Dean Mears 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] Mears has to be given credit for producing significant change in the law school.” Berkman’s positive impression of Mears’ work at Cleveland-Marshall prompted him to appoint Mears CSU’s interim Provost on January 29, following the sudden resignation of Dr. Mary Jane Symon’s new place is on par with his other ventures.

The five candidates for interim Dean, clockwise from bottom-left: Prof. Sheldon Gelman; Associate Professor of Law and Public Policy programs. (Geoffrey) Mearns has to be given credit for producing significant change in the law school. According to a February 5 CSU news release, Mears “substantially increased the donations from alumni and law firms to support various law school initiatives.”

Carfagna and Davis 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

SBA “OFFICE” OPEN

See PAGE 10

“What Do You Think?”

See PAGE 6

“HOT HAITIAN NIGHTS” BENEFIT ORGANIZERS BRUNING NIXON (LEFT) AND INGA LAURENT (RIGHT) POSING 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)

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 alumni 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. He is still afraid of sleeping inside, 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 for 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. Laurens said, “It is a small island, so everyone knows everyone 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.

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 alone.”

Laurens 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.
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

A s the midway point of the spring semester rapidly approaches, it is time to sit down (while watching the Masters baseball game, of course) and recount the developments that have taken place in the continuity of the academic year.

For those of you who 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; instead, in the corner (if next year's 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 for what is known as the new SBA "office" finally open after the renovations.
Learn to conduct book-based legal research to protect yourself

Legal Writing Professors Karin Mikä

Have online legal databases like LexisNexis and Westlaw caused law students’ skills to wane over the years? Are research tasks a few years ago 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 additional research skills has driven up those skills. The more information lawyers have, the more complex the work they have to do is. Particularly for 1Ls, the amount of knowledge they need to gain is incredible. Yet, I do think that some of the things we do, such as practicing legal research, don’t get as much attention as they should. So, I’m glad you mentioned “the best done by book?”

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

By Anonymous 1L

Between school, which we all know can be 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, I have come to be 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 to as 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 fairly well. This does not mean that the student who has just graduated 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 there, and I’m assuming that you did too. 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 the way, 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, no matter how bad the year was, I’m not in it 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 scrap over the miserable drudgery of the past few years, and the chance to do the same work on a new car or house. The only thing that’s going to make this work is the minimum wage at the beginning of my 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 evolved a totally different field. College. 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, anywhere, 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 go to hunting around the internet for firms, too. As much as I’ve misused this column as my private forum for ranting and whining, I admit that I could definitely be worse off. However, that doesn’t stop me from wishing for the weather to be warmer, another set of exams over, and a job that pays me enough to avoid paying the Taco Bell cashier in pennies again.

I’d like you to think of the library, the stuff I need to research and read is all on LexisNexis and Westlaw, right?

I’m glad you acknowledged “the many ways to connect a librarian,” and will get 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. hey also have numerous secondary resources, such as legal 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 shouldn’t have 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 job. Beyond LexisNexis and Westlaw, the Law Library provides an incredible array of electronic and print resources to help you and other law students, as well as get hard copy of primary and secondary materials. Our Electronic Resources Librarian; Regina (http://www.law.csuohio.edu/law/library/resources.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, business, banking, and intellectual property databases that include copy of primary and secondary materials. The Law Library also has selected print CCH Intelliconnect indexes as the Standard Federal Tax Reporter. The HeinOnline Law Library provides print and online coverage from the start of a journal’s publication. Most LexisNexis and Westlaw sources of coverage journals at 1980. This 1980 date is for those cases, rules as well as get hard copy of primary and secondary materials. Our Electronic Resources Librarian, Regina (http://www.law.csuohio.edu/law/library/resources.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, business, banking, and intellectual property databases that include copy of primary and secondary materials. The Law Library also has selected print CCH Intelliconnect indexes as the Standard Federal Tax Reporter. The HeinOnline Law Library provides print and online coverage from the start of a journal’s publication. Most LexisNexis and Westlaw sources of coverage journals at 1980. This 1980 date is for those cases, rules (http://www.law.csuohio.edu/law/library/resources.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, business, banking, and intellectual property databases that include copy of primary and secondary materials. The Law Library also has selected print CCH Intelliconnect indexes as the Standard Federal Tax Reporter. The HeinOnline Law Library provides print and online coverage from the start of a journal’s publication. Most LexisNexis and Westlaw sources of coverage journals at 1980. This 1980 date is for those cases, rules
Local high school students get a "jump start" on law school

By John Syrakos, Beat Wetter

Each Cleveland-Marshall student has a unique story about how they 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 a narrative of how exposure to 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 to many people. Many people believe that every lawyer spends his or her time in a courtroom, and others have very little knowledge about basic elements of the law school experience. Additionally, some communities do not have a high population of lawyers, and younger members of the community are denied the opportunity to exposure to lawyers and 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 the information, 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 Meany. 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. Lektra 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 local high school 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.
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 to discuss race and media during BLSA MLK Day panel.

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, “The truth will set you free.”

“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 — 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 on 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 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. “They invoked the term “disaster pornography” from their scholarly, inter-disciplinary research, generally describing the term as the creation, collection, republication, and delivery of certain types of images. Inniss argued that “disaster porn” is “insensitive when it’s not about people like us.”

She claimed that both Katrina and Haiti are examples of a phenomenon, and suggested that rather than focus on pain and suffering in Haiti, the media can play a more positive role by operating on 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 practice of 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.”

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 clinic, 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 means it is 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 or at near the poverty level from achieving better health. This encompasses everything from housing, to education, to health care.

Viewing 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.

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

Illustration by Kevin Kovach.
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’s Provost of his appointment via e-mail 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 February 5 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 February 5 CSU news release reported that as interim Provost, Mearns cautioned that his reach will be limited. “I’ll do that in collaboration or consultation with the administration of the law school.”

The editorial staff and writers of The Gavel wish you the honor to be asked. One of my important duties is that your decision will serve in this new capacity will benefit thousands of students who would otherwise never come into direct contact with the administration of the law school.”

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 ability. But I don’t want to overstep that boundary. 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.”

The Gavel has 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.”

The Libertaran 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 “independent communications” prior to presidential elections. Progressives are outraged, arguing that this result in unbridled corporate influence in elections.

They 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 oversize a massive expanse of congressional power as a means to achieve its “noble ends.” The expansion of governmental power that the last century is directly correlated to the rise in corporate influence. The more powerful the government becomes, the riper the power is for corruption.

My message to progressives is this: you sowed the seeds of the corporate 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 dictates 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 “electronic communications.” This authority therefore remains with the states or the people. Yet the Supreme Court leptfrogged 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, the court fleshed this clause beyond recognition in order to push forward FDR’s New Deal. Now actions 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 flimsey 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 misguided 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. “Supreme Court Justices have 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 constitutional limitation on Government power is increasingly subject to abuse, and government increasingly seizes more power to “fix” the abuses. Either this circle must be broken, or...
The Supreme Court should be applauded for its decision in Citizens United v. FEC. This historic ruling removes the censorship provision contained in the McCain-Feingold Act that made it a felony for a corporation or union to spend money of its funds on an election. The Court thereby removes the threat of a lawsuit that could easily be slapped with a lawsuit quicker than a speeding ticket. The right side's support of this decision is hollow, hypocritical, and a scary proposition. It is a scary proposition for democracy because it means that corporations will have the ability to restrict what forms of表达 can be engaged in. This is done by preventing that group from engaging in any kind of political discussion based solely on the interest of the corporation. It is something I would expect to hear about in communist China, not the United States. The right side's support of this decision is an important step to protect this right.

To suggest that the Supreme Court should be applauded in some sort of Capraesque scene is simply made it easier for the Mr. Potter of the world, to be the Walter Potters of the world to run roughshod over American Democracy. And the idea that the Founding Fathers would be pleased by this group of corporations is completely irrational. It is possible that any sort of corporate influence during elections is to the will of almost half the states and the Supreme Court legislated from the bench, ignored the true nature of what was done. The results are hollow, hypocritical, and makes a censorship provision necessary. Following this logic, the government would have the ability to 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. The decision in Citizens United v. FEC is a scary proposition. It is a scary proposition for democracy because it means that corporations will have the ability to restrict what forms of expression can be engaged in. This is done by preventing that group from engaging in any kind of political discussion based solely on the interest of the corporation. It is something I would expect to hear about in communist China, not the United States.

Conservative Rebuttal

The Chicken Little cries from the left that Wall Street will start stampeding on the rights of Main Street because of the Citizens United decision are nothing more than the fear that money can buy influence. I really have to wonder if they have really been worn to our nerves. It's nothing short of sickening that while this country is bearing witness to some of the worst and most robust politics it has ever seen - senators being bought off to support healthcare legislation, lobbyist making deals for access 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 past 20 years of following all government to restrict what information we can receive and from whom, all at the expense of our First Amendment rights.

To suggest that the Supreme Court should be applauded in some sort of Capraesque scene is simply made it easier for the Mr. Potter of the world, to be the Walter Potters of the world to run roughshod over American Democracy. And the idea that the Founding Fathers would be pleased by this group of corporations is completely irrational. It is possible that any sort of corporate influence during elections is to the will of almost half the states and the Supreme Court legislated from the bench, ignored the true nature of what was done. The results are hollow, hypocritical, and makes a censorship provision necessary. Following this logic, the government would have the ability to 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. The decision in Citizens United v. FEC is a scary proposition. It is a scary proposition for democracy because it means that corporations will have the ability to restrict what forms of expression can be engaged in. This is done by preventing that group from engaging in any kind of political discussion based solely on the interest of the corporation. It is something I would expect to hear about in communist China, not the United States. The right side's support of this decision is hollow, hypocritical, and a scary proposition. It is a scary proposition for democracy because it means that corporations will have the ability to restrict what forms of expression can be engaged in. This is done by preventing that group from engaging in any kind of political discussion based solely on the interest of the corporation. It is something I would expect to hear about in communist China, not the United States.

Conservative Rebuttal

The Left is not the only one of us who study the law, and the flippant way the majority dealt with those of us who study the law, is the most important, to decision in Citizens United v. FEC. People who study the law, is the most important, to decide that the First Amendment, the Court ignored the ever-evolving nature of the Court, this decision is hollow, hypocritical, and makes a censorship provision necessary. Following this logic, the government would have the ability to 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. The decision in Citizens United v. FEC is a scary proposition. It is a scary proposition for democracy because it means that corporations will have the ability to restrict what forms of expression can be engaged in. This is done by preventing that group from engaging in any kind of political discussion based solely on the interest of the corporation. It is something I would expect to hear about in communist China, not the United States. The right side's support of this decision is hollow, hypocritical, and a scary proposition. It is a scary proposition for democracy because it means that corporations will have the ability to restrict what forms of expression can be engaged in. This is done by preventing that group from engaging in any kind of political discussion based solely on the interest of the corporation. It is something I would expect to hear about in communist China, not the United States.
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.”

A c c o r d i n g t o t h e H a b i t a t f o r H u m a n i t y ’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 “Hot Haitian Nights” benefit. A few T-shirts are still available for $15. Students can contact Laurent for more information, at 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.
### Upcoming Student Events

The Gavel asks student leaders to tell us about their upcoming events. If we missed something, be sure to contact us at gavel@law.csuohio.edu.

<table>
<thead>
<tr>
<th>DATE</th>
<th>ORGANIZATION</th>
<th>EVENT DESCRIPTION</th>
<th>PLACE</th>
<th>TIME</th>
<th>CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/16/10</td>
<td>SPILO</td>
<td>Wine Tasting and Silent Auction</td>
<td>Porter, Wright, Morris, and Arthur, 925 Euclid Avenue, Suite 1700</td>
<td>6:00 to 7:30 p.m.</td>
<td>Sarah Wilinski, Secretary, <a href="mailto:sarah.wilinski@law.csuohio.edu">sarah.wilinski@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/17/10</td>
<td>Christian Legal Society/Catholic Lawyers Guild</td>
<td>Practicing the Faith: The Haiti Experience - An Intimate Conversation With Vadim Levinton</td>
<td>Faculty Presentation Room (LB 65)</td>
<td>4:30 to 6:00 p.m.</td>
<td>Tyesaa Howard, President, <a href="mailto:thoward@law.csuohio.edu">thoward@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/17/10</td>
<td>Jewish Law Student Association</td>
<td>Annual Networking Reception and Alan Dershowitz Video Presentation</td>
<td>Schmidt Auditorium, Case Western Reserve University</td>
<td>6:00 to 8:45 p.m.</td>
<td>Sergey Katz, President, <a href="mailto:skatz@law.csuohio.edu">skatz@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/20/10</td>
<td>Criminal Law Society</td>
<td>Prison Visit - Ohio State Penitentiary in Youngstown</td>
<td>Departure from C-M</td>
<td>Meet at C-M at 9:15 a.m.</td>
<td>Timothy Huber, <a href="mailto:timothy.huber@law.csuohio.edu">timothy.huber@law.csuohio.edu</a> or Melissa Kobaisher, <a href="mailto:melissa.kobaisher@law.csuohio.edu">melissa.kobaisher@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/20/10</td>
<td>SBA/Supreme Bar Review</td>
<td>MPRE Review Lecture by Professor Stephen Lazarus</td>
<td>Moot Court Room</td>
<td>9:00 a.m. to 1:00 p.m.</td>
<td>Luisa Taddeo, SBA Vice President of Programming, <a href="mailto:LTaddeo@law.csuohio.edu">LTaddeo@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/25/10</td>
<td>WLSA</td>
<td>Women in Law Panel</td>
<td></td>
<td>9:00 p.m.</td>
<td>Weronika Kowalczyk, Secretary, <a href="mailto:weronika.kowalczyk@law.csuohio.edu">weronika.kowalczyk@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/25/10</td>
<td>SBA</td>
<td>Barrister’s Ball</td>
<td>Wyndham Hotel at Playhouse Square</td>
<td>6:30 p.m.</td>
<td>Luisa Taddeo, SBA Vice President of Programming, <a href="mailto:LTaddeo@law.csuohio.edu">LTaddeo@law.csuohio.edu</a></td>
</tr>
<tr>
<td>2/18/10</td>
<td>C-M</td>
<td>Sign Support Cards for C-M Graduates Taking the February Ohio Bar Exam</td>
<td>Student Services</td>
<td>Anytime</td>
<td>Professor Pamela Daiker-Middaugh</td>
</tr>
<tr>
<td>2/18/10</td>
<td>Christian Legal Society</td>
<td>Donations Drive for Providence House</td>
<td>SBA Office</td>
<td>Anytime</td>
<td>Tyesaa Howard, President, <a href="mailto:thoward@law.csuohio.edu">thoward@law.csuohio.edu</a></td>
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</tbody>
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**GOOD LUCK BAR TAKERS!**

The Gavel wishes the best of luck to all Cleveland-Marshall graduates who will sit for the February 2010 bar exam. We encourage all students, faculty, and staff to go to Israel Payton’s desk in Student Services before February 19, to sign a support card for Ohio bar exam takers.

---

**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 Krupa  
Casey McEIlfresh  
Mentored by Squire Sanders

Presented by Cleveland Marshall College of Law  
Moot Court Board of Governors  
David D. Thomas, Chairman

---

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**CLEVELAND STATE UNIVERSITY**

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Consideration is more than a contract law term

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

By Marc L. Stolarzyk, 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 attorney’s motto when dealing with their clients. The image of the attorney has contributed to the crisis in the legal 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. Those of us 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 that they may purchase full-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 is in need of an attorney at a vulnerable time, often confused and anxious. Allow them some leeway to express themselves and understand their pain. If your client doesn’t understand what you have told them, you have failed in communicating 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.

---

**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-71, 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 Lolita, 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 of this year. structure restaurants in Cleveland and I was slightly annoyed, I dealt with it by keeping an eye on the line and going when the line went down—no a 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 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 people seeking non-lawyers since it has resulted in a fractured image of the legal profession. Attorney has deteriorated to us, email us, schedule a research consultation. For more information, check out http://www.law.cudohio.edu/lawlibrary/reference/lawlibrarian.html.
Happy belated Valentine’s Day 2010!
Sentimenality and sarcasm from C-M students, faculty, and staff

Compiled by Maryann Fremin, Staff Writer

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

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

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!

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.

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
Happy Valentine’s Day to the Moot Court Team!
Stay Beautiful!
Love,
Your Chairman, Dave Thomas

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 Valentine’s Day Pretty!
Always (obviously),
Lovtart

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

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

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Love, The Gavel

Chandra,
When I’m with you my utility soars! It’s probably because I GET MY MIND SETTTTT ONNNNN YO! I guess I’ll just have to consume more of your goods and services! :P
Happy Valentine’s Day!
Nick

Crimes!

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)?
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Happy Valentine’s Day to the Moot Court Team!
Stay Beautiful!
Love,
Your Chairman, Dave Thomas
Are you taking the March **MPRE**?
(Multistate Professional Responsibility Exam)

**Attend a LIVE MPRE Lecture**
right here at Cleveland-Marshall

*When:* Saturday, February 20, 2010, 9 AM – 1:30 PM

*Where:* Cleveland-Marshall College of Law, Moot Court Room

Program includes FREE:
- complete **MPRE outline**
- coffee & donuts

This event is FREE and open to *all law students*
- No registration required -

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**Professor Stephen Lazarus**
Associate Professor of Law
Cleveland-Marshall College of Law

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