students from my perspective, these sessions have been very good.

In January, we will begin the renovation of our building. It will be a bit noisy and dusty for several months. But when the construction is completed, we will have new faculty offices and student work areas in our law clinics, a new "suite" for several student organizations, and an attractive new entrance at the corner of East 18th Street and Euclid Avenue. That new entrance will contain well-lit space for students and faculty to gather and study, and it promises to bring more natural light into the heart of our law building.

I am excited and optimistic about the future of our law school. A good deal of my optimism arises from the enthusiasm and energy that I sense among the faculty and staff and I believe that our students - share that excitement and enthusiasm.

But my own personal enthusiasm was tempered a bit this past year by the death of one of our students, Justin Vanderburg. I didn't really know Justin. I am sure that many of you knew him much better than I did. But I understand that he was a good student and an even better young man - a good son, a good brother, and a good friend.

When someone so young dies so suddenly, it causes us to think about some of the more profound questions about life and its meaning. I won't even try to address "trivial variations" that suggested "an ideal," said Williams. "Their objective was to be competent by some objective standard," said Davis. "But it does not protect the underlying basic notions and ideas themselves because we want everybody to be able to engage in free competition about those things."

The general rule of copyright law contains a series of steps, one of which includes filing a copy of the copyrightable material in the copyright office, said Davis. This office then gives the copy to the Library of Congress for all to see. However, when it comes to copyrighting tests, a copy of test questions and answers need not be given to the copyright office, said Davis.

"There's a moral and an ethical dilemma here," said Davis. "The copyright office responding to private industry as a third party couldn't do this. So long as they don't lift the copyrighted sections, they have an absolute right to see and take the exams," Davis continued.

In 2004, PMBR taught more than 40,000 students, which amounted to nearly 60 percent of people taking the MBE. It took in gross revenues of more than $5 million.

As to the success rates of those who have taken the PMBR, for instance, the numbers are staggering.

"I have no independent evidence that all but PMBR tells me that from the July 2005 bar exam, those numbers are staggering.

"There is a moral and an ethical dilemma here," said Davis. "The copyright office responding to private industry as a third party couldn't do this. But the statute can't say so much because it is protected by law. And it does change the basics of copyright which is copyright only protects expression."

The Court rejected all of MLSI's defenses against the claim of copyright.

It has been reported that MLSI will appeal. Davis believes that the appeal has been merited, especially concerning the NCBE.

"In terms of the relief granted, this might be reversed because they (MLSI) have the right to be in business and they have a right to keep themselves informed of the newest tests," Davis said.

"To prevent them from being informed means they will go out of business, and whether that is good or bad, it is clearly not the law that a third party couldn't do this. So long as they do not lift the copyrighted sections, they have an absolute right to see and take the exams," Davis continued.

PMBR: liable for copying bar questions

Continued from page 1--

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The Court rejected all of MLSI's
CSU opens new rec center

By Joanna Evans

Gavel Contributor

The importance of exercise for the law student is nothing new. Neither is the near impossible task of fitting regular exercise into a busy law school schedule. Fortunately, CSU has opened an on-campus state-of-the-art recreation center.

With the goal of promoting life-long habits for improving mental and physical well-being, the new 56,000 square-foot rec center offers top of the line fitness equipment, a sports arena, a multipurpose gymnasium, personal training, fitness programs, pilates, dance, spinning, a juice bar, and a lounge area, among some of its other features.

As our mission is to try to do as many programs and offer as many services as we can to allow the students to fully utilize and integrate the rec center into their daily routine,” said Greg Ross, director of campus recreation services.

When opening of a new center like this is that it becomes a place where students can hang out between classes, grab a bite to eat, network with friends and colleagues, plug down with your laptop, and do homework or workout,” said Ross.  

Ross stated that the new center offers 30 minutes of aerobic activity three times a week, whether it be playing basketball, taking an aerobics class, or using exercise equipment, is recommended, along with weight training two days a week.

“Can’t have your nose in a book all the time. You have to balance your life and this is what this rec center will do,” Ross said.

All full-time students have access to the rec center, the cost of which is built into tuition. Part-time students also have access to the rec center for a fee. Memberships are not being offered to the outside community at this time.

For hours of operation, log on to http://www.csuohio.edu/recreation_center/

Classmates remember Justin Vanderburg

By Bycah Foster and Daniel Thiell

Some of you, mostly 1Ls and 2Ls, are most likely wondering who was Justin. As I walk past the locker, I enjoy seeing the new section of his biography pages that are posted along the lockers and by the refrigerator. Hopefully this section of the paper that is dedicated to Justin, will help you explain to whom he was and why we called him our friend.

More so, this section is dedicated to all of Justin’s friends, professors and deans that enjoyed sharing these past years with him at C-M so that we may again laugh and smile as we think of the Justin the Vanderburg the student, friend, and great guy we all knew and loved.

On August 16, 2006, Justin was on his way home from his girlfriend’s house traveling on his motorcycle. As he approached construction merging onto Interstate 480, traffic slowed down. Unfortunately, a car behind Justin was not prepared to react to the slowing traffic and veered into the motorcycle lane, striking Justin. Justin was thrown from the motorcycle and landed on the ground where he was subsequently struck by another car. He eventually came to rest being pinned up against a concrete divider.

Witnesses feared the worse until Justin began to moan. Justin remained pinned here until emergency workers were able to put braces on him to prevent further damage.

He was then taken to Metro General Hospital. Its initial injuries included a broken tibia, a broken fibula, a broken vertebrae, lung trauma and swelling of the brain. Justin’s brain swelling decreased over the next day or so, and his vitals were stable.

On Friday, August 18, surgery was performed that lasted over 10 hours.

The goal at this point was to try to decrease the amount of oxygen being given to him through the ventilator, in hopes of taking him off of it completely. However, the fluid within his chest was not subsiding and chest tubes were inserted.

Throughout his last week in the hospital Justin developed several conditions including: AARDs, pneumonia, sepsis, a collapsed lung, and infections. On Saturday, September 2, 2006, Justin began to move his leg bones.

I discovered that we shared many of the same political opinions, frequently thought along the same lines during classes, and had the same tastes in entertainment. I was also my go-to guy for any tech-related questions I had.

It was during a poker game about a year and a half ago that Justin and I discovered we each had MySpace pages.

His graciousness continued as he permitted me to systematically infiltrate his long-term, closely-held circle of friends. I’ve made friends with some awesome people because of him.

Our relationship progressed to the point where our crew was hanging out nearly every weekend: poker, board games, “What If” books, rollerskating, Swings-n-Tings - real dorky stuff. And I loved it.

Old as I am, it wasn’t until I began to notice a hand raised confidently and a better place looking forward to the day we are all together again.

I learned that besides History, a geek’s class, which was our kind

I’m not sad for Justin. Not even a little. He lived a good life, on his own terms and understood what he was doing. I’m just sad for me, his family, and all of his friends.

By Matthew Gowman

As I drove home from a family dinner on Labor day, my thoughts turned to the Vanderburg family. They would likely give up any classes or commitments for one more family dinner with Justin.

How quickly we can forget, amidst the petty bickering and banality of family life, how precious it really is.

Most of us will never have to know what it feels like to lose someone so young and so dear to our hearts and for that we should be thankful. I wish the Vanderburg’s and Justin’s friends my deepest condolences and that Justin’s family will find some comfort in the memories of him.

Justin and I didn’t know each other very well. We started as 1Ls in the same section, but we never connected. We did, however, have many classes together.

I never felt judged. Even when he didn’t agree with you, he never made you feel wrong or dismissed. He was kind and happy to give advice about the important issues in life, as he was talking to some crazy dream you had the night before.

My favorite memory of Justin is his smile. He always had a smile. He had one of the best senses of humor I’d ever seen. There was never a dull moment when Justin was around.

While I didn’t know Justin as well as some others did, I know that he was a one-of-a-kind friend that I will miss dearly.

I thank God all the time that I was one of the lucky ones who had the honor of being Justin’s friend.

I will talk to him and laugh when I see or hear something that I know he would appreciate. While I miss him and wish he could still be here with us, I know he is in a better place looking forward to the day when we are all together again.

By William Ferry

He was in some ways the only person at school like me; yet, so different. We must recently had Constitutional Law together. We’d pass notes back and forth commenting on the class discussion.

Yet, Justin was academic. We did not talk about grades, and I get the impression that he wasn’t a grade-monger, but he did

than me, Justin always exhibited a trait that I today actively look for in those with whom I associate and try to cultivate in myself: humility.

Although my faith is nowhere near as real dorky stuff. And I loved it.

Although he was clearly intelligent, had impeccable legal analytical skills, and was undoubtedly making much better grades

I realized people my age really could have fun without boozing it up.

Justin was a deep thinker, and I thoroughly enjoyed our conversations. At several people have mentioned, Justin’s an opinion that was actively sought on matters both important and trivial.

Although he was clearly intelligent, had impeccable legal analytical skills, and was undoubtedly making much better grades

One of our friends said, “I am a better man for having known him.” He’s right.

I’m not so eloquent. I’m just sad, and I feel there’s not enough time to see him back at school this semester. We had at least one class scheduled together, American Legal History, a geek’s class, which was our kind

But I’m not sad for Justin. Read his MySpace page. He LOVED motorcycles and cars and “geek” girls. He was not working on becoming a lawyer. There’s NO WAY he regrets being a motorcycle enthusiast. He and I believed. There’s NO WAY he’s not comfortable meeting his maker. He really believed.

So, I am not sad for Justin. Not even a little. He lived a good life, on his own terms and understood what he was doing. I’m just sad for me, his family, and all of his friends.

Looking back, I can say that I was jealous of Justin. Jealous because he managed to do what I, and many others, could not do: the seemingly impossible task of fitting regular exercise into a busy law school schedule.

My final assessment of Justin is that he took law school very seriously, but he didn’t take himself too seriously. We could all learn from him.

Many people are better situated to describe Justin as a person, and I’m sure he was better than I am. I did not know him well enough to speak with any authority about him, but I can say with certainty that he would have been a damn good lawyer.

He had been a valued colleague for those of us who might have worked with him, and a worthy adversary for those of us who had to sit across the aisle from him in court.

Cleveland-Marshall has lost a good man and a dedicated student. I’m sorry I didn’t know you better Justin.
Taking courses to prepare for the bar exam

By Karen Miika
LEGAL WRITING PROFESSOR

My schedule is pretty full, and I can’t possibly fit in all of the bar courses. Are there any that might be worth missing without causing too much of a problem? As is usually the case, deciding what to skip is a matter of balancing all factors. Keep in mind that there are several subjects that are tested only on the essays, and only once (such as Wills and Secured Transactions).

Compare that with subjects such as Evidence, Criminal Procedure, and all aspects of Constitutional Law (which are tested on the essay portion and the multiple-choice portion). However, the amount of questions on essay could decide which such topic shouldn’t always be the determinative factor. You must ask yourself what you would lose if you skipped something about, and what you don’t know anything about.

You might also ask yourself what would be a waste of time to concentrate on given the time constraints of law school and extracurricular activities. For me, I had a Business Law course in undergraduate school and found what was then the Agency/Partnership course to be a complete repetition.

Someone who works in a First Amendment firm might not need to take a course in First Amendment Law. Those who work with a Probate attorney might not need a full course in Wills and Secured Transactions. And not to minimize the value of a subject such as Corporations, but I could have taken that class every semester for three years and not understood stock structure.

There, I was willing to take my chances with what the bar examiners believe to be important. In the event of the class time not being “most likely” to be tested on the exam.

Remember, the bar review courses provide an overview of all subjects on the bar exam. Although that is not enough to encapsulate the entirety of law school, it does provide the opportunity to have a review of material from courses that a student just couldn’t fit into the schedule. The object is to choose intelligently what material should be studied in depth and what can be left for the bar exam.

In the end, you must also consider careful scheduling. Although a course such as Evidence might be understood in the first semester of a second year, the material might be better absorbed in the third year, after the student has had more background in understanding its practical application. Additionally, although Commercial Law is not necessarily a prerequisite for Secured Transactions, I found it a useful and beneficial prerequisite. I would think that trying to take them at the same time would diminish the understanding of both.

So, my advice is to have a well-considered plan that takes the entire picture into consideration. Plans don’t always work out as intended, but it is better than entering your last semester with five bar courses to take and an upper level writing project to complete!

Legal Writing

C-M Dean Melody Stewart runs for judge

By Kevin Shannon

On May 2, 2006, C-M Dean Melody Stewart, assistant dean for admissions and financial aid, defeated Michael Delano and Patrick Talty in the Democratic primary to earn the Democratic nomination for the 8th District Court of Appeals.

On November 2, Cuyahoga County voters will decide whether to elect Dean Stewart or her challenger, Robert Moriarty, to the Court of Appeals seat being vacated by Judge Mandelbrot.

Her favorite part of campaigning is meeting voters from all areas of the county, while her least favorite part is when the campaign requires her to travel from one side of the county to the other within a short period of time overlapping, Stewart said. However, she now knows Cuyahoga County like the “back of her hand.”

In addition to the grueling hours spent on the campaign trail, Stewart works at least fifty hours per week at C-M. She is also serving as caretaker for a 95-year-old woman, as well as finishing her dissertation on juvenile diversion programs.

Stewart believes that part of her qualifications for the Court of Appeals is her diverse legal background.

After graduating from C-M, she practiced law, taught law, and received a fellowship at the University of Chicago. Although her legal practice focused on civil law, she has taught both criminal law and criminal procedure courses, Stewart said.

Of the 12 judges currently on the court, 10 have prior experience as either Common Pleas judges or Cleveland Municipal Court judges. It is important to have prior trial experience on the court, Stewart said. However, in any three-judge panel, there will at least be one former trial judge, Stewart added.

Lack of trial court experience can be as positive because it can help bring a different perspective to issues before the Court, Stewart said.

Recently, Dean Stewart’s opponent has been in the news because of a peculiar situation involving his name on the ballot.

Stewart’s opponent, Robert Brian Moriarty, a C-M alumnus, was listed on the ballot under his first name - Robert. However, he argued that most people know him by his middle name, Brian, and that he had designed his campaign site and literature using that name.

The Cuyahoga County Board of Elections, noting that Moriarty filed an application under the name of Robert, stated that they would not change his name on the ballot. However, a Cuyahoga County Common Pleas judge disagreed and stated that Moriarty be listed by his middle name.

The judge’s ruling was a surprise, but he still stated that there would be no difference, Stewart said.

Moriarty should be more concerned with how Moriarty will handle difficult situations if he has had difficulty focusing clear directions for filling out a ballot application, Stewart said.

This is Dean Stewart’s third campaign for a seat on the Court of Appeals. She lost in the primary to former Judge James J. Sweeney, and in 2002 to Judge ThomasPokorny.

When asked what she learned from these losses, Dean Stewart stated that if you do not have a “magical election name,” then it is especially hard to persuade Cuyahoga County voters to vote for you.

When asked to comment further on the tendency of Cuyahoga County voters to vote based on a candidate’s last name, Dean Stewart diplomatically declined to answer.

The Plain Dealer has endorsed Dean Stewart. “Her intellectual curiosity...is shown by not only her legal scholarship but also her undergraduate degree in music and the doctorate she received,” stated the Plain Dealer.

Voters should choose her over her opponent because she has more education than her opponent, her legal career has been more diverse, and she has more educational opportunities, including working on a Ph.D., Stewart said.

Study abroad programs in international law

By Tiffany Elmore

Can you picture yourself consulting a Tokyo firm on its international business needs or sipping espresso over contract negotiations with your client in Rome? Changes in the global economy have sparked the need for international lawyers.

The expansive opportunities in international law are drawing more law students to international practice each year. Last fall, the C-M administration expanded its international course offerings in response to a growing market and student suggestions. While academic studies offer invaluable knowledge, students have the opportunity to gain courtroom experience, understand cultural differences, and assist in many projects, including preparing briefs or drafting motions for the on-going trials.

Erin Krynowich, 3L, and legal intern for the ICTY for this past summer, states that internships are an integral part of the trial team. Krynowich was assigned to Trial Chamber 3 where Milosevic was being tried before his death earlier this year. Involvement in the pre-trial process included research on procedural issues and organizational work for the legal officials and judges, said Krynowich.

The ongoing tribunals are pivotal components in the field of international criminal law, and students participating in the trial process are poised to make legal history.

In addition to the legal experience, a student will gain perspective on the surrounding culture through personal interaction with foreign law students as well as the local community. Living abroad offers a connection with another culture – daily life, country, lifestyle, and nightlife.

“Students should be creative when looking for a summer job, not just to look for a job opportunity, but to look for an experience,” said Krynowich.

Students interested in applying for an international internship with the ICTR, ICTY, or other international tribunals can be found on the United Nations Web site: http://www.un.org.
Cleveland’s poverty problem debated

Issue: What are the causes and solutions to the city’s poverty?

By Bradley Hull

CONSERVATIVE GAVEL COLUMNIST

Repair of the broken structure of Cleveland families is necessary to reduce the city’s 2005 poverty rate of 32.4 percent poverty rate. This result will require both changes in lifestyle and welfare reform. The substantial causes of poverty are failure to graduate from high school, having children before marriage, and having children before age 20, according to former President Clinton adviser William Galston. Using an earlier study based on Census Bureau data, Galston found that only 8 percent of families who avoided these two perils were impoverished, compared to 79 percent of those who did not avoid all three.

In 2003, 80 percent of Cleveland’s children were born to unmarried women. This rate ranked the third highest of all major U.S. cities, with nearly three times the nationwide average of 29.3 percent. The percent of births to Cleveland women between ages 15 and 19 were more than three times the national average and ranked seventh among all major U.S. cities. The Census Bureau’s most recent American Community Survey determined both estimates. Based on Princeton University professor Sara McLanahan’s finding that “children from one-parent families are about twice as likely to drop out of school as children from two-parent families,” it is unsurprising that the Cleveland Public Schools’ 2006 graduation rate ranked 20 percent below the national average and in the bottom half of major U.S. city school districts. The Cleveland Public Schools and Editorial Projects in Education Research Center supplied this data. Thus, Galston’s factors accurately predicted Cleveland’s high poverty.

The breakdown of the traditional family structure often begins a cycle of poverty for both parent and child. 2005 Census data shows that mid-western, single-parent female-headed households were over seven times more likely to live in poverty than married couple families. Midwestern single-parent male-headed households were three and a half times more likely. Further, McLanahan’s research found that girls raised in single-parent homes were 164 percent more likely to have a child out of marriage.

Internationally renowned sociologist and former Harvard University professor James Q. Wilson described the primary remedy for the breakdown of the traditional family in a 2002 City Journal article. He said, "the right and best way for a culture to restore itself is...to be reborn, not from the top down by governmental policies, but from the bottom up by personal decisions." However, both federal and state governments will help alleviate poverty by adding work requirements to public assistance programs Medicaid, public housing and food stamps. Moreover, state compliance with federal measures to discourage out-of-wedlock births will reduce poverty.

This was the testimony of Robert Rector, senior research fellow for the Heritage Foundation, before Congress’ Ways and Means Committee on July 19, 2006. His conclusion was based on the success of the reform of welfare federal in 1996, which aimed to encourage work and discourage the breakdown of traditional families. Rector noted that 1.6 million fewer children are impoverished than in 1995, the poverty rate for single mothers has fallen from 50.3 percent in 1995 to 41.9 percent in 2002, and the pre-reform “explosive growth of out-of-wedlock childbearing” has come to a near standstill.

Second, you argue cogently in favor of state and federally-funded relief programs that mandate welfare reform “as a ‘silver bullet.’” Without changes in both lifestyle and eligibility for government assistance, Cleveland’s average household income, and ever-increasing number of uninsured residents. It is no surprise that these problems weigh most heavily on Cleveland’s children. Though the picture I paint seems bleak, there is hope for Cleveland’s future. Sensible reform in the areas of education, economic development, and individual empowerment on the federal, state, and local levels will alleviate Cleveland’s woes by creating an atmosphere ripe for change and rejuvenation.

On the federal level, Congress must first pass a mandated living wage law commensurate with the economic strains on our nation’s working poor. Not everyone in this country can live richly, but no one who works full-time should live destitute. The federal government must increase community development grants available to enrich neighborhoods in cities like Cleveland. These block grants fit the needs of individual communities, and may be used for various social and economic programs.

Further, Cleveland businesses must realize an increase in federal grants for healthcare innovation. As a leader in medical treatment and technological advance, Cleveland will attract cutting edge businesses supporting a highly paid workforce, resulting in citywide economic growth. Finally, Congress must take away the lucrative incentives given to big business to outsource high paying manufacturing jobs from cities like Cleveland. It is high time that this government recognize that it owes a duty to its citizens- no longer to rich multinational corporations.

On the state level, the Ohio legislature must pass a constitutional public school system funding plan that provides each Ohio child with a college preparatory curriculum. The legislature must recognize that meaningful financial support for all of Ohio’s public schools is the only way to ensure a bright future for the next generation of Ohioans. Charter schools and voucher programs only detract from quality public education by fragmenting communities and taking much needed tax dollars out of our schools.

The legislature must work closely with the new governor and Ohio’s employers and health insurance providers so that all of Cleveland’s workers and children will receive affordable healthcare. A healthy public works harder, and healthy children learn better. Further, the Ohio legislature must enact a living wage law in its own right. Without a substantial rise in Cleveland’s average household income the poverty problem simply cannot be solved. Wages must be the starting point.

On the local level, the city of Cleveland must strive to maintain an efficient school system administration and must work closely with the state in order to both lower class size and attract young, smart, devoted teachers. The city must attract businesses in the healthcare and technology industries by giving them financial incentives for headquartering within Cleveland’s borders. A resurgence in the downtown business community will keep recent graduates from relocating in search of lucrative employment opportunities. Also, residential development downtown will further attract young professionals, who will in turn make a positive impact on the City’s economy.

At issue currently is the controversial Flats Revitalization project. If the courts allow this project to go forward, it will alleviate Cleveland’s woes by creating an atmosphere ripe for change and rejuvenation and a sense of “city living” to which people will respond positively, by choosing to live and work in Cleveland.

Liberal rebuttal...

Did the breakdown of the traditional family structure in Cleveland cause the city’s poverty problem?

While the two are no doubt inextricably linked, it is more likely that they contributed to one another. Poverty surely causes familial discord, and single parent households unquestionably accelerate poverty; but correlation does not imply causation on either end. As such, while re-establishing strong family units will help to alleviate poverty, it is by no means a ‘silver bullet.’

You argue cogently in favor of state and federally-funded relief programs that mandate work requirements. On this point we agree. However, as telling as what you do say is what you fail to address.

By not taking on the issues of wages and economic development you fail to prescribe a practical remedy to Cleveland’s urgent fiscal crisis. Where will the parents in your two parent households work? How long will home labors provide low life quality due to mounting debts and insufficient wages? How will untreated illnesses due to insufficient healthcare coverage impact your families?

Poverty in Cleveland is a systemic problem to which there is no singular solution. It is incumbent upon the government as much as the people to return Cleveland to greatness.

By Joseph Dunson

LIBERAL GAVEL COLUMNIST

The city of Cleveland is destitute and needs sweeping change. Cleveland’s poverty grows out of more than a half century of staggering industrial loss, “white flight,” an ineffective education system, and poor city planning.

The once proud industrial center now suffers from a litany of social problems, including a lack of high paying manufacturing jobs, a low high school graduation rate, an insufficient average household income, and an increasing number of uninsured residents. It is no surprise that these problems weigh most heavily on Cleveland’s children. Though the picture I paint seems bleak, there is hope for Cleveland’s future. Sensible reform in the areas of education, economic development, and individual empowerment on the federal, state, and local levels will alleviate Cleveland’s woes by creating an atmosphere ripe for change and rejuvenation.

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Conservative rebuttal...

Facts matter. Your unsupported opinions largely misidentify the causes of Cleveland’s poverty.

First, you completely ignore both personal responsibility and the breakdown of the family. Thus, you have overlooked the most substantial cause of Cleveland’s poverty.

Second, you primarily blame wages. However, after adjusting income for cost-of-living, Clevelanders have a substantially higher net disposable income than do residents of all major cities on both the East and West coasts (found on salary.com), yet Cleveland’s poverty rate outranks them all.

Third, you blame the local economy. Yet in 2004 Cleveland’s job growth outpaced that of 11 of the 40 largest U.S. cities (found in Forbes magazine), but Cleveland still has a substantially higher poverty rate than all 40.

Fourth, you blame industrial job loss. However, Pittsburgh’s 2005 poverty rate was nearly 10 percent lower than Cleveland’s, and the Steel City has yet to rank among the nation’s poorest cities in any year the data has been tracked.

Fifth, you blame Ohio’s school funding. This is contradicted by the 2005 graduation rates for both the Cincinnati and Columbus public schools, which respectively outpaced Cleveland’s by 16 percent and 19 percent, and also by Ohio’s 2003 eighth-highest graduation rate of all U.S. states.
Dissent is core of American tradition

By Kurt Fawver

“Yeah, well, if they don’t like it, they can get the hell out.” This was the capstone on a discussion on immigration and migrant workers taking place between two gentlemen behind a Wendy’s order line last week. I shouldn’t have been eavesdropping, but I couldn’t help myself. After all, the gentile aroma of frying meats and boiling lad uren always stimulates the most curious political thought. So, I listened to the two men, trying to glean a few nuggets of wisdom from their conversation. They were construction foremen. One of them had several migrant workers under his supervision. He claimed that they were diligent and capable.

Good workers, really. What he didn’t understand was why they had a problem with the American government after it had taken them in and helped them earn substantially larger paychecks than they could have dreamed of earning in their homelands. He thought that they had no right to complain and, in summation of his argument, muttered the opening quote: “As I stood in line in front of these men, I contemplated whether I wanted Mr. Pibb or orange Hi-C and grew irritated.” I’d been discussing this same argument a million times before. Everyone has a story old grandparent or conservative uncle who, for whatever reason, has come to the conclusion that dissent equates to harming the country. These people tend to believe that Larry the Cable Guy is a brilliant political philosopher. They watch The O’Reilly Factor as their sole nightly news source.

They often posit the same solution for dissent, too: “Those [insert racist/cultural epithet] here want more rights? Well, if they don’t like how they’re treated in America, they can leave.” These individuals don’t understand the fundamental principle of American democracy, and I fear they may be the moral majority. In America, if you don’t like something, you change it. Running away is not an answer nor is forced complacency. Minority groups, whether racial, cultural, social, or political, all deserve to have their voices heard. They deserve an opportunity to change the law, to alter governmental policy.

The beauty of the Constitution, many scholars have said, is in its living, breathing nature. It has the ability to change with the times and the sentiments of the people, to make provisions for future interests that may be entirely at odds with past or present doctrines. The Constitution, the foundation of American government and law, is not completely bound to tradition. It can be amended. It can change. It must change or else fall victim to antiquation and irrelevance.

If the very core of American law is based on malleability, political dissent is exactly what it encourages. The entire reason we enter law school is to change the law where we see flaws and to uphold the parts we believe have merit. Law is constantly evolving. If no one had the determination to challenge convention, our laws would be exactly the same as they were in colonial times. Legal growth would come to a grinding halt. It is only by inciting change, by occasionally turning the status quo on its head, that we progress. As future lawyers, it is our duty to question current standards and the knowledge that one day, very soon, we will have the power to create, overturn, and alter law.

We cannot fall into the trap of unwavering faith in our institutions. We must question Supreme Court decisions, scrutinize Congressional legislation, and bring our executive officers to answer for their actions. We cannot simply drift by on the assumption that, because current law says something is right or wrong, it must necessarily be so.

By upholding the free exchange of ideas and considering all sides of any contested issue, we create a more equitable legal system. Organized groups of all backgrounds and beliefs should be permitted to voice their complaints and concerns, and we, in our future positions of power, should listen.

By understanding the underlying causes of dissent, we can more clearly determine what makes the citizenry needs and what we can best do to assure its protection. Political and legal dissent can stem from some malcontents buying at the moon, certainly. But dissent can also lead to a more just nation.

It is for this reason that dissenters, whether immigrants or otherwise, should never be forced to “like it or leave it.”

Opinion

THE GAVEL

September 2006


**Political message through art protected by Asylum Project**

By Drew Behnke

**GUEST CONTRIBUTOR**

The art of politics explores the art and artists who find their muse within the realm of politics. For some, this may be a “shout out” to their candidate of choice in the next election or perhaps an unjustly recouped count of history. For others, it is the telling of a story that reflects their own aspirations for the real world around them. Some messages are little more than pandering to the perceived tastes of their respective audiences. There are also those who only hope that someone is listening and hope that what they have to say will somehow affect change.

In this country, by and large, there is both a legal and social tolerance for such messages. Undoubtedly, it is taken very much for granted. There are other places, however, where such expression is not tolerated but it is punished. Severely.

In 2003, a group of writers recognized this plight and formed the Cities of Asylum Project. Under its umbrella, various cities throughout North America and elsewhere sponsor writers persecuted in their own lands and give them intellectual sanctuary to continue their work. Pittsburgh took up the call and joined the network of sponsoring cities in 2004. Its Political message through art is an enemy that deserves capital letters (i.e., it is an enemy that deserves capital letters) and you will have treasure in heaven.”

Mika added.

After new students complete their first round of finals, they can attend a February session where they will be “debriefed” on their exam performance and will be given guidance for future exam taking based on their previous results.

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For more information, please contact Greg Jolivette at Gregory.Jolivette@law.csuohio.edu.


By John Rose

**GUEST COLUMNIST**

One right-wing blog I have been visiting was recounting tales of horror, generally lumped under the category that all liberals were either Godless or, worse, actively anti-Christian, a theme they stole from the noted intellectual Ann Coulter. The catch line to this blog went something like this: ‘‘there’s nothing that liberals won’t lie about, no depths to which they won’t sink to battle “the moral majority.”’’

The Reverend Donald Wildmon, founder of the American Family Association, has organized and urged his followers to boycott advertisers of a number of network television programs that he claimed were anti-Christian.

He famously referred to one of these programs, The West Wing, as “liberal pornography,” no doubt because of the subversive ideas it perpetrated on an unsuspecting American audience.

I’m starting to think that maybe those folks on the right are on to something. Now, we know that the Bible hates homosexuals and taxes and loves the rich and the military. We know this because great conservative Christians like Rod Parsley and Pat Robertson tell us so. Yet when I was reading my Bible, I found “ideas” so liberal that it came close to smacking of socialism.

These ideas, like those evil television programs that Reverend Wildmon saved us from, could only be described as “liberal pornography.”

Check out this so-called “Bible” verse, Matthew 19:21: “If you want to be perfected, sell your possessions and give to the poor and you will have treasure in heaven.”

Another piece of “liberal filth,” purportedly in Luke 18:25, which says that it’s easier for a camel to pass through the eye of a needle than for a rich man to enter heaven.

There are still other verses, which I was shocked and ashamed to discover that carry this blasphemy theme even further. And I can’t even bring myself to mention the rubbish about loving your enemies and not judging people.

I can’t help but think that this is a plot, conceived by Godless Liberals (this is an enemy that deserves capital letters) to actually add verses – really socialist, subversive stuff – into our Bibles.

We can just see them now, operating in dark secret printing presses, cranking this stuff out, then giving them to their minions to put in hotel rooms and other holy places.

So Christian conservatives have a huge task if they’re going to live up to the Godly ways of Reverends Robertson and Parsley, to name just two: they’re going to have to go into every bookstore, hotel room, church, hospital and tavern, and blot out these offending phrases.

It won’t be easy. You can’t just use a sharpie marker or even a ballpoint pen to cross out these lines with most Bible paper being so thin and all (that’s another Godless liberal plot – they use these pages as rolling papers). They’re going to need crayons.

So here’s what I think needs to happen: someone, some faithful soul, needs to set up a foundation to find holy missionar- ies and give them crayons with which to scribble out these false and offensive pas- sages in these Bibles to restore the texts to the clean, conservative documents they originally were. Not only will it help the crayon industry, but it will give these folks something to do.


Orientation: 1Ls attend more than just legal writing classes

Continued from page 1—

community is challenging, Barnhizer said.

While orientations in previous years had a clear focus on legal writing, this year’s program was more hands on and focused on legal analysis, said Barnhizer. The program addressed what is to be expected in the classroom with professors holding “model classes” followed by small groups centered on teaching and expectations.

Legal writing professors, accustomed to a central role in orientation, had less interaction with students. Rather than 14 hours of legal writing class, this year’s entering students had a bit more than three hours.

“The legal writing professors were happy that they did not have the burden of it, and I heard that e-mails have circulated that they do not want the burden again,” Barnhizer said.

However, legal writing professor Karin Mika said it will be a challenge to stay on schedule with the loss of class sessions. “On our part there is at least a little bit of scrambling to get to be where we need to be in the syllabus,” Mika said.

“I will not say [the limited role] came as a shock, but we’ve been doing it one way for so long, and it seemed to be working,” said Mika. “We were brought in to bring uniformity to orientation, and it is like we are going back to the beginning.”

The new program isn’t better or worse for not including extensive legal writing sessions, just different, Mika said.

This year’s orientation also saw the elimination of the “significant others” session, which was important but would be more effective if held later in the year, Barnhizer said. Evaluations of this orientation program were extremely good, said Barnhizer. “We tried to give a context for law school, and I think we did it.”

The next phase of the program takes place in October with a session on test-taking strategies.

We want to deliver knowledge at the right time so students can appreciate it and pull their experi- ence from their first two months together,” Barnhizer said.

Barnhizer was pleased with faculty enthusiasm. Of the 38 non-writing and non-clinical faculty, about 24 will have participated in the August and October pro- grams.

After new students complete their first round of finals, they can attend a February session where they will be “debriefed” on their exam performance and will be given guidance for future exam taking based on their previous results.

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“Who put that liberal crap in the Bible?”

By John Rose

SEPTEMBER 2006  7

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