



## Political Broadside: Which candidate has the best foreign policy?

George Sakellakis and Kevin Kovach square off in round two, moments before the election.

OPINION, PAGE 9

## Bizarre political scene draws ire of C-M students



Five C-M students share their views on the '08 presidential campaign tactics

OPINION, PAGE 6



## Bar results released

Cleveland-Marshall once again defeats its cross-town rival in a critical bar passage rate.

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# THE GAVEL

VOLUME 57, ISSUE 2 NOVEMBER 2008

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## C-M alums fill political landscape

By Joe Fell

STAFF WRITER

The 2008 elections have brought us some of the most exciting and noteworthy campaigns ever in American history. In 2004, the nation's eyes turned to Ohio for several weeks due to the fact that political observers correctly believed that it was the state that would determine the presidential race. Once again, the Cleveland area is a hub of activity and energy as candidates and volunteers of all political affiliations campaign tirelessly to secure every single possible vote in the hopes of emerging victoriously on November 4th.

Every election cycle always provides compelling and dramatic news, and I am sure that I am not the only student who has had trouble turning away from the consistently updated stream of news coverage that pervades our computer screens, televisions, and newspapers. Perhaps some of us, disenchanted with the original career paths that we have chosen, have even thought, "Hey, I think that I would enjoy running for office someday!"

If this thought has ever crossed your mind, rest assured that you and I are not the only people to have walked the hallowed halls of our school whose ambitions lay beyond practicing law in the traditional sense. Many C-M alumni are employed as public servants on a variety of levels of government, using their legal training and background to help improve the quality of life in the greater Cleveland area and proudly representing their alma mater in the process.

Ohio's 14th Congressional District is particularly relevant to members of the C-M community due to the fact that both major candidates are C-M alumni—in fact, they were even in the same graduating class of 1979! In this district, which stretches from Cleveland's eastern suburbs to the Ohio/Pennsylvania border, longtime Republican incumbent Steve LaTourette faces off against Democratic challenger William O'Neill. In addition to being a Congressman, LaTourette is best known for successfully prosecuting mass murderer Jeffrey Lundgren in 1990 in a case which received widespread media attention.

First elected during the "Republican Revolution" in 1994, LaTourette has been instrumental in keeping over 1,000 defense-related jobs in Northeast Ohio, among other

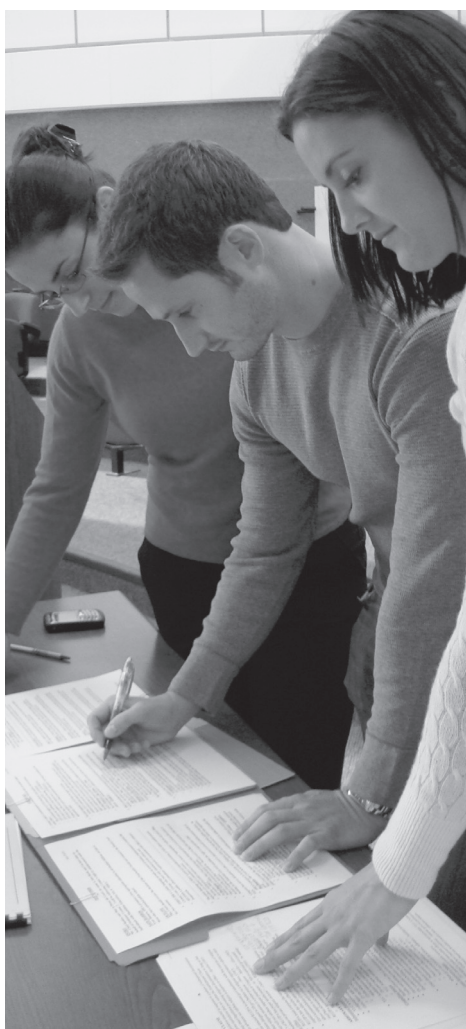
See **Candidates**, page 7



Photo by Rick Ferrara

## SBA treats kids and students to annual Halloween parties

The Student Bar Association sponsored its two most popular fall events, kicking off Halloween night with a party for kids. SBA officers and senators transformed the C-M cafeteria into a festive activity center that offered pumpkin painting, cookie decoration, apple bobbing, and candy. Later that night, the SBA hosted its other annual social - a Halloween bash and costume contest at Panini's on E.9th Street. See page 10 for pictures.



Moot Court Nationals team members (from left) MacAllister Modic, Alex Reich, and Megan Miller focus intently on their work, refining their performance for Moot Court Night and the national competition.

## Moot Court Team prepares for big night, national competition

By Mike Borowski

STAFF WRITER



As well-spoken as he is well-dressed, 3L Alex Reich is confident that this year's C-M Moot Court team will excel at the upcoming National Moot Court Competition Regional this November 14-16 at The Thomas M. Cooley Law School in Lansing, Michigan. Every year, over 150 law schools compete in regional rounds across the country, with the winners advancing to the finals held in New York City.

"This year's team is confident that we will perform well at Nationals," says Reich. "We're going to do our best. We feel really good about our briefs and hopefully this year we can bring back some hardware. Our trophy case is looking a little outdated," he added.

Similar to Maverick in 'Top Gun,' Reich's ego may appear to be writing checks, but he intends to cash every one of them. Joined by 3L's Megan Miller and MacAllister Modic, Reich will be arguing swing for one of the two teams that C-M is sending to the competition.

For every Maverick there has to be an Ice-man, and Dave Thomas fills that role perfectly. It's the way he performs, ice-cold. No mistakes. He wears the competition down, they do something stupid, and then he's got them.

Thomas just didn't walk into law school and on his first day realize he was a Moot Court prodigy. It was a talent that he had to develop. "I think that thanks to the opportunity of being on Moot Court, I've been able to build both my brief writing and client advocacy skills; two talents that would not have been as strong had I not been on Moot Court," Thomas said.

This year, Thomas will be teaming up with 3L's Rick Ferrara and Lydia Arko to complete the second half of the C-M Moot Court force that will be taking Lansing, Michigan by storm.

When it comes to Moot Court, it's all about preparation. After the teams receive their material for the competition, they have what Reich describes as an "intense" four weeks to complete a 35 page brief that will count as 40% of their score. As Thomas explains, "Initially we split up the sections of the brief and write them separately. Out of the four weeks you get to do the brief, the last week is generally spent going line by line through the entire 35 page brief to make

See **Moot Court**, page 2



# Distinguishing your educational path to become a contemporary attorney

By Geoffrey Mearns

Over the past two years, our graduating students have performed very well on the Ohio Bar Examination. Indeed, on the February 2008 exam, 95% of our students passed on the first try.

But passing the bar exam does not mean you will be an outstanding lawyer. The bar exam is merely an obstacle – the last obstacle you must overcome before becoming a lawyer. Our law school prepares you to pass the bar exam. More importantly,



## The Dean's Column

we prepare you for all of the challenges and opportunities that await you. Our professors ask that you think critically and reason well, because you will join a profession that will impose great responsibilities upon you. They are preparing you to be leaders in many fields: in law, in government, in public service, and in business and commerce. They are preparing you to be accountable to the people you represent – and to the entire community.

Your legal education must be as broad and diverse as the people you serve and the cultures in which they live. In addition to knowing legal principles, you must also possess the skills to practice law. Our law school offers many opportunities to develop those skills.

Becoming an accomplished writer is an important skill. Our legal writing professors

will teach you to write persuasive briefs, precise contracts, and concise memos. Collecting your thoughts carefully and effectively will also strengthen your oral communications. You can further develop those skills by participating in the Moot Court Program, which will prepare you to represent clients before appellate courts, and the Trial Advocacy Program, which will prepare you to represent clients in trial court. You can also develop your writing skills by serving on the editorial board of our two law journals, the Cleveland State Law Review and the Journal of Law and Health.

Our various law clinics are also educationally valuable and personally rewarding. In these settings, under faculty supervision, you will deal with real clients seeking your counsel, often on critical problems.

In the Employment Law Clinic and the Fair Housing Law Clinic, for example, you will generally represent our city's poorest residents – men and women who would otherwise have no one to speak on their behalf in court.

In the Employment Law Clinic, you can work with clients in cases filed in federal and state courts and agencies, alleging inequities and injustices in employment.

Students in the Fair Housing Law Clinic, together with attorneys from Housing Advocates Inc., a public interest law

firm, represent clients in housing disputes that often involve discriminatory practices and the loss of homes to foreclosure.

Students in the Urban Development Law Clinic provide legal counsel to community organizations on projects that help restore the economic and social vitality of some of the area's poorest and most troubled neighborhoods.

The Law & Public Policy Clinic is best understood as a kind of "think tank" or research resource for state and local government, community-based groups, and non-profit

agencies on whose behalf students seek and propose solutions for a variety of legal and

policy issues.

In the Environmental Law and Policy Clinic, students work with local, environmentally focused, non-governmental organizations in resolving problems such as pollution abatement, storm water regulations, brownfields development and land use.

Our various externships collectively constitute an apprenticeship program, placing students in state and federal government offices and in the courtrooms of city, state and federal judges, where students will study cases, draft opinions and take part in day-to-day proceedings and exchanges between lawyers and their clients.

*Your legal education must be as broad and diverse as the people you serve and the cultures in which they live.*



From left, Dean Means and his children Molly and Geoffrey Jr., Jillian Snyder, Mate Rimac, Ashleigh Elcessor, Candice Musiek, and Adam Saurwein.

## C-M runners pass Bench - Bar Run

By Jillian Snyder  
STAFF WRITER

On Saturday, October 25, students and faculty represented C-M in the Seventh Annual Bench-Bar Run for Justice to benefit the Cleveland Bar Foundation. The event, including a 5 mile race, 5K, and 1 mile fun walk, attracted Cleveland-area law students, judges, lawyers, and their families to the Galleria at Erieview for a morning of fitness, competition, and Halloween festivities.

C-M students Ashleigh Elcessor, Jillian Snyder, Candice Musiek and Adam Saurwein comprised a student team, running the 5 mile race. Elcessor placed first in the 20-24 age division, with a time of 35:38. Snyder placed second in the 20-24 age division in 37:45. In the 5K, C-M student Mate Rimac won his age division, 20-24, in a time of 20:26. C-M students were also delighted to

see Dean Geoffrey Mearns at the event. Mearns ran the 5K with his kids, Geoffrey and Molly.

In addition to the races, the event included plenty of Halloween activities, from a costume contest for adults and kids to pumpkin decorating, face painting, and free balloon art. The event, sponsored by the Cleveland Metropolitan Bar Association and area law firms such as Jones Day and Squire Sanders & Dempsey, was a great way to publicize and bring together members of the Cleveland legal community and their families.

Proceeds from race entries were donated to homeless programs and other Justice for All initiatives in Cleveland. To learn more about the CMBA and other activities they sponsor throughout the year, go to: <http://www.clemetrobar.org/>. To view the complete Bench-Bar race results, visit: <http://www.hermescleveland.com/roadracing/events/benchbar.asp>.

## Moot Court Night

-continued from Page 1:

to develop. "I think that thanks to the opportunity of being on Moot Court, I've been able to build both my brief writing and client advocacy skills; two talents that would not have been as strong had I not been on Moot Court," Thomas said.

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brief that will count as 40% of their score. As Thomas explains, "Initially we split up the sections of the brief and write them separately. Out of the four weeks you get to do the brief, the last week is generally spent going line by line through the entire 35 page brief to make it sound like one person wrote it and for editing purposes. On a team of three people you end up working very closely for long amounts of time and inevitably you have differing opinions, but you have to be able to work through those differences to figure out which way is going to best benefit the brief."

Following the submission of their briefs, each team then has a little less than four

Clinics and externships and membership on moot court teams and our law journals develop critical skills, enhance your resume, and teach you how to work with, listen to and serve the men and women who will count on you in the future. In each of these programs, you earn credit towards your law degree.

Although the Pro Bono Program is not an academic course, it is a course that teaches valuable lessons and prepares you to fulfill your professional obligation to offer free legal counsel to the poor. Our Pro Bono Program, under the direction of Professor Pamela Daiker-Middaugh, is one of the best in the state. Last year, our students and faculty donated over 11,000 hours of their time to individuals and community organizations, such as the Legal Aid Society of Cleveland, the Homeless Legal Assistance Project, the Cleveland Metropolitan Law Association's 3Rs Program, and the Cleveland Metropolitan School District.

Passing the bar exam is important. But the most important gauge of how good a lawyer you will be is how fully you have mastered the law and how fully you have developed practical legal skills.

So, while you must be diligent in preparing to pass the bar exam, you should also take advantage of all of the other courses and programs that are available to you – educational opportunities that will prepare you for a rewarding and successful career as a lawyer and a leader for the 21st century.

weeks to prepare their oral arguments for the upcoming competition through the use of practice rounds. Usually these practice rounds are held in the depths of the law school, unseen by most students, but this November anyone interested in watching will have the opportunity to witness first hand what a Moot Court round is like.

Moot Court Night will be held Tuesday, November 11th at 6pm in the Moot Court room and is open to the public. In what Thomas likes to call, "Cleveland-Marshall's premier event of the season," both Nationals teams will get one last chance to showcase their skills at this dress rehearsal in front of the school and three federal judges who have

volunteered to judge the event. To simulate a Supreme Court environment, each team will be given an allotted time in which to make their arguments.

This year's question will involve two areas of constitutional law along with a statutory construction argument.

When all is said and done at Moot Court Night, both teams will be working together to advance through the Regional competition and on to New York City for Finals this coming January and February. "I think both Nationals teams are strong in both their writing skills and oral skills. You'd be hard pressed to find a better set of advocates for the competition," Thomas said.

The teams are ready and the date is set. All that is left is for the teams to take the ride up to Lansing, Michigan and show the competition what C-M Moot Court is all about.

*"Out of the four weeks you get to do the brief, the last week is generally spent going line by line through the entire 35 page brief to make it sound like one person wrote it..."*

- Moot Court Nationals Competitor,  
Dave Thomas



# Criminal Justice Forum: Turley on Terrorist Prosecution

**By Jonathan Krol**  
GAVEL CONTRIBUTOR

On October 2nd, Jonathan Turley, a nationally-renowned author and criminal defense attorney, discussed his thoughts and experiences regarding terrorist prosecution in the United States at the first Criminal Justice Forum of the year. Turley’s lecture, entitled “The Body Count Culture: Evaluating the Bush Administration’s Record of Terrorism Prosecution,” criticized the deceptive nature of U.S. prosecution tactics, primarily since the 9/11 attacks. Turley, who lives in D.C. and passed the Pentagon mere seconds before Flight 77 crashed into its western face, focused on the Bush administration’s sub-par terror prosecution record and its flawed strategies. “The emphasis of this administration is not on the rule of law,” said Turley who went on to elaborate about how the President has broken away from the

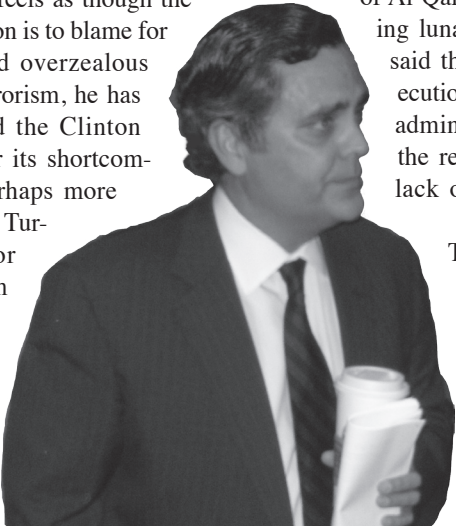
Constitutionally-mandated judicial system by establishing his own judicial system at Guantanamo Bay, Cuba, outside of the jurisdictional boundaries of Federal Courts. However, Turley was quick to point out that while he feels as though the Bush administration is to blame for its inefficient and overzealous crackdown on terrorism, he has sharply criticized the Clinton administration for its shortcomings as well. Perhaps more than anything else, Turley advocated for wholesale reform in Washington. Amidst biting cynicism and unnerving statistics, Turley coaxed laughter from the crowd on multiple occasions when he recalled some of his experiences dealing with clients and adversaries alike – remembering how Zacarias Moussaoui, accused of being the twentieth hijacker and a member of Al-Qaida, acted like a “barking lunatic” at trial. He also said that the terrorism prosecution policies of the Bush administration were simply the result of “a remarkable lack of adult supervision.”

Needless to say, Turley’s provocative lecture challenged audience members, regardless of political affiliation, to think critically about terrorist prosecution through the lens of a terrorist defense at-

torney. “I think he presented a serious issue in a way that spoke to the audience,” said C-M student April Stephenson, “[however.] I would have preferred a more informative discussion rather than a one-sided rant.”

By the end of the lecture, Turley’s message was clear: terrorists should be prosecuted, but they should be prosecuted in the right way. “[We must] not give into this notion that questioning methods means we are soft on terror,” said Turley, “We have an official torture program in this country...I think we are certainly better than that.”

Now in its tenth year, the Criminal Justice Forum is scheduled to present Patrick Radden Keefe (“Warrantless Wiretapping, Islamic Charities and the State Secrets Privilege: The Saga of Al Haramain v. Bush”) on November 12 and Joshua Dressler (“A Liberal Scholar’s Reflections on Feminist Criminal Law Reform Efforts: An Uneven Story”) on February 26 – both at 5pm in the Moot Court room.



# Financial Aid Delays Leaving Students in the Cold

**By Tara Chandler**  
STAFF WRITER

Nearly every student seems to have a complaint regarding Financial Aid this semester. For many law students, the ABA work hour requirements will not allow a student to earn enough to support month to month living needs. Many students don’t work at all in an effort to focus on their studies. In general, law students live off of their loans. So, when a student has no income for over a month, havoc is wreaked on their credit card bills, late fees and rent.

C-M no longer operates its own independent Financial Aid office. The Admissions office operates mostly as a service to first-year students, though it may function as a liaison for second and third-years. In the end, all Financial Aid paperwork and contact must be made through CSU’s main campus Financial Aid Department. Unfortunately, we are used to living in our law school bubble, secluded on the west side of campus. Most of us have not been to any campus buildings other than the law school, Recreation center and brief strolls through the College of Business building (i.e., the only parking spaces left near the law school).

Rachel Schmidt, Director of Financial Aid for CSU, gives the following advice to C-M students so that the financial aid process can operate as smoothly as possible for them: “Students can complete the FAFSA in early winter when it becomes available. They should submit their documents as quickly as we request and check to make sure the materials are in for verification if necessary.” Schmidt also recommends that students, “make sure [they] are enrolled for the minimum credit hours and complete entrance counseling. A signed award letter

must be returned to the office to be evaluated and sent to the lender. If this is received prior to July 30th, loan money should be received before classes begin.” Schmidt notes that during non-peak times the processing will take two days, yet during peak periods or after classes begin it can take “2-3 weeks, but probably 15 variables affect that.”

As if the troubled economy has not already caused enough problems in searching for employment, Schmidt notes that many lenders are no longer participating in the college loan program. “Since the credit market crashed, so many lenders have gone out of business. I’m just happy we still have some. Our grad students have definitely been impacted,” Schmidt said. Thus, if you have previously selected a lender that is no longer participating, this will also slow the process while a new lender is chosen.

Another problem lies in entrance loan counseling. New this year, students are required to perform entrance loan counseling for Grad Plus Loans. Since we were told that loan counseling only needed to be performed once, most students had no clue of the new requirement. This resulted in major backlogging. Unfortunately, there seems to be a disconnect between financial aid and law students. Going back to the law school bubble theory, C-M has its own e-mail system and Schmidt suspects that this may be part of the problem. “I bet part of the issue is the law school has their own email. We have a pretty good communication cycle in what needs to be done. And possibly with our law students there may be a disconnect,” Schmidt said. Hence, most students were not aware of the counseling requirement until they called and questioned the loan status.

This information comes too late for those students who are still waiting for loan disbursements. Many are facing late fees and high interest charges after being forced

to live off of credit cards for over a month. And those may be the lucky ones, as some have been unable to buy textbooks for class or parking permits. In some of the worst-case scenarios, C-M students have been kicked out of their classes for failure to pay tuition and now must request permission from the instructors to rejoin class. Although according to Schmidt, “if a student has done everything timely, as a university we never want to punish a student. But if a student filled out their FAFSA on Aug 12...they are going to have late fees. But, situations do occur completely outside the control of a student. But, I don’t apply the late fee, so I’m just speaking of my personal opinion.”

So what advice can be offered to prevent future complications? Third-year student Dick Humiston stated it best: “My advice is to get it out of the way early and then keep pursuing it because it’s not something you want distracting you while you are in school.” For questions or more information, contact Campus 411.

## The Absentee Ballot Option

**By Gannon Quinn**  
GAVEL CONTRIBUTOR

With hundreds of thousands of people in Ohio voting absentee, absentee ballots will help decide what presidential candidate gets Ohio’s 20 electoral votes. This article will look at some of the pros and cons of absentee ballots, and what the state of Ohio is doing to limit absentee ballot fraud.

The benefits to voting absentee are numerous for the voter and include convenience, not having to wait in long lines on election day and having plenty of time to look at your ballot. Further, absentee ballots will help the November 4th election run more smoothly because hundreds of thousands voters, who are voting absentee, will not be at the polls on Election Day.

However, many election experts are skeptical about absentee ballots. First, absentee ballots are more susceptible to fraud. Second, a voter casting an absentee ballot decreases his risk of getting his ballot counted.

Absentee ballots are more susceptible to fraud because voters do not have to present a form of identification to obtain and submit an absentee ballot. Rather, a voter

can submit a driver’s license number or last four digits of his social security number. The state of Ohio is attempting to combat the risk of absentee fraud by requiring election workers to check absentee ballots for proper identification, e.g., election workers will cross check records to ensure that the absentee voter is submitting a true driver’s license number. In previous elections, it was reported that election workers would not check the driver’s license number or last four digits of a voter’s social security number.

Further, the state of Ohio now has a policy that if an absentee voter’s identification is incorrect, the absentee voter will be informed of the mistake within 48 hours. After the voter is informed of this mistake he must come to the board of elections and rectify the error.

A voter who submits an absentee ballot decreases his risk of getting his vote counted because if there is a mistake on the ballot an absentee voter is not present to fix the mistake. For instance, if an on location voter were to mistakenly vote for two individuals for president, when he scans his vote into a voting machine the

See **Ballots**, page 7

THE GAVEL

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Wednesday,  
November 5th

Submissions or letters to the editors can  
be e-mailed to: [gavel@law.csuohio.edu](mailto:gavel@law.csuohio.edu)



## Don't just hit the books, get a study group

By Karen Mika

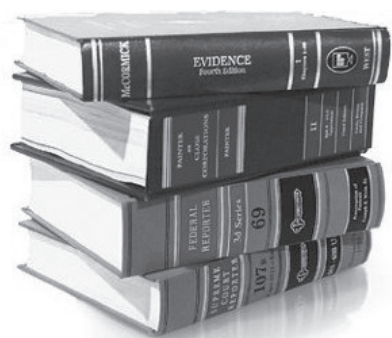
LEGAL WRITING PROFESSOR

Study groups are very important. They achieve three major functions. They keep participants on track as far as meeting deadlines. They provide necessary motivation, similar to a support group. Perhaps most

**Study Strategy** | importantly, they allow for the exchange of ideas so that students can contemplate angles (and solutions) they might not have thought of on their own. It is important to study information individually, but different viewpoints often shed light on certain situations and expand an individual's ideas about fact scenarios and legal applications. In addition, the "group mind" often acts as a gap filler as tidbits of information are sometimes exchanged on an informal basis. Material can be memorized in isolation, but the significance of the material never quite gels until it is contemplated from a broader perspective, with input from many different sources.

With that said, students should take care to ensure that their study groups do not turn into social caste systems, that the groups actually get together for the purpose of reviewing material, and that the study groups do not start replacing the individual work that should be done. While in law school, I encountered a study group (not my own) that divvied up the case briefs for each class so that only one member was actually briefing cases for each class. This proved to be a detriment for the individuals in the group unless the most dedicated worker was the one with the assignment for the week, and the unevenness of the work being done resulted in an anger and resentment that ended many friendships permanently.

Study groups, like any other social situation, require a commitment to a relationship that might wind up not the best relationship for everyone involved. Thus, it's important (to the greatest extent possible) to construct a study group that contains people with a similar work ethic and perhaps even composed of people with similar (or at least tolerant) demeanors who won't clash over each other's idiosyncrasies. However, the most important concept is the exchange of ideas and alternative viewpoints, so I would advise that a study group, once formed, need not be considered an entirely exclusive relationship that is forever bound to only each other all throughout law school.



## Externship opportunities promise valuable experience

By Stacey Fernengel

STAFF WRITER

Externships provide an opportunity to gain valuable work experience, network with legal professionals and to tryout the practice of different areas of law, all while receiving credit toward graduation. Rather than sifting through a heavy textbook or sitting through a lengthy lecture, you could be receiving credit for preparing pleadings and motions or observing various stages of litigation.

C-M provides a variety of externships within the judicial, government and public interest realms. In the judicial arena, students work for federal district court judges/magistrates, federal/state appellate court judges and specialized court judges/magistrates (i.e. Immigration Court, Cuyahoga County Juvenile Court, Medicare Hearings and Appeals and U.S. Dept. of Health and Human Services). Other externships include working for the U.S. Attorney's Office, the Internal Revenue Service, the Office of Immigration & Customs Enforcement, the National Labor Relations Board, the Equal Employment Opportunity Commission, the John Carroll University General Counsel Office, the Cleveland Metropolitan School District, and CSU Legal Affairs Office.

There are also several opportunities in prosecutor's and public defender's offices at the city, county and federal level. Aside from the ongoing externships, you can submit a proposal for an Independent Externship of your own. Past Independent Externships have included stints at the American Civil Liberties Union and Legal Aid Society of Cleveland. Additionally, C-M plans to add more externships continuously.

Eligibility for each program varies. Basic requirements include completion of 29 credits and a cumulative G.P.A. of 2.5 or better. Additionally, some programs require certain specific classes be taken or that an interview be conducted. It is important to look at the specific requirements for each individual externship. For example, some externships require enrollment months in advance for background checks and clearances.

In addition to deciding on a placement and meeting the prerequisites, a decision must also be made as to how many credits will be taken. In the fall and spring semesters, externs can receive between 4-6 credits, which translates to 16-24/hours a week. In

*An externship is obviously unique compared to a seminar or survey course, but is also unique compared to many paying clerk positions.*

the summer semester, 3-5 credits are available, which translate to 24-40/hours a week. Externship positions are easier to come by in the fall and spring, when many positions go unfilled. However, even the summer term usually does not exceed 25 externs at a time.

An externship is obviously unique compared to a seminar or survey course, but is also unique compared to many paying clerk positions. According to Associate Dean Phyllis Crocker, "the externs receive a different experience from that of a paid law clerk in that the educational interests of the extern are at the heart of the externship." A paid position often requires students to meet the immediate needs of

the firm. As an externship is through the school, the supervisor has a duty to ensure that a students educational needs are met, offering an incentive for additional observations and reflections. In fact, to ensure students' educational needs are being met, program supervisors make contact with each supervisor and visit most job sites.

Program supervisors also ensure that externships serve students' educational needs and interests through attendance at an externship seminar and the submission of student journals and site supervisor evaluations. The seminars are conducted occasionally throughout the semester so that students may share their experiences and get guidance from the professor.

The journal and evaluations provide insight into everyday experiences and the best possible experience.

Another externship benefit is the possibility to obtain a Legal Intern Certificate. The Legal Intern Certificate is available to students that have completed 60 credit hours and who are placed at certain government and public interest employ-

ers. Students possessing the Legal Intern Certificate can represent clients in court, in certain limited situations and cases. Brittany Richards (3L) used the Legal Intern Certificate to represent clients in the Salt Lake City Public Defender's Office last summer. When asked about her experience, Richard said, "I was able to apply my classroom learning in the courtroom."

If you would like to find out more about externships, please contact Dean Lifter, Inga Laurent or Dean Crocker and visit the externship page on the C-M website. Finally, in March 2009, an externship and clinic fair will be held.

## Alternative Summer Employment Opportunities Abound

By Joe Shiner

GAVEL CONTRIBUTOR

Summer employment is a perennial concern for law students, and with the downturn in the economy a summer position in a firm may be hard to come by. Thus, a savvy law student interested in gaining experience and making connections should consider alternative summer positions. There are numerous options available for students, all of which offer a unique experience.

One of the most interesting and enjoyable options available is the Summer Law Institute in St. Petersburg, Russia. C-M Professor Mark Sundahl, coordinator of the program, says that C-M's study abroad program is, "[an] excellent, and affordable, opportunity to study a variety of topics in international law ranging from human rights and the workings of the

United Nations to issues in multinational business transactions." For those of us interested in the complex and challenging world of international law, a study abroad program is a perfect gateway to making the kinds of connections necessary to land that dream job later on. Even if you aren't interested in international law, a summer abroad can really put some shine on your resume.

"So many interviews fit a stereotypical pattern, the same questions, the same basic answers" says Tara Chandler, a 2L that spent the past summer at Beijing Univer-

sity. "Anything that strikes an interviewers interest and starts actual conversation will immediately make you a more memorable candidate."

For those of us looking for something closer to home, there are a number of opportunities available right here in Cleveland. Volunteering can be an incredible way to gain experience while networking and serving your community. Opportunities range from volunteering at the public defender's office to offering a helping hand to a group that represents an issue that you are passionate about.

Professional organizations also offer many exciting and diverse ways to reach out; for example, the Cleveland Metropolitan Bar Association sponsors a mock trial competition that pairs local attorneys and students to help high school students prepare for a competition involving a simulated trial.

"In almost every interview I've had, my volunteering has come up" says one 2L. "It really makes you stand out, and shows that

you care about giving back to the community."

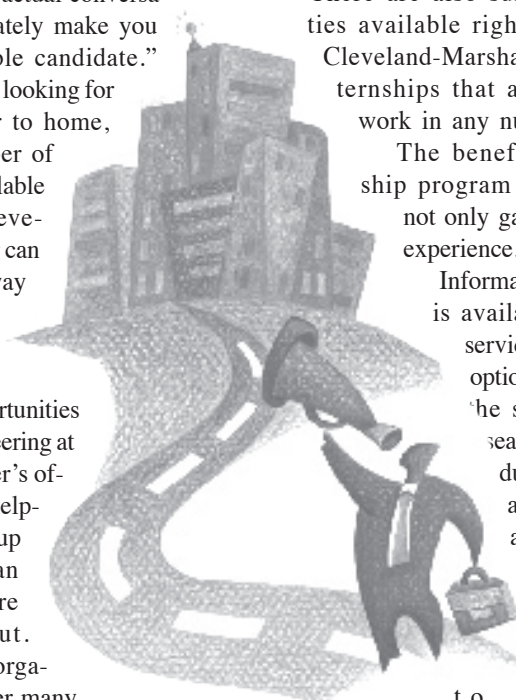
There are also summer opportunities available right here at school.

Cleveland-Marshall also offers externships that allow students to work in any number of settings.

The benefit to the externship program is that a student not only gains practical work experience, but course credit.

Information on externships is available in the career services office. Another option available through the school is being a research assistant. Conducting research for a professor not only allows you to develop your writing and researching skills, but also an opportunity to make a personal contact with a well-connected professional within the legal community.

Positions are available on a somewhat irregular basis, so if you have a class that interests you make certain to maintain contact with your professor. If a position becomes available, you can act on it right away. Being prepared may just give you the edge you need.





# The anticlamactic nature of law school graduation, the fury of the bar exam - a memoir

By Shawn Romer  
FORMER GAVEL EDITOR

Last February, 95% of C-M graduates passed the Ohio bar examination on their first try. The July before that, 90% did. You plan on taking all (or most) of the classes tested on the Ohio Bar. You plan on taking a review course. You’re a hard worker. You’re a smart person. You don’t listen to Nickelback. You have to pass, right?

Well, that’s what I thought a few months ago. However, as I write this article the day before receiving my bar results, insecurity of the aftermath of failure outweighs the high statistical probability that I’ll pass. I took this test at the end of July, and nearly 3 months later on the eve of All Hallow’s Eve, I wonder if the Ohio Supreme Court’s website will list a “trick” or a “treat” next to the name “Shawn Romer” tomorrow morning.

I remember specifically my second year of law school. Dean Mearns and some of the other C-M faculty met individually with students to assess their potential for passing the bar and to outline a plan to help them succeed. I remember Dean Mearns telling me that with a certain GPA, if I did everything I’m supposed to do, there’s a higher statistical probability that I’ll get in a car wreck than fail the bar. Unfortunately, I’ve gotten in a few wrecks before.

C-M’s high passage rate as of late is a double edged sword. It means that we’re doing something right, and Dean Mearns, Dean Williams, in addition to many oth-

ers on the faculty, deserve a lot of credit. But it also means that if I do fail, I’m a ginormous jackass. If I were a part-time student with kids, I could say I didn’t have enough time to study – perfectly understandable. If I struggled my way through law school, no one would be that surprised anyway. If I didn’t take a bar review class or didn’t take it seri-

ously, I could at least blame it on that. However, if I fail tomorrow morning, I have no explanation other than the fact that I choked big-time, and that’s not how I want to start a career as a litigator often put on the spot. I may or may not be able to keep my job and re-take the exam, but I’ll always have the stigma of failing the bar. All that comes in addition to again studying for 8 weeks and sitting through 15 hours of testing in 3 days.

Oh, and if I’m lucky, they do let me keep my job, and I get to do all this while working 50-60 hours a week. As a person who may or may not have just passed the bar, here’s my recommendation on how to prepare. Though faculty and bar review people have their own suggestions, they haven’t taken the test recently. Or, the fact that they teach law means they’re probably better at the academic aspect than your average Joe Six-Pack who attends C-M. So, as one to another, here’s my advice:

1. Take a commercial bar review course. This is not an option.
2. If you struggle with multiple

choice questions (probably indicated by a low LSAT score), take an MBE-specific course in addition, such as PMBR.

3. Do not work during the summer. Study 8 hours a day. Do not study more than 10 hours a day (except maybe those few nights right before.)

4. Go to Dean Williams’ MPE workshops every Thursday during the summer. Many of the test-takers from other schools told me they took maybe 2 practice MPE’s. Going to this workshop forced me to take about 5. I felt comfortable with this part of the test because of it. Also, there’s free pizza.

5. Consider taking the Ohio Bar Exam Strategies class. I didn’t take it, and I’ll let you know tomorrow morning if I should have. While some of my classmates told me that they worked only hard enough to get the “pass” (it’s a pass/fail course) and effectively had to learn everything again in the commercial bar review class, some found it very useful. Again, gauge yourself on this one.

6. Take all the classes tested on the bar, including Secured Transactions and Agency/Partnership. I remember the first day that I walked into Prof. Sagers’ Agency class. He told us that if we were taking the class just for the bar, we could instead learn the necessary material during the bar review class or in the Corporations class.

Fortunately, I rarely trust Prof. Sagers or his advice, and I stayed in the class. In

the bar review course, the professor goes over an entire semester of material in 3-4 hours.

This is in addition to the semester of material you went over yesterday, and the semester of material you’ll be going over each day for the next 5 weeks. You simply do not have enough time or energy to learn this material for the first time. If this material is glanced over during another class you’ve taken, the extra look sure won’t hurt, and it can only help.

Maybe one day Ancient Athenian Law will be tested on the bar exam. Until that day, save the extra perspective classes for later, and make sure you get in those bar classes.

(Author’s note – This is not completely correct – I have from time to time trusted Prof. Sagers, and I’ve heard that Ancient Athenian Law is quite interesting)

7. Relax. If you do all of this, are smart enough to get into law school, haven’t attended any Fray or Avril Lavigne concerts, and don’t

freak out, then you should be one of the 90% or 95% who passed. I really hope that I’m in this group. If I’m

not, then do the opposite of what I just said, and I’ll see some of you next February. Maybe I shouldn’t have dressed up as JFK, Jr. for Halloween this year...  
*Editor’s note:*

*Shawn Romer did successfully pass the July 2008 Ohio Bar Examination. He is a former Gavel staff member (and Editor-in-Chief) and currently works in Civil Rights Litigation at the law firm of Mazanec, Raskin, Ryder & Keller, LPA, here in Cleveland.*

*However, if I fail tomorrow morning, I have no explanation other than the fact that I choked big-time, and that’s not how I want to start a career as a litigator often put on the spot.*

## Ohio Bar results, July 2008 bar exam:

### School: First Time / Overall

Capital University: 94% / 86%

CWRU : 88% / 86%

Cleveland-Marshall: 89% / 86%

Ohio Northern: 85% / 83%

Ohio State: 90% / 87%

U. of Akron: 92% / 87%

U. of Cincinatti: 82% / 81%

U. of Dayton: 92% / 87%

U. of Toledo: 90% / 85%

Cleveland-Marshall College of Law  
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United States District Court, Northern District of Ohio

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MacAllister A. Modic

Alexander B. Reich

Mentored by: Jones Day

### Respondent’s Argument By:

Lydia M. Arko

Rick L. Ferrara

Dave D. Thomas

Mentored by: Baker Hostetler





## Election 2008: Pushing the patriotic envelope of American democracy

By Paul Deegan & Michelle Todd  
Co-Editors-in-Chief

Ashley Todd of College Station Texas, McCain Campaign volunteer, recently lied about being attacked at a Pittsburgh ATM by a 6'4" black man whom she alleged stole money from her and then beat her and carved the letter "B" backwards on her cheek to "teach her a lesson" for supporting John McCain. Todd told investigators that she thought her attacker noticed a McCain bumper sticker on her car, which precipitated the attack. But, now Todd has admitted that her story was false after investigators probed her about inconsistencies in her story and video surveillance of the ATM failed to back up her story concerning the robbery.

The Association of Community Organizations for Reform Now ("ACORN") has been riddled with accusations of submitting fraudulent voter-registration forms in a variety of states. Among the problems associated with ACORN are situations where people have allegedly filled out forms using names found in local phonebooks.

Even though these seem like isolated and extreme incidents, some C-M students have recently complained that, they too, have been victims of overly zealous candidate supporters. These students have had their respective presidential candidate's stickers torn off of their law school lockers, sometimes on numerous occasions.

What is it about this particular election that possesses people to act in these ways? Stories like this truly reflect the intensity

of this election and how people's emotions, even though unreasonable and erratic at times, can be drawn to the surface by the political process. Perhaps, it is because of the failing economy and the despair that many Americans are feeling over their jobs, gas prices, and rising health care costs, to name a few, that are driving Americans' passionate and sometimes irrational actions surrounding this election. Maybe, however, it can be linked to the fact that race could be influencing voters more than ever, considering that Barack Obama may be the first African-American President of the United States.

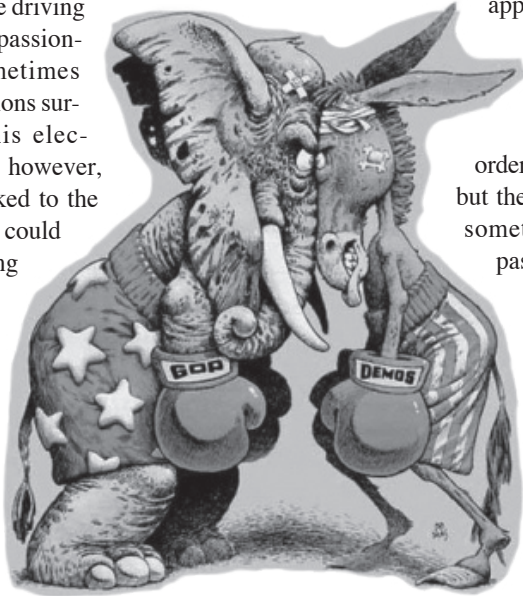
It could also have something to do with Alaskan Governor Sarah Palin, who could be the first woman Vice-President of the United States. Then again, the Iraq War and the American lives lost could be influencing voters and inciting heated debates amongst friends and neighbors this election year.

Whatever the cause or causes, this has truly been one of the most exciting and intriguing elections in recent memory. It's a real testament to the democratic process and although, not always exhibiting the best of

human behavior, this election has struck a chord with voters across the nation and has inspired political passions. With record voter turnout expected, it is clear that voting is a highly valued and respected constitutional right. The Founding Fathers may not have foreseen or

approved some of the extreme measures that some have gone to (such as Ashley Todd and ACORN) in order to express their views, but the political process was something that they were passionate about as well.

It is unfortunate that some choose to act irrationally to express themselves, but it does seem to show more people are inspired to be a part of our representative democracy. If the frequency of negative behaviors has risen, then we can only imagine how many good and productive things have occurred in this political season. But of course, most of those stories go unheard. That being said, with all the emotions and passionate actions surrounding this presidential election, it will be bittersweet to see it all end on Nov. 4th. But, hopefully, we can move on with our lives when it's all over and work together, at least for the next 4 years.



### THE GAVEL

CLEVELAND-MARSHALL COLLEGE OF LAW  
CLEVELAND STATE UNIVERSITY  
216.687.4533 TELEPHONE  
216.687.6881 FAX  
GAVEL@LAW.CSUOHIO.EDU



**Co-Editors-in-Chief**  
Paul Deegan  
Rick Ferrara  
Michelle Todd

**Staff**  
Anonymous 1L  
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Tara Chandler  
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## How are you feeling about this year's election tactics?



*"It's gotten so partisan, I stopped reading tertiary source material."*

-Anthony



*"I've been living with the fear that one of the candidates would accept their oath of office by saying, 'You Betcha!'"*

-Alana



*"I voted for Nader..."*

-Maryland



*"Upset - someone keeps ripping the political stickers off my locker, forcing me to consider out of pocket expenses for political engravings."*

-Karri



*"I'm rankled."*

-Matt





# Anonymous 1L: Excel at studies by balancing life, beating stress

By Anonymous 1L

*The following is the second article in a six -part series following the experience of an anonymous first year student.*

One month has flown by, but, rest-assured, not with flying colors. I feel swamped already. Things I love to hate: The Bluebook: a Uniform System of Making Law Students Miserable. Our first memos were due not too long ago. Fortunately, we haven't learned enough rules so as to have to know how to use everything yet. But have you looked at that book, in general? Done a string cite in class? I might vomit. On the other hand, it's one of the few things in law that is definite. That elliptical is not going anywhere else, and no one can argue otherwise. At least until the next edition comes out. Things I might hate: Midterms. Midterms started at the end of this October. While some of us have graded midterms, others have practice mandatory midterms. I heard some students may not have any at all. After taking the first one,

## First -year life: Part II

I was pleasantly surprised to find myself still alive—I mean—relieved after it was over, and excited to see what happens. Immediately after the test, I started conjuring ideas of all the things I didn't write and things that someone else did. I know I can't possibly anticipate the variety of ways someone could interpret something, or the variety of things a professor likes or doesn't like. So, why worry about what that guy did or what she wrote? Oh yeah, because I want an "A." Before the storm, I was stressed out like everyone else. Competition lurks around every bookshelf. I've heard some people spent full weekend days at the library. They are better people than me. Me? Mostly, I mill about the library and try to absorb by osmosis. Actually, I've been racking up those Westlaw points, doing CALI exercises (which are actually pretty helpful) and, of course, checking out books at the library because I'm broke. It is so easy to be distracted when trying to study for three straight hours, if I can even eek out that kind of commitment at one time. Sometimes I can get so busy "networking," you know, on Facebook. But, honestly, I find it hard to figure out what time is fair "free time" and when I should feel guilty because I'm using "free time" too liberally. It's a fine line. It was at first, and still is, a bit difficult to regiment my lifestyle for only law school. I don't know if it's the same for all of us, but it's somewhat refreshing to have no schedule but law (of course, this doesn't speak to those who work). I exercise, I eat normal food, I made a few friends and I even get to call my family and friends more than once a week. I know what you're thinking: you're not working hard enough. But, you know what? I think I'm leading a balanced life, and that has to be equally important to that academic success we drool over. At the same time, without doing anything but law school, the monthly budget

keeps getting smaller. And, frankly, it sucks. Speaking of money, can you believe that we have to invest several more thousand dollars for a bar review course after the tuition we've already invested? I have to commit to that now? I'm not even sure if I want to buy lunch today! Every day BarBri and Supreme Bar are in the cafeteria, I am reminded to look at my income-less bank account and cry a little on the inside. Then I pick up some candy to eat away the pain. Despite bemoaning the studying, the joblessness, the stress, I am really enjoying law school. I'm not sure if I'm deluded or if this is real, but sometimes I like the challenges of studying, the crazy stories in Torts, figuring out who has what in Property. I don't even mind Civil Procedure, which, until about yesterday, was the bane of my legal life. I find if I look at the rules and problems as a game to be learned and played, it's a little more exciting than the frustrating needle-in-a-haystack perspective I started with. Guess what? I'm a first-year law student. And I kinda like it. Yeah, it's crazy, don't tell anyone. P.S., Hello, City of Cleveland? What goes on out there? Could you let me know? I'd love to participate before it's too cold for me to hang out with you.

## Candidates...

-continued from Page 1:

noteworthy accomplishments. O'Neill, who recently served as an appellate judge on the Ohio Eleventh District Court of Appeals, is one of the most serious challengers to LaTourette in many years. In addition to his role in the judiciary, O'Neill has amassed a great deal of real-world experience throughout his life as well, serving in the Ohio National Guard and working as a pediatric emergency room nurse after he returned to school at age 50 in order to obtain his nursing license. Ohioans may know O'Neill from his previous campaigns for the Ohio Supreme Court, during which he campaigned under the slogan "No Money From No Body" in order to assert that his rulings would not be influenced by large campaign donations. Congressional Quarterly has rated this race as "Republican Favored"; however, both candidates have been campaigning vigorously, and this will definitely be a race to watch on November 4th. Another C-M alumna, Marcia Fudge '83, is currently running as the Democratic candidate in Ohio's 11th Congressional District in an election to replace the recently deceased Stephanie Tubbs Jones. Fudge has recently served as the mayor of Warrensville Heights, a suburb of Cleveland. Rated as one of the most Democratic districts in the country by the Cook Partisan Voting Index, Fudge appears to be headed to a relatively safe victory this fall. The race for Cuyahoga County Prosecutor also features a contest between two C-M alumni. The current Cuyahoga



Moot Courters Dave Thomas and Rick Ferrara review battle plans for Moot Court Night and the nationals competition.

County Prosecutor, Bill Mason '86, is the Democratic candidate. He faces Republican candidate, Annette Butler, who previously worked as an Assistant U.S. Attorney. This race has garnered a great deal of publicity in recent weeks; however, Mason remains an overwhelming favorite. C-M has a reputation for producing a sizable number of judges, and in 2008, there are once again many C-M alumni competing in state and local races. Most notably is Maureen O'Connor '80. She has served on the Ohio Supreme Court since 2003 and is running for re-election. R. Brian Moriarty '94, Robert C. McClelland '80, and Deena Calabrese are some of the other C-M alumni that will be found on local ballots this November. As you keep your eyes fixed on the electoral map on the evening of November 4, 2008, be sure to steal a few glimpses of the local election returns to see if our alumni emerge victorious! After all, in a few years, you just may be the one whose name is on the ballot.

## Ballots...

-continued from Page 3:

machine would detect the error and inform the voter that his vote is invalid. An absentee voter would not have the same opportunity to learn of his mistake. If possible, it is recommended that voters vote in person. However, because of circumstance many have no other choice than to vote absentee. Accordingly, the question is if a voter must vote absentee, what can a voter do to increase the chance his vote will get counted? Professor Candice Hoke, a globally recognized expert on elections and professor of election law at Cleveland-Marshall College of Law, recommends that if a voter is going to vote absentee that the voter deliver his absentee ballot in person instead of mailing the ballot to maximize the voter's chance of getting his vote counted. Delivering your ballot to the board of elections is beneficial to the voter because the voter can ensure that he filled out the absentee ballot correctly. Moreover, because the voter is present while delivering the ballot, the voter can rectify any problems with the ballot.





# New Financial Crisis Demands Second Look at Private Interests

By Klaus Luhta  
GAVEL CONTRIBUTOR

“Give me control of a nation’s money and I care not who makes its laws.” Mayer Amschel Rothschild is credited with this statement in a letter he wrote in the 1700s. Rothschild, born into poverty in a Jewish ghetto in Germany, invented modern finance as we know it and today the family’s wealth is so vast that it literally cannot be calculated. The Rothschilds historically are credited with, among other things, financing wars on both sides, ostensibly with the aim of dictating the outcome while making a killing. How does this relate to the current financial crisis? The point is that this game of booms and busts has been in play long before we began reading about the housing bubble or AIG’s liquidity issues. In fact, similar panics occurred in 1873, 1897, and 1907, which predictably caused public demand to establish a central bank to prevent these cycles. The central bank issue first appeared when Jefferson opposed Hamilton’s plan for

the First Bank of the United States, which was backed by James Rothschild. Jefferson referred to the central bank as “an infinity of successive felonious larcenies.” The issue was again raised and ultimately resolved in *McCulloch v. Maryland* (1819). Then in 1910 amidst public outcry for change, a group of U.S. bank owners secreted away to Jekyll Island in Georgia and crafted a scheme that would later be approved by Congress, forming the Federal Reserve Bank. Although the Federal Reserve Bank Chairman is selected by Congress for fourteen year terms, all other aspects of “the Fed” are independent of U.S. government control. Despite its name, the Federal Reserve Bank, which dictates American monetary policy, is a private bank. If you have reservations about giving Treasury Secretary Paulson carte blanche to dispose of the \$700 billion bailout package,

you will certainly be outraged to learn that the Fed, a private organization, controls the purse strings of the United States. And this is the problem. Federal Reserve monetary policy over the past decade has continually lowered the key interest rate, which ultimately increases liquidity and credit in the system. In a period of economic contraction this can be helpful. But in a period of normalcy, these low rates encourage risky borrowing because the cost of money is so cheap. The result is that unqualified borrowers receive risky loans, businesses over-leverage their operations without accounting for the risk of contraction, and financiers design fragile investment vehicles like collateralized debt obligations. These results are all predictable. If you or I were determining monetary policy, it would be understandable to find ourselves in a similar crisis as we

are today. However, the men in these positions of power have the benefit of hundreds of years of cumulative global banking experience to draw from as well as access to the greatest financial minds of our time. To suggest that the current global financial crisis is a mere surprise is an insult of the greatest magnitude to even those of us with the most modest intellects. So the questions must be asked: What is the goal of a privately owned bank, which is responsible for controlling the money and policy of the wealthiest country in the world, when it creates a boom-bust cycle that will certainly send millions of people across the globe into panic and poverty? And why would America want to put its financial security in the hands of private bankers to begin with? Discover who profits from the Federal Reserve Bank and you will begin to find answers. You will likely also discover, as Mayer Rothschild’s family knows so well, that purse strings frequently double as puppet strings.

*To suggest that the current global financial crisis is a mere surprise is an insult of the greatest magnitude to even those of us with the most modest intellects.*



Halloween Revelry: From left, Darren Dowd, Dana Dombrowski, Jen Noble, and Bob Terbrack.

# Letter to the Editor: Criminal Law Clinic Update

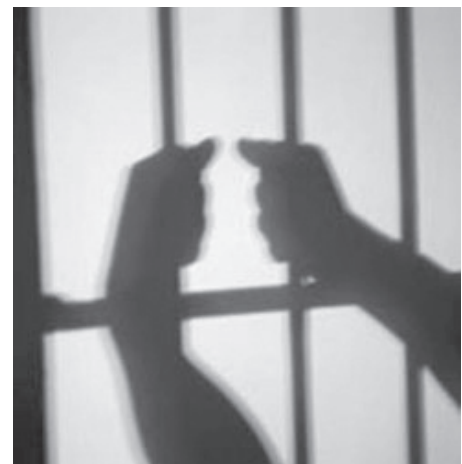
By Anthony Ashhurst

“Hey Anthony, whatever happened to that criminal law clinic we voted for last year?” I don’t know how many times I’ve been asked that question since the Fall semester began, but I do know C-M students deserve an answer. In order to provide one we need to look at a little history. Last year I wondered why C-M didn’t have a Criminal Law Clinic, so I decided to try and develop a viable, practical program suggestion and offer it to the University. I knew that in order to get the Administration to consider whether or not to create a clinic I would have to provide answers to three critical questions. 1. Was there sufficient student interest to insure viability? 2. How would it be structured to allow for rapid integration? 3. What would it cost the University? The results of last year’s referendum provided a resounding, “yes, there is sufficient student interest,” as an answer to the first question. For the second question I submitted a proposal to a meeting of the C-M Criminal Law Advisory Committee in November 07, recommending that an experimental clinic structured along the lines of the existing Fair Housing Clinic could be viable. Students would be supervised on-site by practicing attorneys, while being monitored by a C-M faculty member who would also teach a weekly seminar requirement. The Advisory Committee was extremely supportive, and Mr. Robert Tobik, the Cuyahoga County Public Defender, volunteered his office space and attorney

staff for on-site training and supervision. The only question remaining was: how much would it cost the university? I tried to answer that final question by suggesting that a full-time faculty member with the privilege of teaching a personal seminar would be a cost-effective solution. Essentially, we only needed to find a single criminal law professor willing to use his seminar rights to act as the clinical director of this experimental program instead of teaching some other seminar. Unfortunately, at a meeting in Spring 08, the Administration stated that there were simply no faculty members available under projected assignments that could be permitted to provide for this opportunity. Instead, the Administration believed the only responsible use of available faculty resources was to reinvigorate existing externships. This is the answer to, “what-ever happened to that clinic we voted for?” But don’t lose heart! Almost immediately, Mr. Tobik offered the possibility of a new externship program which would allow students qualified to obtain a legal intern certificate the opportunity to serve an apprenticeship in his office. During discussions Mr. Tobik and I agreed that these legal interns would not be glorified “law clerks” as outlined by current externship descriptions. Instead they would be assigned to either the

Municipal Court Division, or the Juvenile Division, and trained to actually represent indigent defendants in court under the guidance and supervision of staff attorneys from the Public Defender’s office. Another goal would be to try and give each legal intern at least one opportunity to conduct a complete jury trial. Under these conditions I accepted his suggestion, and volunteered to participate in a summer externship program to help develop and test a workable curriculum. So this past summer I opted to work in the Municipal Division, and was assigned to on-the-job training guided by several outstanding attorneys. Each supervising attorney allowed me to observe their techniques, learn the ropes of courtroom procedure, and eventually assume a daily caseload representing a wide variety of indigent clients in court. That meant I would review the case file, discuss it with the client, then go into court and be recognized as defense counsel of record by the judge. Unfortunately, jury trials at the municipal level are extremely rare, and while I had numerous opportunities to represent clients, it was just my bad luck no jury trials arose during my tenure. However, I still retain my legal intern certificate and have been promised an opportunity to return during the school year and represent a defendant in a jury trial when and if one becomes available. As a result, Mr. Tobik, Professor Joan

Flynn (who served as the faculty supervisor of the summer externship program), and I have developed a proposal for a permanent Public Defender legal intern program which will be submitted to the Administration for approval. If approved, it could become available to eligible students as early as the 2009 Spring semester. While not the hoped-for clinic, this program would still offer C-M students a unique chance to gain actual courtroom experience as a defendant’s legal representative. Anyone seeking employment soon learns that prospective employers consider practical experience to be the single most important asset listed on a resume. Therefore, I whole-heartedly urge every student, whether interested in criminal law or not, to seriously consider applying for this rare opportunity should it become available for purposes of planning their future schedules.





# The Political Broadside

## Which 2008 Presidential Candidate Has the Better Foreign Policy?

By George Sakellakis

CONSERVATIVE GAVEL COLUMNIST



Too many foreign policy issues, too little space. I will focus on Iraq and Iran.

If one spends more time looking in the rearview mirror than through the windshield, they will inevitably crash. Barack Obama’s ad nauseam, retrospective justifications for his election are giving me heartburn. Even a fifth grader could use Bush’s legacy to stir up enough disdain that voters would be hungry for anything that sounds opposite. My question is whether you, Senator Obama, can justify any of your policies without shoving George Bush down our throats, and by doing so, show us that you are smarter than a fifth grader?

The main area we see this “no substance required” tactic is in Obama’s foolish argument on Iraq, which cites his opposition to the invasion as the main justification for surrender. At a time when Obama confidants like Senators Biden, Clinton and Secretary Powell were busy doing things like supporting an authorization to use military force and making the case for war to the world, Obama was not even in the picture. How much credibility would we give a freshman candidate for president of our student bar association that uses his alleged views on what we should have done with the 2003 Barrister’s Ball plan as justification for his election to the SBA?

For the record, I hate this war. I don’t think we had any business starting it, and I put most of the blame on the Bush administration for taking advantage of the nationwide acquiescence that came with a post 9/11 appetite for revenge. Furthermore, the plans for the invasion’s after effects seem to have been drafted by – you guessed it – a fifth grader.

But whether we like it or not, we took over a country, and we have a responsibility to the Iraqi people to make it relatively safe for them. We have been locked in a direct battle with Al Qaeda, whose fighters are flocking from around the world to take us on. I’ll be damned if we tell them that they finally spooked us when they are on the verge of defeat and are themselves beginning to opt for the democratic process. With the great gains we’ve made in the last two years, we can finish this thing with pride and can begin withdrawing from Iraq with McCain’s vision of victory in the same amount of time Obama allots for his plan of capitulation and humiliation.

“Commander in Chief” Obama scares me. His naivety to wartime situations became apparent when he boldly stated he would reinvade Iraq if Al Qaeda were to establish a base there. John McCain had to remind him that they already had established a base there, and that, astonishingly, they called themselves “Al Qaeda in Iraq.” Does Obama really believe that terrorists will turn to hobbies like woodworking and origami after we leave Iraq in disgrace? Will victory in Afghanistan ever be possible after terrorists there watch us run from Iraq with our tails between our legs? Are we prepared for the serious stigma and national security implications that follow from a spineless political overturning of what could have been a military victory, the likes of which we saw in the post-Vietnam era? I am not ready to give countries like China and Russia, as well as groups of rag-tag terrorists, any reason to (albeit rightfully) doubt our strength and resolve after surrendering to a bunch of geeks, and I would rather the next generation didn’t have to learn how to duck and cover.

One area where Obama has an edge over McCain is the issue of whether we should “sit down” with Iran or not. Senator McCain’s precondition policy is off the mark, and we are now seeing an Iran who refuses to talk to us until we totally end our support of Israel. There is nothing wrong with talking one day and bombing the next, but there is something seriously improper with bombing before trying to talk. We should never, ever employ the juvenile “I don’t want to talk to you” strategy in foreign relations. Iran should be engaged and our differences should be put out in the open, but we should remain ready to blast them into the previous century if they continue with their nuclear ambitions. Though I’m not convinced that Obama has it in him to attack Iran if needed, I praise him for his mature position of opting for communication.

While Obama’s foreign policies are more responsible and grown-up than his domestic policies, which will lead us to ruin, I must side with McCain due to the issue of Iraq and its long term implications.

### Liberal rebuttal. . .

While I applaud your prediction of a Barack Obama victory tonight, we still have to count the votes.

If Al Qaeda is on the verge of defeat, perhaps a copy of this page will convince Osama Bin Laden’s followers and their Taliban allies to stop attacking NATO positions in southern Afghanistan. We still have much to do to win this war, of which Iraq is merely one facet, and only became so when we invaded.

President Bush vows that the Iraqis will tell us when to leave. Obama advocates a withdrawal of most American forces in 2010. When Obama traveled abroad in July, Iraqi Prime Minister Nouri al-Maliki endorsed Obama’s timetable. According to opensource.gov, our federal government’s translation service, Maliki later claimed in an interview on Iraqi state television that the Bush administration asked him to postpone his target for American withdrawal by one year, due to “political circumstances related to the domestic situation (in the U.S.).” The White House has refused to deny the veracity of Maliki’s damning indictment.

Iraq now calls for American troops to return home in 2011. I fail to comprehend how the Iraqi government telling us it’s safe to withdraw out troops qualifies as surrender. The most lasting long-term implication of Iraq was cemented in 2003—that we as a nation refused to learn from our mistake in Vietnam. We have gone on historical record making the same blunder twice. No matter what we do from this point forward, China and Russia will always keep that information in their respective dossiers on American foreign policy decisions. As President Bush once famously attempted to say, “Fool me once, shame on you. Fool me twice, shame on me.” May we never make the same mistake a third time.

By Kevin Kovach

LIBERAL GAVEL COLUMNIST



Our reputation abroad has plummeted. Russia again agitates in Eastern Europe. North Korea has obtained and Iran pursues nuclear weapons. We’re still in Iraq. Undermanned NATO forces struggle to protect Afghanistan. But most ominously, violence in Pakistan threatens to destabilize a democratically-elected government and security of its nuclear arsenal. John McCain seems to ignore this most foreboding of foreign threats with a myopic focus on Iraq as the central strategy in the global war on terror, rather than what it is—a tactical blunder. Only Barack Obama has displayed the understanding that our greatest national security concern is keeping nuclear weapons from terrorists, and that the central battlefield in the war on terror lies in southern Afghanistan and the Pakistani tribal region of Waziristan, where Osama Bin Laden remains free to direct cross-border attacks on American and NATO troops.

From his earliest days in the Senate, Obama has focused on preventing terrorists from obtaining nuclear arms. He traveled to Russia with Sen. Dick Lugar (R-Ind.) to restart talks on strengthening the Nuclear Non-Proliferation Treaty and securing loose nukes. While McCain supports failed policies to isolate Iran and North Korea, emboldening the former to pursue nuclear weapons and the latter to successfully test them, Obama calls for diplomacy with the rogue states. For Obama’s pragmatism, McCain ridicules him, even as the Bush administration has opened talks with Iran and negotiated an agreement with North Korea. Meanwhile, McCain has glibly sung, “Bomb Iran” to the tune of the Beach Boys’ “Barbara Ann,” and infamously spewed the racial slur “gooks” during his 2000 presidential campaign. Though he later claimed to refer solely to his North Vietnamese captors, McCain never qualified his use of the epithet upon his utterance.

As Bin Laden fled from Afghanistan into Pakistan in 2002, McCain cried, “Next up, Baghdad!” In 2003, he said, “We may muddle through in Afghanistan.” In contrast, Obama opposed the Iraq war from the beginning as a distraction from the war in Afghanistan against our true enemy — Al Qaeda—and in August 2007 announced that if as president he receives actionable intelligence about high-value terrorist targets inside Pakistan, and Pakistan won’t act, he may attack with or without its approval. For his boldness, Obama received criticism as “naïve” from primary opponents and McCain alike. Yet, American forces have struck terrorists inside Pakistan several times this year.

While we spend billions each month in Iraq, Bin Laden lingers in Waziristan. Meanwhile, Al Qaeda and Taliban forces persistently attack southern Afghanistan. Because the Karzai government controls just 30 percent of Afghanistan, farmers freely grow poppy plants for narcotics processing. The United Nations and NATO estimate that these drugs provide 60 percent of Taliban funding.

McCain and Bush created this morass when they diverted attention from capturing Bin Laden by invading Iraq with neither an exit strategy nor a plan to win the peace. Obama proposed to strike terrorists inside Pakistan out of necessity, not naïveté. Dr. Abdul Qadeer Khan, father of the Pakistani program that developed nukes in 1998, confessed in 2004 to providing nuclear secrets to Iran, North Korea, and Lybia. Terrorists target Pakistani civilians in hopes of destabilizing their government and seizing its nuclear cache. Largely because Bush gave millions in military aid to former dictator Pervez Musharraf, just 19% of Pakistanis hold a favorable view of our country. Necessary strikes against terrorists in tribal regions exacerbate mistrust.

But there is a way to address our unpopularity with the Pakistani people: humanitarian aid. After American aid flooded Pakistan following a devastating 2005 earthquake, 78 percent of Pakistanis proclaimed a more favorable view toward the United States. An Obama administration will increase non-military aid to countries like Pakistan to build infrastructure like roads, hospitals, and schools, while a McCain administration would merely flex military muscle—the same “cowboy diplomacy” that has weakened our alliances and strengthened our enemies. If we pursue not only military efforts to defeat terrorism, but also diplomacy and humanitarian relief for our democratic allies, we can win the support of the Pakistani people, strengthen their government, capture Bin Laden, and secure our nation by keeping nuclear weapons away from terrorists. Barack Obama is the only presidential candidate who displays this fundamental understanding.

### Conservative rebuttal. . .

Isolation is a tactic that can work if used properly. Isolating North Korea as punishment for their nuclear ambitions and using the carrot and stick approach to coax them away from such ambitions not only seems to have worked in ridding them of possible nuclear weapons, but has brought them closer to being our friend. A similar strategy should be used with Iran. Isolation, as part of a comprehensive policy, is a useful tool and the negative connotation of the word should not be used as reason to forego the tactic.

Although Obama has been chided by McCain for claiming he would attack inside of Pakistan’s borders if terrorists were located there and Pakistan was unwilling to do anything about it, I support him in this sense. It is not naïve, as McCain claims, to tell Pakistan and the world that we will not wait for their internal politics to run their course when we have terrorists in our crosshairs.

I do find it odd, though, that liberal supporters of this policy can support it and yet admonish McCain for “flexing his military muscle” in the same breath. I hate to break it to liberals, but when America tries to compel another country to do something, and then threatens to attack if they don’t, the threat is usually backed up by the military (i.e., the people that we pay to attack other people).

Who do the liberals think will be our go-to force for cross-border attacks in Waziristan? ACORN?



# Student Perspective

November 2008

## Special Photo Section - SBA Halloween "Spook"-tacular





# Trial Team enhances advocacy skills through competition

By **Jeremy Samuels**  
GAVEL CONTRIBUTOR

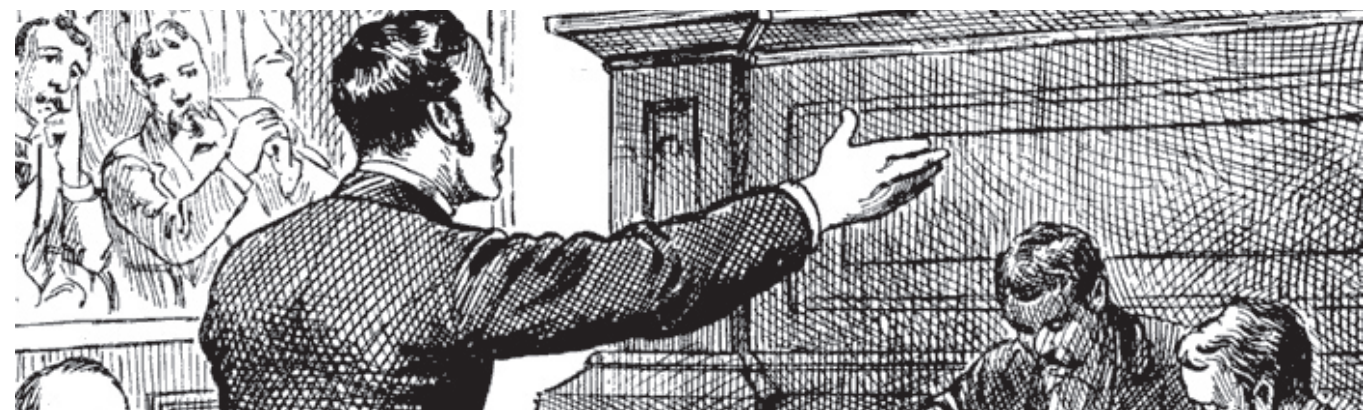
Students may, or may not know anything about C-M's trial team beyond the fact that it exists. Trial Team is exactly what it sounds like. You learn how to do trial competitions, everything from motions in limine to cross-examination.

Sponsoring the team is the litigation firm of Reminger and Reminger. The coaches, Adam Davis and Dave Valent, are associate attorneys at the firm and are considered the most valued resource of the team. They are able to give effective training because they are former C-M trial team members themselves, and are participating in litigation which is what the team trains you for.

The physical organization of the team is considered another resource. Two teams make up the entire organization, each consisting of two plaintiff attorneys, and two defense. There is a single alternative member. Team One's defense side competes against Team Two's plaintiff side and vice versa. MaryAnn Fremion, a new member of the team says, "team organization is crucial to providing needed feedback, because each team critiques the other."

Each side of the team also acts as the other side's witnesses regarding direct examination questions, and reserves cross-examination for the other team's plaintiff, or defense witnesses. Scott Friedman, the sole veteran of trial team considers this one of the best aspects of organization because it makes you more comfortable speaking aloud.

Training descriptions differ. New member Katie Davis describes training as "running through the case on weekends and discussing what is relevant with team members." Another team member spoke of a trial and error approach; "screw it up first and then get corrected." Members agree however that the pace is intense. The immediate immersion in trial advocacy upon joining is coupled with constant work revision and weekend training up to 8 hours a day.



# Revitalized student organization hopes to connect C-M students to growing Asian legal market

By **Arunesh Sohi**  
GAVEL CONTRIBUTOR

The Asian Pacific Islander Law Student Association (APILSA) was reactivated this year after a gap of many years. The APILSA was formed to provide an effective and visible body to articulate and promote the needs and goals of Asian and Pacific Islander law students here at C-M. APILSA aims at addressing the concerns of Asian students as well as to provide academic and employment support to its members.

This year, APILSA plans to hold panel discussions with Asian American lawyers working in the Cleveland metropolitan area. Other events planned during the course of the year include a lecture on

All agree it takes up most of your free time. However, just as members agree that work hours are huge, they also agree that what they learn is extremely important and stays with you. Team member Lindsay Wilber states, "applying all 1st year concepts to real life situations, and writing/arguing the opening/closing statements, direct/cross examinations and motions is like training wheels for legal practice." Katie Davis, another new recruit said, "training forces you to work under pressure which is why it is important, as a primer for real life." Both members and coaches also consider heavy immersion in the rules of evidence a plus, particularly the rules dealing with relevancy, impeachment and hearsay. You are forced to learn it to compete, and it becomes ingrained.

The team's first competition is local, taking place on November 15th at the Justice Center in one of its criminal courtrooms. The other universities that will be competing are Case Western Reserve and the University of Akron. Each team should compete numerous times.

The mood is generally upbeat among team members but there is apprehension as to what the other teams will do. For example, Lindsay describes how some teams are rigidly structured by their coaches in how they are to approach issues, whereas the C-M team is given decent leeway to come up with their own strategy. Katie feels that C-M will be one of the more competitive teams stating, "everything is falling into place" regarding organization and preparedness. Maryann Fremion, summed up her feeling about competition the best, stating, "I hope no one objects in my opening statement."

Trial Team is an excellent organization for receiving courtroom experience. Students who wish to work in a courtroom should attempt to join. Tryouts, consisting of an opening or closing statement, are every fall, and occasionally in the spring if spots open up. The work is hard and you will have to sacrifice. However, every team member agrees it is worthwhile since your training on Trial Team stays with you forever.

comparative law issues in Asia, fundraiser sale of Asian food, reaching out to the Asian American Bar Association of Ohio, and building a database of course outlines for future and current members of APILSA.

APILSA officers felt that it was important to have an active student organization not only to support Asian and Pacific Islander law students, but also because knowledge about Asian legal markets is very important to lawyers in this globalized competitive world. More and more American companies are outsourcing to countries like India and China and if you're going to be representing such companies, it's very important to understand the business culture and legal system of these countries.

Outsourcing is particularly important to

# C-M Profs. introduce new legal journal with international flair

By **Jillian Snyder**  
STAFF WRITER

In Fall 2009, C-M will introduce a new law review journal to its repertoire. Open to students and faculty, the up and coming Global Business Law Review (GBLR) will have an international business focus. Specifically, the journal's topics will vary in scope from private business law in international or transnational context to international business transactions, tax, commerce, intellectual property, technology transfer, antitrust, multi-national corporate governance, global financial markets, Internet, and employment.

Organized and structured by C-M students with the support of faculty members, the goal of the GBLR is to give C-M, and the Cleveland State University, a means of scholarly exchange within the international legal community. Although not officially linked to the International Law Student Association (ILSA), the GBLR has strong ties to ILSA. Initially Professor Milena Sterio wanted to organize a journal in international human rights or criminal law. Professor Mark Sundahl asked that ILSA renew those efforts and gauge students' interest.

After a student survey, ILSA found that students preferred a business-oriented international law review. Student editors were selected and the journal theme and details developed accordingly. Currently, all four editors are members of ILSA: Chuck Prihoda (Business Editor), Reginald Russell (Editor-in-Chief), Andy Trout (Symposium Editor), and Justin Zucker (Publications Editor). Prihoda and Russell are ILSA officers.

In addition to this exciting new publication, the journal will be accompanied by an international Law symposium. October 16, 2009 has been se-

lected for the kick-off symposium date.

Each annual symposium will have a theme, and will deal with international issues in the legal and business community. The editors are in the process of selecting speakers for next year's symposium, but are pleased to announce that CLE credit will be available. In addition to the symposium, the GBLR will be linked to the web. Website news feeds

and blogs, open to everyone,

will be structured to provide content based on

relevance and timeli-

ness pertaining to

the journal. GBLR

will also be avail-

able in print as well

as electronically.

To get involved

with C-M's newest

legal research publi-

cation, stay tuned for

information regarding the

write-on process, which will

be communicated later this semester.

There will be a written portion and

a citation quiz, and students in the

top 5% will grade on. Interested stu-

dents should attend ILSA meetings

for more information, or may direct

specific questions to GBLR's editors.

The ILSA editors would like to

propose a challenge to C-M students.

The GBLR needs a creative symbol to

distinguish itself as a new law review

journal. The symbol should represent the

international business focus of the jour-

nal. The submissions will be reviewed

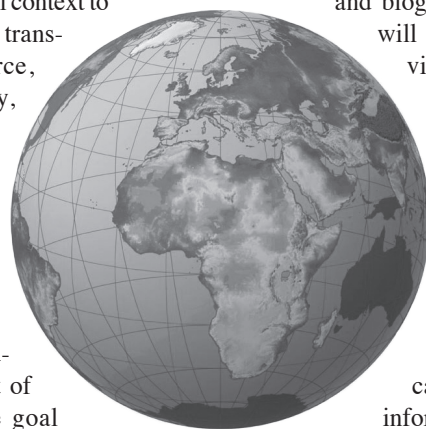
by the editors, and the student whose

symbol is selected will be recognized

in the inaugural issue. Please submit

your written ideas and/or drawings to

Andy Trout, atrout@law.csuohio.edu.



THE GAVEL



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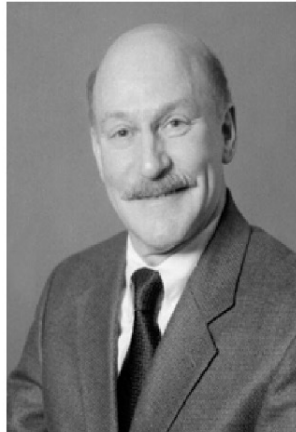
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