



CSU
College of Law Library

Cleveland State University
EngagedScholarship@CSU

1990s

The Gavel

1993

1993 Vol. 42 No. 2

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s
How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1993 Vol. 42 No. 2" (1993). *1990s*. 2.
https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s/2

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1990s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.



the GAVEL

Volume 42, Issue 2 Cleveland-Marshall College of Law

3L visits Croatia over summer

by Andrea Muto
Staff Editor

Each pile of rubble used to be a house. The biggest pile was the village church.

But amidst the ruins, only five kilometers from a Serbian border patrol, there was a cafe open for business serving cold beer.

"The Serbians hit, then pulled out," said Katarina Oroz, a third-year student at C-M. The people lost homes and their village, but through the devastation life just goes on as normal."

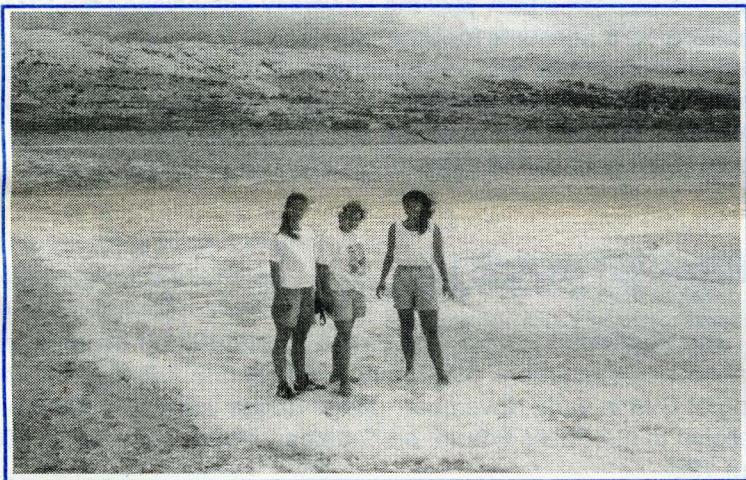
Immediately after her final exams were completed last spring, Oroz left Cleveland and spent more than two months in Croatia. Fortunately, the Serbians months ago

This trip was the first time in 28 years Oroz' mother had returned to Stari Mikanovci.

Although Croatia is plagued by hyper-inflation and high unemployment, Oroz said food seems plentiful. The government, however, is straining to supply the influx of Bosnian and Muslim refugees fleeing the fighting to the south, she said.

Oroz said she saw United Nations forces in Zagreb, the Croatian capital toward the western part of the country. UN forces did not extend to the east to her grandmother's town, since that part of the country is now relatively stable and safe.

Oroz said that after taking the Bar Exam in July she would like



Katarina Oroz (R) with sister Jelena (L) and mother Miroslava on the Croatian coast about four hours from Zagreb.

had only marched through her grandmother's village, Stari Mikanovci, leaving it untouched. Surrounding towns and farms weren't so lucky.

"Some friends drove me through villages that had been bombed and partially destroyed," she said. "Many of the pastures can't be farmed now because there were mines planted there.

"Before the fighting, Serbians and Croats lived together. Even when things are settled, the people say things will never go back to how it was."

Oroz said she heard artillery fire once in the distance when she visited the island of Pag in the Adriatic Sea. Fighting was apparently going on in the nearby town of Zadar.

Oroz, 24, said her parents emigrated from Croatia 28 years ago. At that time, her father decided to leave, having been the subject of increasing police harassment for "dissident activities" and outspoken political opinions.

Her father has never gone back to his birthplace in Bosnia, and probably won't be able to visit that part of the former Yugoslavia since it is now under siege.

to return to Croatia for an indefinite stay.

"I would like to be there when the fighting stops to help turn the country around," she said. "I'd like to be involved in some type of export/import business...once things settle there will be so many opportunities. And to me, Croatia feels like home."

U.S. Senators Tap Cleveland-Marshall Alumni and Faculty Member for Federal Court

Cleveland-Marshall batted a perfect 1.000 this summer for recommendations to the U.S. District Court for the Northern District of Ohio. Cleveland Marshall's Associate Dean/Professor Solomon Oliver Jr., and Common Pleas Judges Lesley Brooks Wells ('74) and Linda Rucker ('83) were each recommended by U.S. Senators John Glenn and Howard Metzenbaum to fill vacancies on the federal bench. They are currently awaiting nomination by President Clinton and confirmation by the U.S. Senate.

Perry Mason, Where are you?

by Robin Wilson

It was while watching with fascination the momentous events of the middle east unfold on World News tonight with Peter Jennings Monday, September 13th that I first heard the news of his death. It was the first time I had allowed myself to turn on the television since beginning my new, hopefully three-year, career as a Cleveland-Marshall College of Law student.

The news of that historic peace accord between Israel and the P.L.O seemed a worthy enough cause to forego my evening studies for at least a half-an-hour. It was on that broadcast, cushioned between the stories of the middle east, that I first learned the news.

It came as quite a surprise, as I did not know he was sick, that

Raymond Burr, the man who brought to life television's most famous defense attorney, had died. Burr was 76. He had liver cancer.

I can't say that Perry Mason is the reason why I am in law school today but he plays at least a small part. How many lunch-times did I spend with Perry during my early 20s when, as a young journalist working the evening shift, his was the only program I watched. Thanks to WTBS's 12:05 time slot he fit into my schedule perfectly. How many afternoons did I watch as the TV criminal trials were re-run into households across the country.

Who doesn't know of the criminal

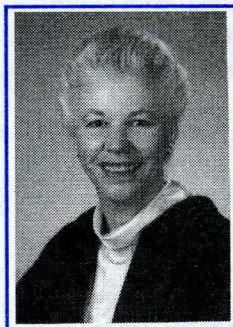
continued on page 4

Oliver and Wells bring varied backgrounds to the federal bench

by Jon Sinclair
Staff Editor

Judge Lesley Brooks

Wells' world is quite different from the one she knew in the 1960's. About 30 years ago, while her former husband attended the University of Michigan Law School, she was asked to attend a meeting of students' wives. Wells went to the meeting sponsored by the Dean's wife expecting a discussion of women's issues or something similar.



Judge Lesley Brooks Wells

Instead, the Dean's wife began the meeting with a lesson on "How to Dress Your Husband for Success." The instruction included how to best coordinate colors and hold to fold his breast handkerchief. Today, three decades later, Judge Wells is only a Senate confirmation away from a lifetime of service on the federal bench.

Wells can't restrain her enthusiasm for presiding over a trial court. The action-packed pace and real life disputes she encounters make each workday exciting, if not long. She admits that she wakes at 5 a.m. just to fit the days activities in her schedule.

A visible reminder of these busy days is kept behind her desk. "Look here," she says, pulling out an overstuffed folder. "These are all the letters I've received over the years." She reads a few, recalling the intricacies of the dispute which precipitated each letter. One letter is from a five-year-old girl who's mother faced criminal charges and another is from a prison inmate. To Wells, each letter is significant because each represents people with real-life problems, each requiring a legal solution.

Judge Wells had no choice but to find solutions when she decided to attend law school as a single mother. While she was deciphering Marbury v. Madison, her children were coloring books in the last row of the classroom. This arrangement provided the only way Wells could attend class, and while she reports her professors and classmates were especially cooperative, she hardly advocates the ordeal. "I don't recommend it", she smiles. When the kids were sleeping, she was studying - between 3 a.m. to 5 a.m. each morning.

"Cleveland-Marshall provided the only way I could get a legal education," Wells says. "Without the flexibility the school provides I wouldn't be here".

Dean Solomon Oliver may have first realized how he could be an agent of change when he woke up the morning after election day in 1967. At that point the Wooster College student discovered the work he did on Carl B. Stokes' election

continued on page 3

C-M STUDENT ORGANIZATIONS

WOMEN'S LAW CAUCUS

October 20: **Mock Murder Trial.**

Wife murders her husband; she claims abuse as a defense. Based on State v. Koss, 49 Ohio St. 3d 213 (1990). Real photos from the scene of the crime will be used as evidence.

Time: 5-6:30 p.m.

Location: Moot Court Room

DELTA THETA PHI

October 13: **Lecture.**

Obscenity: Help Us Define It.

Time: Noon

Location: Room 11

October 14: **Discussion.**

Attorney Mark Devan explains how he prepared to present Kevin Young's defense at trial.

October 30: **Clam Bake** with alumni.

(Time and place to be announced.)

November 4: **Discussion.**

John Gill, Demjanjuk's attorney, offers his assessment of the accused Nazi war criminal's trial.

INTERNATIONAL LAW SOCIETY

October 8: **Elections.**

Applications for vice-president due. Elections held October 12.

October 19: **Lecture.**

Donald Duvall, Kenyon & Kenyon, on "Section 337 and the Trade Related Aspects of Intellectual Property Rights." At Cleveland City Club. Space is limited; reserve by October 10 in ILS office Rm 27.

The **1994 Jessup International Law Moot Court Team** of Scott Evans, Dee O'Hair, Andrea Muto and Tina Repp, recently selected by Professor Tayyab Mahmud, will represent C-M at the regional competition in February. This year's issue concerns the granting of refugee status.

Study Abroad Information: Files containing pamphlets and brochures available anytime in the ILS office Rm 27.

THE JOURNAL OF LAW AND HEALTH

Volume 7-1 of the Journal of Law and Health was published and distributed to subscribers during September. There are a limited number of copies available for distribution to students. Those interested in obtaining a copy should see Holli Goodman in Room 14.

The Journal of Law and Health is actively soliciting health law related articles for publication. If readers know of any attorneys or health care providers who are interested in submitting a manuscript, please have them contact the Journal at 687-4896.

MOOT COURT BOARD OF GOVERNORS

The C-M **Moot Court Board of Governors** will participate in its first competition of the year at the end of November. The Benton Competition will be held in Chicago, with schools throughout the nation arguing informational privacy issues. C-M representatives are Dee O'Hair, Jennifer Kriausky and Terri Richards.

November 10: The 25th annual **Fall Moot Court Night**. Both of C-M's national's teams will present arguments. This year's problem concerns preemption and the Federal Insecticide, Fungicide and Rodenticide Act and the recoverability of medical monitoring damages for alleged increased risk of cancer.

Time: 7:30 p.m.

Location: Moot Court Room

LAW REVIEW

Law Review congratulates members who wrote law review notes that were chosen for publication in this year's volume of Law Review. The students are Don Gitlin, Dan Mordarski, Alison Drake, Amy McKittrick, Rebecca Lasky, Gregory Gordillo, Scott Walker, Alan Ritchie, Robert Gerlack, Jennifer Vinciguerra, and Georgia Stanaitas.

Additionally, a note written by John Belt was chosen for publication in the New Mexico Law Review.

A limited number of Law Review's most recent issue, Volume 40, Nos. 3/4, are available to interested students in Room 14.

ENVIRONMENTAL LAW ASSOCIATION

A C-M student is currently organizing a new student group, called the **Environmental Law Association**. The group will address environmental law issues and topics and provide students with a relaxed atmosphere to discuss these issues. For more information about this group, contact David Eppstein, 523-7551.

the GAVEL

The Gavel editors recognize **Joe Carella**, SBA Treasurer, as '**Gavel Student of the Month**'. Carella organized and managed the SBA booksale this semester. Last year the university admonished the SBA for using outside bank accounts for booksale deposit purposes. This year Joe prevailed over university red tape by routing all funds through the school's accounting office. Joe also revamped the SBA budgeting process, acquired bulletin boards for student offices and secured a new video game for the lunchroom (SBA gets half of game receipts). Congratulations, Joe!

FEDERALIST SOCIETY

The **Federalist Society for Law & Public Policy Studies** would like to announce that federal 6th Circuit Judge Danny J. Boggs will be speaking at C-M in early November. Judge Boggs will discuss "Speech and Religion in the Public Forum" on Thursday, November 4, at 12:00 noon in Room 133.

Judge Boggs was an undergraduate at Harvard and completed his law studies at the University of Chicago. He has worked in the federal sector in many capacities, including Deputy Secretary of the Department of Energy, Special Assistant to the President (Reagan), and Senior Policy Advisor of the Office of Policy Development.

SPILO

The **Student Public Interest Law Organization** would like to remind all members and students about the NAPIL Career Fair and Conference scheduled for the weekend of October 29, 1993. Attorney General Janet Reno is the keynote speaker. A list of public interest employers who will be interviewing at the career fair is available in SPILO's office (LB 24) and in the Office of Career Planning. You must submit your resume as soon as possible directly to those employers to arrange an interview.

Did you hear about the resurrection of the **Follies**? Tune your clarinet, exercise your vocal cords and sharpen your wit. Stay tuned for details.

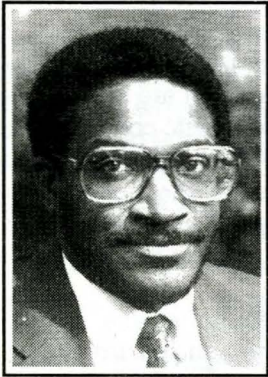
Career Opportunities. Discover what career opportunities are available in public interest law, and where the jobs are on Wednesday, October 27, 1993, at 5:00 p.m.

Student organizations are welcome to submit information on their organization's activities to the Gavel. Please include dates, time and location of the event, and the name and phone number of a contact person.

Oliver and Wells

continued from page 1

campaign was not done in vain. Oliver had helped elect Stoke as Cleveland's new mayor, the first black mayor of a major American city.



Dean Solomon Oliver

Since then, Oliver has graduated from college and law school, clerked for the first black appointed to the federal bench, and served as an Assistant U.S. Attorney in Cleveland, eventually serving in that office as both Chief of the Civil Division and Chief of Appellate Litigation.

Oliver's relationship with C-M began in 1982, when he joined the faculty teaching such courses as Civil Procedure and Federal Practice. Coincidentally, Oliver's co-nominee Judge Linda Rucker was a student in one of Oliver's first classes at C-M.

Oliver looks forward to continuing teaching in his capacity as a judge, when his future law clerks and externs will serve as his students. "All good judges are teachers," said Oliver, "and a part of me will always desire to continue

(teaching)."

Though there may be similarities between teaching and adjudicating, Oliver knows one aspect will be quite different. While teaching law often involves endless pondering and questioning, says Oliver, a judge must bring closure to the issues. At some point a judge must make a decision; one which rules out all other alternatives.

Perhaps the most significant person in Oliver's professional career was the judge he clerked for after graduating from Case Western Law School, the former U.S. Circuit Judge William H. Hastie. Oliver enthusiastically tells the story of how Hastie also served as a mentor for the late U.S. Supreme Court Justice Thurgood Marshall. Oliver explains that Hastie and other leaders conceived of the strategies for eradicating segregation during the period Hastie was teaching Marshall at Howard Law School. The policies they formed later surfaced as the basis of Brown v. Board of Education.

When confirmed, Oliver will likely feel many of the momentous feelings Hastie felt in 1949 when he was appointed the first black to the bench, as Oliver will be the first black appointed to the Sixth Circuit since the Carter Administration. Reagan and Bush appointed a total of 52 judges to the circuit during this period.

Time restraints prevented an interview of **Judge Linda Rucker** for this month's Gavel. Her review will appear in the next issue.

Justice Scalia to speak at C-M

U.S. Supreme Court Justice Antonin E. Scalia will speak at Cleveland-Marshall as the college's

Distinguished Jurist of 1994.

Justice Scalia was appointed to the Court in 1986 by former President Ronald Reagan. He will speak in the Moot Court room to students, faculty and members of the community. Seating information will be announced later by the Dean's office.

Saturday, November 6, 1993

10 a.m.

Student Bar Association

The Student Bar Association would like to thank the twelve day and three evening first year students who were candidates for senate positions! The election results are as follows: First Year Day Senators: Russell Tye, Joshua Marks, Michael Brennan and Susan Moran; and First Year Evening: William Gareau and Rory Weems. Congratulations!

All of the students expressed imaginative ideas which they will bring to the senate and we look forward to channeling their enthusiasm! The Student Bar Association hit the ground running this school year, and would like to let you know what projects are underway.

Third year senator Rose Fini would greatly appreciate your input regarding the S.B.A. Faculty Evaluation Form: you remember- its that paper which most professors hand out in the last week of class when you are asked to evaluate their performance as a teacher. Rose has been looking into methods of making the results of these forms more available in a format which is both meaningful and useful. She may be reached at 446-1337. Don't hesitate to call her with your suggestions regarding this endeavor.

A modern constitutional convention of very few delegates has been working to write a new constitution for the S.B.A. A draft of this document will be placed on reserve at the library and copies made available at the S.B.A. office for review. We will soon present the student body with a final draft for a vote of approval. Watch for signs and please offer suggestions after reviewing the draft.

The Budget Committee diligently reviewed the sixteen student group budgets received so far this fall for S.B.A. approval, and is excited by the programming ideas brought forth by the various organizations. This means that there are at least sixteen ways in which students may become more involved at the law school! Be sure to check out these groups as they plan socials and bring in speakers of interest to our community.

Safety of the students, faculty and staff is of great concern to all of us. The S.B.A. Student Concerns Committee is in communication with the university and the Dean's staff to address this issue. In particular, the S.B.A. is investigating remedies to cure the loss of our building monitor/safe walk person. WE REMIND ALL INDIVIDUALS OF THE 24-HR ESCORT SERVICE AVAILABLE BY CALLING 2020 FROM ANY CAMPUS PHONE. Please utilize this service to the fullest. Doing so will make clear to the University the need for this service within the law building and the Price Building.

We would like to remind you that we need your input on a couple of topics. First, the departments of Career Planning and Financial Aid would appreciate advice regarding the services they provide to the students. The Alumni Association is moving forward with plans for a Pro-Bono Program and needs student input. PLEASE CONTACT MEGAN AT THE SBA OFFICE IF YOU ARE INTERESTED.

Further, Professor Steinglass urges students to be a part of the selection process of new faculty members. He will provide opportunities for the student body to meet prospective professors and encourages your you to take the time to meet these candidates and then let him know what you think of them.

NOW AVAILABLE:

T-Shirts \$11.00

T-Shirts & Sweats \$23.00

Sweat Shirts with the Cleveland-Marshall Monogram

BLEPP-COOMBS SPORTING GOODS INC.

2020 Euclid Avenue.....621-2121
Southland Shopping Center.....885-5090

Two Doors Down From Rascal House

Perry Mason

continued from page 1

defense team of Perry Mason, Della Street, and Paul Drake? How many times did we watch as Mason vindicated the wrongly accused "little guy" and nailed the man or woman who really "did it"? Wasn't that the way it really happens in the world of criminal law?

Could it be because of Perry Mason that I went into the "real (non-TV) world" thinking that usually the accused was innocent...and that he or she often times got off? What a surprise to see while covering the court beat as a journalist that most of those accused didn't look like Mason's clients. Most of those accused weren't acquitted.

How many times did I ask myself whether the person found guilty was really innocent? How often did I ask myself if the defendant would have been set free if he or she wasn't poor, wasn't a minority, wasn't represented by a court appointed attorney. How often did I wonder, "If only they could have afforded Perry Mason!"

I covered at least 20 trials over the years, and in each trial I believed the accused was innocent. At each trial, I believed the jury would return a verdict of not guilty, or, at the very least, a verdict of guilty to a lesser charge. At each trial, except for one, the verdict came back guilty!

In the real world, I found that by the time someone went to trial, the prosecutor had a pretty solid case against the accused. I never once saw a surprise ending; never once saw a new suspect, the truly guilty party, nabbed in court. Only on a fictional TV show could a prosecutor lose as many cases as Prosecutor Hamilton Berger did on Perry Mason and still keep his job. In the real world, prosecutors seemed extremely reluctant to take a case to trial unless they were almost certain they would win it.

Maybe I watched too much Perry Mason. Maybe Perry Mason is to blame for me always believing the defense's sad story that his or her client was innocent. Maybe Perry Mason is to blame for my being the idealist who was always surprised by the jury's guilty verdict. Both sides, if good attorneys are involved, can paint believable stories. That's the scary thing about verdicts.

Maybe most of those accused who go to trial are guilty. If so, that says something good about our system. It means the innocents are set free prior to trial. Let's hope so. Because from my experience, it appears to me, the verdict usually comes back, guilty.

OPINION

It's the little things in life...

by Kelly Vaughn Rauch
Staff Editor

It's the little things in life that make a student's day at Cleveland-Marshall. Free doughnuts from the snack bar at 6:00 p.m. can brighten a student's outlook on his evening class, and finding an abandoned sports page in the cafeteria will perk up a sports fan at any time of day. I find myself feeling giddy when I use the stapler and hole-puncher at the Library's circulation desk and I'm totally amazed that the University has entered my address changes into the computer promptly all three times. Other law school "pick-me-ups" include free computer advice in the library computer lab, bathrooms in the law building and free sipper cups from the Bar-Bri reps.

These little things can give students a reason to smile or be happy for a brief moment between working or studying during their hectic law school day. Yet, there still remains so many irritants in the bureaucratic structure of this school that often overshadow the joy of getting free staples.

I propose the following little changes be implemented in order to make life at C-M less inconvenient for the tuition-paying students.

- Eliminate the requirement of a Dean's signature in order to drop a class. If it can't be eliminated, post a notice in the law school that a signature is needed so students do not have to go to Fenn Tower to learn of the requirement. As an alternative, have the dean actually review the student's schedule, his reasons for dropping the class and actually advise the student on scheduling matters.

- Provide a full tuition refund for schedule changes or dropped classes through the first FULL week

of law school classes. It may take one class period for a student to realize he would rather not take a certain professor or course.

- Strive for consistent air temperatures in all classrooms on all days. Students who try to dress for weather conditions in the building are hoodwinked each day because the atmospheric conditions are never the same. Energy conservation and saving money are admirable goals, but the air conditioning should be left on over the weekends - especially for those students who are paying the University to attend class here on Saturdays.

- Create penalties for professors who do not turn grades in on time. Emergencies are understandable; I'm not sure about four months!

- Do not allow or request retired professors to continue to teach, even for one semester a year, when they have not kept up on the subject and are unable (or unwilling) to answer questions from students.

- Create a new system for class registration so that a scheduling session which opens at 8:00 a.m. doesn't compel students to begin lining up at 5:30 a.m. As an alternative, C-M could offer enough classes with good professors so students don't feel compelled to fight for a few select courses or risk being stuck with the leftovers. Perhaps law students could register for their law courses in the law school?

- Put pads or covers over the screws on the table legs in the lecture rooms to prevent cuts and bruises on knees. (Even when you know the table leg is there, you still bump into it!)

- Of course, having enough parking spaces for all the students would be a bonus, but as future lawyers, we don't believe in miracles.

First-year practice exam: Oral Contracts

by Jon Sinclair
Staff Editor

First Years, the ominous days of December are looming. Those mid-terms are right around the corner. So we have created this practice mid-term for your benefit. It should be completed under similar exam conditions, so estimate about how long it would take you to answer the essay and multiple this by .10. This is the amount of time you are allowed.

For further simulation, place unsent greeting cards, unwrapped gifts, and wrapping paper around your desk, as this will simulate the exam which occurs on December 24. OK, now you're ready.

ESSAY: This essay problem is about the formulation of oral contracts. The Dean of a Midwestern law school is facing a crisis. Generally, the school has been denied promised funding by its parent university. The Association of Law Schools (ALS) has threatened to remove accreditation if funding is not increased. Therefore The Dean decides to take action, speaking to the following three individuals.

The University President: The Dean's first meeting is with the gruff and burly university president, who is known for going on junkets to hunt game in Michigan. The meeting proceeds reasonably well, but the university president seems to be

skirting the issue. Finally, The Dean bravely asks The Question, "Will the law school be assured of promised funding in this fiscal year?". The president responds, "Dean, does a bear s___ in the woods?"

The Dean is dazed and confused by the response, as he grew up in the farm belt and doesn't know the first thing about the habits of bears.

Essay One: Can The Dean have reasonably interpreted the president's response to be a 'Yes'? Secondly, does your argument change when you know the Dean has visited zoos that had bears but no woods?

The Dean decides to find out if the school is truly in danger of losing accreditation by the ALS. He meets with the president of ALS, General Halftrack, who is an 85 year-old former Air Force attorney. Gen. Halftrack keeps nodding asleep as The Dean tries to brief the general with his concerns.

Finally, The Dean decides he can tolerate the dozing no longer and says, loudly enough to startle the General, "General, will the law school lose accreditation without increased funding?" The general shakes himself awake, looks The Dean square in the eye and says with war-time seriousness, "Dean, there are old pilots and there are bold pilots, but there are no old and

bold pilots."

The Dean trembles with fright, not knowing what the general was talking about, but sure it was not good news.

Essay Two: Can The Dean have reasonably interpreted the general's response as a 'Yes'? What if you know the General was committed to a Veterans Psychiatric ward a week later?

Finally, The Dean thinks it best to try to raise the necessary funds himself. He approaches a well-known community attorney who has made a name for himself by starting his own practice. The attorney startles The Dean when he pledges \$2 million. The Dean replies with caution, "Really? Promise? Cross your heart and hope to die?" The attorney replies "You've got my word on it".

Essay Three: Was an oral contract formed? What if you know the benefactor was elected Senator under the campaign slogan "You've got my word on it" but was trounced four years later because he broke every single campaign promise he ever made? You make the call.

OPINION

NAFTA stands for bad news

by Ron Russo
Staff Writer

If you now work for a living you had better heed this warning. The North American Free Trade Agreement will wreak havoc on our already battered economy, thus putting even more people out of work, including lawyers.

NAFTA will be a first world-third world marriage of two capitalist economies. If NAFTA is signed into law, a Mexican authoritarian economy will be grafted to the U.S. and Canada, creating a "borderless" trade zone with no tariffs.

This massive trade zone will encompass all of North America and, according to some people, will offer lower prices on a large selection of consumer goods, while allowing the U.S. to export more goods to a fast developing Mexico.

The truth is that we will indeed have a larger selection of imported goods, but many Americans won't have the jobs which provide the income necessary to buy those goods. We will be exporting our jobs, both skilled and unskilled, to Mexico.

The parties behind NAFTA include the Business Roundtable, the National Association of Manufacturers and USA NAFTA, a coalition of more than 2,300 groups who stand to gain from free (not fair) trade. On the Mexican side is the aristocratic 1% and control over 90% of the wealth who will reap large profits from their tightly controlled companies.

These companies represent almost 100% of the factories in Mexico and are strictly controlled by Mexican President Gortari and his close advisors. They fix pay rates at artificially low levels and enforce these policies through a complex business agreement known as "El Pacto".

The "El Pacto" governs an authoritarian economy, where the economic forces of supply and demand are quashed. The best example of a similar economy

would be the one which existed in the pre-1991 Soviet Union, where military goods were produced rather than consumer goods, ignoring the needs of the society.

In order to control inflation and preserve Mexico's labor cost advantage over the U.S. and Canada, Gortari will fix pay rates, determine who is allowed to strike, and suppress unions by selectively hiring and firing union stewards and bosses.

Distinctions also exist among worker benefits. Mexican workers receive no unemployment compensation, and if injured on the job, compensation for permanent disabilities is limited to just over \$10,000. Not to mention that the average Mexican wage is 20% of wages in the U.S. These facts provide every indication that American manufacturing will pack up and head South, even considering the initial costs of training Mexican workers.

And as for increased exports of products to Mexico, remember Mexicans can afford very little of what we manufacture, especially due to the wages which are controlled by the "El Pacto" agreement.

Unless manufacturing costs are equalized by removing unfair government regulations, the U.S., Canada, and Mexico will not be playing on a level playing field, and Americans will watch aghast as companies and jobs head for the border.

Free trade means fair trade. We should write our representatives in Congress and demand that NAFTA be postponed until the agreement provides fairness for the respective countries.

While Clinton foresees a wealthy and powerful North America as a result of NAFTA, he should make a closer examination of the agreement's consequences, including the American unemployment that could occur. Maybe he should also remember that he was elected by the citizens of America, not Mexico, and thus act accordingly.

Mexico City: Scope and La Conta

by Frank Krajenke
Staff Writer

What a vast country, I thought, looking out the DC-9 window at the Sierra Madre Mountains. Bluish grey mountains jutted from the sweeping green plains. Standing as sentries in the distance, the mountains still guarded their mineral treasures which the Aztecs, Spanish, and Mexican miners have fought them for over the centuries. Though I lived in Mexico as a boy, visited my mother at her home in the Yucatan countless times, I had only been to the capital, "El D.F.," once previously. The acronym D.F., (pronounced 'day effay'), stands for Distrito Federal, or Federal District in English.

At first one might perceive a similarity between the use of D.C. to distinguish the seat of national government in the United States and the use of D.F. in Mexico. While the notion of Washington D.C. stirs patriotic feelings in some of us, with concomitant images of Washington, Lincoln, Jefferson, and to a lesser extent, Roy Cohn, D.F. means more to a Mexican.

Indeed, aside from being the its nation's political capital, Mexico City serves as Mexico's commercial capital, like New York for the United States. Furthermore, the ruling elite, historically known as 'Creollos' (pronounced Cray-oyos), with the country's "old money" and predominant culture, come from Mexico City. The Creollos resemble the "Blue Bloods" from New England who set the social and economic tempo for much of the United States' history. Moreover, Mexico City has the largest metropolitan area in the Mexican Republic: with 22 million people, most of them Mexicans, thus population configuration ends up looking like a grander version of Los Angeles. Therefore lumping Washington D.C., New York City, Boston, and Los Angeles County, then adding a million or two, one gets a better idea of the scope of El D.F. from a Mexican perspective.

Meanwhile, back on the plane, the captain gave us an aerial view of the city. The panorama of the expansive urban area, built in the valley of Mexico and onto the sides of the surrounding mountains, impresses the viewer. The architecture of the metropolis represents the old and the new. Islands of modern high rises sit interspersed between a sea of Spanish Colonial architecture and modern low rise buildings.

The enormity of the city takes the breath away, as does the pollution. As a Motor City kid, who lived the last two years in downtown Cleveland, I am as hip as anyone to industrial pollution. I must say, however, that the Motown factories of the original "Bad Boys" from Detroit (like Louis Chevrolet, Horace and John Dodge, Henry Ford, David Buick, and Walter Chrysler, not Isaiah Thomas and crew), don't hold a candle to their

counter parts in Mexico. That's conceding that the plants on the River Rouge have enough usable oxygen on hand to light a candle anyway. Lead, ink, or carbon, whichever preferred, creates a substantial layer of filthy white air that trickles into the lungs like an uncle's unwanted cigar smoke.

Kidding aside, pollution is not a Mexican problem, it remains a global issue. The reason Mexico City has a lingering smog problem stems primarily from geography. The bad air they produce does not disburse, since the city lies in a valley surrounded by mountains. It's like sticking burning refuse in a steel drum. The undertaking creates a lot of smoke which does not blow away to Ontario because the wind can't reach it.

It would be erroneous to contend that the Mexican Government sits idly by as the city goes up in smoke. Due to national and international concern, the current President of Mexico, Carlos Salinas Gotari, has instituted measures to curb pollution. Since the primary source of air contaminants comes from cars, Gotari enacted a policy where car owners must rest each car they own one day a week. Driving the car on an off day exposes the driver to stiff fines and impoundment of the vehicle. Also, to drive in Mexico City, the car must pass an emissions test. These strategies limit the amount of contaminants produced in a city with millions of cars.

Usually concerned for my health, so long as such considerations don't stand in the way of a good time or a cultural experience, I learned survival skills and sought advice from the natives for guidance. One day, early in my vacation, I asked my friend Katya if it was o.k. for me to go running. She said "Ten cuidado por la conta, sera mejor si corres en la mañana." (Be careful of the conta, it's better if you run in the morning). The people call of Mexico City call the pollution "La contaminacion." Katya's shortening of the word contamination to conta, almost had an affectionate sound to it, like calling a friend by his nickname. Katya's counsel proved useful because avoiding highways, where most of the contaminants originate, and running in the morning, when the severity of the toxicity lessens, limits one's exposure to pollution.

After three weeks I can leave, no longer exposing myself, but the Chilangos cannot. Chilangos (Mexicans call people from Mexico City Chilangos because they eat a lot of Chili peppers, powdered, crushed, whole, pickled or otherwise) have a sense of humor about the conta. This humor evinces a universal human trait; humans laugh at things they cannot change. Chilangos make light of the source of their migraines and respiratory ailments. They laugh at the thing

continued on page 6

**The Annual
Ohio Bar Review Raffle**

Oct. 11-29

Winner receives a **FREE
Ohio Bar/BRI Review Course**
(975.00 Value)

Donated by:
Howard Rossen, Director

1 Raffle Ticket \$2.00
3 Raffle Tickets \$5.00

**Tickets may be purchased at the
Cleveland Marshall Student Lounge**

For the benefit of:
**The Cleveland State Moot Court
Board of Governors**

**All contributions will be used towards
educational material**

Mexico

continued from page 5
that hurts them.

My intention has not been to dissuade people from visiting one of the most beautiful cities in the world. While Mexico City has serious air maladies, one can take steps to make his stay enjoyable as the situation improves.

One step at a time

continued from page 8

is why Arafat is now willing to seek peace with Israel. It is possible that the threat of fundamentalist Islamic groups like Hammas winning over the Palestinian peoples' support was a motivating factor towards prodding Arafat to seek peace. Or did Arafat realize that the destruction of Israel was never going to be a reality so he decided to settle for part of a loaf instead of no loaf at all.

Another explanation might be that the PLO is simply lying and has signed the documents in hopes of lulling Israel into a false sense of security. I realize that this is a cynical observation, but when one looks at the history of the PLO one realizes that they must proceed with caution. While I fully support and hope that peace in the Middle East becomes a reality in my lifetime, the acts of the PLO towards Israel and the Israeli people must not be forgotten. While the world can sleep a little better, it must do so with one eye open.

OPINION

You've come a long way, baby?

by Jon Sinclair
Staff Editor

'You've come a long way, Baby', says the familiar cigarette ad, alluding to the progress women have made in society though simultaneously using a derogatory term of reference. Strangely, the advertising motto may be well-suited to symbolize the schism between women's progress in the work place and the poor record of women's health care rights. Like the amount of respect shown by calling a women 'Baby,' courts and regulatory agencies have been deferring to corporations rather than women and their long-term health.

Women have been fighting a losing battle until just recently to win legal remedies for defective products and to secure Congressional funding for serious diseases that effect their gender.

As far back as 1950, women have had to resort to the courts to recover compensation for various maladies caused by products that corporations have pushed past the FDA. Long court battles were necessary to secure compensation for victims of the defective contraceptive Dalkon Shield and the cancer-causing drug DES, which was prescribed for miscarriages.

And only recently have recipients of silicone breast implants been able to finally substantiate in court the fraud which was committed by Dow-Corning and other manufacturers, who sold a product when they knew little about its safety. Whether corporate fraud, industry greed, or an ineffective FDA is to blame, it is clear women's health rights are still in the Ozzie and Harriet stage of the 1950's. American institutions, both legal and administrative, have bowed to capitalism rather than the human body.

Only since 1991 have litigators been able to get hold of damaging Dow-Corning internal memos, including one to management that read, "To my knowledge we have no valid long-term implant data to substantiate the safety of gel for long-term use".

Another scientist commented about the companies decision to use polyurethane foams to coat the surface of the implants. Said the researcher, "If you were picking a material to put in the body and you wanted it to break down (dissolve), you could hardly come up with a better candidate".

Silicone implants are just one of many causes of breast cancer, another women's health problem

which has not been acknowledged by Congressional budget makers until only recently. Perhaps it can be explained by the fact that while one in eight women can expect to be diagnosed with breast cancer in their lifetime, only a handful occupied the seats in Congress until last November.

Today 46,000 women a year die from the disease, roughly comparable to the total number of American soldiers killed in the entire Vietnam War. Yet breast cancer research funding by the federal government has lagged behind other diseases, including AIDS, which afflicts far fewer people.

The reason, of course, is advocacy. Not only have women made up only a small fraction of Congress (until last November), but only the squeaky wheel gets the oil. And only recently did a women's group form in order to squeak louder in Washington than the shrills coming from the well-publicized AIDS activists.

It wasn't until 1991 that the National Breast Cancer Coalition was formed and organized a campaign on Congress which solicited 600,000 letters from concerned Americans. Seven months later, after a tremendous campaign of hearings, Congress doubled the amount of federal funds spent on breast cancer research.

This issue should at least prompt Americans to reconsider their views regarding the degree of respect they hold for the legal profession and its members. One wonders what might be the level of research funding of breast cancer if not for the advocacy of the National Breast Cancer Coalition president, who is an attorney. One should ponder whether DES, the Dalkon Shield, and breast implants would still be on the market today if not for the advocacy of an attorney.

Too much litigation critics say. Then perhaps attorneys should stay out of the courts and trust the safety of human bodies to the FDA. And perhaps jumping off a cliff would be much quicker.

The new battle forming on the horizon involves medical insurance providers who once refused to pay for the cost of removing breast implants and are now refusing to pay for new bone marrow removal procedures that permit more effective radiation treatment of breast cancer. Diseased patients now have to go to court to get the insurance coverage they once thought they had.

The need for advocates to fight this next battle is apparent once again. Yes, perhaps America has too many lawyers, but there are certainly not enough advocates.

FREE



FRIDAY...
Film Night



SATURDAY
Jazz, Folk
Poets &
Open Mike



AWAKENINGS
Where everyone's on common grounds



FREE
GOURMET
COFFEE &
TEAS
PASTRY &
LUNCH!

1859 Prospect Avenue • Cleveland, Ohio 44115 • 696-5530

WELCOME BACK STUDENTS!!

Present this Flyer as a coupon for your first cup
of **GOOD** Coffee **FREE**.

Fall & Winter Hours — Mon.-Thurs. 7 a.m.-10 p.m. • Sun. 10 a.m.-6 p.m. • Fri.-Sat. 7 a.m.-12 p.m.

EXTENDED CONVOCATION CENTER HOURS:
P.S. YOU OWE IT TO YOURSELF TO CHECK IT OUT!!
"Its Where Andy Warhol Meets Ma Kettle"

Unlock the secret to financial aid

by Andrea Muto
Staff Editor

On August 26, C-M Financial Aid Administrator Catherine Buzanski expected the worst.

"At [Trinity College] students would come in crying the first day of classes," said Buzanski. "I even had a few parents come to my door crying. Here, there were really only two "problem" cases the first day. The rest of the students seemed to have everything figured out."

Buzanski was associate director of financial aid at Trinity College in Hartford, Connecticut, for five years. She replaced Marlene Shettel, who retired in March.

"I was inundated with paperwork all spring and summer," Buzanski said. "But I have to say I was pleasantly surprised with students here. Before I left Trinity, I was warned 'Do you realize you will be working with future lawyers?'"

Buzanski credits Karen Popovich, her full-time assistant administrator, for such a smooth transition.

Buzanski said nearly two-thirds of the law school population receives some type of financial aid. She said the average law student's annual budget is about \$16,150 for tuition, room and board.

The typical financial aid package includes loans from the federal government in which a student may receive a \$4,000 Perkins loan for tuition and a maximum of \$7,500 Stafford loan for expenses. The Federal Supplemental Loan for Students (SLS) is also available; this year, the program maximum amount was increased to \$10,000 per year.

"Of course, we encourage students to keep the borrowing down," Buzanski said. "But I've found the majority of students here are realistic."

Last year, C-M came under attack from the American Bar Association's accreditation

committee for failing to provide students with adequate amounts of scholarship money. Buzanski said Cleveland State has now nearly doubled its amount of "free money" for law students from \$36,000 in 1992-93 to \$67,000 in 1993-94.

For the panic-stricken student who has run out of money, Buzanski offers this advice: Visit the financial aid office weeks before the potential crisis occurs.

"We can process and send out a supplemental loan application in one day," she said. "The problem is, the lender may take up to three weeks or more. Just don't wait."

Buzanski said there used to be an emergency aid fund of about \$3,000 available directly from her office. All of those students who borrowed from that fund are currently in "default," however, and she urges anyone who has borrowed to pay the money back.

Buzanski and Popovich offer these tips on securing money for law school:

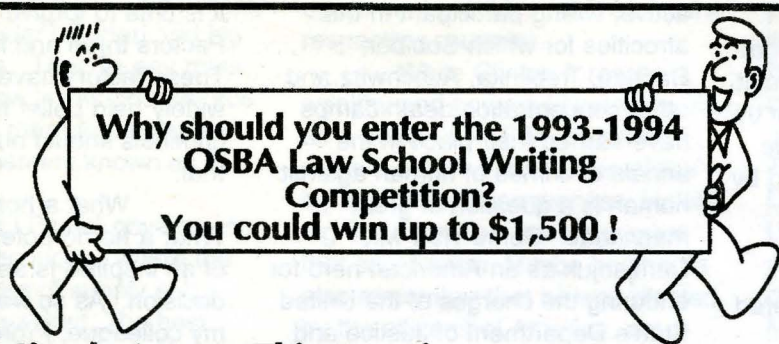
*Apply for financial aid every year.

*Fill out the Free Application for Federal Student Aid (FAFSA) NOT the GAPS FAS or the FAF for student aid.

*File the FAFSA after January 1 and preferably before March. These forms will appear in students' mailboxes sometime during Winter break.

*Check the Financial Aid bulletin board next to student mailboxes and across from the lockers for scholarship and loan information. There is also a drop box located just inside the office for any correspondence.

*Visit the Financial Aid Office in Room 41 for questions anytime. Call at 687-2317 for an appointment if necessary.



Simply Answer This Question

"There has been a lot of lawyer bashing lately. What do you think the profession and individual lawyers can do to improve the public's perception of attorneys?"

Deadline

All entry forms and essays must be received by the OSBA no later than Dec. 31, 1993. Winning essays will be chosen in January 1994 and will be published in *Associate News* and may be published in an issue of *Ohio Lawyer*.

How to Enter

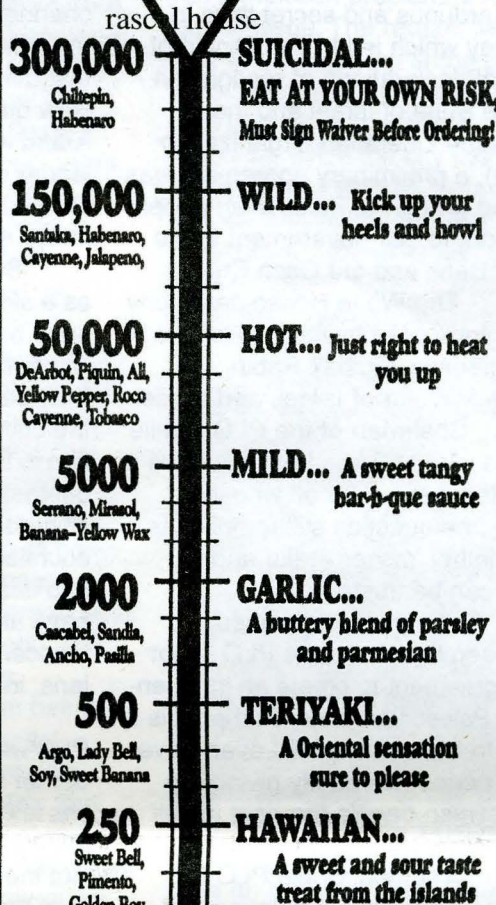
Write the OSBA at P.O. Box 16562, Columbus, OH 43216-6562, or call 800/282-6556, for an official entry form and contest details.

ATTN: LAW STUDENTS:

The Hottest Wings In Town



Some Like It Hot!



The incendiary properties of chile peppers can be scientifically rated by measuring the amount of capsaicin (the heat producing property) in each chile pepper. This is accomplished by using a standard called a Scoville unit. A Scoville unit is the number of units of water it takes to make a unit of chile pepper lose all traces of heat. For example it takes between 2,500 and 5,000 units of water to neutralize the heat from one unit of jalapeno.

Beers of the World

Over 100 of the finest Imported and Domestic brews
Join our Beers of the World Club!

plus...NTN TRIVIA and QB1—now here!



Our BEERS OF THE WORLD CLUB is up and running, with over 100 beers from over 26 countries! Utilizing your Official BEERS OF THE WORLD GUIDEBOOK, you'll treasure your personal Pewter Mug while you tour the world of fine beers. Card carrying members of the Club are eligible for discounts on all draft beers, receive a free subscription to our "Beer Lovers" newsletter, advance invitations to all beer tastings and receive a collectable BEERS OF THE WORLD T-shirt. Once you've managed to "tour the world" you'll enjoy a \$100 gift certificate!

OPINION

One step at a time

by Les E. Rockmael
Staff Writer

The world watched on September 13 when, on the White House lawn, the first step towards peace in the Middle East was taken. After arduous and secret talks in Norway which led to the signing of mutual declarations of recognition by the State of Israel and the Palestine Liberation Organization (PLO), a preliminary agreement was signed giving the Palestinian people the right to self-government in the West Bank and the Gaza Strip.

The White House ceremony was highlighted by the handshake of old enemies, Yitzhak Rabin, the Prime Minister of Israel, and Yasser Arafat, Chairman of the PLO. While peace in the Middle East would be a wonderful event for all who live there, the question still remains as to whether Yasser Arafat and the PLO can be trusted.

The agreement signed between Israel and the PLO is not an agreement to create an independent Palestinian state. Rather, it is a plan to be implemented over a five year period, ultimately giving the Palestinian people the right to self government.

The goal of the PLO all along was to have a independent Palestinian state. They would prefer such a state to occupy the land where Israel is presently situated, but since the PLO and the Arab countries have been unable to militarily defeat Israel, it seems the PLO is now willing to settle for the Jericho and the Gaza Strip. This is land Israel has controlled since taking it during the six day war of 1967 when Israel was attacked by the Arab nations. In a recent interview with TIME magazine, Rabin emphasized that Gaza and the West Bank will never be an independent Palestinian state. Rabin stated that Israel would be willing to work towards allowing these territories to become part of a Palestinian state in confederation

with Jordan.

Why all of a sudden is Arafat the toast of Washington? A day after signing the agreement, Arafat was the guest speaker at the National Press Club in Washington. I watched this event on the C-SPAN channel with a sickening feeling in my stomach. The event was a love fest between the media and Arafat. How quickly people can forget that Arafat was and possibly still is the leader of a terrorist organization? Does signing a piece of paper totally eliminate the past?

Since Israel was recognized as a state in 1948, the Arab nations have been in a declared state of war with Israel. In the mid-60's the PLO came into existence. One of the covenants of the PLO's constitution is the pledge to bring about the destruction of the state of Israel. Towards this goal, there have been countless covert border crossings into Israel by PLO terrorists who have ambushed and killed countless innocent Israeli soldiers and civilians, including *children*.

Another tactic used by the PLO was to send rockets across the border into Israeli civilian communities knowing there would be an armed response by the Israeli Army. But the PLO, being the cowards that they are, would place their weapons' depots amongst civilian population knowing the Israeli planes would target these depots. In effect, Israel would knock out the weapons' depots, innocent civilians would end up dead and the PLO would end up with a propaganda victory by blaming Israel for the death of civilians.

It should also not be forgotten that during the Gulf War, Arafat sided with Saddam Hussein. But by far one of the most reprehensible acts of terrorism ever committed by the PLO is the murder of Israeli athletes at the 1972 Olympic Games in Munich, Germany.

The question left unanswered

continued on page 6

Sobibor, Justice, Demjanjuk and Holocausts

by Stephen J. Werber
Professor of Law

Sobibor. That is where John Demjanjuk's saga of almost fifty years, some sixteen of which were spent in court and/or jail, begins. Lest we forget, Sobibor was a concentration camp serving a single purpose: the extermination of human beings.

Whether John Demjanjuk was Ivan the Terrible we will never know. We know only that a justice system in Israel, upon hearing evidence that would not have been admissible in any American court, determined that there was reasonable doubt. Critics of the Israeli justice system, and those who cried that an accused war criminal could not be given a fair trial in Israel, have seen their claims destroyed.

We have seen a courageous family defending its own and a courageous Jewish lawyer following the precepts of biblical law: that justice shall be pursued. We have also observed a refusal of the Israeli justice system to permit further action against Mr. Demjanjuk for a variety of reasons including potential double jeopardy and the fact that the remaining possible charge carries a maximum sentence shorter than "time served." We have not seen, nor will we ever see, a real answer to the question of whether Mr. Demjanjuk was Ivan the Terrible of Treblinka, Ivan of Sobibor, or Ivan the Victim of the Nazi war machine.

Whether John Demjanjuk is a victim of a horrible war or an active, willing participant in the atrocities for which Sobibor, Dachau, Treblinka, Auschwitz and other concentration/death camps have earned their place in the annals of crimes of human against human is a question of great magnitude. Some view Mr. Demjanjuk as an American hero for enduring the charges of the United States Department of Justice and vigorously defending against those

charges on two continents. Others are convinced that he is a war criminal who was an active and willing participant in the atrocities that took place at Sobibor. This view is supported by the unquestionable fact that he was a guard at that camp - but this fact does not tell us how that circumstance came to be. One can argue, with considerable force, that the real question is not whether Mr. Demjanjuk is innocent or guilty, but only the degree of his guilt.

Lost in this debate is the fact that revisionist racists will use the Demjanjuk acquittal not as an example of how justice should be served, but to support a claim that the holocaust never happened; that twelve million human beings did not perish in death camps; and that all of these deaths provide no lesson for the future. These racists would have us forget that a "civilized" people can become vicious and uncivilized with considerable ease. This false denial partially explains why the world watches repeated holocausts of which the most recent is ongoing in the former Yugoslavia under the rubric of "ethnic cleansing." Which ethnic group will be next? Any who believe that they are immune to such victimization have much to learn.

The Demjanjuk case raises at least four factors which are utilized by those who would deny the holocaust. These factors are: (1) John Demjanjuk was not convicted; (2) witnesses to war crimes are growing old; (3) witnesses are not credible; and (4) after fifty years it is time to forgive and forget. Factors three and four are false. These factors have created a too widely held belief that World War II criminals should not be brought to trial.

What a horrid thought! What a horrid potential ramification of an inspired Israeli Supreme Court decision. As so well recognized by my colleague, Professor Alan

continued on page 11



Marino's Haircutting

The Difference... Personal Service

Across from the Law School

Special Student Prices

Mon - Fri:
9:00 a.m. - 5:00 p.m.
Appointment Appreciated

1818 Euclid Avenue
Cleveland, Ohio 44115
(216) 861-6044



M-F 9-5:30
SAT. 9-2:00

(216) 781-9390

COUSIN'S CIGAR CO.

Across from the Law School

1828 EUCLID AVENUE
CLEVELAND, OH 44115

DANNY KOLOD

CSU Board of Trustees Meeting

By Andrea Muto
Staff Editor

The CSU Board of Trustees unanimously approved a new Student Conduct Code at its September 22 meeting that will apply to law students in addition to C-M's Honor Code.

The new code will take effect October 10 and will be distributed throughout the CSU campus.

Student Bar Association President Megan Hensley, a non-voting student member of the board, asked the board whether the new code would replace the Honor Code designed by the law school and printed in its bulletin.

"This is a university code," said CSU President Claire Van Ummersen. "The law school is either part of us, or it's not. The code should apply to all students."

Van Ummersen said the deans should conform their department codes to the new code.

However, Dean Steven R. Smith said the new code was not meant to supplant the law school's Honor Code, and in fact addresses different issues of misconduct.

"We will take a close look to see if there are any implications we need to deal with," Smith said. "But as I understand it, the [new student code] covers material not covered by the Honor Code."

In other business, the board reviewed the 1992-93 university operating budget that was set at \$140,270,450. Last fall's student enrollment was 5% less than what had been projected; in addition, the state cut instructional subsidies by 3.7%.

The fiscal year ended with a positive operating balance of \$714,851. In a unanimous vote, the board allocated \$250,000 of that balance toward a "Compensation Study" intended to survey and analyze faculty and staff salaries

and benefits.

"We want to be as fair as we can be to our employees," Van Ummersen said.

Van Ummersen said a law school faculty salary study is already underway, as a result of the American Bar Association's recommendations last spring.

Board Chairman Monte Ahuja said the board should devise a clear and unambiguous policy upon which salary increases could be based.

"We need to allow flexibility to our deans," he said. "We have to allow the process to be fair and uniform."

Ahuja said the Compensation Study would have to take into account the "problem" with the ABA recommendations.

The number of authorized CSU staff positions for fiscal year 1994 is 1,560. Of that number, there are 633 faculty positions; the rest comprise administrative and classified staff.

The board approved these changes to law school staff and faculty status:

NEW HIRES:

Brian Glassman, Legal Writing Instructor
Salary: \$26,895

Beverly Pyle, Legal Writing Instructor
Salary: \$26,895

CHANGE IN FACULTY STATUS:
Victor Streib
From: Professor of Law, Reporter for Self-Study and Planning Officer
Salary: \$80,612
To: Professor of Law
Salary: \$76,249

Frederic White, Jr.
From: Professor of Law, Director of Special Programs and Academic Activities
Salary: \$73,448
To: Professor of Law
Salary: \$69,085

RECENT FACULTY ACTIVITY

Alan Miles Ruben will travel to Fudan University in Shanghai as a Fulbright Scholar to teach business law and enterprise regulation.

Dean Steven Smith has been elected vice-president of the Cleveland City Club.

Lloyd Snyder appeared before a committee of the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline to testify on the committee's proposed amendments to the Ohio Code of Judicial Conduct.

Janice Toran recently became chair-elect of the Civil Procedure Section of the Association of American Law Schools.

Alan Weinstein was co-chair of the sub-committee on Land Use and the First Amendment of the American Bar Association's Section of Urban, State, and Local Government Law.

Stephen Werber is currently president of the Harold H. Burton Chapter of the American Inns of Court.

Elisabeth Dreyfuss spoke to the Over-Sixties of CSU on "Amnesty International - Its Objectives, Its Accomplishments."

Victor Streib was a guest lecturer for two weeks at Jagiellonian University in Krakow, Poland. Professor Streib was named the first Visiting Fellow of the Association of American Law Schools (AALS), which is a one-year position in Washington, D.C.

THE DEAN'S CORNER

What would you like to see in C-M's new \$24 million law library? Even though construction won't begin until fall 1994, now is your chance to make suggestions on what resources and other materials the library should offer. Submit any recommendations to either Dean Smith or Scott Finet, library manager.

Yale Law School's **George L. Priest**, professor of law and economics, will visit C-M for a lecture concerning "The Illusive Attraction of No Fault." Priest has been a professor at Yale since 1981; he is director of the Program in Civil Liability at that school. The lecture will take place on November 18 at noon in the Moot Court Room.

Mao Feng, dean of Wuhan University Law School in the Wuhan province of China, is visiting C-M for two months. While here Feng is observing law school administrative procedures, and Prof. Buckley's Commercial Law class and Prof. Moody's Remedies class.

Letter from 1L Senator

I would like to thank all the first-year students who took time out and voted in the SBA election. As a recently elected senator, I am confident that all the new senators will work diligently on the student body/law school's behalf. Please feel free to express any questions or concerns regarding the SBA to myself or any senator of the SBA.

Russell Tye

Letter to the Editor

Editor:

Congratulations on having the courage to print candid evaluations of first year teachers. I enjoyed reading them and, at least insofar as mine was concerned, tend to agree with the opinions offered. One point needs clarification though.

Evaluations present four options to students when asking whether the student recommends the particular professor: agree, neutral, disagree, and no opinion. In your percentages, it appears that the result was based on comparing "agree" with all other categories. This is understandable, but misleading. (The Gavel article) incorrectly suggests that students provided a negative evaluation of those particular professors they did not recommend, when instead they may have marked 'neutral' or 'no opinion'.

Prof. Stephen J. Werber
Professor of Law

Eds. Professor Werber's point is well taken. The *Gavel* addressed this particular point in the introduction of the article, though it could have been made more clear.

Make a statement...

Write for the GAVEL

The GAVEL is always seeking interested students, staff, faculty and administrators to contribute to this publication. If you are interested, stop by the office, LB 23, or call 687-4533. Opinion pieces are welcome along with news articles. Please contact an editor regarding your topic to avoid duplication of efforts.

Reporters, photographers, editorialists and cartoonists are needed. Contributors become staff writers after publishing two articles in the GAVEL. Staff members qualify to participate in Editorship elections at the end of the year. Three editors are elected, each receiving a full tuition stipend from the University.

The opinions expressed herein are those of the authors and not The Gavel®. The Gavel® is not responsible for article content, including factual errors.

The next deadline is
Friday, October 29, 1993.

Student writing competitions for 1993-1994

1. **ABA Section of Business Law 1992 Mendes Hershman Student Writing Contest**
Topic: Aspects of business law written in the 1992-1993 academic year
Prize: \$2,500.00 First Prize
\$1,000.00 Second Prize
\$ 500.00 Third Prize
Deadline: October 1, 1993
2. **Georgetown University Law Center Space Law Group**
Topic: Any space law topic
Prize: \$1,500.00
Deadline: October 15, 1993
3. **The Harold Shertz Essay Award Contest**
Topic: Any subject involving transportation. Any area of transportation (e.g. law, economics, policy) and mode of transport (e.g. air, rail, motor, bus, water, pipeline)
Prize: \$1,500.00 and publication in the *Transportation Law Journal*.
Deadline: December 31, 1993
4. **Commercial Law League's Sugarman Memorial Essay Contest**
Topic: The most original and significant contribution to the knowledge and understanding of current issues in the commercial collections field
Prize: \$1,500.00
Deadline: January 15, 1994
5. **American Indian Law Writing Competition**
Topic: Any issue concerning American Indian Law.
Prize: \$1,000.00 First Prize
500.00 Second Prize
250.00 Third Prize
Deadline: January 31, 1994
6. **American College of Legal Medicine Letourneau Award**
Topic: Papers may deal with any aspect of legal medicine.
Prize: \$1,000.00
Deadline: February 1, 1994
7. **1994 Stephen G. Thompson Student Writing Competition in Communication Law**
Topic: Any aspect of Communications Law
Prize: \$1,000.00 First Prize
200.00 Second Prize
Deadline: February 15, 1994
8. **Eighteenth Annual NELPI Energy, Natural Resources, and Environmental Essay Competition**
Topic: Any legal subject regarding the interrelationship of energy, including traditional subjects in oil and gas law; federal/state regulation of natural resources; development of energy and natural resources on state, federal, or private lands; utilities; alternative energy sources; environmental aspects of energy and natural resources development or power generation; or similar topics. The essay need not be restricted to case law.
Prize: \$750.00
Deadline: April 1, 1994
9. **The Federal Circuit Bar Association's 1994 George Hutchinson Writing Competition**
Topic: Any topic that lies within the procedure, substance, or scope of the jurisdiction of the Federal Circuit Court of Appeals.
Prize: \$1,000.00
Deadline: June 1, 1994
10. **The Robert C. Watson Award for 1994**
Topic: Best article on a subject relating to the protection of intellectual property written or published between August 1, 1993 and July 1994.
Prize: \$2,000.00
Deadline: July 31, 1994

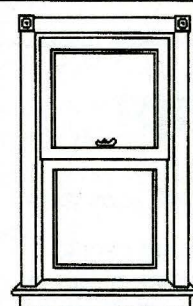
Information on the writing competitions is on the glass window outside Dean Stewart's office, room 123. Faculty members who teach in the applicable topic areas are also asked to announce the competitions in their classes. For more detailed information regarding the contest rules, please contact Dean Stewart.

Cultural experiences at student prices!

Marie Rehmar, Reference Service Librarian, would like to remind students that a Cleveland State University Student ID can get you a real entertainment bargain at the Cleveland Play House. For any non-Friday/non-Saturday night performance during the regular season, your CSU Student ID (with a current sticker) will get you a ticket for \$1.00. Regular tickets average about \$25.00! Also, with an ID CSU Faculty and Staff can receive a \$5 discount on a ticket for any non-Saturday performance.

Tickets can be purchased at the Box Office, 8500 Euclid Avenue, next to the Cleveland Clinic Hospital complex. Box Office hours vary; call for hours (795-7000). The Cleveland Play House, in its 78th season, is the longest running repertory theatre in America.

Cuyahoga Community College will be presenting a whole range of music and dance this semester-- from Mexico, Russia, the Philippines, in performances that are free to the public. All shows are held at 12 Noon at either the Palace, State or Ohio Theatres, located just two blocks West on Euclid Avenue. Don't miss it!



Don't let this window of opportunity pass you by!!
Ohio State Bar Association
Student Associate Membership
Pay your 1994 dues now and receive the rest of 1993 membership free!

When you become an OSBA associate member you:

- ☛ Receive the *OSBA Report* weekly, *Ohio Lawyer* six times a year and the quarterly student publication *Associate News*
- ☛ Are eligible for discounts on member service programs such as long-distance telephone service and the Resume Exchange Service for third-year students
- ☛ Can participate in specific student programs, such as the Linking Program
- ☛ Interact with practicing attorneys through committee and section meetings, the annual convention and district meetings
- ☛ Belong to a prestigious organization representing the majority of Ohio attorneys
- ☛ Pay only \$25 per year which includes the weekly OBAR as well as the other services, programs and benefits

Contact the Ohio State Bar Association Membership Services Department for more information or an application for membership. OSBA, P.O. Box 16562, Columbus, OH 43216-6562, 800/282-6556 (487-2050 in Franklin County).

Demjanjuk

continued from page 8

Rosenbaum, who has recently published the outstanding book "Prosecuting Nazi War Criminals," continued prosecution is a moral imperative. Only by continuing to bring such persons to justice will the world be forced to remember what man's most base instincts will allow. Only such memory gives us any chance of preventing similar acts of genocide in the future.

I am also concerned with the insistence that John Demjanjuk be cast as either hero or villain. We will never know which description, if either, is accurate. From a purely personal vantage point, I believe that he is not a hero. No death camp guard can be deemed heroic. Their actions, regardless of motive, aided and abetted a plan to eliminate entire peoples from the face of the earth. Even if a victim of the war forced to guard duty, a true hero would have resisted at all cost. Many, of various faiths and nationalities, did. Too many others did not.

I do not know whether John Demjanjuk was Ivan the Terrible of Treblinka. The Israeli Supreme Court did not exculpate Mr. Demjanjuk. The court merely found that there was sufficient doubt as to require an acquittal. To attain this result, the defense team relied heavily on KGB documents. This same defense team argued that other KGB documents, pointing to guilt, were fabricated. This presents no paradox, just good advocacy. On the other hand, it certainly causes one to wonder whether which, if any, of those documents are accurate.

John Demjanjuk was a guard at Sobibor. John Demjanjuk lied about his role at that camp when seeking entry into the United States. This is the sole legal basis for denying him citizenship. I resent the absence of even one word from Mr. Demjanjuk or his family even intimating that they regret his role as guard at a death camp, the holocaust, and his lie to gain admission into the United States. Perhaps I have missed seeing this. Perhaps it is understandable in light of the totality of circumstances,

though I wonder about the implications. If John Demjanjuk is a victim, his lie may be justified. The degree of his guilt and his status as an American citizen are questions for the courts to decide. My opinion is of no consequence.

I hope that John Demjanjuk will be given the opportunity, free of harassment, to exercise the rights given him under law. I hope that, free of politics, a determination of those rights will be made at the earliest possible time. I hope that he and his family, pending the outcome of his forthcoming trial, can be allowed what those of my faith hold so dear: "shalom" (peace). I hope that we, as citizens of this nation and decent human beings, can pursue and vindicate justice as honestly as we saw this achieved in the State of Israel. I hope that the Demjanjuk case will not be permitted to divide Ukrainian and Jew or any others. I hope that this will not become a case which causes any group to surrender its morality out of frustration, anger, or a need for vindication. I hope that we can draw meaningful lessons from the history that created the Demjanjuk case and from the impact those events have had on Mr. Demjanjuk, his family, and many citizens - living and dead - of this endangered planet.

Increase in undergraduate professor teaching requirements

by Jon Sinclair
Staff Editor

University faculty around the state are fuming at a provision in the recent state budget bill which mandates a 10 percent increase in undergraduate teaching from public university professors. The provision was originally prompted by views that faculty spend too much time on research and that tuition savings might be realized by increasing faculty class loads.

Representatives from the American Association of University Professors have secured a legal staff in anticipation of challenging the legislation. The AAUP asserts the bill ignores Ohio Revised Code Section 4117, which defines collective bargaining rights for public employees.

Some state faculty and administrators are showing contempt for the new provision while others are approaching the new requirement with humor. One chairman of a state Business Administration College sent a sardonic memo to his colleagues, suggesting the following alternatives for complying with the legislatures wishes:

1. "Force students to attend classes more often. Even with an attendance policy..., I estimate that students on average miss more than ten percent of the assigned class time with unexcused absences. If students were forced to show up for class, we would have the needed ten percent gain in teaching time."

2. "We currently teach a 50-minute hour. The simplest proposal is to start teaching a 55-minute hour...With only 5 minutes between classes, students would be discouraged from scheduling classes front-to-back....By forcing them to take at least a 65 minute break between classes we would improve their performance immeasurably."

3. "Eliminate those nasty final exams and use the eleventh week of the quarter for classroom teaching. Why do we need final exams anyway? They only make students (our customers, remember) unhappy and burden us with papers to grade. Students currently learn nothing from us during the eleventh week of "instruction," because we are not teaching them anything."

the GAVEL Deadline

The deadline for the next issue of the GAVEL is Friday, October 29, 1993.

If you are interested in writing an article, an opinion or submitting a photograph, please let one of the editors know the subject in order to avoid duplication of efforts.

Articles should be submitted on disk in WordPerfect along with a printed copy.

Any questions can be directed to an editor by calling 687-4533 or stopping by LB 23.

NIGHT COURT!

AT BECKY'S

Monday Night Football:

50¢ Drafts & \$3 Pitchers

Thursday Night \$1 Molsons

15¢ Wings Everynight!

50¢ Baby Becky Burgers

Daily Lunch Specials

Happy Hour Specials



Cool Juke Box
Over 21 Crowd
Great Food
Affordable Beer
& Liquor
Darts
Pool Table



Becky's

DOWNTOWN

1762 E. 18th St.
621-0055



BAR REVIEW

29th Consecutive Year • Ohio and MBE Preparation • Howard M. Rossen, Director



**Over 25,000 lawyers
have sworn by it!**

OHIO BAR/BRI • 1370 Ontario Street, Suite 410 • Cleveland, Ohio 44113
216-696-1326

the GAVEL

Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-4533

Staff Editors

Andrea Muto
Kelly Vaughn Rauch
Jon Sinclair

Graphics Assistant

Anil Anthony

Staff Writers

Vicky Brunette
John Chambers
Rick Dixon
Joe Jacobs

Herb Nussle
Stuart Reich
Les Rockmael
Ronald Russo
Frank Krajenke