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C|M|Law alumnus Eric Brown takes reigns as new Chief Justice of the Ohio Supreme Court

By Kevin Kovach
Editor-in-Chief

Ohio Supreme Court Chief Justice designate Eric Brown believes the diversity of his career experiences will serve him well when he assumes leadership of Ohio’s highest court May 3. “My 30-plus years of public service, including nearly 15 years as an elected school board member, and my 13 years in private practice—working with both criminal and civil clients and arguing lots of trials—gives me an understanding of what clients and lawyers want and need from the Court,” Brown said. A small business of my own to get through college and law school. This business and management background will help me with my leadership responsibilities as Chief Justice,” Brown told The Gavel in a recent telephone interview.

Gov. Ted Strickland appointed Franklin County Probate Court Judge Brown April 14, following the sudden death of long-time Chief Justice Thomas M. Moyer. Ohio law required Strickland to appoint a justice to complete the remaining eight months of Moyer’s final term. Many anticipated that Strickland would choose Brown, a 1975 graduate of Cleveland State University and 1979 graduate of Cleveland-Marshall, for logical reasons. Brown had already campaigned to succeed Moyer, both he and Strickland are Democrats, and all other justices are Republicans.

A Mayfield native, Chief Justice designate Brown began the first of four terms on the Mayfield School Board while still a C|M|Law student. After passing the bar exam, he worked for five years in a small firm, owned his own firm for six years, and served as an assistant attorney general for 11 years. In private practice, Brown began one of the first elder law practices in Ohio history. He served five years as Assistant Section Chief in the Attorney General’s Consumer Protection Section, including a 1994 stint as Acting Section Chief. In 1996, he began six years as Ohio’s Tobacco Litigation Counsel, in which role he led the settlement of the largest litigation in Ohio history. Brown has been married to fellow Cuyahoga County native Marilyn Brown, now a Franklin

New SBA Execs begin setting 2010-11 agenda in motion

By John Stryker
Brief Writer

A new Student Bar Association (SBA) executive board consisting of Will Norman, Kimberly Ballado, Justin Eddy, and Jack Garswood is on board for the 2010-2011 school year. The board brings a collective wealth of life experiences and enthusiasm.

Cleveland-born President-elect Will Norman is a military veteran who was stationed in Baghdad until 2005. Norman then completed his bachelor’s degree in business and studied pre-law at Bowling Green State University. This summer, Norman will work at a litigation firm. He and his wife are expecting their first son at any moment.

Norman’s friends are familiar with his frank approach, and he has many plans for approaching his new office. “I ran because I felt compelled to serve when called, and I felt that several issues facing students right now deserve my attention. Among the issues I have decided to address are increasing students’ roles in certain adjudicative procedures within the school and attempting to secure at least one day per week where a mental health services professional is dedicated to C|M|Law,

The Bainbridge native and graduate of the Cleveland Institute of Art studied painting and developed an interest in industrial design, a field that involves working with the design of products. Ballado commented, “Industrial design was so captivating to me because beautiful, well-designed products have the ability to put art into the hands of the masses while striving to ease and enrich the lives of their consumers.” She hopes to pursue a career in public interest or public policy law, where she plans to use the creative problem-solving strategies she learned as an industrial designer to advocate for broad-based solutions to societal inequities.

Regarding her new role, Ballado said, “I joined this ticket because I think we have a united vision for the SBA next year. (Outgoing Vice President for Programming) Luisa (Taddeo) has left some pretty big footsteps for me to follow, but I am excited to pick up where she left off. I hope to increase SBA’s presence in the broader Cleveland and legal community. It is important to me that in addition to serving as a social organization, the 2010-2011 SBA bolsters its role as a representative governing body. Together with the rest of the board, we are hoping to get more students involved, more closely address student concerns, and advocate...
Graduating students, Gary Williams head for retirement C|M|Law fixture in the homestretch as students complete academic careers

This is my last column of the year—and my last column of my first! It is a busy time of many transitions and departures. Organizations are holding end-of-the-year banquets and exams, and we are preparing for graduation in the next academic year, students are making their deposits to join us in the fall. This fall, there are about to begin will have new titles that recognize their academic achievements. Congratulations to Associate Professor for Michael Borden and Browne Lewis and the promotion of Lolita Buckner Finnis to Professor. We congratulate each of them! I am getting ahead of myself and the remaining part of the school year. We are still in April and we have much going on for the remainder of the year. The 10th Annual Cleveland-Marshall Graduation Challenge to new heights. “Art Party and the Terrors of the First Year of Law School” was one of the most popular events of the year, with a variety show that included live skits, a video mockumentary, a Bar Strategies and Tactics course that was always well-received. The time has come to pass the torch to the newly-elected President Matt Hebebrand and the newly-elected President Justin Eddy. You are all to be congratulated. Thank you, Justin, for all your help! This is my last column of the year—and my last column of my first! It is a busy time of many transitions and departures. Organizations are holding end-of-the-year banquets and exams, and we are preparing for graduation in the next academic year, students are making their deposits to join us in the fall. This fall, there are about to begin will have new titles that recognize their academic achievements. 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Lack of summer legal employment is nothing to fret over
Consider all experiences career development opportunities

Legal Writing: Professor Karin Miko
THE LEGAL WRITING COLUMN
When is the best time for a first-year student to look for a summer job? Most of the people in my study group have been looking for jobs all summer. I’m starting to get nervous, but I would like to concentrate on finals. And what happens if I don’t find a legal job over the summer?

I think one of the primary mistakes that first-year students make is looking for jobs too early. They’re afraid not to be going to be too early in law school. True, the economy is tough and sometimes jobs are hard to come by, but sometimes you can lock yourself into people and situations that prove to be the worst of all possible decisions in the long run. The same goes for that first summer job. It’s not worth it if you shouldn’t keep your eyes open, but I will say that you shouldn’t jump too quickly at the first thing that you see because you fear what you won’t get anywhere. From my perspective, the economy is not so bad that every law clerk job (or even every “good” one) will be taken by the time the end of the school year hits. I advise that you should take your time and see what’s out there. If it’s not something that you want to do, close the chapter. If there are any later to find if there is something more suitable. Also, your job searching on hold if and when it impedes your studies.

Remember the apocryphal page to where you will be employed could be as bad as not being employed at all. I will also say that some students, recognizing the benefits that a legal situation outweigh the benefits that will derive from a clerking position. I recall two situations where students followed non-traditional paths and wound up very happy with their decisions. The first individual decided to work with a television station over the summer, and the second individual decided not to work at all but instead to study abroad. Both decisions proved to be excellent decisions in the long run for purposes of legal employment opportunities. In fact, I recently had a student who contacted me because he had studied abroad and asked if he could use some of the work that he did there and paced, overseas, and decided to pursue a different career path altogether.

It’s always great to get legal experience, but not every legal experience can work out well. For those who want to make legal contacts and have some exposure to the legal field, there are opportunities to intern and volunteer. Those experiences can provide valuable contacts and might set up a situation where you might want to do it in the long run. My advice is: don’t try to carve your destiny in stone too early and don’t think that there won’t be opportunities for things to fall into place later on if things don’t fall into place early. Look at everything you do as a potential opportunity for the future.

By Laura E. Ray
EDUCATIONAL PROGRAMMING LIBRARIAN

Question: How’s this for a summer job? I am a C|M|Law student and I am researching for any one of the following five reasons: register for “summer access for:” LexisNexis also allows students doing a clerkship for credit, working for a law review/journal article, registering for an unpaid internship, students doing a clerkship for educational, not commercial, purposes) working on most court or a law review/journal article.

No worries, and here’s the real scoop. Students can register for “summer access for” LexisNexis and Westlaw if they are researching for any one of the following five reasons: register for a Cleveland-Marshall class registered for an unpaid internship, register for an unpaid clerkship, working on most court or a law review/journal article, working for a C|M|Law professor, Legal Writing Professor Karin Miko. C|M|Law also allows summer access for: students doing a clerkship for credit students doing research associated with a C|M|Law grant/scholarship students working on their research(s) (ie, for educational, not commercial, purposes) graduating students who are studying for the Bar Exam Westlaw only allows graduating students to register for a limited summer access program — you get five hours in June and five hours in July. Registering for summer or graduating access is easy. After signing on LexisNexis, click on “My Account” then click on the Need to Research over the summer? banner, then follow the prompts and directions. After signing on Westlaw, click on the Need your Westlaw password this summer? clock, then follow the prompts and directions. LexisNexis and Westlaw will open up regular full access for all returning students when the Fall 2010 semester starts. Finally, LexisNexis also offers access to LexisNexis and Westlaw this summer. I am working for a really small firm, and they just don’t have enough help with research. I really need this job and want to do well so I have at least one possibility for work after graduating in 2013. Is there anything the Law Library can do to help me?

Again, no worries, really. There’s still a lot you have access to—particularly because you are a student at C|M|Law School and Cleveland truly want to do, check. First, go to the Law Library Home Page (http://www.law.csuohio.edu/law/library/) and our collection. From our home page, you can connect to the Law Library or the OhioLINK delivers, and Westlaw will open up regular full access for all returning students when the Fall 2010 semester starts. Finally, LexisNexis also offers access to LexisNexis and Westlaw this summer. I am working for a really small firm, and they just don’t have enough help with research. I really need this job and want to do well so I have at least one possibility for work after graduating in 2013. Is there anything the Law Library can do to help me?

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BLSA Banquet honors Judge Capers for 65 years of service

By Jethro Dely

The Black Law Students Association honored Judge Jean Murrell Capers, our 97-year-old alumna, and recognized graduating BLSA students, at the 2010 BLSA Scholarship and Awards Banquet on April 9 at the Doubletree Hotel on Lakeside Avenue. Judge Capers, a BLSA graduate, received recognition for a trailblazing career in the legal and broader community. The honoree was the first woman of color elected to Cleveland City Council, won later election to Cleveland Municipal Court, and also served as an assistant police prosecutor and assistant Ohio attorney general. Judge Capers received numerous awards and proclamations from dignitaries including Gov. Ted Strickland, Sen. Sherrod Brown, the judges of the Cleveland Municipal Court, and State Sen. Nina Turner, as well as from the National Chapter of Delta Sigma Theta Sorority, Inc. But the highlight of the evening came when Cleveland Mayor Frank Jackson presented Judge Capers with the Key to the City of Cleveland, to thunderous applause. Mayor Jackson called Capers a pivotal and driving force behind his election. Both the Cleveland Chapter of the National Association for the Advancement of Colored People and BLSA presented Judge Capers with engravings, while Sen. Turner called her “a force of nature” whose energy has been recognized since she was a child, Capers personified. Judge Capers lit up when BLSA, aware of the honoree’s fondness for fashionable headwear, gave her a handmade hat. Aja Brooks, BLSA president, joked, “I liked that hat so much I thought about keeping it.”

The banquet hosts also took time to honor their 2010 graduates, who aspire to blaze trails of their own. Emeric Arthur Worley, a well-known figure within the C|M|LAW community, recognized each graduate and presented them with awards. Worley brought levity to the occasion by capturing the presentations in a way a written biography could not.

Memorable moments occurred when Worley brought the audience to laughter by mentioning Christopher Baxter’s uncanny resemblance to Tiger Woods, while complaining that Teaira Ndege’s accomplishments took up so much of the page in the banquet booklet that it left little space for his own. Throughout the evening, Worley had a story or event that captured his time with the likes of BLSA graduates Brooks, Hellen Churu, Joanna Lopez, Drew Odum, Latina Bailey, and Troy Ezell.

BROWN

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County Commissioner, for 36 years. The Chief Justice designee counts among his legal education advisors Thomas Buckley and Prof. David Forte among his favorite C|M|LAW professors. Prof. Buckley taught Brown commercial law and Prof. Forte worked with Brown during his Mayfield School Board days.

“We had an issue where an element of a trespass case was religious song at a school concert, and his mother was a lawyer. Prof. Forte worked with the school board to develop a new policy to address those types of issues.” Brown, who last visited his law school alma mater during last year’s commencement, was impressed with C|M|LAW’s plans for a high-tech trial room. “I’m a strong proponent of using technology in the courtroom,” he said.

When asked whether the Supreme Court can speed Cuyahoga County’s slow process of creating an online docketing and filing system, Brown signaled a willingness to help. “The Supreme Court and the Chief Justice can help focus attention on the need for better use of technology, the value of technology, and its benefit to lawyers and the public, to make sure the work of the court is accessible and transparent. The Court took good steps to make the work of the court is accessible and transparent. The Court took good steps to make the work of the court accessible and transparent.”

On April 7, the Federalist Society hosted nationally-renowned civil rights and criminal defense attorney Harvey Silverglate, who was on a book tour promoting his most recent work "Three Felonies a Day: How the Feds Target the Innocent.” Silverglate founded the Foundation for Individual Rights in Education (FIRE) to combat the oppression of civil liberties he believes is occurring in academia. He has litigated numerous cases pertaining to civil liberties. When explaining the title of his book, Silverglate said, “During the Soviet era, the head of the KGB would tell the premier, ‘Every citizen commits three felonies a day but I don’t like, and I will come up with the charges.’”

Silverglate alleged presidential administrations have taken similar actions in recent years, and added that his book highlights several cases in which his clients have been subjected to treatment that mirrors the actions taken by the Communist Party in Russia. On March 24, Brigham Young University Law School Prof. David H. Moore spoke on about the usage of foreign law in deciding cases in the United States. Moore, who teaches on U.S. foreign relations, international law, and international human rights, argued that liberal justices tend to cite foreign law. “The nature of cases that rely on foreign law concern gun rights (intentional), and affirmative action,” he asserted. Moore added that jurists cite foreign law “to reach a more liberal outcome,” which he claims is a misuse of judicial power. Moore alleged that “the cases cited are necessarily selective as a general practice.” He charged that judges choose only decisions from western European courts while intentionally avoiding other areas. Moore, who clerked for U.S. Supreme Court Justice Samuel Alito on both the appellate and Supreme Court levels, closed by stressing that foreign law is less controlling than a law review article, and that foreign sources cannot help to interpret the Constitution.

Federalist Society concludes busy spring, including collaboration with ACS to discuss Citizens United

By Jason Cashi, Student Writer

and Stacey Duttehoff, Contributor

Chief Justice Robert Stewart will begin his term as President of the American Constitution Society for Law and Policy (ACS) on October 10, 2010. Stewart is a former Ohio Supreme Court Justice, and the event will feature presentations from distinguished statesmen and jurists. The BLSA Banquet hosted a second-annual “Spring Fling” picnic and awards ceremony April 13, to honor other student organizations for the work they have done during the 2009-10 academic year. Students voted by email to choose the winners of the categories that Allies members established during their final meeting of the year. Chart and photos by Maryann Fremion.
Tea Party Express Mobile Law Clinic claims to have President Obama’s Kenyan birth certificate

Tea Party Patriots keep distance from rival faction

By Funnie Ipsam
Senior Writer

Just one semester after the Cleveland State University Board of Trustees approved fuding for the new Cleveland-Marshall Tea Party Express Mobile Law Clinic, student associate Genie S. Akademmik has claimed a breakthrough. “We got our ‘smokin(g) gun,’” Akademmik shouted, with a mix of seething anger and ecstatic relief.

The “smoking gun” to which Akademmik refers is not an actual smoking gun. However, fellow associate Sharon Jones of Springboro frequently plays with firearms in offices aboard a luxury tour bus, while she works on legislation to permit Ohioans to carry loaded guns into college town bars. No, Akademmik’s “smoking gun” is what he be Criminal and Director and orly Taitz, J.D., D.D.S., claims is President Barack Obama’s Kenyan birth certificate.

Taitz gained notoriety in 2008 and 2009 as the titular head of the “birther movement” that sought to discredit President Barack Obama’s American citizenship. The California dentist filed for C|M|Law memberships believe this document is President Barack Obama’s real birth certificate. If valid, the document would prove that Obama was born in Kenya, thereby rendering him constitutionally ineligible for the presidency, and making Sarah Palin president.

Bathrooms to become “pay-as-you-go” fall semester

TP fees TO students; average cost will be $2 to poo

By Ray Spisa
Crime Scene Reporter

Next fall, in an attempt to generate more revenue during tough economic times, Cleveland-Marshall will institute an eight-percent increase in law school tuition. Both current students and future students are outraged at the proposed tuition increase.

“Times are tough,” says newly-appointed Associate Dean of Tuition Make A. Buck, “but students have to look at things from the school’s point of view. A tuition increase of eight-percent is only the first of many other charges and fees we are looking into in order to keep this institution fiscally viable.”

Perhaps the most controversial fee proposed for the 2010-2011 academic year is the revised one in the law school bathroom. Instead of the current fee of two dollars, the first roll of toilet paper will be $1 and the second roll will cost $2. Those who use both rolls will have to pay $2 (or $4 if they use the third roll). Students who need backup rolls may purchase them by the roll; however, they will have to pay $1 for the first roll and $2 for each one thereafter.

The law school is basically a business; like any other business, we should be able to profit off of our students’ “business.”

—Tuition Dean Make A. Buck

The proposed “pay-as-you-go” fees are still being determined, but according to recent information obtained by The Gravel, it appears that there will most definitely be an entry fee of $1. Upon entry, rates will be determined based upon the individual student’s need. As it stands now, toilet paper will hover around ten cents per square. “All fees will be a la carte, at the French like to say.” Buck says.

“If our students learn how to successfully deal with this international custom, they will be better prepared to deal with future international clients in the twenty-first century global marketplace. At this time, we think that it is still too early for us to say exactly what the fees will entail, but we do know that the plan does call for an attendant to work in each restroom. The tips that this attendant will receive will be a great source of income for the school. I would consider this to be a great opportunity for C|M|Law alumni. I have spoken with Ms. Lava in the Office of Career Planning and there will be an announcement posted soon on the Symplicity website.”

“Struggle is good for you.”
—Buck
The Cleveland-Marshall Mooot Court program was rocked last week when Cuyahoga County Common Pleas Court Judge May Xitupp issued a state desegregation order against the law school institution. Under Judge Xitupp’s decree, Mooot Court Board of Governors Chairman F.W. McGillicuddy and Adviser Prof. Steven Gerrard will cede their managing discretion to Judge Xitupp. The pattern of past desegregation so severe that one cannot help but make up charges of de facto segregation under no longer controlling U.S. Supreme Court precedent.

Judge Xitupp cited Ohio Revised Code Chapter 4112, thereby proving potential panels to avoid the appearance of impropriety, leaving the Mooot Court program more like a public face Judge Frances Battista, who last year slapped the part-time evening program with a forced bussing order. Some court watchers argued that the order defied logic, as most students drive to school, while others take public transportation for free.

The religions of both father and mother, as well as another section of the birth certificate notes of a newborn’s religion are incomplete, but this appears to be the first time in 1,400 years that one person has simultaneously been both a devout Muslim and non-believer. As the lip whisker mongering trio received the lip whisker mongering trio word late last week that the international law school institution. Under Judge Xitupp’s decree, Mooot Court Board of Governors Chairman F.W. McGillicuddy and Adviser Prof. Steven Gerrard will cede their managing discretion to Judge Xitupp. The pattern of past desegregation so severe that one cannot help but make up charges of de facto segregation under no longer controlling U.S. Supreme Court precedent.

Judge Xitupp (found) a “persistent and consistent pattern of discrimination and abomination that causes consternation and mass iniquity in open defiance of the Emancipation Proclamation.”

Prof. Gerrard has already filed an appeal with the Eighth District Court of Appeals. Former C|M|Law Assistant Dean for Admissions Melody Stewart withdrew her name from the pool of potential panelists to avoid the appearance of impropriety, leaving the Mooot Court program more like a public face Judge Frances Battista, who last year slapped the part-time evening program with a forced bussing order. Some court watchers argued that the order defied logic, as most students drive to school, while others take public transportation for free.

“Have you seen the crap I’ve gotten away with saying and writing about judges? If you don’t shut up, I’ll find proof that your real name sounds like Taitz.” Leaders of the C|M|Law Mooot Tea Party Patriots, who have been working with the libertarian 1851 Center for Constitutional Law in Columbus, issued a public statement distancing themselves from Prof. Taitz. “As rational libertarians, we believe the ‘work’ of dental hygiene Prof. Orly Taitz and her minions are a distraction from the real issues facing our republic: a lack of guns and gold.”

Adjunct Prof. Peter Kirsanow (left) is already leaving his mark on Cleveland-Marshall. Kirsanow has partnered with longtime Prof. Stephen Lazarus (near right) and Steven Steinglass (far right) to establish a C|M|Law Chapter of the Royal Handlerry Mustange Association. The lip whisker mongering trio word late last week that the international law school institution. Under Judge Xitupp’s decree, Mooot Court Board of Governors Chairman F.W. McGillicuddy and Adviser Prof. Steven Gerrard will cede their managing discretion to Judge Xitupp. The pattern of past desegregation so severe that one cannot help but make up charges of de facto segregation under no longer controlling U.S. Supreme Court precedent.

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The Thirty Years’ War reenactment between Catholic Lawyers Guild and Christian Legal Society was a really, really bad idea.

Thirty Years’ War reenactment between Catholic Lawyers Guild and Christian Legal Society was a really, really bad idea. Prof. Taitz bristled at questions into the veracity of the document that allegedly proves that President Obama is not an American citizen. “You’ve seen the crap I’ve gotten away with saying and writing about judges? If you don’t shut up, I’ll find proof that your real name sounds like Taitz.” Leaders of the C|M|Law Mooot Tea Party Patriots, who have been working with the libertarian 1851 Center for Constitutional Law in Columbus, issued a public statement distancing themselves from Prof. Taitz. “As rational libertarians, we believe the ‘work’ of dental hygiene Prof. Orly Taitz and her minions are a distraction from the real issues facing our republic: a lack of guns and gold.”

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The Thirty Years’ War was, as its name suggests, a three-decade-long bloodbath in which millions of Catholics and Protestants continuously engaged in brutal, unholy slaughter. Each side had the brilliant notion that the Christian God they were worshiping would favor whichever side murdered more of the other, even though Jesus said in every translation of both Catholic and Protestant Gospels, “love one another as I have loved you.” Nevertheless, Catholic Gospels also quote Jesus as saying, “do unto others as you would have them do unto you.” Accordingly, Catholic warriors during the Thirty Years’ War may have believed they were fulfilling the Golden Rule by butchering fellow Christians, because they wanted to be butchered to pass into eternity.

Regardless of the intellectual capacity of seventeenth century European states, C|M|Law CLG Desiderius Erasmus and HLS President Martin Luther agreed upon the modern version of the really, really bad idea. The leaders selected the small field adjacent to the Business Building as the location, largely because the statue of “The Politician” resembled a Dutch windmill and reminded them of Don Quixote. To understand what the two leaders may have been thinking requires further historical detail on the Thirty Years’ War. The episode was waged between 1618 and 1648. It was a war of religious differences emerging from the Peace of Augsburg during the Protestant Reformation, in which the 225 German states were left to their own devices regarding the religion they would observe. The struggle pitted the Holy Roman Empire and Catholic League countries as belligerents against a plethora of Protestant nations, including the United Kingdom, the German state of Saxony, and Sweden. Denmark, like Italy in both
By Y.T. Collarpopper

Cleveland-Marshall Prof. Chris Sagers recently finished a year-long undercover narcotics operation at an area high school. Prof. Sagers previously told students and staff that he was taking leave to go on sabbatical. Previously, he had authored a satirical satirical newsletter that was a popular read among students and staff, but he had since moved on to more serious topics.

When Prof. Sagers returned to school, he was surprised to find that his former students had started a student newspaper called the Satirical, which was dedicated to publishing his previous work. Prof. Sagers was pleased to see that his students had continued his tradition of publishing satirical content.

In addition to publishing his previous work, the Satirical also featured new content, including articles on local politics, sports, and entertainment. However, some students were critical of the newspaper's tone and style, and there were occasional disputes over the direction of the publication.

Prof. Sagers' return to school also coincided with a major event on campus, the annual Spring Ball. Prof. Sagers was invited to attend, but he declined, citing other commitments. Instead, he spent the evening working on a new piece of content for the Satirical.

The Satirical was widely read on campus, and Prof. Sagers' return to school was a major event. He was proud of the work that his students had done, and he looked forward to seeing where they would take the publication in the future.
Gravel interview: Luisa Taddeo and Sean Burke share the Canadian way to find a job

By Reggie Dunkop
OTTAWA BUREAU CHIEF

PAGE 4 SPECIAL INSERT
APRIL 2010

The day U.S. News and World Report releases its Law School Rankings gives law school administrators across America panic attacks. This is the day that determines whether some deans keep their jobs. In fact, some astute students even make their decision about where to attend law school solely based on these rankings.

When this year’s rankings were released, many at Cleveland-Marshall spoke with Paris Seacrest, editor of U.S. News and World Report’s Law School Rankings. Asked to explain CM|Law’s meteoric rise, he said, “Let’s be honest. We think the new Community Health Clinic is a great thing for the future.”

As the end of the year approaches, one thing really looms over our heads: jobs! They are very scarce these days. However, I am here to say you can succeed! This happened to two of our graduating students, Luisa Taddeo and Sean Burke. After attending an international networking event, both soon started doing what they love. I sat down with Luisa and Sean and asked them to tell me about their new positions.

By Learned Hand
MEDIA CONSULTANT

Q: So you have no legal jobs after graduation?
Luisa: No, eh. We like tried to get law jobs, from people at the event. Eh, but like, there weren’t any.

Sean: Yeah, everyone was like us, eh. Unemployed.

Q: So do you have anything to say to the other people who are graduating?
Sean: Yeah, like, I have something to say. Coo roo coo coo coo...Owww, stop hitting me, eh!

Luisa: (Hits him again) Shut up hosier! I’m talking! Okay, we needed jobs, eh, and we just decided that they were out there and we needed to find them eh. So I’m like we gotta be better than everyone else and like, we have to exploit ourselves better than everyone else...eh.

Sean: And so I’m like, what is the most exploitable thing about us, eh? But I couldn’t figure it out, eh. But then she did, eh! But then I forget what she said, eh. Hey, what is the most exploitable thing about usagin?

Luisa: We’re Canadian, Hosier!
Sean: Oh yeah. Beauty, eh?

Q: So you once decided to “exploit” yourselves, then what did you decide to do?
Luisa: Well, then I was like, let’s go to an international law networking event, eh. We’re like not from the United States, eh, umm, so we know more about being international than they do, eh. People there love it when Canadians exploit themselves, eh. So we like go and...

Sean: Hey I wanna talk, eh. Okayay, so we go and I decide we need to be really, like Canadian, eh. So I got like, eight half-sacks, two two-fours, some Cheezies, Freetzies, and some Poutine, eh.

Luisa: Beauty, eh?

Q: How did you get your jobs?
Sean: Well, like after we told them how to get free beers, eh, they like, wanted us, eh.

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“C|M|Law rockets to second in law school rankings by admitting classy guy, sans the C and the L

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Thanks for meeting with me today. Tell me how you got these wonderful positions.

Luisa: Sure, no problem, eh. Now, um hang on a second now eh, I...I...just wanted to thank everyone who has been there for us, eh.

Sean: Coo roo coo coo coo...Owww eh!

Luisa: (Slaps him) Shut up Hosier! I’m talking! Okay, we needed jobs eh, and we just decided that they were out there and we needed to find them eh. So I’m like we gotta be better than everyone else and like, we have to exploit ourselves better than everyone else...eh.

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C|M|Law did what they had to do to show that they’re one of the elite schools in America, and we wanted to reward them for that.”

However, Seacrest had some cautionary words for CM|Law’s deans.

“Law school is only three years long. Once Vinny leaves, CM|Law could very well slip right back into mediocrity. If you guys want to maintain this ranking, you better keep recruiting these types of students. You and I both know that Heidi Montag is going to be filing a ton of medical malpractice suits in a few years once all of that plastic surgery falls apart, and now that she’s broke because The Hills is off the air, she’s going to have to file all of those lawsuits on her own. She’s gotta learn the law—she’d be a perfect fit.”
2009 graduate Patrick Charles returns to discuss paper set for U.S. Supreme Court citation

By Kevin Kovach


Charles returned to C|M|Law April 5 to lecture about his article. The Law Review, which published the piece this year, sponsored the program. Charles has researched and written extensively on the American Colonial period, spoke with The Gavel prior to his lecture.

He noted that he began “Arms for Their Defence?” at C|M|Law. “It was an upper-level writing paper. I remember that after the district and appellate court opinions in Heller (the case that established the individual right to possess a firearm for home use in federal jurisdiction) came down and the case went to the Supreme Court, I thought the courts did not understand the history, so I thought I would do an original approach and look at every law from a keep arms and bear arms standpoint, to see whether any colonies’ laws used these terms or any combination of the grammar, to see if it was in hunting, self-defense, or militia.

I wanted to get a legal understanding of what ‘keep arms’ and ‘bear arms’ meant.”

Forrester and Steven Steinglass with a political impact he believes the government. “They were drilling from 1774 onward, under the direction of government.” The First Continental Congress convened in Philadelphia in 1774. The scholar lamented the political impact he believes the Heller decision has had upon reasonable legislative measures to regulate guns. “The Second Amendment (Philadelphia School of Law) and a representative from Massachusetts said, ‘The Heller decision has changed everything. Before you, you had people standing up in Congress saying they had the right to have a gun but they had no Supreme Court precedent.’”

“Although Heller says you have a right to own a gun in your home, and it’s very limited in how you can use that gun, and the state can determine how you may use that gun in your home, it’s a huge chilling effect on legislation. Legislation can’t be passed at the state or federal level because legislators are too concerned about Senate primary.”

The majority of C|M|Law affiliated candidates are running for seats on the Cuyahoga County Democratic Party Central Committee. Prof. Candice Hoke is running unopposed in Cleveland Heights Precinct 3-E with the intent to increase voter participation within Precinct 5-I and to try to build Cleveland into a stronger city.” Second-year student and new Programming Librarian Laura Ray is seeking re-election to the Eighth District Court of Appeals and numerous other alums appear will on the ballot in local races throughout the year.

“Guiding light” Michael Scharf advocates for international law compliance

By Joe Fell

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Cleveland-Marshall has a long tradition of being well-represented in local, state, and national politics. Cleveland Mayor Frank G. Jackson, U.S. Representatives Steve LaTourette and Marcia Fudge, and both in Greater Cleveland and around the world.

So said Associate Dean Mark Sundahl, chair of the portion of the Case Western Reserve University law professor, who visited Cleveland-Marshall April 15 to present the U.S. International Law. Prof. Scharf is best known for his work with the Iraq High Tribunal, the judicial body that conducted the trial of Saddam Hussein. An lectures and this recently published book of the same title. The lecturer began by asking attendees, “Is international law really law or not?” He then discussed the views of realists like Harvard law Prof. Jack Goldsmith, who believe international law is not real law. Prof. Scharf stated that Goldsmith has recently co-authored an influential book titled “The Limits of International Law” that seeks to downplay the importance of international law.

The case of drug policy in the Middle East, for instance, is a key example of how international law can be used to influence policy. The U.S. has been a leader in this area, and the U.S. has been able to influence policy in the Middle East by using international law to support its assertions.

Prof. Scharf highlighted four instances in which the President disregarded the advice of the State Department Legal Adviser and post-hoc. Each of these situations had negative consequences, ranging from embarrassing publicity, to the weakening of America’s diplomatic position in international matters like the “War on Terror” and the “War on Drugs.” Prof. Scharf’s lecture clarified that international law still carries significance and that compliance with international law is in America’s best strategic and diplomatic interests.

C|M|Law names up-and-down the ballot

The Supreme Court oral arguments eventually appear in the final Court opinions.

“Arms for Their Defence?” v. City of Chicago is a collection of interviews with the 10 living State Department Legal Advisers. The text describes the role of State Department Legal Adviser as “the government’s principal expert in international legal affairs,” and chronicles the views of realists like Harvard law Prof. Jack Goldsmith, who believe international law is not real law. Prof. Scharf stated that Goldsmith has recently co-authored an influential book titled “The Limits of International Law” that seeks to downplay the importance of international law.

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By Joe Fell

TOP LEFT (from left-to-right): Law Republicans Maryann Frenim, Don Thomas, Rachel Conley, Cindy, and Matt Hiebbrand at the Cuyahoga County Lincoln Day Dinner, featuring guest speaker, and former local Democratic Party. Prof. Candice Hoke is running unopposed in Cleveland Heights Precinct 3-E with the intent to increase voter participation within Precinct 5-I and to try to build Cleveland into a stronger city.” Second-year student and new Programming Librarian Laura Ray is seeking re-election to the Eighth District Court of Appeals and numerous other alums appear will on the ballot in local races throughout the year.

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By Joe Fell
The Libertarian Contrarian

Question the role of the United States Supreme Court as the final arbiter of constitutional issues

In Marbury v. Madison, the United States Supreme Court established judicial review over executive and legislative actions. Though this opinion is the foundation of every Constitutional Law class, it is rarely asked whether the Court can fulfill its role as a “taxpayer subsidized economic development project” unless, of course, repays us taxpayers, with interest.

I imagine that a Cleveland-Marshall student accepted a deal of course. I would hope that the Court makes the honor of the federal judiciary and that they’re going to need to forget strangers? Why Cleveland-Marshall? The tour groups have started coming around. I don’t see them very often; I wonder if they are intentionally steered away from the angry, overworked 1Ls and shown something that pays. I want to go to these future 1Ls and tell them that they’re going to need to forget everything they learned before law school and they should come in with a totally blank slate, and that they should approach this as business or work rather than approaching it as school. I want to tell them about the million mistakes that I made over the past two semesters and how to avoid them. However, I don’t. I never will. Those mistakes and lessons are invaluable and part of the learning process. Having your dreams beaten out of you with a trouncing made of realism goes a long way, as awful and uncomfortable as that sounds.

As for my anonymity, I think I’m going to leave it that way. I might be back next year as the Anonymous 2L, or I might not be here at all. Either way, it’s been great knowing every one of you with the advice and consent of the CSU Board of Trustees, appoints a panel of handpicked and favored CSLU law professors. Would this process likely produce a judicial body that could neutrally settle disputes between students and the university power elite?

Now imagine that a state objects to the federal government’s exercise of a power not delegated to it by the Constitution. To handle these types of disputes, the federal government’s Supreme Court, appointed handpicked justices to the federal government’s Supreme Court. Would this process likely produce a judicial body that could neutrally settle disputes between states and the federal government power elite? This institutional bias was not always so skewed. States once had a seat in the selection process of Supreme Court justices. A state Supreme Court justice’s appointment requires the advice and consent of the Senate. Prior to passage of the Seventeenth Amendment, Senators were appointed by state legislatures. After passage, Senators were elected by popular vote. Unsurprisingly, ratification of the Seventeenth Amendment ushered in a new federal hegemony.

Franklin D. Roosevelt’s presidency perfectly exemplifies this hegemony. In response to the Court’s repeated decisions striking down New Deal legislation, Roosevelt threatened to pack the Court with additional Justices. After this threat, the Court reversed itself and began finding New Deal legislation constitutional—the infamous “itch in time that saved nine.” A truly neutral judiciary would have been immune to such pressure. Henceforward, the Court has consistently failed to check federal power, often with terrible consequences. Take FDR’s Executive Order 9066, which authorized the internment of 120,000 Japanese-Americans in prison camps. Not only did the federal government suspend habeas corpus and deprive U.S. citizens of liberty, and property, without due process of law, but Supreme Court legitimized this action in Korematsu by a six-to-three margin. Despite this fact that the executive order has been nullified in a constitutional statute, the Court nevertheless was complicit.

Imagine that another terrorist attack occurs on American soil. In response, our federal government again erects concentration camps. All Arab-Americans are incarcerated irrespective of citizenship and without due process. Of many of these camps are housed in state-run camps. The precedent is clear; Korematsu is still good law; consequently, the state of Ohio must comply. Or does it?

In such a situation, states can and should reestablish themselves as constitutional arbiters that force federal actors to abide by the terms. Short of repealing the Seventeenth Amendment, is there precedent to support a role for states in constitutional law enforcement?

There is precedent—the act of nullification. In 1798, Congress passed the Alien and Sedition Acts making it a crime to publish “false, scandalous, and malicious writing” against certain members of the federal government. Citing violations of the First and Tenth Amendments, Thomas Jefferson and James Madison, respectively, wrote the Kentucky and Virginia Resolutions. After passage, these resolutions made the Acts “void” and “of no force” in the states of Kentucky and Virginia. This is not to say that states have no role in constitutional interpretation, only that it is unjust for one party of a contract to have sole interpretive power.

States must always nullify federal tyranny, thereby sanctifying the liberties enshrined in the Constitution. I will close this column and year with a quote from John C. Calhoun: “Stripped of all its covering, the naked question is, whether ours is a federal or consolidated government; a constitutional or absolute one; a government resting solely on the basis of the sovereignty of the States, or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice, violence, and force must ultimately prevail.”

Editor’s note: This column is called “The Libertarian Contrarian” for a reason: The Gavel editors share neither the author’s views on the role of the United States Supreme Court, nor his advocacy for states’ rights that nearly triggered the Civil War 31 years before the attack on Fort Sumter.

What would you like to write the liberal or conservative column? Visit Ohio Bar Association’s 2010 Law School Program. Email gavel@law.csuohio.edu as soon as possible to stake your claim!
**POLITICAL BROADSIDE**

**THE FORUM FOR DEBATING THE HOT-BUTTON ISSUES OF THE DAY**

**Issue 6: Should Ohio change the way it selects judges?**

**A Liberal Argument**

The key factor in our legal system is that we bestow the duty of making certain that the law is applied fairly and that is what the judicial office provides. The very fact that a judge is required to be elected means that his or her primary allegiance is to the people of his or her district. The best way... is a hybrid approach

By Lindsey Wilber

**A Conservative Argument**

The issue of judicial selection is one of the most important of our national democratic tradition. On one hand, justice must be impartially administered. Judges must be selected because of their ability as jurists, not simply because of their political affiliations. In deciding a case, a judge must be governed by principles of law and the merits of the litigant’s case, not the litigant’s political position.

On the other hand, under our common law tradition, judges—particularly appellate judges—are high-profile cases which become law. Judges are given immense power in this country. They have the power to interpret statutes, review administrative decisions, and declare legislative and executive actions unconstitutional. The fact that judges often decide issues of tremendous importance with significant consequences to the general public means that the public must retain some control over the judiciary.

No approach is going to be perfect. Elected judges—particularly those who must run for re-election—can raise campaign funds. This practice can raise issues as to their objectivity when it comes to their treatment of potential litigants or clients. The final decision is made by the voters. If the electorate chooses to re-elect a judge, then the judge is re-elected. If a judge is retained, then he or she will continue to serve and be subject to retention votes every four years. I would even go so far as to establish a three-year probationary period and then allow voters to retain a judge.

An appointment system tends to result in the appointment of judges who have been politically connected. It is making the appointments, which can mean that past campaign contributions or other favors to the person making the appointment can be more important than other qualifications. The term of the appointment can also impact the quality of a judge’s performance.

In Ohio, all judges are currently elected by the voters. Also, the election campaigns of judicial candidates are typically supported by a political party. For most voters, casting an informed ballot for a judicial candidate is more difficult because it is hard to find good decision-making information. For this reason, I do not feel that the common interest in finding the better way to select judges in Ohio.

Conventional wisdom often holds that appointed judges are superior to elected judges because appointed judges are less vulnerable to political pressure. However, there is little empirical evidence for this view. Studies have shown that elected judges are more focused on providing service to the voters, whereas appointed judges are more focused on their long-term legacy as creators of precedent.

If we live in a perfect world, a system of appointed judges would be best if coupled with some recall provision where voters could vote a judge out if a large enough percentage of the vote in favor of recall were garnered. Presumably, the electorate would demand that appointments have a lot of input from knowledgeable people who would be able to evaluate who is qualified and who is not.

The appointment/retention vote approach was favored by recently deceased Ohio Supreme Court Chief Justice Thomas Moyer. Under the proposed system, the governor would fill vacancies on the court by choosing among three candidates who are recommended by a bipartisan panel of lawyers and laypeople. A justice would serve two years and then run in a retention election with no opponent. Retention elections would be held at regular intervals after that.

The electorate generally does not have very much knowledge when it comes to judicial selection and are likely to end up being elected based on many things other than their qualifications. Also, the electorate might penalize a judge and hold them hostage if they take an unpopular position on a legal matter, even if their position is the legally correct one. I believe that Chief Justice Moyer’s suggestion for an appointment/retention vote approach should be explored more by those interested in reforming how Ohio chooses its judges.

**Conservative Rebuttal**

While I realize the sacred importance that the American people place on being able to choose the people who make the laws, I do not feel that this is the case for judges, as I feel the hybrid approach as suggested by Chief Justice Moyer. As you point out, most voters skip the judicial candidates. In some cases, people tend to vote solely based upon name recognition or political affiliation which would certainly benefit from the current system. After spending years to create name recognition, incumbent judges are well aware of the system because of their vis-a-vis grip on the office.

I disagree that the County Executive should be responsible for appointment of judges. It is much more appropriate to find common ground. Finding a way to reform judicial selection is a critical issue, and it is an issue that must be tackled within the next few years if our justice system is to remain credible. While I share Mike’s concerns over the current system in Ohio, I truly feel that it is the lesser of two evils. If Republicans and Democrats can find a way to work together to devise a system that is fair and transparent, then we will have come a long way towards mending many of the rifts that have grown up over the past few years.

In closing, I would like to thank Mike. I have truly enjoyed sparring with you these last few months. Healthy and respectful discourse is essential in a democracy; this is a fact that many of us have forgotten.

**Liberal Rebuttal**

After such a tumultuous year, it is nice to see that there are still issues on which we do have a chance to find common ground. Finding a way to reform judicial selection is a critical issue, and it is an issue that must be tackled within the next few years if our justice system is to remain credible. While I share Mike’s concerns over the current system in Ohio, I truly feel that it is the lesser of two evils. If Republicans and Democrats can find a way to work together to devise a system that is fair and transparent, then we will have come a long way towards mending many of the rifts that have grown up over the past few years.

In closing, I would like to thank Mike. I have truly enjoyed sparring with you these last few months. Healthy and respectful discourse is essential in a democracy; this is a fact that many of us have forgotten.
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