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Justice Scalia Visits C-M; Interacts with Students and Faculty

by Jon Sinclair
Staff Editor

U.S. Supreme Court Justice Antonin Scalia engaged a packed auditorium in an interactive and often humorous discussion of constitutional interpretation on Saturday, November 6.

Two prepared speeches were cast aside and replaced with a short discussion of theories of constitutional interpretation, followed by almost an hour of questions from students and others.

Scalia spent seven years in Cleveland as an associate for Jones, Day, Reavis and Pogue. The early morning talk was largely a debate over two opposing theories of interpretation: 'originalism' versus 'evolutionism.' Scalia is well-known as the Supreme Court's most adamant advocate of 'originalism.'

An originalist believes all constitutional rights or protections are limited by both the particular language of the Constitution and the intent of the drafters. Constitutional rights provided by the drafters are not subject to incremental change by the "hubris of judges," said Scalia. "That's the whole purpose of a constitution or Bill of Rights.

In comparison, a 'non-originalist', as termed by Justice Scalia, argues that words in the Constitution should not be restrained by their precise, 18th century meanings.

Scalia humored the audience with his criticism of the 1958 Supreme Court case, Trop v. Dulles, which proposed that the text of the Constitution should "draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

Such a theory assumes justices are sufficiently in touch with society. "Evolving standards of society?" Scalia quipped, "I haven't had a beer with the boys in years! What do I know about today's 'evolving standards'?"

Much too often, Scalia said, the Constitution is used to resolve issues that should be addressed by legislation. Too many people believe that issues they care deeply about are provided protection by language in the constitution. "In the past, when something was wrong," said Scalia, "we used to say 'There ought to be a law.' Now people say 'it's unconstitutional.'

Scalia, not known for his congenial debating style, amused the audience with his irreverent treatment of students and faculty members. "Are you finished?" Scalia asked, interrupting a C-M professor mid-sentence. "Good," replied Scalia, before the faculty member could answer. "Its too bad," said one faculty member after the speech, "He is a brilliant jurist, but the way he interacts with people (and fellow justices) leaves him writing the dissents. He would probably win more concurrences (on the court) if he interacted differently."

Others saw it differently. Said one Cleveland lawyer after the speech, "I think (Scalia) did pretty well (answering questions), considering the audience. It seemed like every question was coming from liberal students and faculty members, not to mention the ACLU."

The Rocker Hall of Fame

Only a museum could house all the accomplishments of District Court Nominee

by Jon Sinclair
Staff Editor

Imagine the silence of the highest court in America. Walls which magnify the sound of your notes being shuffled on the podium. Now lift your eyes from your notes and find the rapt attention of nine justices, awaiting your presentation.

This scenario was experienced by C-M graduate and Cuyahoga Common Pleas Judge Linda Rocker ('83) when she argued Ohio v. Akron Center for Reproductive Health before the U.S. Supreme Court, six years out of law school. The case challenged an Ohio law requiring parental notification before minors could obtain an abortion.

"Stark terror," replies federal district court nominee Rocker, when asked how she felt when she realized she would be arguing before the Supreme Court. Rocker had won the case in both district court and in the Sixth Circuit.

Lucky for Rocker though, she had plenty of help from the people who taught her law six years earlier. Professors Landsman and Steinglass and others assisted her by sitting as a mock bench while she rehearsed her argument. The professors, who volunteered their assistance, provided valuable advice and feedback.

Notwithstanding the special assistance she received in 1989, Rocker appreciated C-M's faculty. "They were incredibly accessible," said Rocker. "It is a real tribute to the school."

Rocker's son Adam, who attended Harvard Law School, seemed envious of his mother's experience at Cleveland-Marshall. "He told me to had to fight his way through three secretaries just to see a professor," says Rocker.

Rocker says she originally chose Marshall over Case Western for its diverse student body. "There were so many students of different race, gender, and age; especially second-career students."

Rocker entered C-M at age 40.

Rocker's accomplishments before and after her magna cum laude graduation from C-M are voluminous. Since the late 60's she has helped extend state civil service exam opportunities to black Ohioans, worked to desegregate Moreland School (later becoming...
The competition, sponsored by federal Court James M. Zielinski. Serving held W. M. Manos, students whose Notes Tonda Moore and Grant Yoakum. Volume office. Cullen Professor Kelly 1 - Ohio's Advance Directives Law: Where Have We Been, Where Are Going? _ at the Justice Center. Editor Teams presented their competition arguments concerning toxic torts, preemption and On the 7-2 Greg Vaughn Rauch U.S. U.S. as the 8th District 1993, the Honorable George Gordillo was the entire GAVEL. The competition in November received his J.D. from New and the Case 8th District 1976. The Index to Cleveland Newspapers, followed by the Cleveland News Index, and the backrun on microfilm, are available at CPL and the CSU Library in Rhodes Tower. The CSU Library also houses the Cleveland Press Collection, the newspaper clippings files received after that other major daily ceased publication in 1982.

Are you looking for a Plain Dealer article older than what's available on LEXIS or WESTLAW? Cleveland Public Library has been indexing it since 1976. The Index to Cleveland Newspapers, followed by the Cleveland News Index, and the backrun on microfilm, are available at CPL and the CSU Library in Rhodes Tower. The CSU Library also houses the Cleveland Press Collection, the newspaper clippings files received after that other major daily ceased publication in 1982.

Do you need a reminder about one of the better sources? Try the Federal Yellow Book or Congressional Yellow Book in the Reference Area.

Are you planning to do a lot of Ohio legislative history research? Take a look at A Guide to Legislative History in Ohio in the Reserve Room and also check with a reference librarian about how much less information exists at the state level compared to the federal level. The Law Library does, however, have the microfilm Legislative Service Commission set of bills and bill analyses.

Are you interested in being able to search a general periodicals index not available on LEXIS or WESTLAW? Get a Cleveland Public Library card [or in library talk: become a registered borrower] and increase the search options available to you when you dial in. You can also request materials online from any of the CLEVNET libraries.

If you find that a particular title is not available in our Law Library and you want to check whether the C.W.R.U. or University of Cincinnati law libraries have it, select OhioLink on our network access menu. There are some periodicals abstracts on OhioLink. This new OhioLink catalog will eventually include 17 Ohio university libraries and the State Library of Ohio. We're scheduled to be added next summer.

**CORRECTION**

Dean Solomon Oliver received his J.D. from New York University and received a M.A. from Case Western Reserve University. The previous issue of the Gavel incorrectly stated that he obtained his law degree from Case Western.
the GAVEL

C-M's Louise Vitale is a Winner

by Robin Wilson
Staff Writer

This November's election was an important one for second year law student Louise Vitale. She was a candidate in the Ward 15 race for Cleveland City Council. Vitale said she'd been thinking about running for the near westside ward for some time because she had just basically had it with her community's lack of representation.

Vitale grew up in Ward 15 near the Zoo and now owns a home in the area. Vitale says many of her neighbors are struggling, working class poor whose needs are being overlooked by a City Council that cares more about building up downtown then taking care of its neighbor-4

hoods and its schools. That's why she decided to challenge longterm incumbent and C-M graduate James Rokakis for the Ward 15 seat. Vitale believes its important to work for change in a positive way and that's why she is interested in the political arena. She says its important to speak for those whose voices are not usually heard.

Because she is a relative newcomer to city politics, Vitale didn't have a lot of financial support for this first bid. Because of that, she had to finance her grass roots campaign on a law student's budget. But she did get a lot of help from people in her ward who were also fed up with "the complacency" of politics as usual. Vitale says people called up until the last minute, asking what they could do to help get her elected. Vitale's campaign was taken door to door, and passed by word of mouth. She was surprised at the amount of support people offered.

Vitale says win or lose her campaign has been a great learning experience. As for her opponent, who's run virtually unopposed for the last 12 years, Vitale says if her candidacy makes him "squirm a little it was worth it" because hopefully it'll make him pay more attention to people in his ward who need help. Win or lose, you can just tell after talking to her that Louise Vitale is committed to improving her community.

(Editor's note: Louise was defeated by incumbent James Rokakis in the November 2 election.)

Important Deadlines!!!

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Bar Certification Deadlines
1. Supreme Court Application: The absolute deadline for this student registration paper is 6 months before bar exam: February 1 for July Bar Exam
   September 1 for February Bar Exam

2. Bar Exam Application: filed 90 days before the bar exam:
   April 1 for July Bar Exam
   November 1 for February Bar Exam

Applications are available at the Reception Desk.

April 1994: Substance Abuse Education Seminar
(required to sit for the Ohio Bar)

Graduation Application
An application and fee of $20 must be filed for graduation and you need to file a graduation application to be certified for the bar exam.
   December 1 for May graduates
   April 1 for July graduates
   August 1 for December graduates

Applications are available at the Reception Desk.

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2. Are eligible for discounts on member service programs such as long-distance telephone service and the Resume Exchange Service for third-year students

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6. Pay only $15 per year which includes the weekly OBAR as well as the other services, programs and benefits

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On Law School at C-M: Frederic White, Jr.

by Andrea Muto
Staff Editor

A few years ago, Professor Frederic White, Jr. showed his grandfather the book he'd written on landlord/tenant law. His grandfather, whose father had been a slave, was overcome with tears and emotion.

"It's important was one of the most moving experiences in his life," White said.

At C-M, White's exams also evoke a range of student emotion and reaction.

"Actually, I've lightened up in the past few years," White said. "I'm no less enthusiastic, just a little more mellow."

White, 47, grew up on the southeast side of Cleveland. He attended John Adams High School, then went to New York City to study political science and eventually law at Columbia University. After graduating in 1973, White spent five years at Squire, Sanders & Dempsey. In 1978, C-M offered him a job teaching Property. In 1993, he's still teaching Property, as well as Estates & Trusts and the Legal Career Opportunities Program. He is also one of two Housing Clinic advisors.

After fifteen years of teaching law, White said law schools may not be serving their students' best interests in an ever-changing, intensely competitive job market facing '90s graduates.

He advocates a rather untraditional approach: The law school: After about three semesters of core courses, students would work in "clinical" programs dealing with real cases and clients.

"Law schools are the only major professional schools that throw graduates out with very little practical experience," he said. "Would you go to a dentist who'd only worked on a few mock patients?"

"We need more hands-on interviewing, counseling and negotiating while in school."

Whites sees a danger in law students trying to squeeze in too many hours clerking while taking a full load of classes.

"I worked in law school," he said. "I know clerking may be practical, and I know it may be necessary when you're loaned to the hilt."

"But the danger is, I've had students who flunk out of class because they were working too much and school came second. I've also had students say they've been promised a "space" at a firm while clerking, and then, after they pass the bar, the only "space" they're offered is for rent in part of the office."

White said C-M is destined to remain a commuter school, a fact that tends to destroy a cohesive "college" atmosphere. However, he said a special graduate dormitory would make life a little easier for some law students.

"Right across the street from here on 18th and Euclid, there's the old Swingo's Hotel," he said. "Why not convert it into a graduate student residence? Or there's a defunct YWCA around 32nd and Euclid. Why not convert it into dorms with a shuttle and security? Seems to me a better idea than a Convocation Center."

On C-M's minority representation, White said the school had begun recruiting efforts long before it became "fashionable," and continues to seek out qualified candidates.

"The minority population, however defined, is about 10 percent of the student population," he said. "But there's always room for the numbers to go up. I'm generally satisfied with the job we're doing."

White said all students will confront a more competitive job market than the one he entered after graduating from law school in 1973.

But he cautioned that a C-M graduates must not sell themselves short, nor feel especially threatened by Case Western Law School graduates.

"There are judges in state and federal court, and numerous partners around the country who are C-M graduates," he said.

All law students will feel pressure from the nine graduating classes from nine Ohio law schools entering the work force each year.

"We have more law schools in Ohio per capita than any state," White said. "And we're in a region losing population. New lawyers will have to carve out a niche, perhaps find a specialization."

"Look for a non-traditional field; or try to incorporate your undergraduate education with law. When you come out of law school, the world is still your oyster. You just have to find the right beach."

Photo by Steve Zorc

Visiting Russian Professors Await the Birth of a New Constitution

by Jon Sinclair
Staff Editor

If you've recently tried to draw or sketch, you've probably been rudely reminded of your skills. One look at your pile of crumpled attempts, and you remember it's not as easy as you think.

Similarly, the former Soviet Union has been almost as successful when it comes to sketching constitutions. In this century the former Soviet Union has had almost as many constitutions as it has had leaders.

The subject of constitutions was an often-discussed topic for C-M visit Professors Alexei Korolev and Valeri Musin. They spoke to students during October as part of a faculty and student exchange program with the St. Petersburg Faculty of Law.

While the United States has satisfied with its first constitution, Russia has witnessed drafting attempts in 1918, 1922, 1936, 1977, 1992, and 1993. The most recent one had over 200 amendments, and received new amendments by the week, said Professor Korolev.

The 1992 constitution was cast aside this past October. Yeltsin has pledged to introduce a new constitution for referendum by December of this year.

"Russian leaders," said Professor Korolev, "need to abandon the idea that every new leader needs his own constitution." Not only does each leader feel the need for his own version, but they also have a habit of promising freedoms on paper, while suppressing them in reality.

"Yeltsin unveil a constitution which provides freedoms similar to those found in Western constitutions, and provide minimal powers for the president? I hesitate to conclude one way or the other," answers Professor Korolev, "but I doubt he will pass on such an opportunity to insure his own powers."

Not all Russian citizens are as skeptical of Yeltsin. "He might provide himself with extra powers, temporarily, for emergency situations which can be expected," says Victoria Terekhova, a native of Odessa who is studying at Case Western, "but I am confident that in the long run he will provide for a fair constitution."

Americans will have to wait and see. The United State and other countries have more than a passing interest in the matter.

"It is very important that the former Soviet Union develop into a stable society," says Professor Arthur Landever. "We must remember there are thousands of nuclear missiles over there, and it is in our interest that they stay on the ground."
Nicaraguan Dean Visits C-M

by Andrea Muto
Staff Editor

Law school tuition in Leon, Nicaragua costs about $40 U.S. dollars a year. But the value of legal services new lawyers will provide that country is immeasurable, said Dean Xiomara Paguaga of the National Autonomous University of Nicaragua.

"The economic situation is very bad in Nicaragua," Paguaga said through a translator. "Unemployment is close to 70 percent; the government has reduced public spending. Also, stability within the government is a problem. Law students will be able to contribute to Nicaragua's future and stability. We need to establish strong relations with U.S. universities to share resources and experiences, especially in the field of mediation."

Last month, Paguaga visited C-M classes and faculty to exchange ideas concerning law school education. Paguaga, 49, was the first woman to serve as the dean of a law school in Nicaragua. Since 1990, she has also been an associate judge of the Nicaraguan Supreme Court of Justice.

Professor Patricia McCoy accompanied Paguaga during most of her visit here. McCoy said that the two universities may eventually design an exchange program for faculty and students through which C-M students would spend a summer in Leon teaching English and taking law classes.

Paguaga said infighting among the various political parties has slowed reform necessary to fuel Nicaragua's economic growth. She said President Violetta Chamorro has tried to appease two major political opponents, the Sandinistas and the UNO party, with numerous concessions. As a result, General Manuel Ortega remains in charge of the military, whereas the UNO party wanted the Sandinistas completely excluded from the government. "Chamorro is feeling much pressure from both sides," Paguaga said. "This is still a very delicate situation."

Paguaga said mediation could help remedy Nicaragua's internal turmoil. "Mediation doesn't exist now," she said. "That is why I feel it is important to build strong relations between the U.S. and Nicaragua (students and professors) to assist in the development of mediation practices."

Paguaga said the Nicaraguan courts have recently been inundated with cases concerning property rights. She said hundreds of people fled Nicaragua during the 1980's, when the Sandinistas and Contras were embroiled in civil war. Now, many people have returned to claim their land and possessions, and the courts have become overburdened with that litigation.

Paguaga said Nicaraguan law students typically spend five years after high school studying law. Students are required to pursue actual "field experience" in which they try cases under the supervision of a professor.

Paguaga said the law school usually receives more than 500 applications each year; 100 students are accepted. Women comprised nearly half of that number this year. "When I studied law, there were only three women of 20 in my class," she said. "There is still discrimination, but little by little women have shown they can do the job."

During Paguaga's visit, C-M students Eladia A. Torres, Yamile Benitez, Miriam Ocasio, Rene DeLeon-Toro and Keila Cosme assisted with translation.
Lessons
continued from page 1
school. She had become frustrated over the lack of employment rights and bargain-
ing power of nurses in the 1960s. She was
told upon inquiry that Cleveland-Marshall had never had a nurse admitted to the law
school. She became the first one. That
was not the last of her many firsts.
Dyke was one of six women in an
entering class of 300 and a graduating
class of 150. She remembers a professor,
who is no longer with the College, telling
her in class that "women shouldn't be in
law school. They should be at home on
the phone and changing diapers." That did
not dissuade Dyke from her career. She
was secretary of her class and an editor of
law review while working full-time as a
nurse and attending law school at night.
When Dyke graduated from
Cleveland-Marshall in 1968 she became
one of only eight nurse-lawyers in the
country. She later opened the first all-
women's law firm in Ohio along with two
fellow Cleveland Marshall alumni, Donna
Catliota and Dorothy S. Garniere. Dyke
later went on to become the first nurse-
judge in the country. When Judge Dyke
first ran for the common pleas bench in
1980 a male columnist in the Cleveland
Press newspaper wrote: "Since when does
nursing have anything to do with the
judicial system? What does Dyke want us
to believe, that she'll administer artificial
respiration to a faint swooning juror? Or
take lawyers' temperatures?" Nurses and
Cleveland women who were outraged over
the tone of the article united and helped
 elect Dyke by 34,000 votes. It was
a surprising victory because she ran as a
Democrat in a Republican county against
a widely known suburban mayor who had
all the major endorsements. In 1986, she
won a seat on the Eighth District Court of
Appeals where she is now the presiding
judge.
Judge Dyke has been quoted as
saying "I have never been deterred by
the understanding that few achieve all their
goals; instead I have been inspired by the
belief that no one succeeds who doesn't try." That's the lesson that has come out
of meeting Judge Dyke in the bookstore; if
Judge Dyke can accomplish all that she has accomplished, surely, I can master
Real Property.

Make a statement....
Write for the GAVEL
The GAVEL is always seeking interested students, staff, faculty and admin-
istrators 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. Con­	ributors become staff members after publishing two articles in the GAVEL. Staff
members are eligible to participate in editor elections at the end of the school 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 issue of the GAVEL will be published in Spring Semester.
Deadlines will be posted.

OUTCRY FROM A 3L
Law School Genesis
by Analia Pianca

They take your heart out
and stump on it.
There is no heart.
That is the law, they declare.
Consequently you become hollow.
And one day you become everything you hate.
You act arrogantly.
You become elitist.
You act with indifference.

I define “they” as the methodology of teaching law.
"They" is the Langdellian pseudo-scientific case book study method that divorces
the law from life.
"They" is the abuse of the Socratic system which demeans the student.
"They" is the hierarchical competitive law school environment which moves from
a cooperative to a co-opted education.
"They" is ultimately the law professors themselves who think themselves gods and
become effectively unapproachable by students — away from a collegial
environment in which the true spirit of learning occurs.
Asphalt Company Attempts to Pave Over First Amendment Rights

by Les E. Rockmael
Staff Writer

Currently being played out in the Cuyahoga County Common Pleas Court is a lawsuit with constitutional law implications. The issue at the heart of the lawsuit deals with free speech becoming defamation. The G.R. Osterland Co., a division of Cuyahoga Road Products, Inc., has sued seven members of the North Tremont Coalition for slander, libel and malice. One of the seven defendants is Cleveland-Marshall Law School student Kathleen Webber.

The suit was filed by Cleveland attorney Robert W. McIntyre of McIntyre, Kahn & Kruse. During a phone interview with Mr. McIntyre, he stated that the suit was filed in response to alleged false remarks linking health problems of members of the community and the plant in letters prepared by the defendants which were sent to local residents and government officials. Mr. McIntyre further alleges that the information in the letters was known by the defendants to be false. Mr. McIntyre alleges that the letters resulted in impairment of plant operations and lost business opportunities. He further alleges that community protests have cost the company an amount in the six figure range.

One of the major bones of contention between the defendants and the asphalt company is statements in the letters sent to government officials blaming the company for damage to the I-71 bridge.

Ms. Webber claimed that this information was told to residents by an employee of the Ohio Department of Transportation (ODOT). It is alleged that aggregate stored under the bridge by the company has caused the bridge to shift, resulting in a bill to the taxpayers of $7 million. This information was also reported in the Plain Dealer on May 8, 1993, edition of the Plain Dealer. In this article ODOT confirms that the company is partially responsible for the bridge shifting due to the storage of aggregate piles near the bridge supports. The Plain Dealer was not named a party to the suit. Mr. McIntyre further stated that "every time the company applies for renewal of a permit, the defendants and other members of the community have attempted to thwart the granting of the permits." Mr. McIntyre believes that the residents are attempting to force the plant to relocate so that developers could then come in and develop the area and increase property values in that area.

Ms. Webber denies that the community is deliberately trying to chase out the plant in order to further development of the Tremont area. Ms. Webber said, "Asphalt stinks. The company and the State EPA promised us that we would not even notice the existence of an asphalt plant. Over the past six years, the stench, dust and noise have made us miserable."

"We followed normal, reasonable channels by contacting our elected public officials voicing our concerns," Ms. Webber said. "I am being sued for $750,000 for writing letters to the Mayor and the Governor. Another neighbor has also been sued for testifying at a public hearing. These lawsuits chill political discussion and will make all citizens think twice before participating in government or community development."

Area politicians have recommended the city approve a capital budgeting plan in order to help find the plant a new home. But, according to Mr. McIntyre, the owners of the plant have no intention to relocate the plant at the present time. At an October 29, 1993, press conference, Councilman Gary Pauluske was joined by Council President Jay Westbrook, in expressing outrage at the lawsuits filed by the company.

The Ohio American Civil Liberties Union is also getting involved in this action. While taking no position on the merits of the case, the ACLU is filing a "Friend of the Court" brief. Kevin O'Neill, the State Director for the ACLU, stated that the ACLU does consider this lawsuit to be a SLAPP suit. SLAPP stands for Strategic Lawsuits Against Public Participation.

Mr. O'Neill said these type of suits inhibit free speech by forcing the defendant into exorbitant legal costs. Mr. O'Neill further stated that the Ohio ACLU is urging the court to adopt the Colorado Supreme Court standard of shifting the burden of proof to the plaintiffs in SLAPP lawsuits.

Mr. O'Neill also said that the Colorado standard allows for expedited discovery and an expedited trial date to try to reduce the legal costs that defendants would normally face. Defendants have filed a leave to plead and their individual Answers to the Complaint are due November 22, 1993.

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Law Review Announcement

Vol. 41 Issue 1 has arrived!

Watch for announcements giving the time you may pick up a copy.

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SMH BAR REVIEW

What SMH students do the night before the bar exam......

TALK TO A CAMPUS REP OR CALL 1-800 OHIO BAR

GET THE SMH EDGE!

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the GAVEL
Professor Happenings


THOMAS BUCKLEY (Commercial Law, Bankruptcy, Secured Transactions). Spoke on bankruptcy as a panelist at the Forest Weinberg Memorial Lecture.

JOEL BUCKLEY (Church of State, Torts). Welcomed to join a working group on "Religion and the Professions" at the Pynter Center for the Study of Ethics and American Institutions at Indiana University.

ELISABETH DREYFUSS, PAMELA DAIKER MIDAUGH, ARTEMUS CARTER (Street Law Program). Joined forces with Capital University's Street Law Program to develop skills in law relation education and mediation among law students, teachers and Columbus middle school students and teachers.

JOEL FINER (Criminal Law and Criminal Procedure, Social Science and Law). Served on the Academy of Medicine's Planning Committee for its upcoming fall program on Physician-Assisted Suicide.

SCOTT FINET (Law Library). Presented a paper "The Impact of Full-Text Online Legal Databases on Academic Law Library Usage: A Preliminary Assessment" at the 14th Annual Online Meeting. He also presented a paper at the Central European Conference and Exhibition for Academic Libraries and Informatics in Vilnius, Lithuania.

JAMES FLAHERTY (Family Law, Estates & Trusts, Legal Ethics). Was appointed to the Planning and Administration of Small Estate Trusts Committee and the Professional Responsibilities and Liabilities of the Estate Lawyers Committee of the ABA Property, Probate and Trust Section.

DAVID FORTE (Constitutional Law, Comparative Law, Jurisprudence). Presented a paper "The Spontaneous Order of the New World System" to the International Studies Association in Acapulco, Mexico. Addressed the Cleveland City Club Round Table on "War Crimes in the Former Yugoslavia." Delivered six lectures at the Salvatori Center for Academic Leadership, Heritage Foundation in Washington, D.C.

DEBORAH GEIER (Tax, Federal Indian Law). Presented a paper "Tax Issues Affecting the Family" at the ABA Section Meeting. She also serves as chair of the Subcommittee on Current Developments and Publications, the committee on Individual Investments and Workouts, and the ABA Section of Taxation.

LOUIS GENEVA (Tax, Estate Planning). Coordinated the 4th annual IRS Cleveland District Director's Federal Wealth Transfer Taxation Conference. Presented a paper there entitled "Federal Estate Tax Impact of New Ohio Revised Code Section 1340.22 with a View to Discussing Private Letter Ruling 9235025 and the Case of Joseph A. Vak v. Commissioner."

JACK GUTTENBURG (Entertainment, Trial Advocacy, Pretrial Practice). Participated in a continuing legal education program on Federal Advocacy for Legal Services Corp. in Columbus.

DENNIS KEATING (Housing Law, Urban Affairs). Presented "Urban Policy" at a joint symposium with Brown University and the University of Rhode Island; "Redevelopment of Distressed" at the 1993 Urban Affairs Association Conference; and "Status and Legality of Pro-Integrative Housing Programs" at the law school's Faculty Luncheon Seminar Series.


TAYYAB MAH Mud (Contracts, International Law, Torts). Published an article "Protestorism and Common Law in Post-Colonial Setting: Judicial Responses to Constitutional Breakdown in Pakistan" in the 1993 (1) Utah Law Review.

GREGORY MARK (Corporations). Served as consultant for the Office of Independent Counsel and Department of Justice regarding Iran/Contra.

PATRICIA MCCOY (Banking Regulation, Securities). Spoke on "The Future of Banking" at the Cleveland Bar Association Business Section. She also sang with the Cleveland Orchestra Chorus in performances at Severance Hall, Blossom Music Center and the Chautauqua Institution in New York.

LIZABETH MOODY (Business Associations, Securities). Returned to teaching law after serving as president and executive director of Law School Admission Services for two years.

SOLOMON OLIVER JR. (Civil Procedure, Trial Advocacy). Spoke at Alexander Graham Bell Elementary School's career day and at a civil rights workshop at Eastwood Day Treatment Center. Was a panelist at the U.S. Department of Justice's Ethics Seminar for Prosecutors.

STEVEN SMITH (Dean, Law and Medicine). Chaired a continuing legal education program on health law sponsored by the CSU Law Alumni Association.

VICTOR STREIB (Criminal Law and Criminal Procedure, Juvenile Law). Argued *Allen v. Florida* before the Florida Supreme Court concerning the constitutionality of the death penalty for 15-year-olds.


ALAN WEINSTEIN (Environmental Law, Land Use Planning). Editor of the newsletter of Planning and Law Division for the American Planning Association. Presented a paper on "Land Use and the First Amendment" at the National Conference in Chicago.

JAMES WILSON (Constitutional Law, Administrative Law). Spoke on "Public Opinion and Constitutional Interpretation" at a faculty seminar at C-M.

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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 16063, Columbus, OH 43216-6063, or call 800/292-6556, for an official entry form and contest details.
Staff Member honored for Distinguished Service

Marie Rehmar, Reference Services Librarian, was one of the first recipients of Cleveland State University's Distinguished Service Award. She received a plaque of recognition and $1,000. Marie has been a member of the law library staff since 1978. Congratulations, Marie!

Volunteer Income Tax Assistance

Students can gain valuable experience by helping those less fortunate than them complete their income tax forms by participating in the Volunteer Income Tax Assistance (VITA) program. IRS training sessions will be held in January and February, and the program will run from February 15 - April 15. Contact Jon Good (656-4332) or Karen Salvatore (ASA Office - room 26) for more information.
Student Advocates for Housing Rights

by Victoria Terekhova

Cleveland-Marshall's Housing Law Clinic has been offered by the law school since 1990. The class is a joint program of Cleveland-Marshall and the Housing Advocates, Inc. to assist third year law students in acquiring practical experience while serving low income clients. During its three years of existence the Housing Law Clinic has provided legal assistance and counseling to over 1500 families. This year the Legal Services Corporation awarded a $98,150 grant to the Clinic that will permit it to serve an additional 600 families.

The Housing Advocates, Inc. is a non-profit public interest law firm that has been providing legal assistance and counseling to Cleveland's low income residents since 1975. The primary objective of the firm is to prevent low income tenants facing evictions or foreclosures from becoming homeless, and to promote safe and affordable housing for low and moderate income families.

A third year student wishing to participate in the class must obtain written permission from either Prof. Stephen Lazarus or Prof. Frederic White and obtain a certificate from the Ohio Supreme Court. Upon acquiring the certificate, a student acquires the status of legal intern and is permitted to represent clients in court under the supervision of a Law Clinic attorney. A supervising attorney is appointed to each intern at the beginning of the semester to help with cases, clients, and other assignments. The program is managed and supervised by Housing Advocates, Inc. staff attorneys, including Edward Kramer, Marilyn Tobocman, Kermit Lind, Tim Obringer, and Sheila O'Donnell, along with Prof. Lazarus and Prof. White.

Angela Thiel was one of the two Clinic students assigned to prepare an amicus curiae brief in the Eighth District Court of Appeals in the case of Renita Jackson, et al. vs. The Glidden Company, et al. Renita Jackson and her children are among many other plaintiffs who are suffering from the lead-based paint poisoning in Cleveland. The family lived in a house built prior to 1978, when federally funded anti-pollution efforts were started. However, lead-based paint was used for home painting.

Poisoning occurs from paint chips, particles or dust containing lead, which causes permanent damage to the human body. Cleveland ranks fourth among U.S. cities in the number of children suffering from lead poisoning. Few suits of lead poisoning have been filed due to the impoverishment of the victims and their ignorance of legal rights.

Angela Thiel was surprised by the amount of work related to the case, but she is satisfied with the results. She felt honored to help draft and sign the brief that might affect the lives of thousands of people. Thiel believes that the Clinic gives law students an exceptional chance to do everything related to their future profession: prepare complaints, draft discovery material, write briefs, work with clients and even represent them in Court. "The Clinic gives you a taste of real life," says Angela, "and if you make a mistake, you would rather make it here under the attorney's supervision, than later on your own."

Renee Heller is a fourth year part-time student who was also preparing an amicus curiae brief. Currently she is working on a fair housing case that involves the Cuyahoga Metropolitan Housing Authority (CMHA), and Mr. Humphries, a mentally handicapped tenant residing in one of their housing estates. As grounds for eviction, CMHA accused Mr. Humphries of violating his lease. The Clinic defended Mr. Humphries, arguing that CMHA failed to provide reasonable accommodation for his handicapped condition. With the help of the Clinic, the court ruled that Mr. Humphries could remain on the premises.

Renee emphasizes the importance of the support that she received from her supervising attorney throughout the process: "Mr. Kramer was there for me any time it was needed, and even stayed as late as 11 p.m. to assist me the night before the hearing." Overall, the Clinic encourages cooperation from other interns and the staff attorneys.

Heller believes that the Housing Law Clinic not only assists students in acquiring a valuable experience, but also helps to increase public awareness of legal rights. Renee learned that many tenants are unaware, for example, that landlords have no right to change the lock on the door or shut off the electricity, even when a person has not paid his/her rent.

Currently, there are seven third-year law students from Cleveland-Marshall who are working at the Clinic. If you are looking for a challenge and a chance to apply the theories you have learned for the benefit of a real client, sign up for the Housing Law Clinic class. Students who have already registered for classes can still enroll in the Clinic. Direct your inquiries to either Prof. Lazarus or Professor White.

JUDICIAL EXTERNALSHIP

by Brian Moriarty

I completed my judicial externship with Judge David T. Matia of the 8th District Court of Appeals. My duties consisted of reading opposing counsel's briefs and writing brief memos stating the facts, issues and what I believe to be the outcome of the case. With the 25-30 hours per week required for the externship, I was exposed to a wide range of topics. During this time, I also developed a personal relationship with the Judge and the law clerks, while at the same time, gaining a perspective of the legal system that cannot be learned from a book.

I highly recommend this program to any second or third year student because it is an opportunity that should not be passed up.

Clerkships and Externships Offered at C-M

1. Environmental Law Clinic
2. U.S. Attorney General Externship
3. Housing Law Clinic
4. Fair Employment Clinic
5. Judicial Externship
6. Law and Public Policy Clinic
7. Student Law
8. Independent Externship

THE GAVEL

STREET LAW UPDATE

Instead of just learning the law this semester, law students are teaching it through C-M's Street Law Program. Will Scheff and David Leitch are teaching at Parma Christian and St. Edward's schools; Anil Anthony, Victoria Cardaman, Joe Jacobs, Peter Flanigan and Denise Wimbiscus are all teaching in Cleveland Public School classrooms. Renee Bacchus, Suzanne Conroy, Peter Gagnier, Lauren Gold, Scott Lawson and Ruby Weems are bringing law-related education to Warrensville Heights, Westlake, Painesville, Mayfield, Rocky River and East Cleveland.

Special plans for this year's law students include working to develop an Ohio Street Law text, creating a Refugee and Asylum curriculum for Cuyahoga County Board of Education's Gifted and Talented Program, including middle school classrooms in the Street Law Program and to advance Afrocentric and multi-cultural curriculum through the use of oral history.

The Street Law Program has also welcomed visitors from Cameroon, Senegal, Ethiopia and Central America to study how the program has worked with Cleveland's urban problems. Elisabeth Dreyfuss, program director, said that at this point in Cleveland's history, the city has moved from problems to solutions. She said what was learned here can work in other countries, especially those struggling to set up democracies.

The Street Law staff also helps schools set up student sponsored conflict resolution programs. If you see youngsters in the Moot Court Room, they are likely to be from Brooklyn, Ohio schools or Vermillion, Euclid or Cleveland Public schools.

The program has been selected by the national Institute for Dispute Resolution as one of three sites nationally to pilot a conflict resolution curriculum entitled "We Can Work It Out." Middle school teachers from twelve Cleveland schools will participate in this project. First year students are encouraged to volunteer to work with these teachers.

For more information about Street Law call Professor Dreyfuss, Artemus Carter or Pam Daiker-Middaugh at 687-6878.
Moot Court: Hard Work, but Worth the Effort
by Alison Drake
Chairperson, Moot Court Board of Govenrs

The Moot Court program at Cleveland-Marshall offers an exciting opportunity for students to hone their brief writing and oral advocacy skills in the area of appellate practice. As is evident from the numerous trophies in the atrium, this program has a long-standing tradition of excellence. Under the advisement of Professor Stephen Werber, the Moot Court program has gained a great deal of respect throughout the Cleveland legal community.

Moot Court participates in five to six competitions each academic year. Teams of two or three persons compete around the country in competitions involving Constitutional law, evidence and tort law, for example. Usually, individuals compete once each academic year; however, changes in team composition or team composition as part of the legal writing curriculum. Legal writing instructors select the top briefs from their sections to compete for a chance to participate in Moot Court during students' second academic year. This group of pre-selected briefs is narrowed to sixteen. The writers of these briefs are then well-spent.

First year students may, through the legal writing instructors, stress a few months on the Moot Court team for the following year. At the close of the first year, students write briefs and participate in the arguments as part of the legal writing curriculum. Legal writing instructors select the top briefs from their sections to compete for a place on the Moot Court Board of Governors. The governing arm of the program. The additional time demands arise in the form of administrative hours. Administrative hours include time devoted to fund raising, activity planning and other activities necessary to the smooth functioning of the program.

While these time commitments may seem daunting at first blush, this experience is probably one of the most practical experiences that can be gained in law school. The time, therefore, is very well-spent.

Anyone who would like further information regarding any aspect of the Moot Court program may contact any member or Professor Werber. The Moot Court offices are located near the Law Review in rooms 17, 18 and 19. Please feel free to stop by at anytime.

Moot Court: Hard Work, but Worth the Effort
by Les E. Rockmam
Staff Writer

Item: A two-year-old Ohio girl dies tragically in a fire set by her five-year-old brother. The culprit: Beavis & Butthead.

Item: A 19 year old in Pennsylvania is killed and several friends are critically injured while laying down in the middle of the highway. The culprit: a movie titled The Program.

Item: Several teenage girls in Texas take hair spray cans and lighters and combine the two to ignite large streams of fire resulting in burn injuries. The culprit: Beavis & Butthead.

After these incidents took place a cry arose throughout the land, television and movies are to blame for these incidents and others. I say it is time for parents to stop passing the blame and calling for censorship of what we see and hear. It is a parent's responsibility to raise their own children properly so that a child would never consider taking the type of actions that lead to such tragic consequences.

Any loss of life is indeed tragic, but one has to look beyond the headline to get to the heart of the matter. In the case of the deceased Ohio girl, the mother claims that her five-year-old son set the fire after a fire fixation from watching Beavis & Butthead.

Well, if the mother knew her son was a pyromaniac, she should have not let her son watch a show where fire is considered cool and, at the very least, should have never let this same son watch the show at all. It is not cool to set fires. So now the mother decides to sue MTV and a cry goes up to either take it off the air or change the program and move it to a latter viewing time.

Overlooked in all this was the fact that the mother had left her five-year-old alone unsupervised with his two-year-old sister and it was the mother's cigarette lighter that the child had a good of to set the tragic fire. Sorry, Mom, you deserve the blame on this one.

The death of the Pennsylvania man is an even more absurd example of misplaced blame. In this situation a 19-year-old and some of his 17- & 18-year-old friends lay themselves down in the middle of a well-traveled highway and were going to let the cars on the road pass over them as some sort of macho test of nerves. When the 19-year-old died his mother placed none of the blame on the movie The Program where a scene identical to the actions taken by these young men was portrayed. The mother claimed her son may have been mishapen at times but had never done anything stupid in his life. Well, if you ask me, a 19-year-old laying down in the middle of a highway is pretty stupid. Tragically, the film studio that made The Program pulled the "influential" scene from the film. Later, it came to light that this type of activity had been taking place in this Pennsylvania town for the previous two years. It appears that the kids in this town could find no other way to enjoy a Saturday night.

Calls for censorship and regulation of music, television and movies is nothing new. Every few years someone is certain to be saying something should be done about all this bad stuff these medihi dums to do harm the children of America. Scores of experts and irate parents' groups appear blaming the moral decay of our society on what our children read, listen to and watch. This is before the most recent hearings into T.V. violence, Attorney General Reno made the statement that if something is not done fast then the Government will make it happen. Never mind that there is this little piece of paper called the Constitution standing in their way. In a few weeks the cry will die down and when it is approaching election time again, you can bet another uproar will be raised.

Blame is being pointed in the wrong direction. It is time for the parents of our children to take a look in the mirror at their own reflections. What is out there today is no worse than the entertainment I and the rest of my generation were exposed to. Instead of blaming Beavis & Butthead and Bart Simpson, we had Wiley Coyote and his infamous battles with the Road Runner and Woody Woodpecker and his various battles with numerous arch enemies. We also had Black Sabbath, AC/DC and other heavy metal bands. The level of violence in the old cartoons was no worse than what is portrayed today. I never heard of a call for banning the Three Stooges because they were too violent.

I would venture to say that the percentage of viewers of these so called offending materials that put in motion an event that leads to tragic circumstances is very minute. I am not suggesting that all this violence is good. But what I am saying is, that if a parent takes the time to raise his child properly and teach his child right from wrong, that the so-called actions that a few take will not be visited upon upon their own doorstep.

Moot Court Competition
The Twelfth Annual John Marshall National Moot Court Competition was held on October 28-30, 1993. The competition is sponsored each year by the John Marshall Law School's Information and Privacy Law in Chicago and is one of the country's largest and most successful Moot Court Competitions.

The competition addresses questions posed by technological development and related to information and personal privacy. Twenty-nine law schools from across the country competed in this year's competition. Cleveland-Marshall College of Law was represented by Moot Court Team members Jennifer Krasusky, Dee O'Hair and Terri Richardson.

National prominent lawyers, law professors, and state and federal judges presided over the competition. Cleveland-Marshall advanced through the pack of law schools to emerge as one of the eight finalist teams. In the quarter finals, C-M bowed to Villarosa University, this year's first place team.

Summary: Beavis & Butthead say: Censorship Sucks!
Ohio and National Faculty • Ohio and MBE Preparation • Howard M. Rossen, Director
• Over 25,000 lawyers have taken this course!

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