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# THE GAVEL

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THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

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## Dean Mearns appointed CSU interim Provost *New post will last until at least one year*

By Kevin Kovach  
EDITOR-IN-CHIEF

In an interview with writer John Stryker for the November issue of *The Gavel*, Cleveland State University President Ronald Berkman said, "Dean (Geoffrey) Mearns has to be given credit for producing significant change in the law school." Berkman's positive impression of Mearns' work at Cleveland-Marshall prompted him to appoint Mearns CSU's interim Provost on January 29, following the sudden resignation of Dr. Mary Jane Saunders. Mearns' unexpected departure has left the law school temporarily leaderless, pending the Faculty Senate's selection of an interim Dean.

Five candidates have applied

for the vacant post—four internal and one external. Internal candidates include C-M professors Phyllis Crocker, Alan Weinstein, Sheldon Gelman, and Steven Steinglass. Crocker is also Associate Dean, while Steinglass is Dean Emeritus, having served as Dean from 1997-2005. Weinstein directs the JD/MPA and JD/MUPDD dual degree programs and the Law & Public Policy Program. Peter Carfagna, Senior Counsel at Calfee, Halter & Griswold and a recent Lecturer on Law at Harvard, is the sole external candidate.

Each of the candidates recently met with faculty and students to present their respective visions as interim Dean. The four internal candidates presented at a February 8 forum in the Moot Court Room. Carfagna visited the law school

the following day. A significant portion of audience questions at the forum for internal candidates focused on the four professors' capacities to secure financial contributions for the law school. According to a February 5 CSU news release, Mearns "substantially increased the donations from alumni and law firms to support various law school initiatives."

Carfagna and his wife are majority owners of the Lake County Captains baseball team, the Class-A minor league affiliate of the Cleveland Indians. Given this and other business dealings, Carfagna may have an advantage if the decision focuses on who can best raise money. However, the fundraising questions for the

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The five candidates for interim Dean, clockwise from bottom-left: Prof. Steven Steinglass, C-M Dean Emeritus; Peter Carfagna, Senior Counsel at Calfee, Halter & Griswold; Prof. Sheldon Gelman; Associate Dean Phyllis Crocker; and Prof. Alan Weinstein, C-M professor and Director of the JD/MPA, JD/MUPDD, and Law & Public Policy programs.



"Hot Haitian Nights" benefit organizers Sunny Nixon (left) and Inga Laurent (right) pose during a break from managing the silent auction. The benefit raised funds for Habitat for Humanity's rebuilding efforts in Haiti. For more information, see PAGE 8. Photo courtesy of Inga Laurent.

## Moot Court 3Ls finish among top eight in nation

By Jason Csehi  
STAFF WRITER

Nerves of steel helped propel Cleveland-Marshall's Moot Court Team to the national quarter-finals at the New York City Bar National Moot Court Competition, where it took the eventual national champion team from the University of Arkansas to defeat C-M's top advocates. The team of 3Ls Chelsea Mikula, Christopher St. Marie, and David Sporar concluded their Moot Court careers among the top eight teams in the nation.

Many attorneys consider the

New York competition the preeminent moot court gathering in the country. Unsurprisingly, the C-M team faced stiffer competition than they previously met, as some of their opponents represented law schools that annually qualify for nationals. The opposition was not the only thing the team found more difficult at the highest level.

"The judges were tough, and they have a different judging style" than do the judges in front of whom the team

SEE **MOOT COURT** PAGE 4

## Haitian C-M alums share personal stories about tragic earthquake *Families safe, Fred Aurelien and Inga Laurent confident resilient nation will recover*

By LM Clinton  
CONTRIBUTOR

Haiti's tragic earthquake may be fading from the national headlines, but it is far from fading from the hearts of Cleveland-Marshall alumns Inga Laurent and Fred Aurelien.

Aurelien, a 2009 graduate, was born and raised in Haiti. A Port-au-Prince native, Aurelien's father and siblings still live there. They survived the earthquake without injuries, but are still coping with the lingering effects of the disaster.

"My dad's house did not collapse, but he is still afraid of sleeping inside because of all these after shocks. Pretty much everybody sleeps outside, in their yards," Aurelien said. "They were still

getting after shocks as of (February 6). Some of them were pretty strong, like 6.0."

Inga Laurent, C-M Manager of Student Affairs, had a generational family home destroyed by the earthquake. Her father was from Haiti. Noting that "it was just a house," Laurent said she was thankful no friends or family members were hurt.

Although Laurent and Aurelien were each fortunate to not have family members injured in the earthquake, they know other people who were not so lucky.

Laurent said, "It is a small island, so everyone knows somebody who was affected."

Because of her Haitian roots and the media coverage of the disaster, Laurent felt compelled to do something more than give a single donation. She

quickly organized the "Hot Haitian Nights" fundraiser to benefit Habitat for Humanity International's relief efforts in Haiti. She chose this organization because it has helped impoverished Haitians for over 25 years, and is dedicated to permanent shelter solutions, in addition to providing immediate aid.

"It was tough because there were so many different charities," Laurent said. "But we chose Habitat for Humanity International because they were helping people in Haiti long before the earthquake struck. They're committed to help rebuild the country's infrastructure for the long term."

Despite the tragedy, Laurent and Aurelien remain confident that the resilient spirit of Haitians, combined with

the great international response in aid, will lead to the country's long term recovery.

"Haitians are very helping by nature," Aurelien observed. "After becoming the first black republic in the Western hemisphere, we helped several Latin American countries gain their freedom. We even fought alongside the Americans against the British before we were independent, so now, today, it means a lot to us when we realize that in our time of sorrow that we are not left alone."

Laurent remarked, "Don't get me wrong, the earthquake was certainly tragic, but I know that Haitians will turn it into a positive. They are amazing people."

To donate to Habitat for Humanity International's effort in Haiti, visit [habitat.org](http://habitat.org).

Editors' note: Due to the appointment of Dean Mearns as Cleveland State University interim Provost, the Dean's Column is on hiatus this month.

## The end (of school) is nigh



Lindsay Wasko  
SBA  
PRESIDENT'S  
COLUMN

As the midway point of the spring semester rapidly approaches, it is time to sit down (while watching the Cavs win their 12th straight) and recount the developments that have taken place since the continuation of the academic year.

For those of who you have not taken notice, the SBA was granted permission shortly after the commencement of the semester to move forward with its plan on relocating its office to the cafeteria. Two weeks later, the area was up and running. The relocation puts the SBA in a position to better serve the needs of the students. No longer do students have to wander aimlessly around the basement trying to find the SBA office stashed away in the corner (if next years 1L's only knew how much easier their life will be). The delay in the relocation was longer than anticipated; however, thanks to Dean Mearns and the CSU representatives involved, the SBA was able to move forward with the project. The SBA is in the process of finalizing merchandising orders it has been anticipating on placing – so keep an eye out for new additions.

As February comes to its conclusion the following months will be comprised of events in my life that will no longer be marked on my calendar in subsequent years. Spring break. The last of my entire existence and its look like the cement jungle of downtown Cleveland will be the destination for SB2K10. Let just hope it can top SB'08...all that is required is a yellow Cobalt and a lot of snow.

Another last to chalk up to the books – Barrister's Ball. The SBA invites all to join in what is shaping up to be the event to remember. Themed "All That

Glitters is Gold," the SBA will be hosting a Masquerade Ball on Saturday, March 6, 2010. The event will take place at the Wyndham Hotel, located a couple blocks from the school on Euclid Avenue. Tickets are \$50 for students and \$70 for alumni and can be purchased at the SBA office located in the cafeteria during its hours of operation (M-Th, 11am-2pm and 4-6pm). While there are no dress restrictions, formal attire is required. Gentlemen, consider yourselves lucky...all you have to do is go in the closet and pull out a suit. We, on the other hand, are not so lucky.

Spring break will come and go. Realization sets in that the end is near – less than two months until graduation. Myself, along with Alana Jochum and other members of the committee, have been hard at work preparing the Graduation Challenge for the Class of 2010. Led by the graduating 3L class, Graduation Challenge is a school-wide effort to raise money for Cleveland-Marshall. This year, we are engaging our creativity and yours by hosting an artistic gala featuring art, music, skits and festivities that will take place on Friday, April 16, 2010. All students, regardless of their graduating year, are encouraged to participate. For more information, please contact myself or my fellow co-conspirator, Alana Jochum.

To end, I would like to take this opportunity to thank Dean Mearns for all that he has done for myself, the SBA, and the school that I represent. The remainder of my time at Cleveland-Marshall will not be the same without him as our Dean. I am not going to lie – as soon as I heard he was appointed interim Provost, I wanted to storm into his office, yell a little, and insist that he was not leaving. All joking aside, Dean Mearns has been a wonderful leader and an inspiration to work alongside. On behalf of myself and other students who have had the pleasure of working with you – good luck and your absence will be painfully obvious. Hurry back.

SBA President Lindsay Wasko (behind desk) and Treasurer Kevin Marchaza discuss Barrister's Ball ticket sales in the new SBA "office", located in the former food sales area of the cafeteria. After months of discussions over the sale of SBA apparel, the renovated space opened this month. SBA senators will sit office hours in the space from 11 a.m. to 2 p.m. and 4 p.m. to 6 p.m. Photo by Kevin Kovach.



## SBA "office" finally open after months of legal wrangling New location more accessible to students; features SBA apparel

By John Stryker  
STAFF WRITER

The SBA office is relocated to the lunchroom and open for business. The new office location was the goal of several individuals. After becoming SBA President Lindsay Wasko oversaw the project. As previously reported, she had to overcome some obstacles from various elements to finally complete this task.

Since our last reporting, a proposal to move the SBA office was submitted to Cleveland State University. Soon after, CSU inquired what the SBA would be selling and the prices at which merchandise would be sold.

Wasko's plan was to have the

space ready by the beginning of spring semester. However, after the first of the year there was no word from CSU. After inquiry from Dean Mearns, CSU responded immediately. The proposal was approved with certain parameters that the SBA must follow. These include:

1) All vendors providing merchandise will have license to reproduce CSU university marks from University Marketing or whomever is responsible for such licensing.

2) The extended fundraising sales program will be reviewed by the Department of Student Life to ensure it is compliant with the University's guidelines for student organizations' sales.

3) Merchandise sold by

*Student Bar Association presents:*

# Barrister's Ball

*"All that Glitters is Gold"*

*When: Saturday, March 6th, 2010*  
*Where: Wyndham Hotel at Playhouse Square*  
*Time: Cocktail hour at 6:30pm*  
*Dinner begins at 7:30pm*

*Parking: \$10 and \$20 overnight charge*  
*Preferred room rate available at hotel before March 1, 2010*

*Shuttle service available from Law school parking lot at 6:15pm and 6:30pm to Wyndham*

*Tickets: \$50.00 for students &  
\$70.00 for alumni*

**FORMAL ATTIRE REQUIRED**

*If you have any questions, please contact  
Luisa.Taddeo@law.csuohio.edu*

## Annual Barrister's Ball March 6

By Tara Chandler  
STAFF WRITER

Law school already has lockers, a lunch room, the occasional gossip, and now one more item to add to the list of ways it has reverted to high school: the affectionately-dubbed law school prom.

Get your taffeta, glitter, and butterfly hair clips together, because this year, the SBA has booked the Wyndham Hotel at Playhouse Square for Barrister's Ball on Saturday, March 6. If you're not sure where this is, search out the location of that infamous Terry Stop that has likely been burned into your mind since Criminal Procedure class.

Barrister's Ball is the largest and probably most heavily attended event SBA organizes each year. Tickets are currently on sale in the SBA office and from SBA senators until February 26, or whenever they sell out, at a price of \$50 per student and guest. Alumni and their guests may also join the festivities for the price of \$70 per ticket. Cocktails will begin at the Wyndham at 6:30 p.m., with dinner to follow at 7:30 p.m. DJ Freddie James will provide the evening's entertainment.

This year's theme is "All that

Glitters is Gold" and SBA will distribute masquerade masks to ball attendees. While last year, students were urged to wear black and white attire, no dress code other than formal attire will be required this year. To be clear, you do not actually need taffeta.

As it did last year, SBA will take table reservations for 10 to 12 people per table. However, each member of the group that wishes to reserve a table must have already purchased a ticket to the ball. This means that if you want to reserve a table with your friends and they have yet to buy their tickets, you will have to wait for them to do so.

The Wyndham will offer parking at a cost of \$10 per car or \$20 for an overnight stay. Students may book a room at the hotel for a discount rate of \$93 plus tax, a rate honored through the end of February. Downtown parking downtown can prove quite the challenge at times, so SBA will also offer a shuttle service from the law school parking lot to the Wyndham on the night of the Ball, at 6:15 p.m. and 6:30 p.m. If you have further questions, contact SBA Vice President for Programming Luisa Taddeo at LTaddeo@law.csuohio.edu.

did not know where the SBA office was located or the merchandise that we offered to the students. Given the new location - it will give students a better opportunity to interact with their elected student representatives. The new office location will also make it easier for students to purchase Barristers' Ball tickets, get information on the events the SBA is hosting, and provide a better means of communication."

The office currently has long-sleeved and short-sleeved t-shirts, hooded sweatshirts, yoga pants, blankets, coffee mugs, winter hats, baseball caps, and interview portfolios in stock. New items on the way include note pads with the new CM Law logo and car stickers.

## Learn to conduct book-based legal research to protect yourself

*Legal Writing Professor Karin Mika*  
THE LEGAL WRITING COLUMN

*Have online legal databases like LexisNexis and Westlaw caused law students' skills to wane over the years? Are any research tasks or approaches still best done by book?*

I might be in the minority, but I don't believe computer resources have caused research skills to wane, I think the sheer dearth of information and need for speed has caused research skills to erode. Frankly, answers can be acquired much more quickly from ever before; the problem is the amount of sources available and the distractions that occur when an individual is doing research. There are "related resources," and "case briefs," and "practitioner's sources," and "headnotes," that the researcher can access when looking for one thing in particular. The novice researcher has no way to filter out what he/she really needs, and before long, there is a problem of information overload.

I would also say that the practice of law itself has changed considerably since the explosion of online resources. There are no longer any one issue cases where the student can find an answer without sifting through lots of other material, and pretty much every unreported case is now available and will turn up with an online search. This, combined with the economic need to find a "quick" answer to everything, detracts from the researcher's ability to find material, let it digest mentally, build upon it with additional research, and finally master the topic before conveying the information.

Way back when, we focused only on a few primary book research sources in the first year – annotated codes, encyclopedias, A.L.R., and West key digests (and, to some extent, select law review articles and using Shepard's as a source to find other cases.) The answer to all legal questions and paths to caselaw could be found in those sources, and we could teach a logical progression about how to go from a general search to a specific search, or how the sources interrelated with one another. When Lexis and Westlaw were first introduced, their effectiveness relied solely on the on the researcher's

ability to conduct book research.

Now, all that has changed. Books are independent sources from Lexis and Westlaw, which are independent of new sources like Google Scholar, Findlaw, or any one of the specialized databases. Because effective research relies so heavily on how one navigates the sources being used, it is nearly impossible to gain a real level of in-depth proficiency on anything. In many respects, law students are better researchers than ever before because of the availability of computer resources. A law student can find a case on point ten times faster than it could be found ten years back. The problem is the inability to conduct in-depth research. That has little to do with the fact that there are computer resources available. Rather, that has everything to do with the speed by which the world now expects things to be done, the complexity of the cases being decided, and the dearth of cases (or other legal sources) available.

I'm not sure there are instances where it would be "better" to actually use a book, but that depends on the definition of "better." There are instances when a book is preferable because it's easier to process the material (e.g., turning pages back and forth without seeing the tempting "links" on the side of the page). There are also instances where a book is handier – for instance when at a public library, when an internet connection is not available, or when a boss doesn't want to bill/pay for Lexis or Westlaw.

A couple of years previously, I advocated doing some preliminary book research before logging on to Lexis or Westlaw in instances where a person was unfamiliar with a topic and would just kind of be browsing various databases. Using Lexis or Westlaw to gain this information would be inefficient or potentially costly. However, now "free" background information can also be accessed electronically, so a book need not necessarily be used in this way.

I do believe, however, that understanding book research is an invaluable skill. I liken it to washing dishes. Almost everyone has a dishwasher, but if the dishwasher is broken, everyone should be able to manually replicate what the dishwasher does. Comparably, every law student should be able to replicate the online research process manually. Unfortunately, I do think that this is a waning skill.

## the anonymous 1L

*The fourth column in a six-part series tracking the experiences of an anonymous first-year law student.*

By Anonymous 1L  
STAFF WRITER

Between school, which we all know can be as much fun as getting a root canal in the median on I-71 South during rush hour, the three to four hours a day I characterize as my "personal life" so as to avoid losing touch with reality, and the joke without a punchline I call a job hunt, I have been in an abominable mood lately. This isn't to say that this month's column will be more like a fifteen-year-old's Myspace blog post; I like to think that I have a better grasp

of grammar and punctuation. While I could probably write a long, rambling screed, I'll limit myself to just two topics.

By now, most of the fallout from last semester has settled. Grades have been in for ages, and it is old news as to who did well, did poorly, just survived, or is telling everyone that they're two years away from being the next Learned Hand. For anyone who has a desperate need to know, I would say that I did just fine. This does not mean that headhunters from huge firms are getting into fistfights outside my apartment door over who gets to recruit me, nor does it mean that I'm considering my options as a professional fry cook. I did well enough to stay here, and I'm assuming that you did also. Congratulations on that, reader. There are a lot of people out there who can't claim to have survived a semester of law school. You're all right.

I think you'll agree with me when I say that second semester presents a different set of challenges. Some of them stem from one's self-concept in relation to grades from last semester. A bigger chunk of it comes from the joys of another class added to what already felt like an overloaded schedule.

To me, the biggest fear is the job hunt.

We are all in debt. By all rights, none of us should be, though; we finished near the top of our undergraduate classes and most of us had fairly prestigious jobs or internships that we could have turned into careers. It's downright depressing to see old classmates buying their first new cars or houses, especially when one remembers that person as being incapable. It does bother me, but I try to make myself

remember that I chose to be here and that this is what I really want to do. As such, I have to pay dues all over again; I can remember working for a scrape over



minimum wage at the beginning of my college career. It only makes sense that I'll be doing it again here.

To a point, we're starting all over again. Whatever degrees we came in here with don't mean that much right now because we've entered a totally different field. Couple that with the lamentable job market, and it's a perfect storm that will probably necessitate another loan to get through the summer without trying to adversely possess the broken shell of a nightclub in the Flats. What matters now is experience. We need something, anything, where we can perform some law-related work. While Symplicity does have a lot of good postings on it now, it will continue to get more postings as time goes by. Also, the career planning people have a lot of connections. It also doesn't hurt to go hunting around the internet for firms, too.

For as much as I've misused this column as my private forum for ranting and whining, I do admit that I could definitely be worse off. However, that doesn't stop me from wishing for the weather to be warm, another set of exams over, and a job that pays me enough to avoid paying the Taco Bell cashier in pennies again.

## Ask the Law Librarians: Answers to your questions

### *Get familiar with the law library's numerous legal research sources*

By Laura E. Ray  
EDUCATIONAL PROGRAMMING LIBRARIAN

**What does the law library offer that I can't get on LexisNexis or Westlaw? I mean, I'm grateful for the many ways to contact a librarian to help me figure out how to research, and I like to study in the library, but the stuff I need to research and read is all on LexisNexis and Westlaw, right?**

I'm glad you mentioned "the many ways to contact a librarian," and will get back to that at the end of this article. First, it is true that much of the material you will research and read in law school is available on LexisNexis and/or Westlaw. These services have tons of primary resources, such as current federal and state codes, rules, and regulations, as

well as cases, administrative opinions, and legislative materials. They also have numerous secondary resources, such as law review and bar journal articles, practice guides and form materials, and news articles. But your research and study needs go beyond these services, and you will miss out on a better understanding of the many ways to address your needs if you limit yourself to LexisNexis and Westlaw resources. You should review as many resources as possible before leaving law school. Critically evaluate these resources in terms of what they offer for



researching particular topics and providing hard copy. This will be invaluable information for your future practice needs.

Beyond LexisNexis and Westlaw, the Law Library provides an incredible array of electronic and print resources to help you research legal issues, as well as get hard copy of primary and secondary materials. Our Electronic Resources page (<http://www.law.csuohio.edu/lawlibrary/resources/electronicresources.html>) explains how you can connect to over 70 databases. Here are just a few examples of our electronic resources, complemented

by some of our print materials: **CCH Intelliconnect** includes a wide assortment of labor, environmental, health care, business, banking, and intellectual property databases that include copy of primary and secondary materials. The Law Library also has selected print CCH current awareness materials, such as the Standard Federal Tax Reporter.

**The HeinOnline Law Journal Library** provides pdf copies of articles from the start of a journal's publication. Most LexisNexis and Westlaw coverage of journals starts at 1980.

HeinOnline includes scores of other collections, such as the Federal Register (FR) from 1936 to the present. Why would you care? Among other

SEE ASK LAW LIBRARIANS

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# Local high school students get a “jump start” on law school

By John Stryker, STAFF WRITER  
AND Joe Fell, ASSOCIATE EDITOR

Each Cleveland-Marshall student has a unique story about how he or she decided to attend law school and pursue a legal career. For some, having a parent or close relative as an attorney provided lifelong exposure to the field and enabled the development of an appreciation for the profession. Other people at C-M can share accounts of how a desire to bring about social change through the legal system brought them to the corner of East 18th and Euclid, and others may even confess that the exploits of lawyers on television and in novels motivated them to attend law school in the hopes of becoming the next Atticus Finch.

However, law school and the legal profession are very distant and foreign for many people. Many people believe that every lawyer spends significant time arguing cases in a courtroom, and others have very little knowledge about basic elements of the law school experience itself. Additionally, some communities do not have a high population of lawyers, and younger members of the community are denied the first-hand exposure to law that their peers elsewhere receive regularly. These misconceptions and lack of knowledge may prevent individuals from considering going to law school and pursuing employment in the legal profession, and consequently keep them from exploring a career path that could provide personal, vocational, and financial satisfaction.

Fortunately, C-M has taken steps to combat this problem and to ensure that local high school students have a complete and informed picture of law school and the legal profession, as they progress through high school and begin to make decisions about undergraduate education and future career plans. On January 29, C-M sponsored a program the Law School Admission Council's Diversity Committee developed, titled “Jump Start”.

Jump Start is intended to encourage racially and ethnically diverse students to apply for law school. A total of 51 high school students from Maple Heights High School, C.A.S.T.L.E. High School, and Cuyahoga Community College's Upward Bound Program attended this event. Students registered for Jump Start on an online database maintained by LSAC. This database will track the

students through their undergraduate career and provide them with the information that they need to successfully prepare for and apply to law school.

The program began with a welcome presentation featuring Dean Mearns. Following the welcome presentation, attendees heard presentations from C-M admission staff about preparation for law school and admission to and financing law school. Attendees also heard presentations from representatives from the Norman S. Minor Bar Association, Cleveland's African-American Bar Association, about the various possibilities available in the field of law. The students then enjoyed lunch, during which four current C-M students spoke about their experiences in law school. The day concluded with tours of the C-M building.

Sandra English, C-M Assistant Director for Admission, Financial Aid, and Multicultural Recruitment, said she would like to see the program, currently on its second year, expand in the next three-to-five years. As part of this expansion, Sandra would like to move from a half-day conference to a full-day conference, with interactive workshops with law students.

She said, “It would be great to get enough attention that we don't have to target and the students will be eager to apply on their own.”

*The Gavel* spoke with several attendees about their impressions of the program. Lekira Clark, of Glenville

High School and Cuyahoga Community College's Upward Bound Program, stated that she learned about the different types of law that she could practice and the qualities that are necessary to be a good lawyer.

Clark said, “It takes much effort for you to be ready to become a lawyer. Dedication is key; don't just do it because your friends are doing it.”

Jalen Brown of Maple Heights High School learned about the different steps that one can take to advance in a field of law and said, “There is more than one direction to take. Law is more than just being in a courtroom.”

Because of his experiences during the Jump Start Program and his interactions with the students at C-M, Brown is already thinking about law school. He is very interested in becoming a criminal prosecutor.

Nerissa Greer, a sophomore at C.A.S.T.L.E. High School, said that she became interested in law because her teacher used to hold mock trials. During Jump Start, Greer learned that going to law school gives students

options, and said, “If you become a lawyer you can follow your dreams. You hear scary stories about how hard law school is, but I'm up for a challenge.”

Greer is most interested in juvenile law. Her personal experiences have given her the motivation to help kids with their problems.

She said, “When I was little I was rebellious. My teachers and counselors helped me. Once I hit tenth-grade, it was an eye opener.”

Greer liked the program because it showed students can do anything they want. She summed up her conclusions regarding what is necessary for success by saying, “All you have to do is concentrate and work hard.”

The Jump Start Program provided C-M an opportunity to demonstrated its commitment to living justice by providing local high school students a venue in which they could gain a more accurate sense about the opportunities available in the legal profession. Perhaps a few years from now, some of the attendees will roam the building as C-M students, and will share fond memories of how this program helped mold their professional and academic lives.



ABOVE: “Jump Start” participants look for the Moot Court Room. BELOW: Assistant Director of Admission Amy Miller advises attendees during a classroom session. Photos courtesy of Sandra English.



1L Sherrod Seward speaks to “Jump Start” participants enjoying lunch in the Moot Court Room January 29. Photo courtesy of Sandra English.

## MOOT COURT

CONTINUED FROM PAGE 1

had competed before, said St. Marie.

Even though the team did not win the national title, St. Marie noted that “the experience [of competing] in New York City was good for all of us.”

The team was glad to have been mentored by Jones Day, which has an office in New York City located near the federal courthouse that housed the competition. Aside from learning valuable litigation skills from the firm, Mikula said that she and her colleagues “were able to use Jones Day's office in New York to practice while the other teams had to practice in their hotel rooms.”

En route to the national competition, the trio won First-Place Brief in their region. St. Marie explained

the qualification process for nationals.

“There are 14 regions, and the top two teams from each region go to the finals,” he related. “In the preliminary rounds, each team argues twice” and “the scoring is 60-percent (for) oral (advocacy) and 40-percent (for the) brief.”

Though Mikula, St. Marie, and Sporar have finished competing, their work isn't done. They will now mentor their 2L teammates who are preparing for their turn to compete in the Moot Court circuit.

Chairman Dave Thomas explained the arduousness nature of being on the Moot Court Team.

“The time between receiving the topic and going to competition varies,” he noted. “Depending on the competition, the teams spend about four-to-six weeks writing the brief, and then another four-to-six weeks preparing the oral argument,” before the competitors convene for the head-to-head contests.

Because competition occurs during the school year, team members have to keep up with their studies while

preparing for competition, Thomas said. He remarked that he is particularly proud of his teammates' accomplishments because of this balancing act. Thomas also expressed gratitude for the occasional assistance of former Moot Court team members who now practice law locally.

Another Moot Court squad, 2Ls Chance Douglas and Mona Ma and 3L April Stephenson, competed in the Stetson International Environmental Moot Court Competition in Baltimore February 5 and 6. The team defeated four other law schools and advanced to the semi-finals. Legal Writing Prof. Janice Aitken advised Douglas, Ma, and Stephenson, who brought back a trophy for Second-Best Memorial, the brief in the international competition. Additionally, Douglas won the award for Best Oralist in the preliminary rounds.

Thomas reported the Moot Court Team is preparing for its first-ever Spring Exhibition, slated for March 4 at 4 p.m. in the Moot Court Room. This event will help prepare 2L team members for the upcoming ABA Moot Court Competition,

which, much like the National competition, enjoys a very high level of notoriety.

Squire Sanders mentors the first 2L team, comprised of Stanley Ball, Angela Krupar, and Casey McElfresh. The team will square off against Michael Jagunic, Kevin Marchaza, and Samantha Vajskop, mentored by Thompson Hine.

The following week, the teams will travel to Miami for the ABA competition, while the team of 3Ls Darren Dowd and Drew Odum and 2L Sara Perez will head to New York City for the Wagner Labor and Employment Law Competition.

### Moot Court success

**National Quarter-Finalists:**  
Chelsea Mikula, Christopher St. Marie, and David Sporar

**Stetson International Environmental Competition Semi-Finalists:**  
April Stephenson, Chance Douglas, and Mona Ma



Illustration by Kevin Kovach.

## Preventative medicine: CHAC seeks to control costs through preempting litigation

By Jeremy Samuels  
STAFF WRITER

Many students sign up for law Clinics because they want to learn the basics of litigation, and how to do the job well. Upon entering the clinics, students immediately learn that litigation is not like movies. It can be exciting, certainly. However, it is also tedious, time consuming, and at times nerve wracking. The Community Health Advocacy Clinic operates differently, focusing on catching problems early enough to preempt litigation.

The Clinic is located in four MetroHealth locations around Cleveland. Each location serves as a small law firm, staffed by law students and various types of hospital employees. Law students work closely with doctors and other medical personnel to better serve the needs of MetroHealth Patients. People seek help from hospitals for numerous issues, only some of which are medical

or health-related. This is because people in Cleveland's more economically-distressed neighborhoods often view hospitals as places of safety and trust, where they can obtain the help they need. The CHAC aims to provide that help.

The CHAC is unique from other law clinics. First, the CHAC's partnership with MetroHealth makes it one of only seven law schools nationwide to partner with a hospital. Second, it doesn't function like a normal clinic would, focusing solely on legal issues in one area of law. Rather, the CHAC functions as a poverty law firm, focusing its attention on any issue that could prevent an individual at or near the poverty level from achieving better health. This encompasses everything from housing, to education, to divorce law.

Viewing litigation as the last resort, the CHAC stresses preventative work. Phone calls and conversation are the modus operandi, rather than motions and complaints. To date, no opposing counsel has been involved with any issue. However, the CHAC expects it to occur eventually.

Pamela Daiker-Middaugh, CHAC founder and clinic professor, recently described clinic work as "social work, but with legal teeth."

Because the CHAC's infancy means it has just four openings per semester, entry is very competitive. Middaugh hopes to have more students, but must wait until more professors associate with the CHAC. She described the CHAC as "good experience for learning how to operate a law firm and apply for grants", and said it is a good fit for anyone interested in health care and health care law.

Middaugh said the best thing that she has seen so far has been the cooperation of her students. She said she feels the CHAC will help Cleveland-Marshall produce stellar lawyers, who are "not thinking about suing the doctors, but thinking of the legal issues surrounding the Plaintiff."

## Nationally-renown speakers discuss race and media during BLSA MLK Day panel

By Kevin Kovach  
EDITOR-IN-CHIEF

"The truth will set you free. But sometimes we have a problem distinguishing what is the truth," Dr. Benjamin Chavis Muhammad told the audience at the Black Law Students Association's Martin Luther King Day panel. Chavis, a civil rights leader and President of the Hip-Hop Action Summit Network, joined prominent civil rights attorney and CNN Saturday Legal Analyst Avery Friedman, and Cleveland-Marshall Prof. Lolita Buckner Inniss in a discussion of the effects of media



Dr. Benjamin Chavis Muhammad argues that both hip-hop artists and news media have a responsibility appreciate the consequences of their actions. Prominent civil rights attorney and CNN Saturday Legal Analyst Avery Friedman (left) and C-M Prof. Lolita Buckner Inniss joined Chavis at BLSA's discussion on race and media. Photo courtesy of BLSA.

on race. The January 21 event, which took place in the Moot Court Room, featured frank discussion and provocative film clips.

Chavis argued a fundamental difference between media coverage of the Civil Rights Movement and coverage of racial images today. He recalled that 1960s Civil Rights leaders solicited media to exploit images of brutality against minorities, in an effort to win the support of people of good conscience. In contrast, Chavis asserted, "FOXNews isn't about reporting the news; it's about creating a spin."

Describing hip-hop as "the cognitive and emotive impulse of the consciousness of young people," Chavis defended artists' First Amendment rights, while drawing parallels between their responsibilities to understand the consequences of their actions, and the

obligation of media outlets to play a positive role in breaking social divisions.

"The more media we have, the more responsible the media should be," Chavis said.

Blasting FOXNews as "the epitome of how elements of mass media use the reporting of news to lift some up and put others down," Chavis turned

his attention towards liberals—a sort of "My criticism of liberals is that we are too tolerant of the intransigency and intolerance of the right wing."

Maintaining a measured tone throughout, Chavis recalled personally integrating his local public

library as a teenager, and complimented C-M for hosting the discussion. "If we live in a free society, we have to practice what we mean by freedom of speech, freedom to protest, and the right to redress one's grievances," he stated.

Chavis concluded with a plea to "keep media accountable and push them to give reporting that uplifts people, and makes equality and racial justice for all."

Despite his demeanor, Chavis delivered numerous provocative arguments. Even so, few in the audience reacted as viscerally to any of Chavis' comments as they did to a video that opened the event.

Members of BLSA compiled clips of media coverage of race, and mixed in footage of Dave Chappelle's standup comedy, the uncut version of "Read a Book," a racy video from notarapper.

com that mocks hip-hop culture, and hip-hop artist Master P's Congressional testimony, in which he appeared to attempt to retract his entire musical career. The video concluded with news coverage of Hurricane Katrina. Katrina footage focused on reporters alleging that African American New Orleans residents who took necessities from flooded stores were "looting," while white residents who did the same were "finding" or "taking" things.

Friedman took the podium following Chavis, and recounted the numerous threats he has encountered for representing civil rights plaintiffs. He focused his attention largely on vigilant observation of online threats, because although they are less likely to be seen by large audiences, they can contain unrestricted hate.

Inniss concluded the presentations with an evaluation of media coverage of Hurricane Katrina. She drew several comparisons between coverage of Katrina and the earthquake in Haiti. Recalling attention to the labeling of black New Orleans residents, Inniss argued that Haitians who took food from abandoned shops fell victim to the same unfair reporting in recent weeks.

She invoked the term "disaster pornography" from her scholarly, inter-disciplinary research, generally describing the term as the creation, collection, republication, and deliverance of certain types of images. Inniss argued that "disaster pornography" is "most effective when it's not about people like us."

She claimed that both Katrina and Haiti are examples of this phenomenon, and suggested that rather than focus on pain and suffering in Haiti, the media can play a more positive role by reporting on all of the Haitians who told their American-based families that they were alright via online messages.

### SUMMER LAW STUDY

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## DEAN

CONTINUED FROM PAGE 1

internal candidates may have been a mere reflection of the questioners' awareness of Carfagna's business connections.

Though the date for selection of the interim Dean remains uncertain, Mearns told *The Gavel* that he is "very confident we will identify an interim Dean before March 1."

Mearns informed the law school of his appointment via email the morning of January 29. The Friday buzz carried into the following Monday, February 1, when faculty members met with Mearns to discuss his timeline for taking the reigns as interim Provost.

When asked January 29 about the early reaction to his announcement, Mearns said, "I've received a number of emails and it's been gratifying that the response has been supportive."

Mearns also indicated at that time that he hoped to have an interim Dean in place before he assumed his new post. However, the situation remained in flux and when he met with faculty February 1, Mearns informed them that he had to assume his new position that day. Faculty and staff members reported that Mearns himself appeared surprised by the suddenness of the move.

The interim Provost told *The Gavel* that his appointment "will certainly last through the remainder of this academic year, and then, at a minimum, through the duration" of CSU's national search for a permanent Provost. Mearns continued, "it's conceivable that (his temporary position) would be over by January 1, and it's also conceivable that it would extend through June 30, 2011."

The forum for internal interim Dean candidates included passing comments about C-M potentially having no permanent Dean for two-and-a-half years. Whether this point was merely a misstatement of one-and-a-half years was unclear. If Mearns serves as interim Provost for that long, he will not return to C-M until summer 2012,

presuming he does not make himself a candidate for, is not offered, and does not accept the permanent Provost spot.

When asked whether he would return as Dean upon the conclusion of the national Provost search, Mearns replied, "That's my present intention."

Mearns spoke about his initial thoughts in transitioning to his first university-wide administrative role.

"When (Berkman) presented me with this opportunity, obviously, it was an honor to be asked. One of my important reservations was a concern that the position is disengaged from the core mission of the law school or the academic units. I really value the opportunity I have—day-to-day interactions with the faculty and students, and in that position, it will be harder to replicate those experiences. I'm going to hope to do the kinds of things to make sure that I don't become too disengaged."

By the time Mearns made this remark, he had already moved to prevent the type of disengagement he fears, by meeting with the leaders of CSU's Student Government Association.

Though he pledged to support the law school, Mearns cautioned that his reach will be limited.

"I will continue to support both the administration of the law school and all the faculty and staff to the best of my ability. But I don't want to overstep that responsibility, in the sense that there will be someone who is the interim Dean, and I don't want to undermine his or her authority. I will make myself available to assist in whatever ways are needed, but I'll do that in collaboration or consultation with the administration of the law school."

Mearns also extended a tongue-in-cheek request to law students.

"I hope you will welcome me back here, at least as a visitor."

The February 5 CSU news release reported that as interim Provost, "Mearns will focus on driving the every-10-year university-wide North Central Association accreditation effort, studying how the university can optimize summer enrollment, and creating a new student affairs organization to better serve students."

### Dean Mearns,

The editorial staff and writers of *The Gavel* wish you the best as you begin your new role as Cleveland State University's Interim Provost. The changes you have implemented during your tenure as Dean have greatly enhanced our learning experience and we look forward to the positive impact you will have in your new university-wide position.

As much as we don't want you to leave, we admire your selfless commitment to the university and the Greater Cleveland community and we realize that your decision to serve in this new capacity will benefit thousands of students who would otherwise never come into direct contact with your leadership. Nevertheless, please don't get too attached to your new position—we want you back in your old office on the corner of East 18th and Euclid as soon as the national search for Provost has concluded!

## The Libertarian Contrarian

### Citizens United v. FEC:

Progressives have themselves to blame



The *Citizens United* Supreme Court decision invalidated a portion of the McCain-Feingold act, which had previously limited the ability of corporations to broadcast "electioneering communications" prior to presidential elections. Progressives are outraged, arguing that this will result in unrestrained corporate influence in elections.

I share their outrage. Our elected representatives are beholden to corporate interests. Our federal government could better be described as a corporate oligarchy rather than the constitutional republic as founded. This is a great travesty.

In their outrage, progressives fail to recognize that they are as culpable as the special interests in instituting this economic fascism. The progressive movement continues to oversee a massive expanse of congressional power as a means to achieve its "noble ends." The expansion of governmental power over the last century is directly correlated to the rise in corporate influence. The more powerful the government, the riper the power is for corruption.

My message to progressives is this: you sowed the seeds of the corporatist overgrowth you now decry.

The First Amendment considerations in this case were a red herring. The Court could have avoided drafting a 200-page opinion had it correctly addressed the proper threshold question: "What provision of the Constitution authorizes Congress to pass this legislation?" The answer is, none.

The Constitution delegates limited powers to the federal government. All powers not expressly delegated are reserved to the states or the people through the Tenth Amendment. No provision of the Constitution authorizes Congress to pass campaign finance reform. Neither does it allow for the restriction of "electioneering communications." This authority therefore remains with the states or the people. Yet the Supreme Court leapfrogged this threshold question.

So why didn't the Supreme Court strike it down on these grounds? Over the past 100 years, the progressive movement has turned the Commerce and General Welfare clauses into a fountainhead of unlimited congressional power.

The Commerce Clause was included in the Constitution to prevent the damaging economic protectionism

engaged in by the states under the Articles of Confederation.

In the throes of the Depression, progressives stretched this clause beyond recognition in order to

push through FDR's New Deal. Now activities with mere tangential ties to commerce have been held to fall within Congress' legislative grasp under the Commerce Clause.

Similarly, the General Welfare Clause has become a blank check for congressional power. James Madison wrote, "If Congress can do whatever in their discretion can be done by money, and will promote the General

Welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions." Progressives have institutionalized this very interpretation Madison rejected.

As the Commerce and Welfare clauses are applied today, the Bill of Rights stands alone as the "particular exception" to "indefinite" government power: the last flimsy reed the Supreme Court can grasp to check this indefinite power. Through their reaction to *Citizens United*, progressives continue to show their willingness to torch the Constitution whenever politically expedient.

Progressives must recognize that their nearsighted social engineering produces severe unintended consequences. Expansive interpretation of the General Welfare Clause has resulted in a legislative pipeline of thinly veiled corporate welfare under pseudonyms of "jobs" bills, or "stimulus packages." Expansive interpretation of the Commerce Clause has resulted in trillion dollar corporate bailouts, such as those for AIG, Bear Sterns and GM, and the \$750 billion TARP.

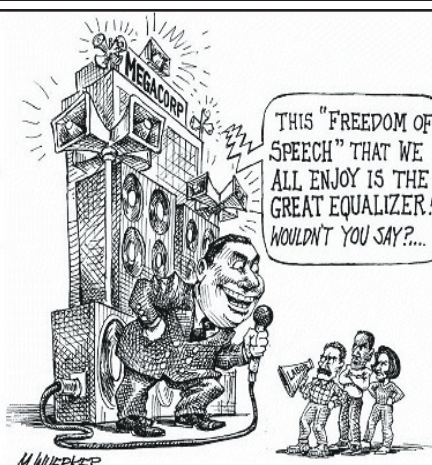
The Supreme Court arrived at the correct outcome in *Citizens United* despite failing to properly address the threshold question. Although progressives find the short-term consequences of the decision unpalatable, further expansive interpretation of congressional power is not justified. In the long run, doing so will only produce increasingly damaging unintended consequences.

A vicious circle has been created. Government power is increasingly subject to abuses, and government increasingly seizes more power to "fix" the abuses. Either this circle must be broken, or



By Matt Brakey  
COLUMNIST

## Citizens United v. FEC: Your take



**What do you think? Should corporations have a First Amendment right to spend shareholders' money to influence the outcome of federal elections? We encourage letters to the editor and guest columns on this or any other topic. Please email your submission to [gavel@law.csuohio.edu](mailto:gavel@law.csuohio.edu) by Monday, March 15.**



# POLITICAL BROADSIDE

THE FORUM FOR DEBATING THE HOT-BUTTON ISSUES OF THE DAY

## Issue 4: Did the Supreme Court get it right in *Citizens United v. FEC*?

### A LIBERAL ARGUMENT

Most Americans understand that the political landscape has become a rich man's game, one that tends to cater toward the needs of Wall Street, rather than those of Main Street. Fortunately, there were regulations in place that checked corporate influence, especially during elections. However, the Supreme Court's recent decision in *Citizens United*



By Lindsey Wilber  
LIBERAL COLUMNIST

*v. FEC* eviscerates those checks and balances. In holding that restrictions on corporate campaign spending violate the First Amendment, the Court ignored long standing precedent, trampled on states' rights, legislated from the bench, and placed 'Inc.' above "We the People".

For years, we on the left have been forced to listen to the ever-present drone of complaints from the right about 'activist judges' who legislate from the bench, overturning state legislators and the will of the people. Conservatives claim originalism as their birthright and cling to the four corners of the Constitution. However, everything about this decision stands in direct opposition to originalism and deference to Congress and states' rights. The Court's holding overturns laws about corporate campaign spending in 24 states, including Ohio, as well as overturning parts of the McCain-Feingold Act, one of the greatest works of bi-partisan legislation in the past 50 years. Every word of Justice Kennedy's majority opinion reeks of hypocrisy. The document that forms the basis for our society cannot be the legal equivalent of Schrödinger's Cat; the Constitution is either a living document or a static thing. It cannot exist in both states simultaneously, simply to suit the whims of five politically-motivated justices.

Furthermore, not only did the majority look outside the four corners of the Constitution to justify granting unfettered free speech rights to corporations, they over-stepped the four corners of the original complaint. The original issue before the Court was whether a movie critical of Hillary Clinton was 'electioneering' that could keep it from being shown on pay-per-view and in select theaters during the 2008 primary season. After hearing oral arguments on

this narrow issue, the Court asked the parties back and had them reargue the case under the constitutionality of limiting corporations' independent spending during campaigns. Five conservative Justices saw the chance to rewrite the laws of the Federal government and 24 states and they jumped at it.

Most importantly, to those of us who study the law, is the flippant way the majority dealt with precedent in this area. In performing the legal gymnastics it took to bend reasonable and responsible limits on corporate election spending into 'censorship', the majority vaulted over two recent Supreme Court cases that upheld such limits. The first was *Austin v. Michigan Chamber of Commerce*, a 1990 decision that upheld restrictions on corporate spending to support or oppose political candidates. The second was *McConnell v. FEC*, a 2003 decision that upheld restrictions on campaign spending by corporations and unions. It would appear to even the most casually observer that Justice Scalia & Co. have sold the tenet of *Stare Decisis* for 30 shiny stock certificates.

While the logic of the decision and the political motivation behind it are enough to turn one's stomach, the results of the decision may have horrendous, far-reaching effects that will irrevocably alter the political landscape. The amount of money that now in play will shut the door on all but the richest wish to run for office. Not only will corporations be able to buy elections, but just the threat of throwing millions at a challenger will keep Congressmen and women strung-up like puppets. Not to mention that companies that receive millions and even billions in government contracts are free to spend that money. While the Court mentioned in dicta the possibility of foreign-owned companies with American subsidiaries influencing elections, they never mentioned how, or even if, they could prevent it. This decision is one of the worst for American democracy, and one can only hope that given the ever-evolving nature of the Court, this wrong will be put right before it is too late.

### CONSERVATIVE REBUTTAL

The Chicken Little cries from the left that Wall Street will begin stampeding on the rights of Main Street because of the *Citizens United* ruling have really begun to wear on my nerves.

It's nothing short of sickening that while this country is bearing witness to some of the most underhanded backdoor politics it has ever seen - senators being bought off to support healthcare legislation, labor unions enjoying a free ride on the public's dime, and special interest groups backing the President getting sweetheart deals - the left has the audacity to call the Court's decision hypocritical. Historically, corporate spending has not benefited one political party more than the other. Over the last 20 years corporations have divided their contributions equally towards both Democratic (49.4-percent) and Republican (50.6-percent) candidates,

so alarmist talk of unchecked corporate influence during elections is pure ignorance.

Applying the regulation of corporate speech as some sort of saintly action and trotting out cases with poorly reasoned and undermined decisions while shouting "Stare Decisis, Stare Decisis" from the rooftops fails to appreciate what this issue is truly about. *Austin* sought to prevent First Amendment protections based solely on the speaker's financial ability to engage in public discussion. Allowing the decisions in *Austin* and *McConnell* to stand would simply be one more step in the direction of allowing the government to restrict what information we can receive and from whom, all at the expense of our First Amendment rights.



### A CONSERVATIVE ARGUMENT

The Supreme Court should be applauded for its decision in *Citizens United v. FEC*. This historic ruling removes the censorship provision contained within the McCain-Feingold Act that made it a felony for a corporation or union to use any of its funds to urge the electorate to vote for or against a particular candidate for federal office within 30 days of a primary election or 60 days of a November general election.

The Founding Fathers would undoubtedly join the applause, wholeheartedly agreeing with the Supreme Court's decision. While writing the Constitution, the Founding Fathers knew just how essential a part free speech is to a democratic government. It is the most effective way to hold public officials accountable to the people that they serve. Suppressing political speech based solely on the speaker's corporate identity goes against one of the most sacred rights upon which this country was founded - that the American people, either as an individual or as a group, have the fundamental right to express their opinions of their government and its policies.

The regulation of corporate involvement in the political process by Congress has a dirty history, going back to the Tillman Act of 1907, introduced by South Carolina Sen. Benjamin Tillman. Tillman was concerned that because corporations were more advantageous toward blacks than general society, a need existed to regulate corporations by banning corporate funding to federal candidates.

Groups of citizens in the corporate form have the same protected First Amendment right to participate in the political process as any other citizen or group of citizens, regardless of how they choose to assemble. Barring one group's access to the political process by preventing that group from engaging in political discussion based solely on its financial ability to accumulate wealth is absolutely inexcusable. That is something I would expect to hear about in communist China, not the United States.

Censoring a group's right to speak to the public and express



By Mike Borowski  
CONSERVATIVE COLUMNIST

their opinion on political matters based solely on the corporate status of that group is a scary proposition. It is the government's argument that a corporation's ability to use large amounts of money to distort public debate by drowning out the voices of everyday citizens is what makes a censorship provision necessary. Following this logic, the government would

have the ability regulate what forms of media the American people could access, because all major media outlets are corporations with large amounts of money at their disposal, and many television shows, movies, and books express some form of political opinion.

Many on the left, including President Obama, will have you believe that this ruling is only a win for big business -- for oil companies, Wall Street banks, health insurers, and other powerful interests that could find themselves under attack when election time rolls around. They will tell you that it gives special interest lobbyists new leverage to spend millions on advertising that would persuade elected public officials to vote their way or to punish those who don't. They couldn't be more wrong.

The fact that our President, an elected public official himself, could be so cynical about the influence these groups would have over elected officials is disheartening. Perhaps his experiences in Chicago led him to believe that politics and corruption are inseparable. The Supreme Court, however, still believes that while these corporations may have access to elected officials, it does not mean these elected public officials are corrupt, and the electorate will not lose faith in our democracy.

Freedom of speech is one of the most sacred rights granted to all citizens of this country. Regardless of race, gender, status, or wealth, every citizen, including groups of citizens, have the right to publicly express their political opinion. In the United States of America freedom of speech means freedom of speech for everybody and the Supreme Court took important steps to protect this right.

### LIBERAL REBUTTAL

To suggest that the Supreme Court should be applauded in some sort of Capraesque scene is ludicrous. The Court did not stand up for the little guy, like Mr. Smith or George Bailey did. The Court simply made it easier for the Mr. Potters of the world to run roughshod over American Democracy. And the idea that the Founding Fathers would have supported such a misrepresentation of the first amendment belies a poor understanding of not only the men who wrote the Constitution, but the political climate in which they wrote it. If, for example, John Adams was such a fan of unfettered political speech, how does one explain the Alien and Sedition Act?

Republicans say that this decision

is fair, because unions can now spend freely too. But a close reading of the actual opinion reveals no mention about union spending, or the rights of the union as a citizen. While the Court overturned its ruling in *McConnell v. FEC*, it did so only with respect to corporations. It is possible that any union that might attempt to spend freely the same way a corporation can will be slapped with a lawsuit quicker than Glenn Beck can muster up fake tears.

The right's support of this decision is hollow, hypocritical, and full of buzz words designed to cover the true nature of what was done. The Court legislated from the bench, ignored the will of almost half the states and made it more difficult for the little guy.

# “Hot Haitian Nights”: C-M community comes together to celebrate and raise money for Haiti

By Jillian Snyder  
STAFF WRITER

The Cleveland-Marshall community came together Saturday, January 30, to celebrate Haiti and raise money for earthquake relief. Inga Laurent, C-M Manager of Student Affairs, joined 2L Sunny Nixon to organize a benefit at Speakeasy on West 25th Street, titled, “Hot Haitian Nights.”

The magnitude-7.0 earthquake and strong aftershocks that struck last month near Haitian capital Port-au-Prince caused massive losses of lives and destruction of housing and infrastructure.

The number affected is in the millions, and Haiti’s Ambassador to the United States called the earthquake a “catastrophe of major proportions.”

According to the Habitat for Humanity’s “Commitment to Rebuilding Haiti” online article, damage from the earthquake has added yet another dimension to the humanitarian crisis and poverty conditions that confront the island nation, where more than 80-percent of the people live on less than U.S. \$2 per day and 55-percent live on less than U.S. \$1 a day. In the past two years, political instability, food shortages, tropical storms and hurricanes have made it next to impossible for Haitians to break the cycle of poverty.

More than 50,000 homes were damaged or destroyed in 2008 storms alone. Most Haitian homes are of low-quality construction and not built to withstand disasters. Walls are made of concrete bricks, mud or stones that lack

steel reinforcement and are not anchored to a foundation. Roofs are often made of scrap wood and metal sheets with dirt floors. Although the full toll of homes damaged or destroyed by the January 2010 earthquake is not yet known, Habitat for Humanity International has begun to respond and will remain there long after relief efforts have faded and long-term recovery work begins.

Laurent, who is part Haitian, felt compelled to help Habitat for Humanity with its extensive and important rebuilding efforts. After she reached out to several students in the days following the earthquake, Laurent and student leaders collected monetary donations at the law school and collaborated with several area businesses to host “Hot Haitian Nights.”

Nixon commented on the success of the event. “Despite the Cleveland cold,” she said, “we welcomed over 160 attendees. We raised over \$2,600 to benefit Habitat for Humanity International’s rebuilding efforts in Haiti. The party was open to all, and we received lots of support from C-M law students.”

C-M student leaders worked with CLE Clothing Company to design a custom t-shirt for the event, and also solicited donations from area businesses for a silent auction. A few T-shirts are still available for \$15.

Students can contact Laurent for more information, at [inga.laurent@law.csuohio.edu](mailto:inga.laurent@law.csuohio.edu). Those interested in supporting Habitat for Humanity’s work in rebuilding houses and hope in Haiti, can visit <http://www.habitat.org>.



TOP: Clockwise, from front-left: April Stephenson, Jeremy Samuels, Jennifer Noble, and Luisa Taddeo enjoy the evening. MIDDLE: Maya Simek proudly displays her new shirt near the check-in table. BOTTOM: Marilyn Robertson and guest. Photos courtesy of Inga Laurent.



ABOVE: CLE Clothing Company’s custom-designed t-shirt for the “Hot Haitian Nights” benefit. BELOW: The poster designed to promote the benefit. Courtesy of Inga Laurent.



## CONTACT US!

Submit photos, articles, columns, letters to the editor, advertisements and other ideas to [gavel@law.csuohio.edu](mailto:gavel@law.csuohio.edu). The Gavel meets once per month to discuss story ideas and make assignments. Our next issue will be released toward the end of March.





# UPCOMING STUDENT EVENTS

THE GAVEL ASKS STUDENT LEADERS TO TELL US ABOUT THEIR UPCOMING EVENTS

DATE	ORGANIZATION	EVENT DESCRIPTION	PLACE	TIME	CONTACT
2/16/10	SPILO	Wine Tasting and Silent Auction	Porter, Wright, Morris, and Arthur, 925 Euclid Avenue, Suite 1700	6:00 to 7:30 p.m.	Sarah Wilinski, Secretary, sarah.wilinski@law.csuohio.edu
2/17/10	Christian Legal Society/Catholic Lawyers Guild	Practicing the Faith: The Haiti Experience - An Intimate Conversation With Vadim Levtonyuk	Faculty Presentation Room (LB 60)	4:30 to 6:00 p.m.	Tyessa Howard, President, thoward@law.csuohio.edu
2/17/10	Jewish Law Student Association	Annual Networking Reception and Alan Dershowitz Video Presentation	Schmidt Auditorium, Case Western Reserve University	6:00 to 8:45 p.m.	Sergey Kats, President, skats@law.csuohio.edu
2/20/10	Criminal Law Society	Prison Visit - Ohio State Penetentiary in Youngstown	Departure from C-M	Meet at C-M at 9:15 a.m.	Timothy Huber, timothy.huber@law.csuohio.edu or Melissa Kobasher, melissa.kobasher@law.csuohio.edu
2/20/10	SBA/Supreme Bar Review	MPRE Review Lecture by Professor Stephen Lazarus	Moot Court Room	9:00 a.m. to 1:00 p.m.	Luisa Taddeo, SBA Vice President of Programming, LTaddeo@law.csuohio.edu
2/25/10	WLSA	Women in Law Panel		5:00 p.m.	Weronika Kowalczyk, Secretary, weronika.kowalczyk@law.csuohio.edu
3/6/10	SBA	Barrister's Ball	Wyndham Hotel at Playhouse Square	6:30 p.m.	Luisa Taddeo, SBA Vice President of Programming, LTaddeo@law.csuohio.edu
Through 2/19/10	C-M	Sign Support Cards for C-M Graduates Taking the February Ohio Bar Exam	Student Services	Anytime	Professor Pamela Daiker-Middaugh
Through 2/19/10	Christian Legal Society	Donation Drive for Providence House	SBA Office	Anytime	Tyessa Howard, President, thoward@law.csuohio.edu

Did we miss something? Be sure to contact us at [gavel@law.csuohio.edu](mailto:gavel@law.csuohio.edu).

## GOOD LUCK BAR TAKERS!

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## MOOT COURT EXHIBITION

Appellate Advocacy Presentation

Thursday, March 4th at 4:00pm  
Moot Court Room  
Cleveland-Marshall College of Law

Arguments To Be Heard by Three Distinguished Judges  
From Our School's Two ABA Competition Teams

### Counsel for Petitioner

Michael Jagunic  
Kevin Marchaza  
Samantha Vajskop  
Mentored by Thompson Hine

### Counsel for Respondent

Stanley Ball  
Angela Krupar  
Casey McElfresh  
Mentored by Squire Sanders

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the gavel

## ASK LAW LIBRARIANS

CONTINUED FROM PAGE 10

things, the FR is a chronological publication of federal regulations, enabling one to find copy of historical regulations. LexisNexis and Westlaw coverage of the FR starts at 1980.

LexisNexis Congressional includes US Congressional materials from 1789 to the present. The Law Library also has the print and microform Congressional Information Service legislative materials from 1789 to 2002. LexisNexis coverage of such materials starts at 1993, and Westlaw's selective coverage of such materials starts at 1948.

**LLMC Digital** includes several Ohio unofficial reporters (eg, Gottschall's Reports), Ohio Session Laws from 1890 to 2003, and Ohio Attorney General (AG) Opinions from 1902 to 1975. The Law Library also has Ohio Session Laws in print or microform from 1803, and Ohio AG Opinions in print or microform from 1846 to the present.

**Ohio Capital Connection** has a wide assortment of Ohio legislative materials from 1989 to the present. LexisNexis and Westlaw coverage of such materials starts in the early 2000s.

Let's get back to "the many ways to contact a librarian." Sure, you can always consult the Research Guides posted on our Web site for information on how to approach a topic, as well as for key treatises, practice guides, study aids, journals, and current awareness services concerning that topic. But one of our key objectives as librarians is to help you with your research and to find the materials you need. So talk to us, email us, schedule a research consultation. For more information, check out <http://www.law.csuohio.edu/lawlibrary/reference/asklibrarian.html>.

## Consideration is more than a contract law term

*Attorneys must respect clients to improve profession's public image*

By Marc L. Stolarsky, Esq.

GUEST CONTRIBUTOR

ATTORNEY AND LLM CANDIDATE

Harry S. Truman once said "Always do right; you'll gratify some and astonish the rest." That should be every attorneys motto when dealing with their clients.

The image of the attorney has deteriorated to the crisis stage. The law schools, bar associations and Ohio Supreme Court should address this issue, since it has resulted in people seeking non-lawyers for their legal problems.

All too often people who have legal issues are afraid to talk to a lawyer. They may have had a bad experience themselves or heard a horror story about someone they know.

Some of those in need of legal assistance are desperately afraid of dealing with an attorney, who they don't trust or who they are afraid will overcharge them. The result is they may purchase fill-in-the-blank forms from office supply stores, try to do complicated matters themselves or risk breaking the law to get legal work done by a non-attorney who claims to know what they are doing. The result is a mess that may cost them tremendous money and/or hardship.

There are simple rules that all

attorneys should follow to rebuild the fractured image of the legal profession.

Attorneys need to be more sensitive to the client's needs. The average person that is in need of an attorney is at a vulnerable time, often confused and anxious. Allow them some leeway to express

them. It is a great honor to be retained as a legal counsel and it should be every attorney's goal to do the work quickly, accurately and without problems.

Attorneys should do a better job of communicating with their clients by keeping them updated with their case,

returning telephone calls promptly, and sending them updates on relevant changes in the laws.

Using legalese might confuse someone, so it is better to use simple language. That doesn't mean talking down to your client, but making sure what you are saying. If your client doesn't understand what you have told them, you have failed in communication which could lead to more problems, not the least of which if their anger toward you.

Attorneys should treat their clients with respect and not speak to them condescendingly.

Because it can be stressful

and expensive, the client may not be 100-percent happy with their legal experience, but they should feel that their attorney gave them excellent representation and worth what they paid. They should have all of their questions answered before the legal relationship ends.

If all attorneys could follow these simple guidelines the image of the attorney would improve greatly.



Illustration by Joe Fell.

themselves and understand their pain.

Attorneys should treat their clients with respect and treasure their trust. It is a tremendous duty to assist someone and that has to be done with great care.

Attorneys should be committed to the principle that their client always comes first and the attorney works for

## B Spot as good as it gets among Cleveland eateries

*Iron Chef Michael Symon combines moderate prices with amazing burgers*

## RESTAURANT REVIEW

By Joe Fell

ASSOCIATE EDITOR

Located in the Eton Collection on Chagrin Boulevard just east of I-271, The B Spot opened in November 2009, alongside Barnes and Noble, Trader Joe's, and Anthropologie. The restaurant has another location with a limited menu inside of Quicken Loans Arena. The B Spot is owned and operated by Michael Symon, Cleveland's Iron Chef, who also owns and operates Lola, Lolita, and Bar Symon. If you've been to any of those establishments, you'll know what I mean when I said that I had high hopes for The B Spot!

My first visit occurred in January with a group of 12 people. Usually, restaurants treat large groups celebrating special events either as annoyances who need to be placated or as guests of honor who receive special treatment because of the nature of the visit and because large groups usually leave big tips. Fortunately, The B Spot treated us like royalty! Our waiter didn't bat an eye when we asked for nine separate checks, and he immediately adjusted the checks without complaint when there were errors.

I ordered the Symon Says Burger (\$8) and Vanilla Bean Apple Pie Bacon Milkshake (\$5) with bourbon (\$3 extra). My wife ordered

the Thin Lizzy Burger (\$7) and a Chocolate Banana Marshmallow Milkshake (\$5) with dark rum (\$3 extra). Being a married couple, we tried each other's food. Most of the time, she orders the better meal. This time, she did not—the Thin Lizzy was a pretty basic, but solid, cheeseburger, whereas the Symon Says took burgers to a new level. You gotta love a place that puts bologna on top of a burger and doesn't use the excuse of putting extra meat on the burger to cut down the size of the burger itself! Topped with some great cole slaw, American cheese, and "whip sauce" (Miracle Whip with mustard), the Symon Says had me shaking because it was so juicy and delicious. Speaking of shaking, our shakes were amazing too—you'd never think that bacon would enhance the taste of a milkshake, but it created a tantalizing blend of salty and sweet!

I could only last a week before

getting the uncontrollable urge to venture out again to The B Spot! Using the guises of shopping at Trader Joe's and taking my wife to Anthropologie to hide my true motive for the trip, we had another fantastic meal. We ordered homemade potato chips (\$4), the Fat Doug burger (\$8), and the Chilly Willy Burger (\$7). I'm sure that many of you just said, "You paid for potato chips? I get chips for free at school if I hit up the classrooms after lectures and meetings!" Well, those chips aren't sprinkled with rosemary and served with a sumptuous parmesan fondue. We were so enraptured by the chips that we nearly forgot about our burgers! The Fat Doug was delicious; the pastrami and Swiss cheese added a lot of body and made the burger very hearty, and the Chilly Willy was extremely flavorful, with the chili adding a touch of sweetness to the burger.

There are some areas in which The B Spot can improve. The bathroom facilities are sorely lacking. There is only one bathroom in the restaurant, making for somewhat long waits when the restaurant is at full capacity (which it often is on weekends). Fortunately, there are other bathrooms elsewhere in Eton to use. Although this was slightly annoying, I dealt with it by keeping an eye on the line and going when the line went down—no biggie! The B Spot also does not take reservations, and the wait can be fairly long at times. Again, this is also easily overcome—put your

The inside of the Symon Says Burger. Photo courtesy of [funplayingwithfood.blogspot.com](http://funplayingwithfood.blogspot.com).The B Spot's Symon Says Burger, fresh off the grill. Photo courtesy of [funplayingwithfood.blogspot.com](http://funplayingwithfood.blogspot.com).

name on the list and head over to Barnes and Noble to read some non-law material for the first time since Winter Break! (Gentlemen, you may want to keep your ladies out of Anthropologie or your bank account will be much lighter than it was when you first went in!) Lastly, The B Spot does not have any televisions. Some will say that this is a blessing and some will say that this a curse, so I'll just leave it at that and encourage you to set your TIVO or DVR to record any games that you were planning on watching while you chow down on Cleveland's best burgers.

I have lived in Cleveland for 28 years. I've eaten in some great restaurants that have since closed and I know there are many great culinary experiences in my future in restaurants that only currently exist as figments in the minds of the chefs and owners. As far as the present, however, The B Spot is as good as it gets in Cleveland if you're looking for a moderately-priced restaurant that serves amazing food in a fun atmosphere.

# Happy belated Valentine's Day 2010!

*Sentimentality and sarcasm from C-M students, faculty, and staff*

Compiled by Maryann Fremion, STAFF WRITER

Dear Students,  
"No brilliance is required  
in law, just some common  
sense and relatively  
cleaner fingernails."

Love,  
Inga, Your Manager of  
Student Affairs

"To my boosty's, thanks  
for taking such good care  
of me. Love, Gloria"

Thanks!!!  
Luisa

Chandra,

When I'm with you my  
utility soars! It's probably  
because...I GOT MY MIND  
SETTTTT ONNNNN YOU!!!  
I guess I'll just have to  
consume more of your  
goods and services!! ;-P

Happy Valentine's Day!  
Nick

Marc loves Kim:  
now and forever!

"To Megz, ===C  
BEEP."

Thank you very  
much.

Amber:

You said you would kill  
me if I put a valentine in  
the gavel, but when do I  
ever listen to you! Happy  
valentines day!

Love your sweetiepie,  
Darren

16 Ds in a single 1L class  
(L502) a year after 1 A in  
an entire 1L class (L508)?  
I am madly in love with  
faculty accountability!  
Heavens knows this  
will have no bearing  
on our ability to secure  
well-paying jobs and  
subsequently contribute  
money to this institution!

Happy Valentine's Day to  
the Moot Court Team!  
Stay Beautiful!

Love,  
Your Chairman, Dave  
Thomas

Dear Lovtart,

I just wanted to let you know  
that I will always be there for  
you: push the grocery cart  
for you, sit on the bathroom  
floor and cry with you, spend  
3 hours in target with you, roll  
lint off your dress, and get  
arrested in VEGAS with you in  
26 days! I <3 u!

love,  
your valentine!

*Happy Valentine's Day,  
Miel! You know I love  
you and I want the world  
to know how much you  
mean to me. Please  
be mine forever.  
Will you marry me?  
Love, Piel*

King George  
When the town's painted  
red  
And the sky's painted blue  
On Valentine's day  
Make it a good day  
Just for you!

From: Ogenna

Dear Valentine

Our relationship has  
amounted to such:

That you can ease my worry  
with your slightest touch.

No longer am I in a hurry  
To hide away and close my  
eyes

Fearing so much, lost in the  
flurry

Because my presence you  
sensationalize  
From the void I am given  
reason  
And I am not, anymore  
fallen to disguise.

A friendly face,  
An undying grace,  
A warm embrace

This is what makes you  
My Valentine

My dearest Hottart,

Roses are red  
Your nails are blue  
The whole school thinks  
we're a couple  
So let's say I DO!

In Vegas of course! Can't  
wait for sbk 2010!  
Happy Valentines Day  
Pretty!

Always (obviously),  
Lovtart

Kelley B.,

I have grown fond of your  
humorous answers in class; fonder  
still of the way in which you use  
me as a hypothetical character  
in the silly questions you raise-  
even though your imaginary  
tales inevitably conclude with my  
maiming. As anyone can see, I am  
always on your mind, and I doubt  
not my status as your hypothetical  
Valentine.

Hypothetically speaking, of course,  
J.K.

Chief Justice Roberts,

How do I love thee? Let me  
count the ways:

1) you've ensured that  
political office surely does  
pay

Love,  
Palm-greased candidates  
for Congress

"Sean Burke. Let's ride  
together on this roller  
coaster we call life, eh.  
Love Me."

Marley, you have  
pretty hair!

Temporary layoffs,  
good times! Easy  
credit ripoffs, good  
times! Scratching and  
surviving, good times!  
Hanging in a chow  
line, good times! Ain't  
we lucky we got 'em?  
Good times!

Dean Mearns, we liked  
you before. Then we heard  
you mentioned us at your  
meeting with faculty to  
discuss your appointment  
as interim Provost. Now,  
we love you!  
Love, The Gavel

# Are you taking the March **MPRE**?

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