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 Saunders. Mears’ 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/MFA 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 Moos 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, Mears “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 final candidates will be settled in the coming weeks. Those candidates consist of 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/MFA, JD/MUPDD, and Law & Public Policy programs.

Moot Court 3Ls finish among top eight in nation

By Jason Cocha
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 Sparor concluded their Moot Court careers among the top eight teams in the nation.

Many attorneys consider the New York competition the premier 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

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

By LM Clifton
Contributor

Haiti’s tragic earthquake may be fading from the national headlines, but it is far from fading from the hearts of Cleveland-Marshall alums 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 aftershocks. 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. Lauren said, “It’s 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 “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 around.”

To donate to Habitat for Humanity International’s effort in Haiti, visit habitat.org.
As the midway point of the spring semester rapidly approaches, it is time to sit down (while watching the CAVS) and recount the developments that have taken place in the continuation of the academic year. For those of you who have not taken note, 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. The SBA was able to move forward with the project. The SBA ‘office’ 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 a time of legal wrangling. Despite these limiting factors, the SBA is still in a position to relocate its office location will also make it easier for students. Given the developments, the SBA is in the process of finalizing merchandising orders it has been anticipating on placing so keep an eye out for new additions.

The SBA office relocation to the lunchroom and open for business. The new office location was the goal of several individuals. After becoming SBA President Lindsay Wasko’s goal, the SBA was able to move forward with the project. As previously reported, she had to overcome some obstacles from various elements to finally complete this task. Since the new SBA office proposal to move the SBA office was submitted to Cleveland State University, Student Affairs, and the Law School. When the SBA was being sold and the prices at which merchandise would be sold. Wasko’s plan was to have the 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 picked up 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 suggested. 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-ordinator, Alana Jochum. To end, I would like 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.

Annual Barrister’s Ball March 6

By Tara Chandler

Law school already has locker 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, a lunch room, the occasional gossip, and ways it has reverted to high school: the affectionately-dubbed law school prom.

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 Tadeo at l.tadeo@law.cleveland.edu.

SBA “office” finally open after months of legal wrangling

New location more accessible to students; features SBA apparel

By John Stryker

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’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 retracted the approval. 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 licencing.

2) The extended fundraising sales program will be reviewed by the Department of Student Affairs to make sure it is compliant with the University’s guidelines for student organizations’ sales.

3) Merchandise sold by SBA will be directly related to the College of Law and its marks.

4) Merchandise sold will be limited to on-site sales. There will be no online or catalog sales placed by SBA for this merchandise.

5) The permission granted for these sales to SBA will expire June 30, 2011. At that time, the student organization will need to send a proposal for consideration related to any extension of this arrangement.

Despite these limiting conditions, Wasko feels certain that the new office location will work. "Life is too short, it is compliant with the University’s guidelines for student organizations’ sales."

She said, “A lot of students 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 the elected student representatives. The new office location will also make it easier for students. We obviously need Barristers’ Ball tickets, get information on the events the SBA is hosting, and provide a better means of communication.”

The SBA office currently has long-sleeved and short-sleeved t-shirts, hooded sweatshirts, yoga pants, blankets, coffee mugs, wristbands, interview portfolios in stock. New items will be added weekly, when the SBA and its senators to interact with the students in a more open forum.

Editors’ note: Due to the appointment of Dean Mearns as Cleveland State University interim Provost, the Dean’s Column is on hiatus this month.
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 research tasks for law school 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 certain research skills to be honed really needs, and before long, there is a problem of information overload.

I would also say that the practice of law really does hinge on the ability to sift 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 research ability to find material, let it be filtered out 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 cases could be found in these books, and we could teach a logical progression about how to go from a general statement of law to broken down and 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 the researcher navigating 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 being tossed out for the first time ever because of the availability of computer resources. A law student can find a case on point ten times faster than they did 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 sure there are instances where it would be more “efficient” 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 properly change the material (e.g., turn back pages) 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 your time for Lexis or Westlaw. A couple of years previously, I advocated doing some preliminary book research before logging on to Lexis or Westlaw. Lexis or Westlaw is probably more useful than a book whose person was unfamiliar with a topic and would just kind of be sorting 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 think you’ll find it to be a good thing.

Almost everyone has a dishwasher, but if the dishwasher is broken, those of you who can’t manually replicate what the dishwasher does. Comparably, every law student should be able to replicate the online research process manually. Unfortunately, I do think this is a waning skill.

To me, the biggest fear is the job hunt. We are all in debt. By the time you graduate, 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 don’t need to be here and that this is what I really want to do.

As such, I have to pay dues all over again, can I remember working for a scrap of a Five-year-old’s Minimum wage at the beginning of my college career. It only makes sense that I’ll be doing it again here.

At 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 worked 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.

Whatever 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, we 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.

For as much as I’ve misused this column as my private forum for ranting and whining, I admit that I couldn’t definitely be worse off. However, that doesn’t stop me from wishing for the thought of getting 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.

I’m glad you understood “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 sources, such as law review articles and bar journal articles, practice guides and form materials, and feature articles. But your research and study needs go beyond these services, and I 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 be aware of many resources as possible before leaving law school. Critically evaluate these resources in terms of what they offer you 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 and your future needs as well as get hard copy of primary and secondary materials. Our Electronic Resources Librarian will provide an introduction to the online resources (http://www.law.casu.edu/legal_library/resources/). You should be familiar with as many resources as possible before leaving law school. Here are just a few examples of our electronic resources, complemented by some of our print materials:

- CCH Intelligonnect includes a wide assortment of labor, environmental, and technology databases that include copy of primary and secondary materials. The CCH Law Library also has selected print CCH Intelligonnect law books available.
- The HeinOnline Law Library provides print and online resources from the start of a journal’s publication. Most LexisNexis and Westlaw coverage of journals starts at 1980.
- The HeinOnline Law Library provides access to titles from a wide variety of legal resources, including lists of other collections, such as the Federal Register (FR) from 1936 to the present.
- Why would you care? Among other things, the student would not know how to get the information they need.
Local high school students get a “jump start” on law school

By John Stryker, Beat Wetino

By Ann Felle, associate editor

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 they became interested in law through 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 amounts of time appearing in a courtroom, and others have very little knowledge about basic elements of the law or the experience of practicing it. Additionally, some communities do not have a high population of lawyers, and younger members of the community are denied the opportunity to explore hiring a lawyer or meeting 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 understanding of the law, 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 student 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. 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 currently attending 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 demonstrate 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.
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 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, “FOX News 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

Illustration by Kevin Kovach.

Preventative medicine: CHAC seeks to control costs through preempting litigation

By Jeremy Samuels

Many students sign up for law clinic classes 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; it would focus 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 near the poverty level from achieving better health. This encompasses everything from housing to food, to education law.

Viewing litigation as the last resort, the CHAC stresses preventative work. Preventative conservation 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 service, 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.”

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The Libertarian Contrarian

Citizens United v. FEC:
Progressives have themselves to blame

What do you think? Should corporations have a First Amendment right to spend shareholders’ money to influence the outcome of federal elections? We encourage you to letter the editor and guest columns on this or any other topic.

By Matt Brueck Columnist

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

My message to progressives is this: you sowed the seeds of the corporate oversupply 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 the Supreme Court decision invalidated a portion of the McCain-Feingold act?” 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 Congress to pass campaign finance reform. No provision of the Constitution authorizes Congress to pass campaign finance reform.

The First Amendment protects the freedom of speech. Whether this protection precludes the government from imposing restrictions on campaign contribution is a red herring. The Commerce Clause grants Congress the power to regulate commerce with foreign nations. The Supreme Court has interpreted this power to include the power to regulate interstate commerce. The commerce clause does not, however, include the power to regulate speech. The Supreme Court has consistently held that the commerce clause does not include the power to regulate speech.

The First Amendment does not protect speech that is “clearly not within the area of constitutionally protected freedoms.” Speech that is not protected by the First Amendment is subject to regulation by the government. Whether the government has the power to regulate speech is a question of constitutional law. Whether the government has the power to regulate speech is a question of constitutional law. Whether the government has the power to regulate speech is a question of constitutional law.

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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 any of its funds to cause 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 pure 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 that upon which this country was founded – that the American people, either as a whole or as an individual, have a 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 long history, going back to the Tillman Act of 1884, passed by South Carolina Sen. Benjamin Tillman. Tillman was concerned that because corporations were more advantageous to corporations and unions. It would appear to even the most casual observer that Justice Scalia & Co. have sold the tenet of Stare Decisis for the notion that it is a corporation’s right to speak to the public and express their opinion on political matters based solely on the corporation’s status of that group is a scurrilous proposition. It is the government’s argument that the corporate status alone is enough to warrant the large amounts of money to distort public debate by drowning out the voices of ordinary citizens. And just because the large corporations made 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 vast 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, once bought off to support healthcare legislation, and one can only hope that given the ever-evolving nature of the Court, this precedent in this area. In performing this narrow issue, the Court asked the parties back and had no cause to reargue the case under the constitutionality of limiting corporations’ independent spending during campaigns. Five conservative Justices saw the chance to rewrite the First Amendment and 24 states and they jumped at it. Most importantly, to those of us who study the law, is the flippancy the majority dealt with precedent in this area. In performing the legal gymnastics it took to bend responsible and responsible limits on corporation 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 contributions to support or oppose political candidates. The second was McConnell v. FEC, a 2003 decision that upheld restrictions on corporate spending to support or oppose a candidate. 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 the threat of throwing millions at a challenger will keep Congressmen and women shrunken up like puppets. Not to mention that campaigns costing hundreds of millions and 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.
“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 “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. 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.

<table>
<thead>
<tr>
<th>Date</th>
<th>Organization</th>
<th>Event Description</th>
<th>Place</th>
<th>Time</th>
<th>Contact</th>
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<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, sarah.</td>
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<td><a href="mailto:wilinski@law.csuohio.edu">wilinski@law.csuohio.edu</a></td>
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<td>2/17/10</td>
<td>Christian Legal Society/Catholic</td>
<td>Practicing the Faith: The Haiti Experience</td>
<td>Faculty Presentation Room (LB 60)</td>
<td>4:30 to 6:00 p.m.</td>
<td>Tyessa Howard, President, thoward@law.</td>
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<td></td>
<td>Lawyers Guild</td>
<td>An Intimate Conversation With Vadim Lev tyuk</td>
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<td>2/17/10</td>
<td>Jewish Law Student Association</td>
<td>Annual Networking Reception and Alan Ben showitz Video</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:skats@law.csuohio">skats@law.csuohio</a>.</td>
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<td>Presentation</td>
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<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, timothy.huber@law.</td>
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<td>Melissa Kobasher, <a href="mailto:melissa.kobasher@law.csuohio">melissa.kobasher@law.csuohio</a>.</td>
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<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>
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<td>2/25/10</td>
<td>WLSA</td>
<td>Women in Law Panel</td>
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<td>5:00 p.m.</td>
<td>Weronika Kowalczyk, Secretary, weronika.</td>
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<td><a href="mailto:kowalczyk@law.csuohio.edu">kowalczyk@law.csuohio.edu</a></td>
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<tr>
<td>3/6/10</td>
<td>SBA</td>
<td>Barrister’s Ball</td>
<td>Wyndham Hotel at Playhouse Square</td>
<td>8:00 p.m.</td>
<td>Luisa Taddeo, SBA Vice President of Programming, <a href="mailto:LTaddeo@law.csuohio.edu">LTaddeo@law.csuohio.edu</a></td>
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<td>2/19/10</td>
<td>C-M</td>
<td>Sign Support Cards for C-M Graduates</td>
<td>Student Services</td>
<td>Anytime</td>
<td>Professor Pamela Daiker-Middaugh</td>
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<tr>
<td>2/19/10</td>
<td>Christian Legal Society</td>
<td>Donation Drive for Providence House</td>
<td>SBA Office</td>
<td>Anytime</td>
<td>Tyessa Howard, President, thoward@law.</td>
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Did we miss something? Be sure to contact us at gavel@law.csuohio.edu.

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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.

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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

Counsel for Respondent
- Stanley Ball
- Angela Krupar
- Casey McElfresh

Mentored by Thompson Hine

Presented by Cleveland Marshall College of Law

Moot Court Board of Governors
- David D. Thomas, Chairman

---

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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. The CREDO remembers LexisNexis contains US Congressional materials from 1789 to the present. The Law Library also has the print and microfilm Congressional Information Service legislative materials from 1789 to 2002. LexisNexis coverage of such materials starts at 1989, and Westlaw coverage of such materials starts at 1948.

LLMC Digital includes several Ohio unofficial reporters (eg, Gottschalk’s Reports), Ohio Session Laws from 1896 to 2003, and Ohio Attorney General (AG) Opinions from 1902 to 1975. The Law Library also has Ohio Session Laws in print or microfilm from 1983, 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 1899 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 business 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.

Illustration by Joe Fell.

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 these 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 by seating them in separate rooms. Fortunately, The B Spot treated us like royalty! Our waiter didn’t bat an eye when we asked for nine separate tables and immediately adjusted the checks without complaint when there were errors. Not only was the Symon Truffle 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 ordered 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 bolognna 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 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.
Happy belated Valentine’s Day 2010!
Sentimenality and sarcasm from C-M students, faculty, and staff

Compiled by Maryann Fremon, 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

“Dear 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

“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

31 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

“Happy Valentine’s Day! I have grown fond of your humorous answers in class; wonder still of the way in which you use me as a hypothetical character in the silly questions you raise—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.

Dear Students,
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Love, Inga, Your Manager of Student Affairs

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

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Love, Your Chairman, Dave Thomas
Are you taking the March **MPRE**?
(Multistate Professional Responsibility Exam)

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right here at Cleveland-Marshall

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

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

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- complete **MPRE outline**
- coffee & donuts

This event is FREE and open to **all law students**
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**Professor Stephen Lazarus**
Associate Professor of Law
Cleveland-Marshall College of Law

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