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## 2020 October

Cleveland-Marshall College of Law

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# THE GAVEL

VOLUME 69, ISSUE 1

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

October 2020

## The status of COVID-19 in the United States

**Jared Thomson**  
Gavel Contributor

The novel Corona Virus, commonly referred to as COVID-19, cut short in-person classes last spring and placed the country in lockdown throughout the summer. It is now responsible for over 200,000 deaths and nearly 7 million cases in the United States alone, with the global death toll reaching one million and over 31 million confirmed cases.

Hot spot states in the United States have changed from month to month as the pandemic has unfolded. Early hot spots included heavily populated areas, such as New York City and its surrounding metro area. Cities made up the majority of the early cases and deaths, quickly overwhelming local hospitals and mortuaries.

Currently, there are rising concerns of increasing cases in several states, including North and South Dakota, Wisconsin, Kansas, Montana, Oklahoma, and Utah.

Early testing capabilities fell far short of the demand, and proved woefully inadequate when determining the extent of the spread. COVID-19 testing capabilities have increased dramatically

over time.

According to the Centers for Disease Control, testing went from 27,000 new tests administered per day in March and early April to over a million new tests administered a day in late September. The CDC reports a trend in the number of positive tests, which hit a high in mid-April of 21% of all tests returning a positive result, falling to just under 5% in late September.

Barring a short rise through mid-June and August, positive tests have been on a general downward trend since early August.

States have been increasingly relaxing lockdowns, while keeping social distancing and mask mandates in effect. The goal of this is to try to slow the spread while still allowing the economy an opportunity to reopen.

Public schools and universities have had a mixed response to tackling the challenges of teaching during a pandemic. Many of them began with a remote only approach, while some allowed students to return with the option of attending remotely or in-person, and others returned fully to in-person instruction.

Some of the schools that



Photo by The National Guard / Creative Commons

opened faced large outbreaks on their campuses and quickly shifted back to only remote classes.

The hot topic now focuses on the delivery of a vaccine for COVID-19. Admiral Brett P. Giroir, who has been heading the testing efforts in the United States, and Secretary of Health and Human Services, Alex M. Azar II, have been defending the forecasts made by head of the CDC, Dr. Robert Redfield, who estimated an effective vaccine may not be widely available to the public until the middle of next year.

President Donald Trump's administration has provided a more optimistic timeline, insisting that a vaccine will be ready before the public election on November 3rd.

Experts are concerned that rushing a vaccine to be deployed so quickly could be contrary to the advice of scientists and regulators. The first round of vaccines, if deployed prior to the election, would likely be limited to only the high-risk population, with the rest of the general public waiting until April at the earliest.



Photo by Columbia City Blog / Creative Commons

## Elections in Ohio

**Michael Dunham**  
Gavel Contributor

There are many contests taking place this November in the 2020 election. At the federal level, the Republican incumbent, Donald J. Trump, will face his Democratic challenger, Joseph R. Biden, for the presidency. In the Senate, 1/3 of the seats are up for election with the Republicans looking to keep their majority. In the House, all 435 seats are up for election with the Democrats looking to hold onto their majority.

At the state level, Ohio could be critical in determining who wins the presidency. All 16 Congressional Districts are up for election with the Republicans looking to keep their majority.

In the State Senate, half of the seats are up for election with the Republicans all but assured of maintaining

their majority. Also, half of the members of the State Board of Education are up for election.

The biggest statewide race is the election for the Ohio Supreme Court. In the first race, the conservative incumbent, Judith French, will take on her liberal challenger, Jennifer L. Brunner. The second race features conservative incumbent, Sharon L. Kennedy, against her liberal challenger, John P. O'Donnell.

The court will flip from a conservative majority to a liberal majority if the liberal candidates win both races. Also present on the ballot will be 1/3 of the State Court of Appeals seats.

At the county level, Cuyahoga County will also hold elections. There are multiple congressional, house, senate, and board of education districts in the county. The Democrats will need



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# Governor Mike DeWine postpones executions

**Megan Grantham**  
Gavel Contributor

Earlier this year, Ohio Governor Mike DeWine issued reprieves postponing the executions of three Ohio death-row prisoners, due to continuous problems with the willingness of pharmaceutical suppliers to provide drugs needed to carry out executions in the state.

Romell Broom, John Hanna, and Douglas Coley were scheduled for executions on June 17, July 16, and August 12, 2020, respectively. The executions have been rescheduled for March 16, May 18, and July 20, 2022, according to the Death Penalty Information Center.

In a news release issued April 14, 2020, the office of Governor DeWine announced that he issued the reprieves, “Due to ongoing problems involving the willingness of pharmaceutical suppliers to provide drugs to the Ohio Department of Rehabilitation and Correction (DRC)... without endangering other Ohioans.”

Broom was first scheduled to be executed on September 15, 2009, but the state cancelled the procedure after two hours of unsuccessful efforts by executioners to establish a viable IV line.

The Ohio Supreme Court ruled in March 2016, in a 4-3 decision, that attempting the execution a second time would not violate Broom’s constitutional right against being, “twice put in jeopardy of life or limb,” nor would it constitute “cruel and unusual punishment.”

The Court reasoned that execution begins when the lethal



Photo by Eric Porter / Creative Commons

drug enters the IV line, and since Broom did not get that far into the process, he was not put in jeopardy of death.

In June of this year, Governor DeWine postponed the remaining executions for the year 2020. Kareem Jackson, Stanly Fitzpatrick, and David Sneed, originally scheduled to be executed in September, October, and December of this year, are now scheduled for between September 2022 through April 2023, according to American-Bar.org

Since taking office, Governor DeWine has granted a total of eight reprieves, many as a result of pharmaceutical suppliers’ refusal to sell necessary medicine to be used in executions.

Former Governor John Kasich issued reprieves for three Ohio prisoners in 2017, pushing back the scheduled execution date from 2020 to 2021, as reported by Death

Penalty Information Center. According to American Bar.org, Governor DeWine has expressed the state’s difficulty acquiring drugs, especially as the state tries not to threaten relationships with drug companies.

The governor has explained that pharmaceutical companies could refuse to sell critical drugs to Ohio if they find out the state has used their drugs to perform lethal injections.

This could put the lives of many Ohio residents, such as Medicaid recipients and prisoners, in jeopardy if they do not receive necessary drugs through state programs.

Since 1999, Ohio has executed 56 men by lethal injection with the most recent being Robert Van Hook in July 2018, according to the Marshall Project.

In January 2019, Governor DeWine issued his reprieve after a federal judge found Ohio’s three-drug protocol to likely produce a painful waterboarding sensation and granted a preliminary injunction.

Although the Sixth Circuit Court of Appeals overturned the judge’s ruling, the governor has continued to advocate the need for a new execution protocol.

In July 2019, Governor DeWine first articulated the problem of acquiring drugs for the state without harming relationships with drug companies, an issue that continues to be without a solution.

## Cleveland-Marshall College of Law and Akron Partnership

**Catelyn Cook**  
Editor-in-Chief

This fall, Cleveland-Marshall and the University of Akron Law School have teamed up to offer access to courses for students at both schools.

The goal of offering these courses according to Dean Fisher is to, “Build something not only truly unique but, importantly, unquestionably impactful and influential that builds upon the track records of academic excellence and student engagement of both law schools.”

In this way, students have the opportunity to take courses only offered at one of the law schools for no additional tuition or fees.



Photo by Creative Commons

Eight classes are currently being offered to both colleges remotely. As of now, the list of combined classes being offered by Cleveland-Marshall online include HIPAA & Privacy, Health-



Photo by Jen9841 / Creative Commons

care Compliance, White Collar Crime, and Corporate Compliance. Courses being offered by Akron consist of an International Intellectual Property Advocacy Practicum, Juvenile Law, Second

Amendment, and a Trademark Clinic.

Later, it is hoped that access to additional classes will also be offered in-person.

This has now opened consideration into combining the schools into the largest Ohio law school. A Joint Exploratory Working Group has been established for this purpose, made up of deans from both law schools, faculty, staff, students, and alumni.

If the members decide to go through with the combination, the proposal will need to be submitted for approval of the American Bar Association. Dean Fisher has promised to keep us all updated on the progress made towards this goal.



# Black Lives Matter movement

**Gabriella Russo**  
Gavel Contributor

George Floyd and Breonna Taylor are two names that have been everywhere lately, resulting in an increasing number of protests related to the Black Lives Matter Movement. Their stories are two examples of the ongoing struggle between the police and the lives of marginalized peoples. Both Floyd and Taylor died during encounters with police officers. Their losses have now galvanized almost an entirely new generation of protesters.

The mission of the Black Lives Matter Movement is simply to promote a narrative of racial equality in the criminal justice system.

However; this cannot begin to happen until further steps are taken to ensure that African Americans, like Taylor and

Floyd, stand on equal footing with white Americans.

Breonna Taylor was asleep in her apartment in Louisville, Kentucky on March 13th when a raid was orchestrated by the police. While the police were executing their search warrant, local emergency vehicles were told to leave, going against typical procedure in these situations.

Upon entering the apartment, the police fired many times. At least five of these shots hit Ms. Taylor, who died soon after.

Paramedics were not contacted for over twenty minutes. The county coroner said she had died in less than a minute and had no chance of being saved. The man who the police were looking for, Ms. Taylor’s ex-boyfriend, was subsequently arrested in late August on charges unrelated to Ms. Taylor.

Many discrepancies were found with the police report in this case, including no gunshot wounds being noted on the accident report despite Ms. Taylor having been struck multiple times. One of the three officers present during the raid was recently indicted for wanton endangerment, but no other charges have been made directly related to Ms. Taylor’s death.

One officer has been fired while the other two have been placed on administrative leave. Ms. Taylor’s family recently received a \$12 million settlement from the city of Louisville in a wrongful death suit.

George Floyd, on the other hand, allegedly used a counterfeit twenty-dollar bill to buy cigarettes when he was stopped by police on May 25th. An officer in Minneapolis kneeled on his neck for eight minutes and 46 seconds

to the point of suffocation, while three other officers looked on. All four of the officers were fired the next day and are facing charges.

Derek Chauvin, who was most visible in all videos showing the incident, is facing a second-degree murder charge. The other officers are charged with aiding and abetting second-degree murder, and aiding and abetting second-degree manslaughter.

In response to these deaths, over 21 million people have gone to a Black Lives Matter or police brutality protest in the search for justice and change. The city of Cleveland participated in a protest as well, with many showing up in support of George Floyd. It is hoped that these protests will bring awareness to the issues being faced by African Americans in the justice system and provoke needed change.

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## The Ohio Bar Exam is Set for Remote Administration in October

**Hailey Hillsman**  
Managing Editor

Most law school graduates spend the few months following the completion of their degree studying for the long-awaited bar exam. Those students taking the bar exam in Ohio have had to wait longer than expected thanks to COVID-19.

The exam is traditionally scheduled in July to be held in person in Columbus, Ohio. Initially, the Ohio Supreme Court delayed the exam to September. However, the Ohio Supreme Court announced that it would be issuing a second delay, and that testing would be remote. The remote Ohio Bar Exam is now set to take place on October 5th and 6th.

Chief Justice Maureen O’Connor stated in a news release, “the safety of the exam takers and the staff who administer the exam is our top priority, and that’s why the Court felt compelled to make this change.”

This change has left some law school graduates feeling anxious about the remote exam environment, especially after watching the issues that have occurred with such testing in other states such as Michigan in late July.

In Michigan, the entire online exam crashed in the middle

of its administration which ExamSoft blamed on a cyberattack.

The Ohio Supreme Court also made the decision to grant temporary licenses to recent law school graduates so that they may begin practicing as long as they meet some qualifications including being registered for the exam.

That temporary license has been extended until the results from the online bar exam are released. The Court also stated that students who wish to delay testing until February 2021 following the announcement of the online exam will have their temporary license extended until that time.

If anything, COVID-19 has people in the legal field considering the future of the bar exam. Many throughout this time period, including professors at Cleveland-Marshall such as Heidi Robertson, have advocated for diploma privilege. While some are calling for an overhaul of the exam, others are calling for an abolishment of it.

At any rate, this year the rite of passage to the legal field is here to stay in Ohio. Everyone at The Gavel wishes for successful results for our Cleveland-Marshall graduates on the remote exam.

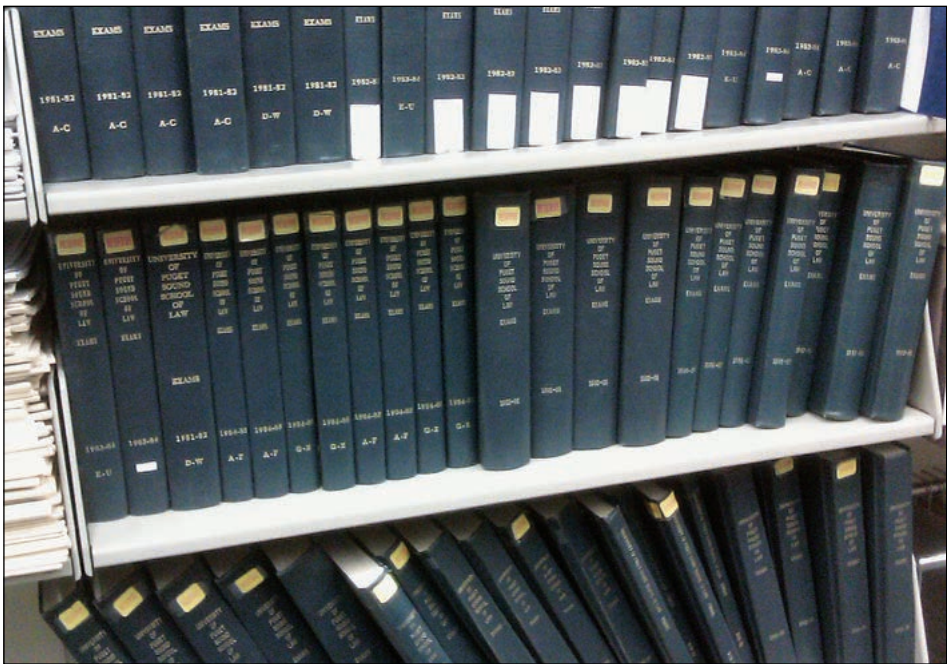


Photo by Seattle University Law Library / Creative Commons

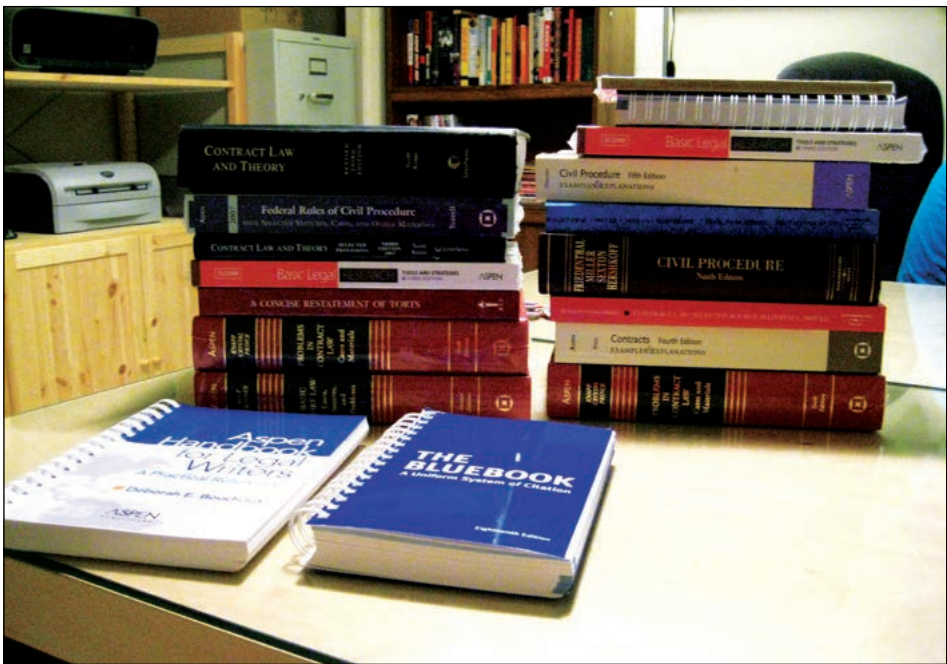


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Global Business Law Review Welcomes it’s Largest class of Associates since the creation of the Journal

Michael Watkins  
Gavel Contributor

The Global Business Law Review “GBLR” is committed to creating a truly transnational dialogue for those interested in the pressing issues in international and business law. GBLR publishes two volumes annually.

The Fall volume is the Symposium Edition with articles from the speakers of their Annual Symposium held the previous spring. The Spring volume is The Global Business Law Review with articles from scholars and students.

Following the election of this year’s Editor-in-Chief, Michael Watkins, the journal welcomes its largest class of associations ever, totaling 17.

Traditionally, the journal has brought in associate classes that range on average around 5-10, making it often times Cleveland-Marshall’s smallest publication. This year, the journal is no longer CM-Law’s smallest journal and Michael plans to utilize these numbers to do great things.

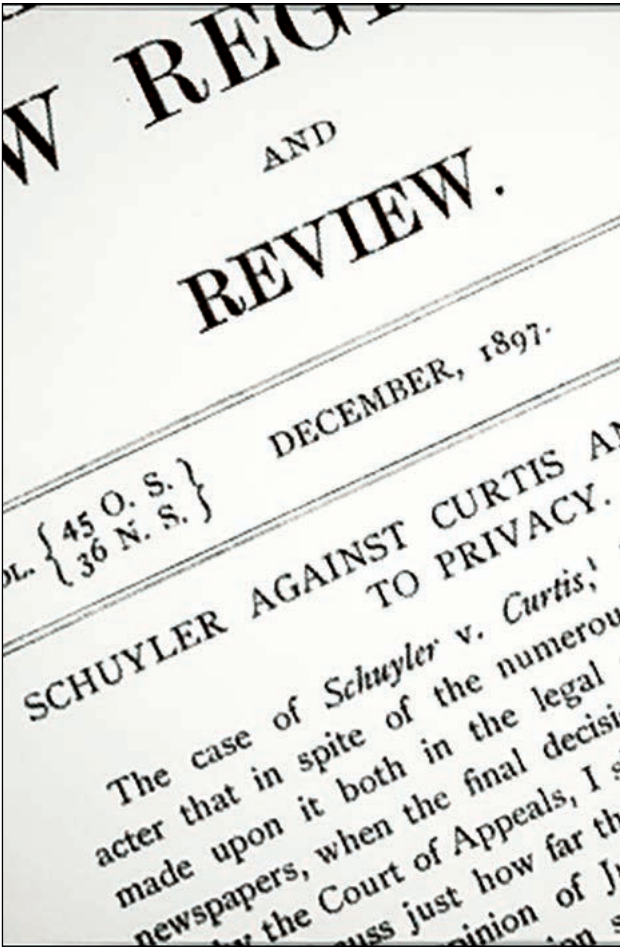


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The Editor-in-Chief plans to publish the journal’s traditional two publications, host workshops to assist associates with journal assignments, and host social events that will enhance the culture of professionalism and long lasting friendships. GBLR plans to host its very first webinar this November titled “The Current State of the World.”

This event will explore the legal perspectives of prominent leaders in the fields of Health, Environmental Law, International Relations & Foreign Affairs, and the current racial state of the world.

These speakers will discuss how COVID-19 has transformed their work, and in what ways the field of law will continue to transform with the constant moving pandemic.

If you wish to join the global forum by contributing a commentary or article, The Global Business Law Review is always accepting full-length scholarly works for publication.

Landlords sue Trump administration over eviction moratorium



Photo by Fibonacci Blue / Creative Commons

Aimee Fanter  
Editor-in-Chief

COVID-19 has impacted millions of Americans. The country has lost over 20 million jobs since the pandemic, and saw an unemployment rate reaching almost 15% at its highest. The United States has not seen this since the Great Depression.

With unemployment still staggering, Americans are finding it more and more difficult to pay for housing. President Trump stepped in to resolve this issue; however, the government’s response to the housing problems may have spurred more problems than resolutions.

Following an Executive Order (EO) issued by President Trump, the Centers for Disease Control and Prevention (CDC) is temporarily halting evictions through the end of 2020 in an attempt to slow the spread of Covid-19. They deemed it essential during the pandemic that citizens have an effective place to quarantine, isolate, and social distance. Evicting people from residences undermined

their objective.  
Under the EO, renters who meet a five-pronged test cannot be evicted starting on September 4, 2020.

- Renters must have affirmatively exhausted their best efforts to obtain any and all forms of government rental assistance.
- Renters cannot expect to earn more than \$99,000 in 2020, or \$198,000 if married and filing a joint tax return.
- Renters must experience a substantial loss of household income, a layoff or extraordinary out-of-pocket medical expenses.
- Renters must make a best effort for timely partial payments that are as close to the full amount due as circumstances may permit.
- Eviction would likely lead to either homelessness or having to relocate.

It’s important to note that under the EO, those who benefit from this assistance are still

obligated to pay accrued rent in accordance with their lease. Also, landlords are still permitted to pursue eviction against tenants committing criminal acts, among other offenses.  
The protection for renters comes at a great drawback for landlords. Many landlords are finding they are not able to afford to stay in business. The legality of the eviction moratorium is being brought into question, and lawsuits are being brought in federal court arguing the eviction moratorium is unconstitutional.  
One lawsuit, brought by the National Apartment Association and the New Civil Liberties Alliance, claim that the CDC’s moratorium “violates the U.S. Constitution because the CDC has not identified any act of Congress that confers upon it the power to halt evictions or preempt state landlord-tenant law.”  
The legality of the eviction moratorium is a rising issue that won’t be solved easily. The people have a constitutional right to use their property, and that right doesn’t end even in a pandemic. Do you believe the eviction moratorium is an overly broad emergency response?



# Coping with COVID-19 and stress as a law student

Aimee Fanter  
Editor-in-Chief

Law school is stressful. Add a pandemic on top, and it can be almost overwhelming. Here are helpful ways to manage your stress as a law student.

## Practice Self-Care

Practicing basic self-care will help keep your immune system strong and your emotional reserves full. Try these helpful tips out:

- Make sure to get enough sleep.
- Exercise regularly.
- Fuel your body by eating a healthy, well-balanced diet and drinking plenty of water.
- Avoid risky or destructive behaviors - such as abusing alcohol.
- Find activities to engage yourself that are not centered on law school
- Don't get burned out!

## Focus

Don't feel discouraged about your situation. Recognize that the circumstances are hard for every student, and don't judge yourself. Do the best that you can do. Try these helpful tips out:

- Establish a routine.

- Separate your work space from your sleep place.
- Go outside and boost your mental health while following CDC guidelines.
- If family members are distracting you, explain the problem and work together to find a solution.
- Inhale slowly and deeply through your nose. Exhale slowly through your mouth. Repeat.

## Seek Support

Your classmates are probably feeling the same way you are. And abiding by CDC social distancing guidelines can make you feel lonely, anxious, or depressed. To combat isolation, try these helpful tips out:

- Add your classmates on Facebook, Twitter, LinkedIn, and other social media sites
- Facetime and Zoom meetings with friends
- Bring in an accountability buddy. Sometimes, we need a little help to help us keep on track
- Recognize that you can't control what other people do. You can only control your own thoughts, feelings, and behavior.
- Let others know they're not alone

## Cleveland-Marshall College of Law Support

Transitioning to remote learning may require additional assistance, and CM-Law and CSU can provide additional support to law students.

CM-Law offers academic support. Visit the "Academic Support" page on CM-Law's website, or contact Nick De Santis (n.desantis@csuohio.edu) and Michelle Bond (m.t.lanever@csuohio.edu) for an appointment.

Bar Preparation assistance remains available to students. Contact Mary Jane McGinty (m.mcginty@csuohio.edu) for an appointment.

Career and academic advising is also available to student. Contact Sarah Beznoska (s.beznoska@csuohio.edu) and Jaime Gay (j.gay21@csuohio.edu) for an appointment.

The Counseling Center offers, free of charge, self-help groups and personal and career counseling to all students, faculty, and staff at CSU. Call 216-687-2277.

The Ohio Lawyers' Assistance Program, a program specifically designed to help lawyers and those preparing to become lawyers (1-800-348-4343 or 1-800-618-8606).

# Walk-Up Flu Shots Available for On-Campus Students, Faculty and Staff

Aimee Fanter  
Editor-in-Chief

Getting a flu vaccine is more important than ever during 2020-2021 to protect yourself and the people around you from the flu, and to help reduce the strain on healthcare systems responding to the COVID-19 pandemic.

Flu vaccines cause antibodies to develop in the body about two weeks after vaccination. These antibodies provide protection against infection with the viruses that are used to make the vaccine.

Every flu season is different, and influenza infection can affect people differently, but millions of people get flu every year, hundreds of thousands of people are hospitalized and thousands to tens of thousands of people die from flu-related causes every year.



Photo by Cleveland State University / Creative Commons

An annual seasonal flu vaccine is the best way to help protect against flu. Getting vaccinated yourself may also protect people around you, including those who are more vulnerable to serious flu illness, like babies and young children, older people, and people with certain chronic health conditions.

According to the CDC, everyone 6 months and older should get a flu vaccine every season with rare exceptions.

You should get a flu vaccine before flu viruses begin spreading in your community, since it takes about two weeks after vaccination for antibodies to develop in the body and provide protection against flu. Make plans to get vaccinated early in fall, before flu season begins.

The CDC recommends that people get a flu vaccine by the end of October. However; getting vaccinated early is likely to be associated with reduced protection against flu infection later in the flu season, particularly among older adults.

Vaccinations should continue to be offered throughout the flu season, even into January or later.

Flu vaccines are offered in many doctor's offices, clinics, health departments, pharmacies and college health centers, as well as by many employers, and even in some schools.

Even if you don't have a regular doctor or nurse, you can get a flu vaccine somewhere else, like a health department, pharmacy, urgent care clinic, and often your school, col-

lege health center, or workplace.

Beginning Monday, October 5, on-campus students, faculty and staff can receive flu shots from 1 –3 p.m., Monday through Friday. The flu shots will be administered in the white tents behind the Center for Innovations and Medical Professions (CIMP) building. No appointments are needed and insurance will be billed.

CSU is also offering walk-in flu shot clinics administered by CSU Nursing students. The clinic will take place inside the CIMP Atrium on Monday, September 28 from 4 –6 p.m. and Monday, October 5 from 11 a.m. – 1 p.m.

For more information, please call CSU Health & Wellness Services at 216-687-3649.



Photo by KOMU News / Creative Commons



# A thank you to Cleveland-Marshall College of Law

Hailey Hillsman  
Managing Editor

Dear Cleveland-Marshall College of Law,

I often have thoughts of the first time I visited you nearly a year and a half ago. It was my last Spring Break as a teacher, and I drove the 800-mile trip from Georgia to see just what you were all about. I scurried through the halls from the Learning Commons to Euclid Street entrance and everywhere in between with a 3L student who was quick to tell me that you were the school for me. Little did I know, she was absolutely right.



Photo by Hailey Hillsman

As I begin my second year of law school, I reflect on the already long list of incredible experiences and opportunities I have had since I went to my first CIMILAW event, a Career Crawl at Key Tower. I have met some of the best people I could ever hope to know and have been privileged to be taught by some of the greatest minds in the legal field.

I have shaken hands with people like Khizr Khan, a champion of the U.S. Constitution and father of a U.S. Army Captain killed in Iraq. I have had the opportunity to be mentored by so many of the successful women in the legal community of Cleveland.

I am even thankful for the late nights spent in the Learning Commons trying to find the right words for a Professor Glassman brief.

My most cherished memory, however, had nothing to do with anything substantive about law school. Cleveland-Marshall, you came through when I thought COVID-19 was going to cancel my wedding. My husband, Derek, and I were planning to elope in Niagara Falls in May, but plans had to be changed.

When I went to my county’s probate court, the clerk told me that they were not performing ceremonies. My law school did not let me down though.

With the help of Dean Fisher and our top-notch alumni network (full of judges, I might add), Derek and I got a better wedding than what we bargained for.

On May 23, 2020, with some of our family members and two of my best friends, Justice Melody Stewart pronounced us husband and wife right next to First Energy Stadium with the Cleveland skyline in the background. It was perfect. So, thanks, Cleveland-Marshall, for being you. Thanks for being a school that cares about the lives of students outside of the classroom. You will always be my law school for life!

With love,

Hailey Hillsman

*The Gavel staff would like to congratulate our managing editor, Hailey Hillsman, on her marriage. We wish you the best on this wonderful journey.*

## CM-Law Library depository collection

Dan McCarthy  
Gavel Contributor

Walking into the Northeast Ohio Cooperative Regional Depository was a sensory experience Friday, March 6, when The Gavel took a trip to Rootstown, Ohio, to visit.

A particularly strong old-book smell greeted us, in the depository’s main storage room. Towering overhead stood three-story-tall stacks holding over 1.5 million volumes—including books, academic journals, law reporters, and LP records.

When the CM Law library removed dozens of bookshelves to make room for the Learning Commons in 2017, it shipped some of the library’s unique material to the depository for safekeeping.

The CM Law library has reduced its collection from its peak around 2004 when the library’s collection surpassed 500,000 volumes. Many of those items are now stored at the depository.

The NEOCRD opened in 1994, and today its warehouse facility, known as a module, held 50 percent more items than its original estimated capacity.

Before the pandemic, the depository loaned scores of material to partner institutions throughout the state of Ohio every day via the statewide library consortium Ohio-LINK.

“Every day is interesting,” said Deb Klembara, the depository’s manager, who gave the newspaper a tour of the facilities where she has worked the past five years.

Doctors and physicians in Ohio accounted for a large portion of the depository’s requests. Housed on the campus of the North-



Photo by Dan McCarthy

east Ohio Medical University, the depository houses aged material from NEOMED’s collection.

“Our stuff is the older stuff,” noted Klambara. So whether its a pediatrician searching for a diagnosis, or a doctor with a patient who needs help with his gastric problems, the Depository can help.

“We don’t charge for anything,” said Klembara.

The depository’s staff can scan journal-articles and send them over the internet directly to a physician at the Cleveland Clinic, or a researcher with Food and Drug Administration.

The depository will even loan out physical copies of academic journals by mail, making it a rare collection that loans out physical copies of journals.

Beyond Cleveland State’s contributions to the depository, the depository holds volumes the University of Akron, Youngstown State University, and Kent State University—

which maintains the largest collection at the depository.

When university libraries reduce the size of their collections, the depository can take unique items in university collections to prevent the loss of the volume statewide.

Ten days after visiting the regional depository, Cleveland State University announced that it would close the Michael Schwartz library on March 17. CM Law soon followed, closing its doors to the public, and shifting to remote delivery of law-library services.

The law library reopened to Cleveland State students when classes resumed for Fall semester. Otherwise it remained closed to the general public due to the ongoing pandemic.



Photo by Dan McCarthy



# 2020 Presidential Election



President Donald Trump (left), Joe Biden (right). Creative Commons

**Matthew Svancara**  
Gavel Contributor

## The National Election Right Now

Since January 1st of 2020, Joe Biden has led in every single poll except for one over Donald Trump.

As of September 9, 2020, the Real Clear Politics average of all national polls gives Biden a national popular vote percentage of 49.9% to Trump’s 43.0%, which is a lead of 6.9%.

Nate Silver of 538, who correctly predicted both the 2008 and 2012 elections, gives Biden a lead of 50.6% to Trump’s 43.0%, which is a lead of 7.6%. At this same time in 2016, Clinton had a lead on average of 2.1% according to Real Clear Politics. Biden is overperforming Clinton by 4.8%.

Nate Silver on 538 had Clinton at 42.1% and Trump at 38.8% at this same day. Biden is overperforming Clinton by 8.5% compared to 2016.

2020 is not like 2016 at all. There are far less voters who are undecided and would prefer a Third-Party candidate. Johnson and Stein were performing quite well for Third- Party candidates, and when combined constituted almost 9-10% of the entire vote during September of 2016.

A lot of their supporters have started to go back to the Republican or Democratic candidates, which is why both Biden is performing better than Clinton in 2016, and why President Trump is performing better than candidate Trump at this same time in 2016.

## State Polling

As we all know, the popular vote does not elect the President, the Electoral College does. Real Clear Politics gives the Top Battleground States as Wisconsin, Michigan, Pennsylvania, North Carolina, Florida, Arizona.

In addition to these states, some other states that are included in the battleground states are Georgia, Iowa, Ohio, Texas, Nevada, and Minnesota. First off, we are going to look at the Top Battlegrounds polling averages according to Real Clear Politics.

Joe Biden is leading in every single Top Battleground state according to Real Clear Politics, and is also running ahead of where Clinton was in 2016. In 2016, Clinton was leading in these battlegrounds by 2.8%. Biden right now is leading by 3.7% which is .9% higher than in 2016.

Biden is also leading in some of the other Battleground states, such as Ohio, Minnesota, and Nevada. Trump is leading in Georgia, Iowa, and Texas. These states are all within 5% of each other, and with Texas and Georgia becoming competitive, things do not necessarily bode well for Trump. It also does not bode well for Biden to only have a polling lead of 3.7% in Minnesota.

State	Date	Biden	Trump	Margin
Florida	September 9th	48.2	47	Biden +1.2
Pennsylvania	September 9th	49	44.7	Biden +4.3
Michigan	September 9th	47	43.8	Biden +3.2
Wisconsin	September 9th	49.6	43.2	Biden +6.4
North Carolina	September 9th	48.5	47	Biden +1.5
Arizona	September 9th	49	43.3	Biden +5.7

State	Date	Biden	Trump	Margin
Georgia	September 9th	45	46.3	Trump +1.3
Ohio	September 9th	46.7	44.3	Biden +2.4
Minnesota	September 9th	49.7	46	Biden +3.7
Iowa	September 9th	45	46.7	Trump +1.7
Nevada	September 9th	48.3	44.3	Biden +4.0
Texas	September 9th	48.3	47.3	Trump +3.5

## What can happen on November 3rd?

If the polling mirrors the actual vote share, Biden will win 352 electoral votes compared to Trump’s 186 according to Real Clear Politics. However, Nate Silver of 538 thinks the election will be closer than that. He believes that Biden has a 74% chance of victory in the electoral college, giving Biden an electoral college victory of 326 votes to Trump’s 212.

Nate Silver believes that Biden will carry North Carolina, Minnesota, Nevada, Florida, Arizona, Wisconsin, and Michigan. He believes that Trump will carry Ohio, Iowa, Texas, and Georgia. This would mean that Trump would lose all the “Blue Wall” states that he previously won in 2016, while also adding on Arizona, Florida, and North Carolina.

But as we all saw in 2016, state level polling can be wrong. A big reason of why polling was wrong in states such as Pennsylvania, Wisconsin, and Michigan was because many polling agencies did not weigh by education.

The Rust Belt states of Ohio, Pennsylvania, Wisconsin, Michigan, and Minnesota, have many more white, non-college educated voters than the nation on average. Most polling of these states in 2016 was not correctly weighed for education, but is being correctly weighted now. Therefore, polls in 2020 should essentially be more reliable than in 2016.

In addition to this, we may not even have a clear winner on election night. With the Covid-19 pandemic still continuing, many people are opting to vote by mail instead of in-person. With massive numbers of mail-in-votes, some states such as Wisconsin, Pennsylvania, Ohio, and Michigan are allowing votes to be postmarked by the election.

If they are received a couple days after, they will still be counted. It may take a couple of days to get a final initial result and states may not be called on election night because of this.

The election is still over a month and a half away so polling could change. Events could unfold that could shift the race more towards Biden, or more towards Trump. As of right now, polling suggests that Biden is in the lead and that if the election were held today, Biden would have a very good chance of winning.



# Voting during COVID-19

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The coveted franchise of voting in the United States is no stranger to adversity. In fact, the cherished right to vote was born out of adversity, and has been molded by it to this day.

In the early history of the republic, the common people held no share of political power. Every vote added to the electorate was a struggle in its own right as the suppression of voting has been a challenge for those attempting to participate in our Democratic process.

Clearly, the history of elections within the US would suggest that even in the face of adversity towards this most basic manifestation of political action, the desire to participate can often outweigh potential threats against the exercising of the right to vote.

This year, during arguably the most pivotal election in US history, already preexisting barriers to vote that prevent millions from voting will be paralleled by the ongoing COVID-19 pandemic.

Those of us concerned with the coming November election, and the prerogative of including more citizens within the electorate, must also be concerned with the affects the COVID-19 pandemic will have on voter turnout. Since the public safety threat of the virus will undoubtedly remain through November, what measures are being taken to ensure that Americans can vote before and on election day safely during the pandemic; and in what way is the current political climate affecting those efforts?

More than five months ago, had you asked most people who intend to vote in November what their greatest concern was, it would not have been how we as a country can stop the spread of a highly contagious and deadly

virus. Fast-forward to September, with 200,000 dead Americans and counting, the hierarchy of pressing concerns for voters has been altered by virus’ societal and economic effects.

Many states have been scrambling to implement methods to accommodate voters who want to vote by mail and in-person, while officials in some states are reluctant to allow voting by mail for those without a medical excuse.

Mail-in ballot voting, for good reason, juxtaposes itself at the forefront of tangible ways in which Americans can safely vote. Out of necessity, some soldiers during the Civil War were able to mail their ballots to their home states. During this time, some 20 northern states changed in-person voting laws to accommodate deployed soldiers.

The following century would see voting by mail become a normal part of elections, with 30 states ultimately adopting a universal vote by mail option in which an excuse isn’t necessary.

Now, erroneous claims of fraud with mail-in ballots has made its way into public discourse - even in spite of the normalization of voting by mail throughout the last 150 years.

Claims of fraud could be disavowed with unequivocal evidence showing that millions have successfully voted by mail since the turn of century. Moreover, the practice has been successful without any widespread intent to commit fraud.

Contrary to claims made by the current president, there has been no proof of serious attempts at such behavior. A recent analysis done by The Washington Post found that in the 2016/2018 elections, only 0.0025% of mail in votes were found to be possibly fraudulent.

Ironically, one danger to mail voting is the mail itself,

with complaints that the US Postal Service will be slowing the mail system down on its own accord.

In spite of adherence to controversial assertions relating to voting under the present circumstances, Americans still have to vote this November. Although there are efforts being made to ensure that Americans can still do so safely, whether by mail or in person, there are attempts at combatting reasonable methods of accommodating voters reminiscent of classic voter suppression.

In Ohio, a battle ensued over the placement of additional drop boxes throughout the county. The Ohio Republican Secretary of State, Frank LaRose, is currently facing a law suit brought by the state Democratic party for not allowing multiple drop boxes per county.

On the other hand, the President’s campaign has sued the state of Pennsylvania for its plan to add more drop boxes, claiming they pose security issues. Lawyers on behalf of groups in Ohio fighting the Secretary’s order have suggested how one drop box to use for nearly 900,000 registered voters would place an arbitrary burden on voters who have to travel great distances.

Consequently, a multitude of other legal battles have ensued regarding how to adapt, apply, and administer elections safely and fairly. This may very well be the most litigated election season in the last two decades, with approximately 300 COVID - related elections cases and appeals that have been filed, as suggested by The Stanford - MIT Safe Elections Project tracking such litigation.

The cases include claims for issues involving mail-in voting, such as not allowing COVID to qualify as an excuse for voting absentee, limiting mail voting to

just seniors, signature verification standards, postage requirements, mail in deadlines, and even claims that measures to expand mail voting have gone too far - such as is the case with the alleged increased potential for fraud.

The US postal system itself has come under criticism, ironically so, when a Federal Judge ruled that it has to prioritize election mail so as to not undermine public faith in mail-in voting. Concerning in-person voting, there have been claims for attempts to suspend in-person voting, claims regarding the number and location of polling places, lack of safety measures, early voting availability, and other in-person voting COVID concern-related assertions.

There are a multitude of factors within this election season that add uncertainty to what the outcome may be in November. There exists no poll, no think-tank, no media outlet, nor any person that definitely knows what outcomes these factors will produce.

President Trump claims that alleged fraudulent voting will help Democrats, but does not know with certainty either. There may be voters, in spite of the virus, who feel the need to vote in person. Poll worker positions, previously staffed by retiree-age volunteers, may not be filled. Long lines may be a factor prompting further concerns of safety.

One could assume an electoral response likely arising from the death of George Floyd and the momentum gained by racial justice movements thereafter. It may even be the case that we won’t know who wins on election night. No matter how the virus alters the voting tradition, the urgency and stakes of this election are profound.

## OHIO

From page 1

a big lead in this county in order to win the statewide race. 1/3 of the 8th district court of appeals, 1/2 of the County Council seats, and the County Prosecutor will be up for election.

1/3 of the County Common Pleas Court judges will be on the ballot. 1/3 of the juvenile court judges will be up for election. Finally, 1/3 of the probate court judges will also be on the ballot.

There are also many issues on the ballot. Issue 33 is a Countywide issue to increase taxes for health and human services.

Issue 5 is a city of Cleveland issue dealing with elections.

Issue 6 is a Cleveland city charter amendment dealing with council salary. Issue 6 is a Cleveland charter amendment dealing with the meeting of city council.

In order to vote, Ohio Resi-

dents must register to vote by October 5th. Voting can be done absentee, early, or in-person. Absentee and early voting must be done in the correct county in order to count.

In-person voting must be done at the correct precinct in order to be valid. Information regarding the upcoming elections and voting can be found at the Ohio Secretary of State website and your County Board of Elections website.



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