



Special Insert: The Gravel

Nothing is sacred when it comes to the annual tradition of the Gravel - C-M's Onion-esque spook on law school life.

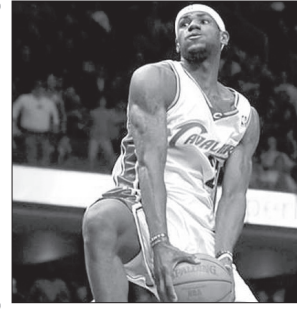
SPECIAL INSERT, PAGE 5

To surf or not to surf?



3L Stacey Fernengel takes a look at a growing debate between students and professors on the use of laptops in the classroom.

LAW, PAGE 4



Cleveland sports report

Joe Fell takes the Gavel a new direction, covering LeBron, Grady, and all your Cleveland sport favorites.

PERSPECTIVE,
PAGE 10



THE GAVEL

VOLUME 57, ISSUE 6 APRIL 2009

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

C-M Students elect new execs

By Susanna Ratsavong
STAFF WRITER

Cookies, pizza, donuts, fresh-grilled hot dogs and baklava from Michigan fed the law school last week when campaigning for the 2009-2010 Student Bar Association Executive Board geared up to the elections on April 15 and 16. The results are in and the announcement was made that current 2L Lindsay Wasko will assume the President position for the next academic year. Her candidate-mates filled the rest of the executive board: Nick Costaras, Vice President of Budgeting; Luisa Taddeo, Vice President of Programming; and Kevin Marchaza, Treasurer.

The campaigning began on April 8th. According to current SBA President Elias Hazkial, a record 262 votes were tallied the night of April 16th out of approximately 700 eligible voters—all enrolled law students—turned out to vote, a 37 percent showing, to secure Wasko's win.

While the all-male Dohinski ticket wooed the cafeteria with a banner and pamphlets of their experience in the academic community, the Wilber's ticket sported t-shirts denoting they were "The Golden Ticket." Current Senator and candidate for the board Ziad Tayeh on Wilber's ticket said it wasn't necessary to run on a ticket, but that it might be easier to win that way. Ultimately, however, it appeared it was the Wasko ticket's experience that won. Wasko, Costaras and Taddeo are all 2Ls and currently colleagues as SBA Senators. Marchaza is a current 1L.

"I didn't really expect to win, but I thought it'd be fun to give it a shot anyway," said Tayeh. "I think it's probably hard for 1Ls to win, because the opponents are already involved and know at least two years worth of people."

Tayeh's observation was echoed by the winners. "I think our experience gave us a competitive advantage and that was a point that was really stressed during our campaign," said Wasko.

Wasko was a member of the programming and fundraising committees, helping to plan events such as the Barrister's Ball and, most recently, the Night at the Races fundraiser. Wasko also proudly noted her ticket has a total of four years experience, with Costaras' two-year term and each of the women's one-year term. While Wasko and Taddeo were members of the program-

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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.

C-M parking lot raises rates again, takes aim at bar preppers

By Kevn Kovach
STAFF WRITER

Cleveland State Parking Services has raised the price of a weekly summer parking pass for Cleveland-Marshall graduates studying for the Bar Exam from \$15 per week to \$20 per week. Last year's \$15 per week price was a 50 percent increase over the summer 2007 price of \$10 per week. This summer's \$20 per week rate is a 100 percent increase over the 2007 weekly rate. The current fall and spring semester parking passes cost \$160, a \$10 per week rate.

Graduating students who wish to obtain a summer parking pass must go in person to the Parking Department in the Chester Building Annex, next to the CSU Police Department. A student may obtain a temporary pass—not an official summer pass—by presenting a student identification card and car license plate number, and notifying the Parking staff of the dates the pass should cover. The total price of the pass will be \$4 per day, or \$20 per week.

Assistant Dean Phyllis Crocker notified students by email April 1 that graduates preparing for the Bar Exam may obtain a summer term parking pass for the \$15 rate. Dean Crocker later learned



Photo by Michelle Todd

that Parking Services decided to provide law graduates no discount off the daily \$4 rate, and sent another email April 15 to explain the policy change for Parking Services.

Students frustrated by the sudden policy change have several off-campus options comparable or slightly cheaper than a CSU temporary parking pass, particularly if they purchase monthly parking passes.

USA Parking offers a \$55 monthly pass for a small lot on the east side of East 14th Street, between Carnegie Avenue and Prospect Avenue. The lot's daily rate

is \$3.50. A purchaser of a monthly pass at this lot would save \$25, or approximately 31 percent, off a month of parking on campus. Interested students can reach USA Parking at (216) 621-5550 for more information on this or any of its several downtown lots.

Ampco operates a small lot on Prospect Avenue west of East 21 Street, directly across from the Wolstein Center, for just \$3 per day. This lot also offers monthly rates. Depending on the unpublicized monthly rate, parkers in this lot would save at least

See **Parking**, page 3

A farewell to CSU President Michael Schwartz

By Dean Geoffrey Mearns

At the end of this academic year, President Michael Schwartz will retire as President of Cleveland State University. Under his leadership, this University and our law school have been transformed.

President Schwartz has transformed the physical appearance of our campus. During his tenure, the plaza outside of Rhodes Tower has been reconfigured, the main classroom building has been substantially renovated, Fenn Tower has been restored as a dormitory, a new recreation center has been built, and a new administration building complex has been constructed.

The master plan that President Schwartz commissioned also includes two new buildings that are presently under construction: a new student center and a new building for the College of Education.

President Schwartz was also instrumental in inspiring Mrs. Iris Wolstein to donate \$5 million to fund the renovations of our law building. As a result of President Schwartz's persuasion and Mrs. Wolstein's generosity, we now enjoy a facility that includes excellent offices for our law clinics, new offices for our student organizations, new seminar rooms, and a beautiful new entrance on the corner of East 18th Street and Euclid Avenue.

President Schwartz has also led a programmatic transformation of the University. At his insistence, the University has increased its admissions standards. As a result of his creative, strategic thinking, the University has created a new under-

graduate Honors Program, which has helped us retain some of this community's most talented young citizens. These initiatives, and many other new or enhanced programs, have increased the University's reputation and its positive impact on our community.

At our law school, President Schwartz was also instrumental in starting the process that led to the development and implementation of our bar passage plan. This plan has helped many more of our law graduates pass the Ohio bar examination on their first attempt. This success has generated great recognition for our law school, enhancing our regional and national reputation.

On a personal note, President Schwartz has changed my life.

I first met him more than four years ago, when I was interviewing to be the dean. At that time, I was a practicing lawyer. But the search committee seriously considered my application because President Schwartz had encouraged the committee to consider non-traditional candidates – or, as he likes to say, “civilians.”

When I interviewed with President Schwartz, I was quickly impressed. He was warm and engaging, but modest and soft-spoken.

I was even more impressed by his capacity to understand what we lawyers value – service and justice. Though he is not a lawyer, President Schwartz made it clear that he shared these fundamental values. Once he did so, I knew that I wanted to work for him.

I am very grateful that he gave me this opportunity to serve. And all of the members of the University community are grateful for his service to the institution and the region.

We will miss his leadership and his commitment to service and justice.



The Dean's Column

Proposed mock trial courtroom to augment C-M advocacy programs

By John Stryker
STAFF WRITER

Even before the dust settled from the construction of our beautiful newentryway, the leadership at C-M, and throughout the legal community was working to improve our law school yet again. On the docket is a new state of the art mock trial courtroom. According to the law school's website, the new trial courtroom will “provide a simulation-based learning environment for law students, legal professionals, and mock trial opportunities.” Mock trial courtroom may be a misnomer, because there is nothing mock about it. It will be a courtroom on the level to make judges envious.

After researching the courtroom with C-M administration, practicing judges, and outside professionals, I learned the new courtroom is a product of good leadership and dedication from several contributors.

Perhaps one of the most enthusiastic supporters of the courtroom is C-M alumna, Irene Rennillo, President of Rennillo Deposition and Discovery (www.rennillo.com). Ms. Rennillo serves our school as a supporter, fundraiser, and member of its Visiting Committee.

Why is she such an advocate of the new courtroom? Irene simply answered, “A city can be judged by the quality of its law school.” After speaking with Irene, it is apparent that she sees the big picture of Northeast Ohio's legal community. Irene explained that the courtroom will be a tool to instruct students on how to communicate effectively.

“A keystone skill for lawyers is the ability to present their ideas to a judge and jury. The courtroom will be “a training ground for future leaders.” To round out the analysis of our new mock trial courtroom, I called upon a daily practitioner of courtrooms, Judge Joan Synenberg. Judge Synenberg sits on the Cuyahoga County Court of Common Pleas. She is also an alumna of C-M and a member of its Visiting Committee.

Judge Synenberg commented that, “The mock trial courtroom is a wonderful opportunity to bring the experience of the courtroom environment to legal education.” Judge Synenberg fondly remembers her mock trials as a student held in classrooms. As a working Judge, she realizes the great benefit to current students to know what it is like to formally work in a courtroom and address a judge in a realistic setting.

Judge Synenberg continued, “The plans are very impressive, state of the art. Many judges would love to have a court as impressive as that one. I'm pleased that my alma mater is able to provide students with this learning tool. The mock trial courtroom will have everything a real courtroom has, except a holding cell.”

Independently concurring with Judge Synenberg, Ms. Rennillo remarked, “This mock trial courtroom is hand crafted. Every part is carefully researched. It will be leading edge. There is not a top litigator in the country that wouldn't feel this isn't the leading courtroom. Cleveland will be poised to retake its place as the leading legal community in America.”

Dean Mearns was eager to address my questions about the courtroom:

Where will the courtroom be located?

The courtroom will be located on the ground floor of the old law clinic offices -- that is, across from the new Student Organizations Suite and the Faculty Presentation Room.

How long has this project been on the wish list? From where did the motivation to build a model courtroom come?

We had hoped to include the construction of the mock trial courtroom during the large renovation project that we completed last year, but we did not have enough money in that budget to build this facility.

We need a mock trial courtroom because we presently do not have a suitable facility for our trial advocacy courses and programs.

I see the estimated completion date is Fall, 2011. Is that a firm date?

I am hopeful that we will complete the construction of the trial courtroom by January 2011. Our ability to meet that deadline will depend principally on how quickly we are able to raise the money needed to fund the project. So far, we have had a very favorable response from prospective donors, including our graduates and other lawyers and law firms in the community.

Are there other local law schools that have a facility similar to this?

While other law schools in the area have some kind of mock trial courtroom, there is no comparable facility in the area that will have all of the features, including state-of-the-art litigation presentation technology, that this facility will have.

Do you feel that perhaps this courtroom will give C-M students a competitive edge in the job market?

In addition to being a resource for our students and faculty, this mock trial courtroom will be a resource for practicing lawyers to conduct mock trial exercises and trial advocacy training programs. I also hope that judges will use the facility to become more familiar with litigation presentation technology.

I am personally excited about this project. Once it is built, it will help us recruit students who want to be trial lawyers and judges, and it will enable us to provide a great learning environment for our trial advocacy programs.



Photo by Paul Deegan

Guest speakers Dr. Emily Murphy and Teneille Brown, J.D, discuss fMRI technology, and its use as evidence at trial.

The Greater Cleveland International Lawyers Group and Henry King: Two Cornerstones of International Law

By Prof. Mark Sundhal

Just before noon on the third Tuesday of every month, a group of Cleveland-Marshall students gathers in the law school atrium to walk over to the City Club to participate in the most hallowed international law tradition in Cleveland – the monthly luncheons of the Greater Cleveland International Lawyers Group. The luncheons are an elegant affair that gives students the opportunity to mingle with local practitioners and listen to a presentation from a keynote speaker. The topics range from human rights to international relations to transnational business – all delivered by leading figures in the world of international law who frequently travel great distances for the honor of speaking at this widely-respected forum. For example, in March multiple experts in international criminal law gave a joint talk entitled “Enemy of the State: From Herman Goering to Saddam Hussein to Radovan Karadzic,” while the April program features a talk on “The Four Chinas and the Enforcement of Intellectual Property Rights.”

The success of the GCILG is rooted partly in its long history and the loyalty of its membership who ensure a strong turnout at every meeting. However, the true key to its success is its founder, Henry T. King,

Jr., who created the group in 1974 and continues to be its guiding light in his role as Co-Program Chairman. It is by the force of Professor King’s reputation as an international lawyer and his wide-ranging network of contacts throughout the world that the GCILG continues to draw such preeminent speakers to Cleveland month after month. To understand how Henry King is able to wield such a charismatic influence over so many one need only look at his long resume of accomplishments – any one of which alone would satisfy the ambitions of most lawyers.

Henry King is perhaps best known for an achievement that came early in his career when, not long after graduating from Yale Law School, he was chosen in 1945 to serve as one of the U.S. Prosecutors at the Nuremberg trials of Nazi war criminals and, in this role, was involved in the early development of international criminal law. He later wrote a well-received book about Albert Speer, one of the Nuremberg defendants. But Professor King’s service at Nuremberg was only the beginning of a long and distinguished career that entailed considerable public service on the international stage as well as the practice of corporate law. For many years, he held the position of chief corporate international counsel at TRW Inc. in Cleveland and was instrumental

in TRW’s global expansion. But Professor King’s energies were never limited to a single company or project. Without attempting to list all of his achievements, he served as the General Counsel of the U.S. Foreign Economic Aid Program, was a member of a working group whose recommendations were incorporated into the North American Free Trade Agreement, was Chairman of the ABA International Law and Practice Section, and was a member of the ABA Task Force on War Crimes in the Former Yugoslavia. He continues to work as a Legal Consultant at Squire Sanders, as a professor of law at Case Western University School of Law, and as the U.S. Director of the Canada/United States Law Institute. Because of his many strong ties to Canada, Professor King was also named Honorary Counsel to Canada.

For those students who have not yet attended one of the GCILG luncheons, I strongly urge you to do so. All students are invited to attend at a minimal cost and it is one of the best opportunities in Cleveland to gain access the latest information about international law from world-class lawyers. And Henry King is always there to greet students and encourage them to enter the field of international law. The opportunity to make his acquaintance is reason enough to attend.

Jessup International Law moot court team finishes strong in ‘08-’09 season

By Jillian Snyder
STAFF WRITER

From February 12-15, the Jessup International Law Moot Court team consisting of Cleveland-Marshall students Emily Honsa, Nichol Higdon, Sarah Kovit, Jillian Snyder, and Andy Trout traveled to Chicago to compete in the Midwest Super Regional at the Kent College of Law. Twenty four teams competed at the regional Chicago competition site. The C-M team, coached by David Millstone, won three of four oral rounds but failed to advance to the quarterfinals.

Now in its 50th year, the Philip C. Jessup International Law Moot Court Competition (administered by the International Law Students Association – ILSA) is the leading international law advocacy contest in the world and is the world’s largest moot court competition, with participants from over 500 law schools in more than 80 countries. The competition is a simulation of a fictional dispute between countries before the International Court of Justice, the judicial organ of the United Nations. A team from each participating school is required to prepare oral and written pleadings arguing both the applicant and respondent positions of the case. This year’s C-M team comprised of Honsa and Higdon as applicants, and Kovit and Snyder for

the respondent side. Trout served as the Of counsel throughout the competition.

The 2009 Jessup Compromis addressed the Power and Authority of the International Court of Justice and other important international law issues. After preparing briefs over the winter break, team members enlisted C-M faculty and former Jessup participants and coaches to help judge practice oral arguments. Professors Janice Aitken, Brian Ray, Mark Sundahl, former coach Mark Tippy and students Stacey Fernengel and Danja Therecka generously volunteered their time and resources as the team prepared for competition.

Tryouts for next year’s Jessup team will begin in the first week of the fall semester with the writing portion. Oral argument tryouts will be held the following week.

ILSA has announced that the 2010 Jessup Compromis will address the right to self-determination and the lawfulness of measures taken to protect the economic resources of a State. To learn more about the Jessup competition and other opportunities provided by ILSA, visit www.ilsa.org.

Parking

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25 percent off parking on campus. Interested students can reach Ampco at (216) 621-6600 for more information on this or any of its several downtown lots.

As of fall semester, the proprietor of the lot on East 18th Street behind the Comfort Inn has offered CSU students a \$2 discount off his standard \$5 daily rate if they state that they are students. This de facto \$3 daily rate is a 25 percent discount off the daily on campus rate, and this lot is just across Euclid Avenue from the law school.

Shaia’s Parking operates a number of lots between East 18th Street and Playhouse Square. The lots at East 18th Street and Payne Avenue and near the intersection of East 17th Street and Chester Avenue each offer monthly passes for \$65. These lots also offer a \$4 daily rate, which is the same daily rate that CSU charges. A purchaser of a monthly pass in these lots would save \$15, or approximately 19 percent, off a month of parking campus. Most of the other lots Shaia’s Parking operates offer monthly passes for \$80. Interested students can reach Shaia’s Parking at (216) 621-0021.

USA Parking also offers a \$70 monthly pass for a larger lot where East 17th Street dead-ends south into Prospect Avenue. The lot’s daily rate of \$4 is the same as the CSU daily rate. A purchaser of a monthly pass in this lot would save \$10, or approximately 13 percent, off a month of parking on campus.

THE GAVEL

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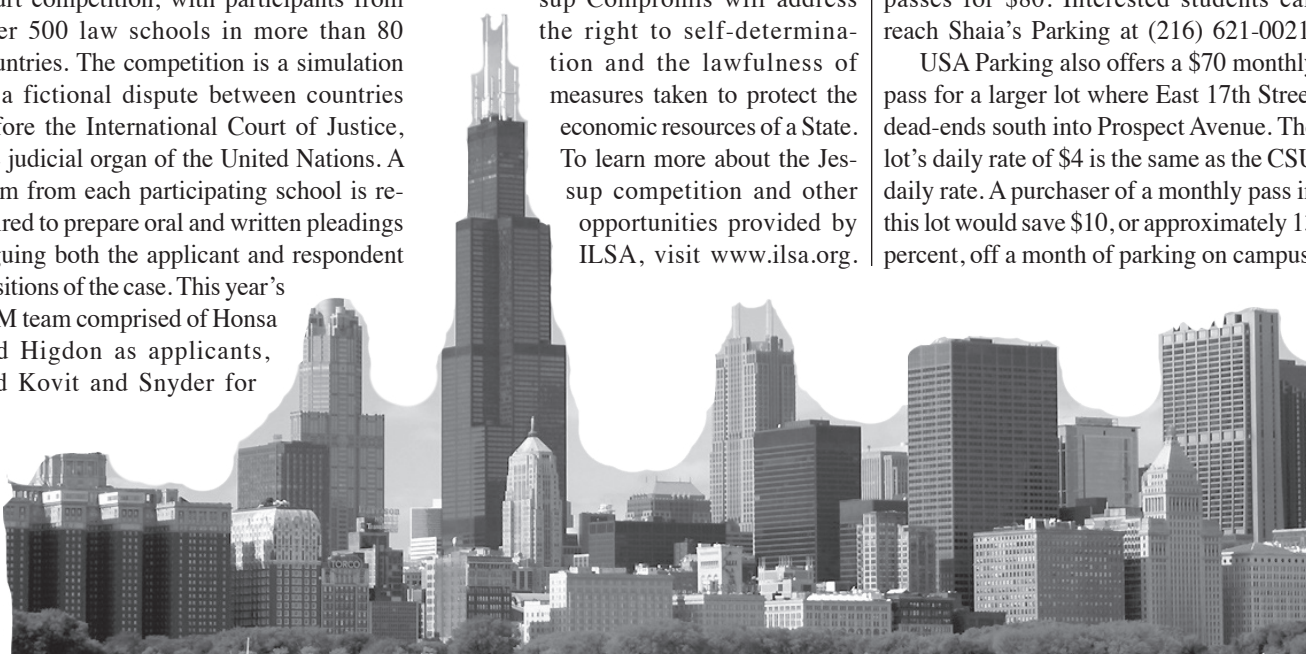
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Farewell Debbie Klein

By Karen Mika
LEGAL WRITING PROFESSOR

At the end of the year, Debbie Klein will be retiring after over thirty years of teaching Legal Writing. She will be retiring without much fanfare. This is very unfortunate.... Actually, the event precipitating the nonevent is the most unfortunate circumstance of all.

Most people are unaware that at Cleveland-Marshall, Debbie Klein (who served as director from 1983-2001) created one of the oldest "official" and consistent Legal Writing programs in the country. By "official" I mean that, since 1983 when Debbie took over as director, we have had an honest-to-goodness Legal Writing program, and not an ad hoc series of attempts geared at figuring out (and invariably changing from year-to-year) what should be taught, how to teach it, and who should be teaching it.

Since Debbie took over as director, we have had essentially the same curriculum (in terms of subject matter content and teaching methodology) and, because of this, have always been able to progress forward instead of wallow in the rebuilding process that plagues so many schools.

Over the course of the years, this consistency, overlooked as important by too many, has enabled Cleveland-Marshall to quietly build one of the most comprehensive and consistent writing programs in the country, all a part of Debbie's initial vision. Many programs in this country are still struggling to establish even the beginning building blocks of such a program. Programs such as Cleveland-Marshall's are a rarity, and provide a tremendous benefit for the students whom they serve.

Debbie Klein was my first year Legal Writing teacher, and I think I can say confidently that she was the most gifted teacher I ever had. I had a very strong writ-

ing background coming into law school, but it was Debbie who showed me how to diagnose my own writing and, if I was really willing to listen to what she had to say, showed me how to be a better writer and thinker. It was because of Debbie's zeal for writing and her ability to share what she had that I was motivated to want to become a Legal Writing professor myself.

When I began working in the department, first as a research assistant, the program functioned with one full time person (Debbie) and twelve adjunct professors. Debbie's job was to coordinate a revolving door, sometimes eccentric, lot of adjuncts, and she did so by providing everyone with her self-written materials and pretty much a minute-by-minute script for each class.

Although those days are long gone, what most people aren't aware of is that the content of the materials and those "scripts" is now pretty much what is considered state-of-the-art theories for educating law students and teaching Legal Writing. That is, the rest of the field, now declaring the best ways to reach students depending on learning style, are just now catching up to what Debbie Klein had espoused and integrated into the Cleveland-Marshall program nearly thirty years ago.

It is fitting that Debbie is leaving without much fanfare. She was never big on meetings, ceremonies, or self-aggrandizement. But I certainly don't want her to go without expressing my appreciation and pointing out that, to the extent that Cleveland-Marshall has had a Legal Writing program that is about as solid and consistent as one can get, it's because Debbie Klein put the wheels in motion and saw what it is that the majority of law schools are now only recently acknowledging.

You will be missed.

Laptop question draws conflict

By Stacey Fernengel
STAFF WRITER

A look into any C-M class today and you will find a sea of laptops with many students eagerly clicking away at the keys. To some, this represents the progression of an advanced technology enhancing student learning. To others, the use of laptops in the classroom represents a distraction to the educational process. So one must ask, are laptops helpful tools or classroom hindrances?

Those who are opposed to laptops in the classroom generally fear that students are surfing the web, playing games or instant messaging friends. Some professors not only fear the distraction this causes to the user, but also to other students in the classroom who catch glimpses of their neighbor's computers.

Alternatively, those who are in favor of laptop use in the classroom, point out how laptops can enrich and enhance classroom learning. First of all, many computer proficient students take notes much quicker on laptops, than by hand. Therefore, the proficient student can likely jot down the notes faster and spend more time thinking about what the professor says or answering proposed questions. Not only is note taking often faster on the computer, but it is likely more organized. When a professor jumps around during a lecture, it is easier for a student to adjust his or her notes on a word processing program.

Additionally, some students are using

their computers to supplement classroom learning. Legalese and a multitude of new concepts and materials can overwhelm any new law student. Many students use lulls in the class to look up words or cases they are less familiar with. Also, for hard to understand classroom concepts, students sometimes enhance their learning through internet sources.

Even the most staunch laptop supporter, however, would likely admit that laptops can be a distraction at times. Even the most studios guy or gal might surf the web once in a while or glance at their neighbor's computer. This admission doesn't prove that laptops should be banned. The truth is that students have been distracted in classrooms long before the modern age of cell phones and laptops. Before laptops, distracted students would stare out windows, doodle on notepads, and wonder why the professor doesn't realize they have chalk on their face. Distraction will always be an issue as long as there are teachers and students. Not only can professors work to adapt by enhancing their classroom lectures to get students more interested, but professors can also utilize more of a strict Socratic method to ensure that students must pay attention. There are few C-M classes and professors that use a true Socratic method to scare students into being on their toes at all times in the classroom.

Distractions also will not cease when students begin work as lawyers and law clerks. Banning laptops won't necessarily make a student develop a good work ethic.

BLSA year-end banquet

By Kevin Kovach
STAFF WRITER

The Black Law Students' Association honored former Congressman Louis Stokes and the late Elmer Whiting, Jr., the first African American partner in a major Cleveland law firm, at its annual scholarship benefit Friday at the Embassy Suites in Reserve Square.

Each alumni of Cleveland-Marshall, Rep. Stokes graduated in 1953 and Whiting graduated in 1955. Students Christopher Baxter and Damia Smoot read biographies for Rep. Stokes and Whiting, respectively. Noted artist Norma Fleming unveiled portraits she painted of each honoree. The new portraits will soon hang in the law school. Norma Fleming is the widow of the late Municipal Court Judge Charles W. Fleming, also a 1955 graduate. Cleveland-Marshall has scholarships named after Judge Fleming, Rep. Stokes, and Whiting.

Rep. Stokes retired from Congress in 1998, after serving 15 terms in the House. Prior to entering politics, Rep. Stokes argued the landmark Fourth Amendment "stop and frisk" case *Terry v. Ohio*, and the anti-gerrymandering case, *Lucas v. Ohio*, before the U.S. Supreme Court.

In Congress, Rep. Stokes served as Chair of the Select Committee on Assassinations, the Committee on Standards of Official Conduct, the Select Committee on Intelligence, the Appropriations Subcommittee on Veterans Affairs, and the Congressional Black Caucus. Rep. Stokes also served on the House Appropriations Committee and the House Iran Contra Panel. He now serves as Senior Counsel in the Cleveland and Washington, D.C. offices of Squire, Sanders & Dempsey.

Whiting earned his Master of Business Administration from Case Western Reserve University in 1950 and became a Certified Public Accountant later that year. After he earned his law degree in 1955, Whiting became the first African

American CPA/attorney in Ohio. Rep. Stokes's brother Carol asked Whiting to audit the City of Cleveland's budget after Carl Stokes took office as Mayor in 1968. In 1971, Whiting merged his private practice with major firm Ernst & Ernst, now Ernst & Young. As result of the merger, Whiting became the first African American partner at a major Cleveland law firm.

After the honors for Rep. Stokes and Whiting, Assistant Dean Gary Williams recognized BLSA members who have graduate or will graduate this year, including Frederic Aurelian, Jason Carter, Sufian Doleh, Nsagha Efiom, Justin Gould, Sabrina Gross, Aqueelah Jordan, Amake Nweke, Maurice Perdreau, Donald Porterfield, Anthony Scott, and Augustina Slaughter. Dean Williams heaped personal praise on each member individually, telling several that he wants rides in their Mercedes in the years to come.

Jordan then awarded BLSA scholarships to the essay winners who attended the benefit. Each year, BLSA conducts an essay contest for a total of four scholarships—two for BLSA members and two for non-BLSA members. This year, the essay topic was, "Democracy and Diversity: How the two go hand in hand." Among BLSA members, Carter won first place and Tania Wittgenfeld took second place. Among non-BLSA members, Joe Aquilino won first place for the second consecutive year, and Lucas Franklin took second place.

After the scholarship presentations, outgoing BLSA President Troy Ezell introduced the incoming BLSA executive board. Aja Brooks will serve as President, Kevin Lowery as Vice-President, Arthur Worley as Treasurer, Joanna Lopez as Corresponding Secretary, and Wittgenfeld as Recording Secretary.

Worley provided the lightest moment of the evening. As he honored Ezell for his service as President, Worley brought the crowd to laughter, saying, "I didn't vote for him."

In fact, students who are less proficient on computers can take the class time to develop better typing and other computer skills by getting used to daily computer use. Additionally, almost everyone will utilize computers on the job. Students should learn by experience in the classroom that computers can be a bit distracting, so that when they enter the workforce they will know how to properly utilize this technology.

Let's also not forget that law school is competitive. We can't say the goal of the classroom is to make sure every student is equally prepared when we work on a grading curve. Some students work less and prepare less than others. Some students daydream and surf the web, while others immerse themselves in the materials. We also all learn differently. In addition to intellect, work ethic will show through in student's grades. We can more accurately simulate a real world environment by allowing people develop these work habits naturally.

Finally, if nothing else, this article intends to show that the laptop debate is not one-sided. This is a pedagogical debate with strong points on both sides. Before professors or the school would consider any limitations on laptops, this issue should be open to discussion with the entire student body. This isn't a case of bad kids playing on their computers vs. mean professors wanting students to appreciate their every word. This is an important issue that, if it needs to be addressed at all, should be addressed by C-M as a community.

Election

-continued from Page 1:

and fundraising committee, Costaras served on the budgeting committee.

"I could not have asked for a better candidate," said Wasko. The team already have begun brewing plans for next year (emphasis on the brewing?).

"One of our goals is to make our last year at Cleveland-Marshall even better than the past two. [Taddeo] has come up with some great ideas for events that the SBA can host next year - and of course, top this years Barrister's Ball," Wasko said. "Our most important goal is to listen to the student body - that is what we are here for."

The SBA is a governing body responsible for the representing the interests of the student body. The SBA is responsible for the allocation of funds to recognized student organizations of the college and to coordinate and promote programs, activities and opportunities for the student body.

For more information or questions regarding the election, contact the Election committee: ombudsmen Eric Long and Jeffrey Jerome, and members Elias Hazkial and Emily Honsa.



Former governor appointed head of C-M ethics committee

After careful consideration, C-M administration officials selected ethics icon to lead new effort.

ODDS & ENDS, PAGE 13

Moot courtiers test positive for HGH, stripped of awards



New drug testing policy closes in on unsuspecting debaters; C-M community outraged.

TIDBITS, PAGE 17

Bar review course rep steelcage deathmatch!



Supreme and BarBri reps fight to the death for your hard-earned student loan money.

POTPOURI, PAGE 25



THE GRAVEL

VOLUME 57, ISSUE 6 APRIL 2009

SPECIAL SATIRICAL INSERT



Photo by Amy Liebowitz

1L Joe Cockroach struggled on C-M's bathroom floors until maturity, when it applied for and was granted student-status.

Cockroach rises from bathroom floor, adds diversity to C-M

By Annie Orkin
STAFF WRITER

Just a mere 12 months ago, C-M 1L Joe Cockroach was scurrying around the men's bathroom in the lower level of the law building, fearing the day he would become permanently attached to the sole of someone's shoe. But, thanks to a federal grant and his ambitious and tenacious insect spirit, Cockroach no longer has to hide from the light.

I caught up with Joe last week while he was smoking outside with his fellow section members. "If you asked me last year where I'd be today, I never thought I'd be learning torts and contracts. I was just trying to survive on dust mites and toilet paper- getting accepted to law school really is a cockroach's dream come true," Cockroach said.

As if being a cockroach wasn't a handicap enough, Joe's old age was one more obstacle he faced on the road to becoming a C-M 1L. Although young in human years, at 14 months, Joe Cockroach is in his golden years as a cockroach. According to Wikipedia.com, cockroaches generally only have a one-year life span, and the majority meet their demise at the hands of exterminators and disgusted housewives everywhere.

See **Roach**, page 8

C-M earns #1 rank for bad-art

By Robert Ross
STAFF WRITER

When walking down the hallowed halls of C-M, one notices the extraordinary nature of the school in how successful its students are, how great of an impact its alumni have had on the community, and now, in how incredibly awful its artwork is.

Anita Jadey, Director of Rankings for U.S.A. World Report, came to the school in March to evaluate the school's artwork. The first thing she said was, "wow, nothing says 'welcome' like a painting of people traveling down a bloody river/lake in an upside-down umbrella," referring to the large painting in the Atrium of the law school, noticeable as soon as one walks in.

Then, Director Jadey almost left without giving the school a ranking when she noticed all the regular art around the building, but that soon changed as she walked outside towards the law parking lot and noticed the carved granite "artwork" and the rusted piece of iron sticking out of the ground. "Those three monstrosities put your school ahead of Case Western, that's for sure. I mean, like Cleveland needs another

See **Art**, page 8



Prof. Steinglass and Prof. Lazarus were spotted recently in the peanut gallery at the Palace Theatre, Playhouse Square.



Photo by Andrew Warthog

This collection of metal pieces is often confused with a satanic demon, but was lovingly accepted as art near C-M.

Bar strategies student fails class, deemed unworthy to take bar

By J.D. Slater
STAFF WRITER

Stunned and saddened, 3L Alex Finklefry has failed his Ohio Bar Strategies & Tactics class, will not graduate this year, and will not take the bar.

"It just makes sense, though," Finklefry told the Gravel after hearing that he would not pass the class, "if I can't pass a course on learning the basic strategies to take an exam, I clearly cannot learn about strategic thinking, and therefore should not even be given the chance to take the actual exam that would test my ability as a lawyer."

"I mean, really, the ten weeks of preparation required for the bar exam would probably not change my chances of passing the exam anyway – I am such a fool! Woe is me," Finklefry concluded.

Such was the nearly the conclusion of all other Bar Strategies students, who were spared the fate of Finklefry by means of an elaborate point scaling system, introduced this year in an effort to improve the course.

"Clearly, the course was faltering," a leading administrative analyst stated anonymously, for fear he would lose his credibility as an analyst of Bar Strategies courses, "The fact that the bar passage rate was only hovering at 90% was a clear sign to any strategic thinker that the system was not working – it just needed a major overhaul. The addition of an elaborate, confusing, and completely arbitrary point system was the only solution."

The analyst described that after making the decision that a point system was needed, administration officials gathered together in room A067 of the library, began chain smoking, drinking absinth, and discussing archaic number system of the Myan and Incan peoples. Then, they constructed a large, spinning wheel with colored numbers painted on it that would be the framework of the scoring system.

Ultimately, the officials exited, pleased that the system made little sense and was incomprehensible to most students. Problems began to sprout up as the new system was implemented, however, and students began to notice. The system went haywire, according to 3L Egbert Smith, who was told that his mid-semester point total was the pi squared.



"I asked for a recount, because that seemed awfully low," Smith reported to the Gravel. Smith was granted that recount, he stated, and the number ended up being changed on review.

That aside, students like Smith were happy to comply with the course's weekly, six-hour homework requirements. "I mean, considering it was a three credit hour course, I figured I should probably be required to quit my job, cancel my family obligations, and attend a Saturday class to study strategies," Smith said cheerily.

"I stayed up late to complete every assignment, and even received some passing grades on my essays!" Smith said with unbridled enthusiasm, "I even wrote some good outlines, according to my grading assistant!" Smith also found comfort in the stress level offered by the class: "The fear of failing law school because of a pass-fail class was palpable. I needed the extra stress to send me hurtling in uncontrollable anxiety towards the May study period!"

C-M has seen such success with the course, it plans on offering others just like it that will test the mettle of students. "The administration will definitely offer a contracts exam strategies course and a property final exam strategies course for first years," the Gravel's confidential analyst reports, "but the point system for those will likely be designated 'completely incomprehensible,' rather than current model's current status as 'somewhat comprehensible.'"

The analyst opined, "It's just the only way to tell a student if they're prepared with the strategies to pass the test, before they take the actual test, the one they actually care about passing."

Op-Ed: Learning, meh!

By Stu Dent
GRAVEL EDITOR IN-CHIEF

While it can be hard to muster up much sympathy for the people who have made me so busy that I haven't watched an episode of 24 ever since Jack Bauer was torturing his brother, I do feel bad for my professors at least once every class. It doesn't matter what time of day it is or what subject matter is being covered, and it happens to the most engaging professor and the professor who is so tied to the Socratic Method that they wear a toga to class.

Inevitably, there is one point in each class when a professor asks a question and expectantly scans the class, expecting a forest of hands to emerge from the gunners and the people who are hoping to snag the extra half-a-grade increase that's promised on the syllabus but never really applied to final grades.

However, these hands never rise, even when the professor looks at the class with puppy dog eyes.

The words "Engaged Learning" are plastered all over every CSU advertisement in town. Yet, my professors have said that the level of participation in their classes is the lowest in years. Why is that? You know, I know, and Al Gore knows. The Internet. In addition to Torts, Constitutional Law, and Evidence, there is a great deal of other learning going on in each and every class: people are learning about sports, gossip, fashion, and current events during the periods in class in which the professor engages in a dialogue with the student who comes up with the type of hypotheticals that would scare off the most grizzled law professor.

However, an amazing thing happened last week in Civil Procedure. The professor asked a very complex question involving joinder of several claims and jurisdiction over multiple parties, the type of question that would have stumped Johnnie Cochran or Robert Shapiro. At first, no hands were raised. Suddenly, though, at least half of the

class raised their hands in unison. Although I was shocked, I figured that the question may have been more simple than I had thought, so I accessed the section of my notes dealing with complex joinder. As I did so, a small bubble popped up on my screen, containing some of the scariest words one can see: "Your computer is not connected to the Internet." I looked up, scanned my fellow classmates' laptop screens, and saw the same exact message. A few students still remained quiet, furiously attempting to connect and reconnect to the Internet, pounding on their laptop keyboards in frustration. One student even began roaming around the room with his laptop, attempting to find a WiFi signal. However, most students looked eagerly at the professor, engaging in the type of dialogue that some professors had not had in their classes since the Clinton administration.

As I sat in the class and heard the voices of

some students for the very first time, I began imagining that this is what law school must have been like during the 1800's. After joining in the fun and participating a few times, I suddenly had the urge to use the bathroom. While walking through the hallways, I felt overwhelmed—the noise was deafening! The windows shook and the ceiling



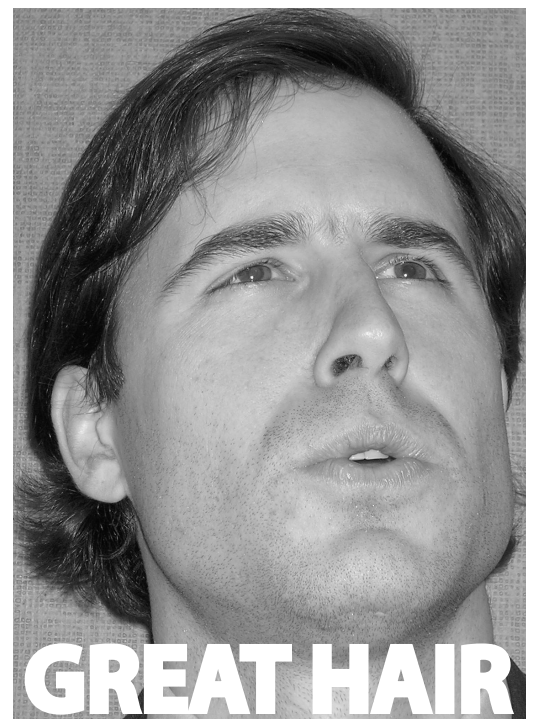
tiles began falling out of place. I overheard one elderly staff member who had grown up during the Cold War remark, "I knew Obama would make our nation less safe! Finally, those atomic bomb drills are coming in handy!" as he dove under a table. The loud noise caused by teacher-student interaction made Manowar concerts seem quiet by comparison. In fact, I was forced to pop into an empty classroom to grab two of the 100,000 earplugs left over from last semester's finals simply to preserve my hearing!

After doing my business, I headed back to class. Something was different. The hallway was as quiet and as still as a mausoleum. The noise was gone!

Returning to the classroom, I looked over the shoulders of my classmates, and I saw the familiar presence of GameCasts and chat windows. The professor's fruitless solicitations for answers echoed throughout the classroom. Life had returned to normal at Cleveland-Marshall...

Your 2008-2009 Gavel Editors:

Using their talents to make you something really good, all the time.



1L breaches law-pun tolerance threshold, is thrashed by peers

By Ali Baba
STAFF WRITER

Staggering from Becky's, bloodied and bruised after a viscous attack from his peers, C-M 1L John Sububi was barely able to dial the police with his cell phone. He was the first 1L in fifteen years to arrogantly breach the law-pun tolerance threshold and face the severe repercussions.

March 26th started simply enough, with a group of friends agreeing to gather at C-M's favorite tavern after what would be a long day in class. John and five friends had a Criminal law exam and knew they would need to relax. While John appeared calm in conversations during the morning, his friends noticed that by the afternoon, he was acting strangely.

"He started texting me legal jokes incessantly after lunch," friend Mike Halifax recalled in a recent interview. "First, he started sending me random stuff, like 'If they have a mens rea, why don't they have a women's rea?'" Mike recalls. "The jokes sucked, and I didn't reply."

Another friend, Susan Blecher recalled the same treatment when she ran into John in the hall: "He didn't stop to say hello, he just passed by and said 'I didn't actus reus well on that exam.'" Susan recalls feeling baffled and a bit angered, "I just couldn't understand what was

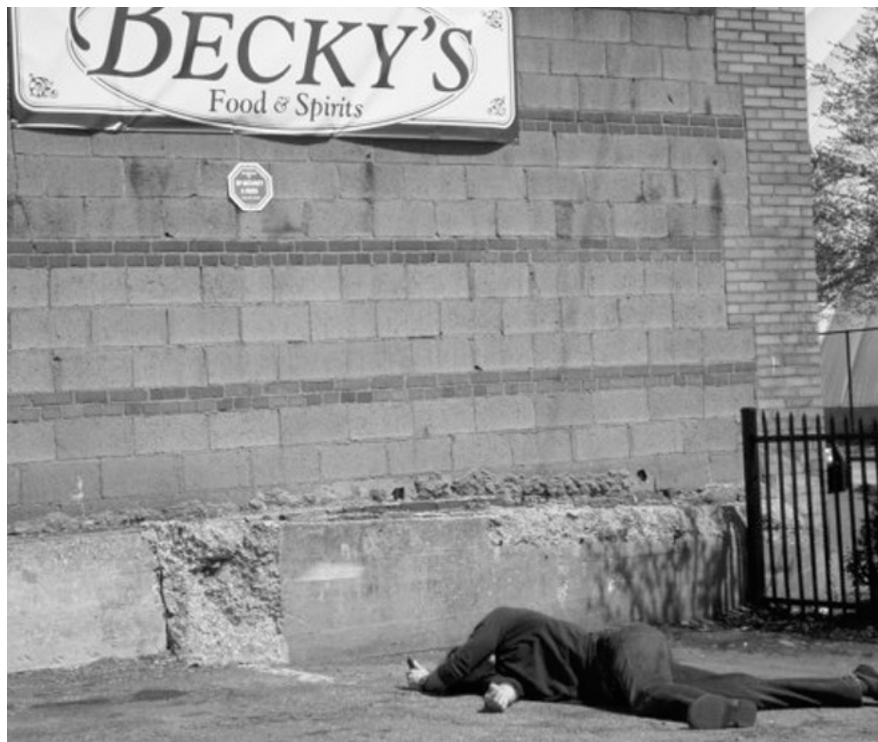


Photo by Jimmy Olsen

wrong with him – was he trying to approach my law-pun tolerance threshold?"

But Mike figured that through the afternoon, things would get better, especially since the crew was heading out to Becky's and could count on a relaxing Thursday evening. Then, all of his beliefs turned out wrong.

"As we left out afternoon class," Mike

recalled, "John came up to me and said, 'Make sure you grant me an easement on the bar stool next to yours tonight, I have some stories for you about spring break,' and I was like, 'Woah man, you are pushin' way up against my LPTT (law-pun tolerance threshold).' I didn't say it, but that's what I was feeling."

Susan remembers that the group entered the bar, reeling from John's constant effort to substitute normal words in each of his sentences with ill-matching legal references. "He would not stop; saying 'I hope they have widgets in here,' and things like that." After getting a table at the bar, the group sullenly took sips of their first beers, listening while John rattled off every single latin legal reference he knew.

"Finally, he said something about reasonableness, and I don't even know if it was a joke but I just started wailing on him," Mike recalled. "The entire group of us joined in, made sure he felt a good whoopin', and we pushed him out the door."

John suffered several cuts and bruises to his head, hind-quarters and ribs. Recently, he wrote an open letter to the University apologizing for his actions, stating in part "I just went too far that day, and have learned the error of my ways." John knows that Dean Mearns is reviewing his enrollment at C-M, and hopes the apology letter will be viewed favorably.

The last student to breach the law-pun threshold was Mary Needlemeister, who was expelled immediately after an incident 15 years ago. "I don't want to be like Mary," John stated in the closing of his letter, "I just hope the Dean doesn't use his res ispa locator to find that I negligently caused harm."

SPECIAL STUDENT AWARENESS SECTION

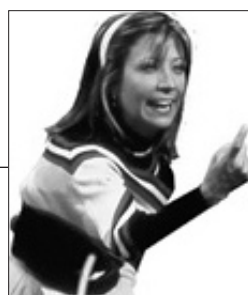
The secret relatives of C-M Professors



Prof. Candice Hoke



Speaker of the House
Nancy Pelosi



Cheri Oteri



Mrs. Krabappel



Prof. Stephen Gard



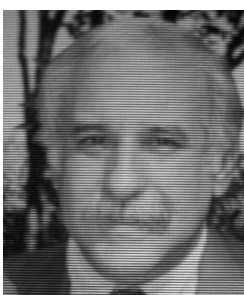
Gene Wilder



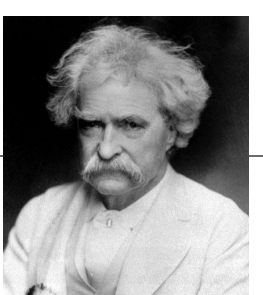
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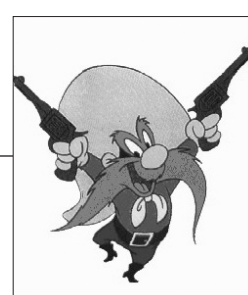
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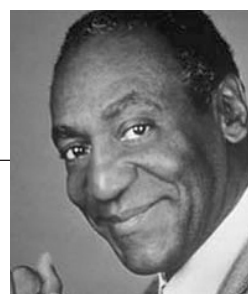
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Prof. Gary Williams



Columbus Mayor
Michael Coleman



Bill Cosby



Cloud City Administrator
Lando Calrissian

Gravel exclusive: Peaceful professor loses it, breaths fire in outburst

By Sally Bubblez
GAVEL CONTRIBUTOR

Prof. Kevin O'Neill, recipient of The United Nations' "Nicest Person to Ever Live Award," shocked Cleveland-Marshall and the world last Wednesday, when he became less than civil during his evening Civil Procedure class. O'Neill's acts of kindness go to extremes, and his anger followed in similar fashion.

Many eyewitnesses refused to comment on the record, fearing a repeat of the events that transpired in LB 11. But 2LE student Anthony Huspaska relayed his account in a recent interview with The Gravel, after assurances that his face would be pixilated.

"Prof. O'Neill didn't seem right when he walked into class," Huspaska said.

"His head twitched and his eyes were really wide. He began to lecture on diversity jurisdiction, when a student asked a question. Prof. O'Neill sighed heavily, tossed his notes on the podium, and walked toward the first row of seats. He put his leg on the desktop, with his left knee bent. He placed his left elbow on his knee, leaned forward, and said in a dramatic, gravelly, tough guy voice, 'They call me The Hammer.'"

Huspaska's voice shook and his pixilated face became blurrier as he relayed what came next.

"When another student started laughing, Prof. O'Neill's eyes turned red, steam billowed out of his ears, and he breathed fire! He singed my facial hair! Now I know what St. George must have felt like!"

Christian folklore holds that St. George, patron saint of England, slew a great dragon.

Huspaska also claimed that a female classmate said that she had to cancel



her weekend eyebrow arch appointment at her salon, because O'Neill's fire breath burned her eyebrows clear off.

Earlier in the tragic day, 3LE Ana Tremaglio was reading in the atrium, when she saw an apparently homeless man walk into O'Neill's office. Tremaglio described what she heard.

"Prof. O'Neill said a cheery, 'Hi! How are you? How can I help you?' O'Neill then offered the man \$20. The man said 'thank you,' and Prof. O'Neill told the guy not to

thank him. The man persisted, and O'Neill started talking about how angry he got when a random stranger to whom he donated a kidney sent him a thank you card. Then O'Neill said he had just received a thank you card from another man, to whom he gave \$97,000 in \$5 increments over time. He seemed really, really mad about the thank you cards."

When reached for comment about the day in question, O'Neill had just completed individual, handwritten, ten-page letters of apology to each member

of his class. He then produced a pitcher of water, a bowl, and a towel, and began to wash the feet of each person near him.

The only words O'Neill said other than "I'm so sorry" were "this would never happen in First Amendment class."

A spokesperson for United Nations Secretary-General Ban Ki-moon said the organization had no immediate plans to repeal O'Neill's "Nicest Person to Ever Live Award" award, or to send troops to enforce the human rights of refugees in Darfur.

Art...

-continued from Page 5:

piece of rusted metal in the ground," Jaley said to the C-M representatives giving her the tour. C-M Rep, Justin Case responded by telling Jaley how some of the profs at C-M wanted 1% of the budget for art, so they came up with the idea of purchasing the two rocks and metal plank. "When you're working with 1% of Cleveland State's budget, you can't exactly buy an Ansel Adams reprint from Posters.com," Case said.

Afterwards, Jaley wanted to take a break and evaluate the rankings before placing C-M. As she walked with Case from the law school to the business building for a snack, she stopped dead in the middle of the road when she saw "The Politician" by the parking garage on E.18th Street. In her shock all she could say was, "WTF is that...?" before she was hit by a Clean Air Bus.

As she was dying on E.18th, she gurgled, "Case - I want you to do something for me...tell the World Report I rank C-M #1 in Worst Law School Art. That 'thing' over there is by far the worst piece of art in all the country - it's something to be proud of Case, something to be proud of..." and died right there. Since then, C-M has been the talk of the nation and applications have skyrocketed due to the publicity. Tourists even visit the school as a landmark to make fun of 'The Politician', but many are disappointed at the fact that C-M actually does have some regular art around too.

Like one professor said, "when you're good at something, keep doing what you're doing." C-M is heeding those words as next year's "1% for art" has already been spent on 'modern art' consisting of paintings by monkeys throwing fecal matter and paint onto canvas.



Art: The bloody river painting (above), and C-M's collection of miscellaneous rocks and rusting metal (below).

Roach...

-continued from Page 5:

The federal program that opened the door to law school for Joe and other American cockroaches is part of President Obama's stimulus package. According to President's Obama's facebook page this newly passed legislation, the "Cockroaches to Lawyers Act", aims to "throw money down the toilet to pull cockroaches out of the toilet and into the legal community."

Ohio Senator Stanley Haughtaire, who voted for the legislation, discussed the policy behind the Act in an exclusive interview with The Gravel. "Cockroaches deserve an opportunity to learn the laws of this country just as much you or I," said Ohio Senator Stanley Haughtaire. "It's no surprise that cockroaches have been the subject of discrimination for centuries, just as lawyers have. I'm tired of seeing people comparing lawyers to cockroaches without affording cockroaches the opportunity to actually become lawyers."

Joe Cockroach hails from Pittsburgh, Pennsylvania, which makes him a member of cockroach species *Parcoblatta pennsylvanica*. In a random sampling conducted by The Gravel of the cockroaches in all C-M's bathrooms, 78% were a member of the species *La Cucaracha de Cincinnati*, 10% were Other, and only 2% from Joe's species.

Dean Mearns thinks that Joe's steel city roots bring a level of diversity to the student body that will hopefully give C-M a boost in the law school rankings. "Having a cockroach sitting next to you in Property class changes the classroom experience completely. But, then you add in the fact that the cockroach is from Pittsburgh, and suddenly you've added a whole new meaning to the phrase 'student body diversity'".

C-M students seem to agree with Mearns in this respect. 1L Cindy Lou Who has Torts with Joe and finds him engaging. "When I first saw Joe walk in the room, I thought 'Who let that big cockroach in here?'. But, after awhile you realize he's just like us, and wants to learn the law. I certainly don't want to be the person to stomp on a cockroach's dreams."

Joe is clearly enjoying his time here at C-M, and appreciates that he can now walk side by side with law students instead of dodging their footsteps in the confines of bathroom stalls. "Now that I'm learning so much, my brain has tripled its size and I'm growing bigger and stronger everyday. Soon, I'd like to be big enough to drive a car or ride the Millennium Force, but until then I'll just keep on learning as much as I can," Joe said.

One thing's for sure, this new legislation guarantees that the sky is the limit for Joe and cockroaches across the country. Joe's "toilet-to-law-school-classroom" journey is one that will not soon be forgotten, and truly embodies the age-old maxim that "anyone can become a lawyer".

The Political Broadside

Abortion: right to choose vs. right to life

By George Sakellakis

CONSERVATIVE GAVEL COLUMNIST



I am a bit apprehensive of liberals who howl that a woman has a right to choose death for their babies; they are not respectful of human existence. These misguided souls have went from spitting on our returning service members and calling them “baby killers” to, essentially, advocating the killing of even younger beings, who are just as beautiful and complete.

You see, I used to be a fetus. If you’re reading this, then you were one too. While most of our mothers loved and nurtured us as we grew, others might not have wanted us so much. Maybe we didn’t receive as much familial love as the kid next door. But one thing

is for certain; none of our parents ever allowed us be sliced up and sucked out of their womb, piece by piece, and no society ever should.

Central to the abortion argument is the supposed viability dispute between a ball of cells and a human life. Proponents of abortion claim to be able to draw a line between a fetus and a living being, and to know exactly where life begins in the process. We mortals, balls of cells that we are, are unable to make that distinction. Attempting to differentiate between the two requires one to believe that it’s feasible to open one’s skull and suck out their brains, but taboo to kill the other. When life begins is not a religious squabble – it is undisputed scientific fact that when conception occurs, something is created that has its own sex, all the genetic code it will ever need, and many other things that make it a real person – it is completely and unequivocally a human life.

Supporters of the supposed right to “choose” argue that a developing baby is as much a part of a pregnant woman as her nose and her eyes, and that she has a supposed “right” to do what she wishes with any of them. These supporters overlook the fact that the developing fetus is not so much the “property” of one person as to allow them to simply dispose of it for reasons of mere convenience. In the mid 1800’s, many Americans who opposed slavery were told not to impose their “morality” on others. In *Dred Scott v. Sandford*, the Supreme Court ruled against those moral spirits, holding that slaves were chattels – the property of their owners. I challenge anyone who believes in this property argument, or who thinks that abortion is included in the alleged right to “privacy,” to distinguish *Roe v. Wade* with the 1857 *Dred Scott* decision while keeping a straight face.

Banning abortion is not an act of religion or simple morality, but of civil rights. The clearest manifestation of a society truly interested in these rights, as well as the most important interest and function of government, is a willingness to prevent the killing of other innocent human beings. Here in Ohio and in the rest of the country, we have legislated against murder because society has an interest in preventing people from killing each other. Society has just as compelling (if not more forceful) of an interest in protecting the unborn who, while completely human and fully alive, cannot speak for or defend themselves, and cannot, coincidentally, donate money to political campaigns.

If abortion rights should exist at all, it should be through the Constitutional amendment process. Over the years, the Supreme Court has found certain “fundamental” rights (like privacy) in our Constitution – rights that, while I wish were part of the Constitution, are just not found there. The acceptance of the scheme of unelected and unaccountable black robe-clad people interpreting the Constitution as giving of these “ghost” rights stems from our laziness as a society to properly deal with new and emerging issues. If we are so willing to let them give us these supposed rights, then we must be prepared to have others taken away without the democratic process.

Within the previously made-up right to privacy, the *Roe* court somehow made up a right to abortion. The *Roe* decision is a classic example of justices acting as a super legislature; a body that (theoretically) through debate, fact finding, and compromise, weighs the interests of all involved parties and the associated societal costs. As long as abortion is omitted in the Constitution, I find absolutely no reason to call it a constitutional “right.” I would rather call it what it really is – murder.

Liberal rebuttal. . .

You speciously compare *Dred Scott*, a living, breathing, person who walked the earth separate from his master, to a fetus. We file certificates of birth for a reason.

The debate over when ethically significant life begins has nothing to do with the point at which an organism is alive. Extending that premise would lead us to eventually outlaw all sexual activity not open to procreation. That is religious doctrine, not secular law.

You claim that “proponents of abortion” profess to know precisely when ethically significant human life begins. Who are these “proponents of abortion,” whom you apparently believe declare “abortions for all?” Pro-choice people profess to have NO precise secular definition for when ethically significant human life begins.

You imply that rights not explicitly enumerated in the Constitution require separate amendments. The Ninth Amendment states, “the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.” For nearly 220 years conservatives have embraced the Ninth Amendment, but now that it contradicts your politics you ignore its existence?

You argue the Supreme Court has found fundamental rights that do not exist. Do you mean the “right” of a corporation to be treated as a constitutional person? Prior to oral arguments in the 1886 case *Santa Clara County v. Southern Pacific Railroad*, Chief Justice Morrison Waite stated that the justices agreed that corporations were people under the Fourteenth Amendment. Even though the Court never wrote this into the opinion, our legal system accepts the statement as precedent. As a conservative, you don’t believe in corporate personage?

Finally, what is the constitutional role of our courts? Should our judiciary accept every law as constitutional, or should it interpret the laws and their application? You appear to desire the former.

By Kevin Kovach

LIBERAL GAVEL COLUMNIST



As a proud liberal, member of a large Catholic family, and graduate of Catholic schools, I have complex views on abortion. I morally and theologically believe abortion is wrong and ends a life that begins at conception. Yet I also believe that in a pluralistic society that values the right to practice or refrain from religion, these views must not determine what someone else does with her body. Rather, we should focus on economic policies that benefit all Americans and help reduce the number of abortions.

The First Amendment mandates freedom of religion first among civil liberties. A secular government operated by people of faith and non-believers alike must base healthcare policy on medical, scientific, and ethical principles, not religious dogma. We have no accepted scientific or medical determination for when ethically significant human life begins. While I believe it begins at conception, someone else may consider birth determinant. A third person may believe life reaches ethical significance at a different stage. We may each believe what we choose on this topic, but our government cannot adopt my view without sound medicine and science.

Even an agreed beginning of ethically significant human life does not end the debate. Many women face high-risk pregnancies which, if carried to term, may kill the mother or child during or shortly after birth. Women should have the right to consult with their doctors to decide whether to terminate or carry such pregnancies to term.

Banning abortion would be sexist. As men, neither I, nor the large majority of our nation’s lawmakers or Supreme Court justices, will bear children. Who are we men to tell women what they must do with her bodies, particularly when many health insurance providers refuse to cover birth control, but pay for “male enhancement” pills?

Outlawing abortion would also be classist. Women with money will always have access to doctor-performed abortions, whether legal or illegal. Prior to *Roe v. Wade*, women who lacked financial means had no reliably safe access to abortion. In turn, many underwent dangerous, primitive, and sometimes self-inflicted procedures.

People are far less likely to consider abortion when they have financial security and health insurance. More Americans currently collect unemployment benefits than at any point in history. Thousands lose health coverage each week. Correspondingly, pro-life groups report anecdotal evidence suggests that abortion numbers are rising nationwide.

Bill Clinton frequently argued that we should focus our economy on fostering success for as many people as possible. He also said that abortions should be safe, legal, and rare. As president, Clinton presided over the longest peace-time period of economic expansion in American history. Unemployment fell from eight percent when he took office to 4.7 percent when he left. The Centers for Disease Control reports that under Clinton, the number of annual abortions fell by nearly 38 percent.

Though its members may not realize it, the Republican Party exists to elect Republicans to office. While Republican candidates may have particular moral interests in banning abortion, their party does not. Polling consistently shows that most Americans believe abortion should remain legal. The tiny minority who believe abortion should be illegal forms the Republican base. To motivate their supporters, Republican candidates make abortion a central campaign issue, even in local elections. After Republican candidates get into office, they distance themselves from that base until the next campaign or fundraiser.

Consider George W. Bush. As a campaigner, Bush spoke of the “sanctity of life.” As president, he refused to attend any of the annual March for Life rallies held in the Ellipse, a park literally across the street from the White House. Some years, Bush called from all the way across the street, swearing his support. His backing ran so deep he may have even looked out the window once or twice.

Citizens can base political views on religious beliefs. However, a secular, pluralistic government must not determine policy that way. Abortion is and will continue to be legal, both because Americans will it so, and because there is no legitimate non-religious reason to ban the procedure outright. If those who oppose abortion wish to make a real impact, they should support economic policies that support the majority of Americans.

Conservative rebuttal. . .

Using the above reasoning, if the Supreme Court were to declare a fundamental right to murder one’s neighbor just because they don’t want them there, all opponents of the decision would have to do to save their neighborhoods is advance economic policies that support a broad spectrum of Americans. “This could cause a 38% drop in neighbor-killings,” yell the liberals, without taking into consideration that unjustifiably killing your neighbor, or anyone else, is wrong no matter how the numbers are played. This bolsters my suspicion that most liberals are either completely insane, or under the influence of illegal mind-altering drugs.

People who still have their consciences about them understand that the “choices” have ended after two consenting adults chose to engage in conduct that could lead to the creation of, what is unarguably another human life. As for situations where a pregnancy endangers lives, nobody can argue with the fact that life sometimes needs to be taken to save others. In these immediate and emergent situations, abortion can and should be an available medical procedure.

Rather than pick apart the other side of this column, I instead wish to congratulate the liberal columnist, Kevin Kovach, as well as the editors, for their outstanding job this year. An avid reader of Mr. Kovach’s liberal rants might think him high on drugs himself, but he really is not. Nor is he insane; he simply loves and takes deep interest in the status of his country. It’s difficult for columnists like us to put our thoughts and ideas out in the open for the other to attack, and it has been especially tricky for me to write columns strong enough to withstand Mr. Kovach’s sharp intellect.

My only advice to everyone else who loves their country is to remain involved and debate each other vigorously. There is no better way to advance good ideas and kill off the bad ones. And don’t fear the liberal movement; soon “progressives” will have to move out of their parents’ basements, get jobs, and pay taxes. A conservative revolution will surely follow.

Anonymous 1L breaths easy after as the first year ends

By Anonymous 1L

The following is the final article in a five-part series following the experience of an anonymous first year student.

I can't believe finals is around the corner. Where did one year go? I'm sure the sentiment is echoed by all my 1L peers, and it probably happens every year for 1Ls everywhere.

I think a lot of dynamics have changed in the second semester: within myself, people, professors, the stakes. It's like a game that life made me play; it's a challenge that is at once personal, emotional, mental. Even those who say they are solidly in it to win it, do they know why? After one year, I'm still not absolutely sure.

The stakes are a little higher. It's really a do or die: it's the last chance to make your law school statement, because you'll only do it once. That's some pressure, and I think we all feel it. If we didn't do well the first semester, it's even more pressure to make some major turnaround.

The professors seem to have struck an accord with the students that didn't

First-year life: Part V

exist last semester. Now that they know names, faces and grades a little better, I think it's evident who visits them most, and who doesn't. On the one hand, it's nice because it's a bit friendlier, less starch and more jokes can be cracked. On the other hand, it's a little threatening to know if you're not "in" with the prof.

Supposedly, people change after the first semester, and I think at the end of the semester you'll know who your true friends are. Though I still wish I knew more people than those in my own section, I think my friends are the best—supportive in a very hands-off sort of way. I see people do it differently: hang out in big groups, hang out small groups, pair off. Sometimes you can pass time in between classes just seeing how different dynamic have changed.

People who used to be wrapped up in relationships suddenly are around more often. Those who used to spend days at the library aren't there as often. A few friends told me their section or their friends have

definitely been divided by grades. Suddenly, everyone's a little more interested in who doesn't have jobs, who has jobs and how they got them. Where do you volunteer? Oh, that's cool, how could I do that?

I'm not sure if there's more to say about anything. I've talked about a lot of things this year—school, friends, love, jobs. What's left of the first-year experience?

Physically challenging, maybe, but the first year of law school has definitely challenged my interests and, moreover, my commitment. I know I've wavered in both regards.

Especially now, I barely have time to think about anything except for law school: the final motion, finals, legal summer jobs. I think my friends and I will be hiding from the world

again soon to take care of business. It's probably better for my thighs to lay off the free pizza, cookies, donuts, candy and drinks for a month anyway.

Physically challenging, maybe, but the first year of law school has definitely challenged my interests and, moreover, my commitment. I know I've wavered in both regards. Even though it's clear we've all made the commitment to an interest

we all supposedly have, I think it's still fair that you wonder if this is what you want to do, and if this is really what you signed up for, especially after a long night of Civil Procedure (especially if that night was Friday). Moreover, like me, you may still be trying to figure out what "this" is.

I think it's still a tough question, one that comes up in every interview, interviews that everyone's doing. Why did you go to law school? Why law? Why do you want to be a lawyer? To change the world, to make money, to help people, to do something until you grow up, to learn, to simply be a lawyer, you started down this path and now you feel obligated, or a combination of a few. I know these are the real reasons, but what you're supposed to say is that you love the way the law works, that you love to read and write—to talk about the skills you know how to use.

Our interests may change for the rest of our lives. The first year of law school gives us the tools to truly discover and excel with those interests. Sure, it was strenuous, but it's a part of my life now, and it'll be past soon. I know I can take away perspective, better discipline, improved skills, learned a lot about myself and, mostly, met some cool people.

A look forward to Cleveland sports in the spring of 2009

By Joe Fell
STAFF WRITER

A quick survey of the laptop screens around Cleveland-Marshall makes it very clear that a large portion of the student body is just as informed about sports as they are about law. For some people, though, an unexpectedly difficult course or new job may have pushed sports to the periphery...or maybe you're someone who's new to Cleveland and needs a quick catch-up course on the sports scene in this great town. Thus, we're going to talk about the sports highlights from the spring and look forward to the exciting times that lie ahead in the summer and fall!

By far, the highlight of the Cleveland sports scene in recent months has been the Cleveland Cavaliers. For those of us who remember the days when one could acquire near-courtside seats for \$10 from scalpers because interest in the team was so low, this season has been a dream come true. Posting the best record in the NBA and the best record in team history, the Cavaliers have secured home court advantage throughout the playoffs and appear poised to make a deep run far into the playoffs.

Many long-suffering Clevelanders are daring to dream that the team has the chance to capture the city's first major sports championship in quite some time! LeBron James, whose game improves exponentially each and every season, has had an amazing season and is poised to capture his first of many MVP awards.

Coach Mike Brown has done an outstanding job, dealing with injuries to several significant players such as Zydrunas Ilgauskas, Delonte West, and Ben Wallace while simultaneously ensuring that LeBron did not have to play 48 minutes per game each and every night as in the past in order for the team to win.



An article about sports highlights would be sorely lacking without recognition of the accomplishments of our fellow students here at Cleveland State! For the first time since 1986, the Cleveland State Vikings basketball team advanced to the NCAA Tournament. The Vikings advanced in thrilling fashion, winning several nailbiters in the Horizon

League Tournament, including a win over nationally-ranked Butler. In the NCAA Tournament, the Vikings made our school and the city proud by knocking off Wake Forest. This win was particularly notable because Wake Forest had been ranked #1 during the season! In the second round, the Vikings put up a valiant effort against Arizona, but came up short in the end. However, this isn't the end for the Vikings—several

important contributors, such as Norris Cole, will be returning next season. Additionally, two graduating seniors have serious potential to play professional sports—Cedric Jackson has been rumored to be a potential NBA draft pick and J'Nathan Bullock is attempting to follow in the footsteps of Antonio Gates and transition from being a college basketball forward to an NFL tight end. Stay tuned to your television sets!

America's favorite pastime, baseball, kicked off earlier this month. Our Cleveland Indians hope to return to the playoffs after missing them last season. To do so, the Indians will most likely have to win the wide-open AL Central because a team from the loaded AL East will probably capture the wild card playoff spot. The Cleveland

Indians' off season was highlighted by the acquisition of Kerry Wood, who will fill the closer role that was vacated when Joe Borowski was mercifully put out to pasture last season after his lack of quality pitches caught up to him with several blown saves. Unfortunately, Wood hasn't had the opportunity to earn many saves due to the fact that the Indians have stumbled out to a very rocky start to the season. Before you begin raising the white flag on the season, though, remember that the Indians stormed out to a 6-1 start in the 2006 season only to finish the season with a sub-.500 record. The Indians are counting on strong comeback seasons from several key players, including Fausto Carmona, Carl Pavano, and Travis Hafner; their performances will play a large role in determining if the Indians will be playing far into September and October this season.

Procrastination may not pay off with legal writing, but it does pay off with writing articles for *The Gavel*; without it, I would have written and submitted this article far in advance and failed to cover the release of the Cleveland Browns' 2009 schedule! Although not as grueling as last season's meatgrinder, the 2009 schedule does feature heavyweights such as the San Diego Chargers and the usual 2 games against the Steelers and Ravens. Our new coach, Eric Mangini, has been extremely proactive and vigilant in remaking the team in his own image, and hopefully this season will vindicate all of the bold moves that he has already made and the bold moves that are potentially still to come. Mark your calendars for the home opener on September 13th against the Minnesota Vikings!

Cleveland is a wonderful sports town, and whether you're planning to be here for 3 years or 3 decades, taking in a game or two at some of the best facilities in professional sports is a wonderful way to escape the stress of law school and stir up a bit of civic pride!

Which C-M journal is right for you?

By Maryann C. Fremion
STAFF WRITER

Each fall, students return to campus and become more involved in campus organizations. One of the major areas in which a law student can participate is writing for a journal.

Cleveland-Marshall has three journals: Cleveland State Law Review (Law Review); The Journal of Law and Health (Journal); and The Global Business Law Review (GBLR). The GBLR is in its first year as a journal on campus.

In addition to creating annual publications, the journals are also involved in other activities including fundraisers, socials, meetings, holding roundtable discussions, and bringing speakers to campus. In addition, the GBLR will be hosting a student-run symposium in the October. Each board has administrative as well as writing positions for students. Persons other than Cleveland-Marshall students, including professors, practitioners and other scholars also contribute to the journals.

Each journal has different requirements and positions available to interested students. The Journal, GBLR and Law Review conduct a Summer Writing Competition. Law Review requires that its new Associates have three semesters remaining, a 2.5 grade-point average, and be in the top 10% of their class or receive an invitation from participation in the Summary Writing Competition.

The Journal of Law and Health requires interested students to have three semesters remaining at Cleveland-Marshall, a 2.5 grade-point average, and either meet a class rank requirement (top 20%) or be selected from the Summer Writing Competition. The GBLR requires that new associates have at least 3 semesters remaining at Cleveland-Marshall, a 2.5 grade-point average, and be in the top 5% of their class or receive an invitation from participa-

tion in the Summer Writing Competition.

So which journal is right for you? Law Review provides the widest range of topics, while the Journal and GBLR have set, but broad areas of interest. The Journal of Law and Health provides legal perspective on issues of medicine and health sciences. The GBLR is an enterprising journal focused on business issues of international import or scope.

While GBLR and Journal may have pre-designated areas of interests, the pieces that are included in the publications take on a very broad perspective of those fields. For example, Journal submissions in the past have included pieces on the lack of FDA regulation of genetically modified food, requiring umbilical cord blood banking for stem cell research, protecting prison inmates' right to the privacy of their health information, and international IP agreements to protect indigenous medicine. A student need not be specifically interested in health law, business or international law to write for these publications. In fact, it is quite difficult not to write on a topic of law that does not have some intersection with the broad areas explored in these journals.

Regardless of which journal interests you, going after an Associate position is a great experience for any law student. Not only do you learn research, writing, and editing skills, but you also give yourself a chance to improve and build your resume. Many journal participants find themselves discussing a common journal experience with recent alumni and prospective employers. Being part of any student organization also gives you the experience to meet more people and be exposed to greater networking opportunities.

Consider getting involved in a journal next year and keep a watch for upcoming emails about the Summer Writing Competition.

The Fair Housing Clinic: Providing a Real and Much Needed Service to the Cleveland Area

By Jeremy Samuels
STAFF WRITER

Being able to say you own your own home has often been a dream come true for many Americans. However, in today's society, that dream can be a nightmare for many people. Many people are rapidly losing their homes to foreclosure, they are discriminated against, or they suffer abuse.

Cleveland-Marshall's Fair housing clinic offers a chance for students to attempt to make a difference and help individuals keep their home and their dignity. It also serves as a valuable provider of litigation experience. If a student decides to join he or she is virtually guaranteed to leave with a wealth of experience.

The clinic is run out of Housing Advocates, a public interest law firm run by Edward Kramer, a Cleveland-Marshall Adjunct. The firm mainly deals with four different types of litigation, Discrimination cases, Wrongful Evictions, Tort Cases arising via negligence, and foreclosure defense. Each area of law can have many different subsections.

There is both a classroom and a clinical element. Each student is required to put in 4x the amount of hours towards the clinic, in relation to the number of credit hours he has taken the class for. 2 hours of the time is devoted to a weekly class. Assignments for it usually consist of ethics and case law problems. In addition, the class also consists of one negotiation session, and one moot court competition between students. Most time however is devoted to clinic assignments.

Usually most students are given a list of certain cases that the firm is currently handling and are given certain tasks to go along with each case. Not all assignments are strictly researching cases and writing motions, though that is a part. Instead the majority of tasks involve investigation,

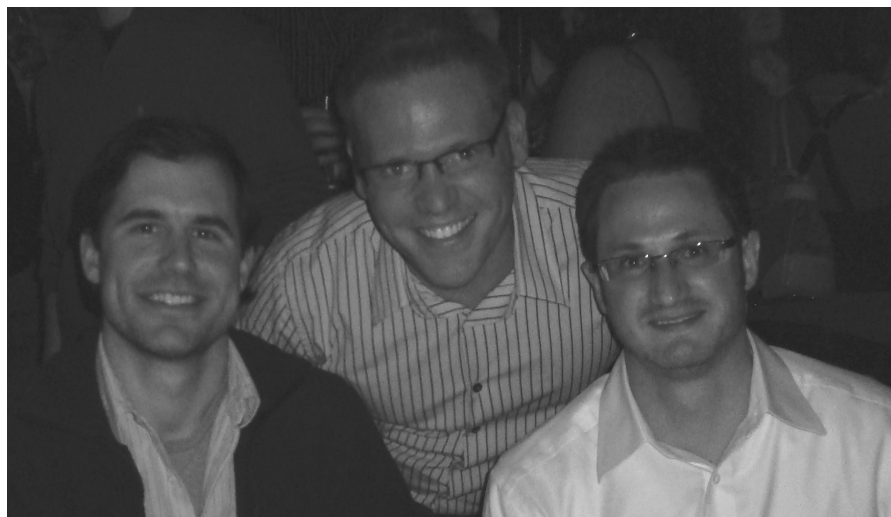
correspondence with opposing lawyers, and anything you really can't learn in a classroom. A typical student assignment might be to call up the building department of a certain city, to inquire about the official date of occupancy or when the building permit was issued. After acquiring the information, a student would be required to write a formal letter to another attorney explaining the information found.

When the clinic prepares for trial however is when the fun really begins. Almost all the students are given some assignments relating to preparation. A student is assigned based on his or her strengths. For example, a person who knows trial advocacy can be given a job drafting direct and cross examination questions. Expert writers are given motions, and students with good people skills are put in charge of witness preparation. It is at that moment you are really part of the firm.

The clinic also provides massive experience in client evaluation. Immediate assignments involve intake calls, taking a prospective client's calls, documenting their problem and then talking it over with one of the staff attorneys. Usually you are able to identify truly valid claims within a few weeks.

Do not make the mistake in thinking that anyone who calls, is automatically represented by the clinic. Housing Advocates is a genuine law firm. Cases are taken if they either have value, the clients are victims of gross injustice, or the possibility exists to change the law, via litigation. One of the first things you learn to do is write a rejection letter. In addition, students will work with difficult clients, ones that are in it for the money and not justice.

However, though some parts of the clinic can be difficult, you are performing a valued and needed service. You will be able to take pride in your work at the end of the day and end up very experienced in how litigation works.



Moot Court Social: C-M philanthropists get together at the Barley House on W. 6th Street to raise money for the Moot Court team

Photos by Maryann Fremion

7 More Reasons To Switch To *Supreme Bar Review*

1) **Classes start AFTER Memorial Day**

It is important for you to get a break between final exams and the start of bar review to avoid burnout. **Our course begins on Wednesday, May 27th**, the Wednesday AFTER Memorial Day. You will have plenty of time off between graduation (May 17th) and the start of the bar review course. Our course concludes on Tuesday, June 30th, giving you the whole month of July off to review.

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However, if you want to start studying earlier, we are the only course that gives you the option to get your materials now. We will even work with you early to put together a personalized study plan to get a head-start on bar review.

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4) **No weekend classes**

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