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## Why New York reveals in our National Pastime

This Fall Classic took on a new meaning.  
**OPINION, PAGE 7**



## Cleveland's Haunted House

A look at the ghosts of Franklin Castle and the mansion's macabre legacy.  
**SIDEBAR, PAGE 11**



## Running from the Law

Julie Lewis '96 maintains a life beyond her career by running, swimming and biking as an Ironwoman.  
**CAREER, PAGE 8**



# THE GAVEL

VOLUME 50, ISSUE 2 NOVEMBER 2001

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

## C-M lends a hand to relief effort

By Nadeem Khalid  
CONTRIBUTING WRITER

The events of Sept. 11 shocked everyone, and Cleveland-Marshall students have joined the nation in helping those affected overcome the tragedy.

Over 100 restaurant and food service employees perished at the World Trade Center. C-M students initiated a campaign aimed at providing support to the families of the restaurant workers. A relief fund entitled "Windows of Hope Family Relief Fund" was activated. As part of a nationwide effort on Oct. 11, Becky's Bar and Grille donated 10 percent of its profits directly to the fund. The evening was marked with live musical entertainment. The Students Bar Association (SBA) distributed drink tickets and sold raffle tickets for chances to win prizes redeemable at local restaurants.

See **STUDENTS**, page 3



New Yorkers flee in panic as rubble roars down the concrete canyons of Manhattan onto the FDNY rigs.

## Lawyer turned ladder company lieutenant urges tolerance, unity

By Ed Pekarek  
GAVEL EDITOR

Brenda Berkman began Sept. 11 casually — it was her day off. She and her partner intended to do some election campaigning on the morning of the New York primary. Hours later, after rush-

ing to a nearby fire station house to borrow gear, she was clawing through the smoldering rubble that was once the World Trade Center. One month later Berkman recalled the horror for a C-M audience. **Turn to page 2** for more on the Oct. 11-12 forum.

## C-M faculty debate effects of Sept. 11

### SPILO forum explores issues

Peter Roche  
STAFF WRITER

A panel of Cleveland-Marshall experts discussed legal and humanitarian issues raised by the events of Sept. 11 in the Moot Court Room Oct. 29.

The 90-minute session was hosted by Brian Gage, president of the Student Public Interest Law Organization (SPILO).

Gage said the idea for the panel, titled "Rights, Security, Justice: Legal Implications of the Events of Sept. 11," came not from SPILO, but from concerned students who attended last month's Dean's Forum.

Featured faculty included professors Adam Thurschwell, James Wilson, Lolita Buckner Inniss and Tayyab Mahmud.

Thurschwell drew distinctions between criminal law and criminal procedure, emphasizing the legal repercussions of whether the terrorist attacks con-

stituted "crimes" or "acts of war." The former classification would afford the Sept. 11 terrorists due process of law in a court room, Thurschwell said, whereas the latter category would call for summary justice, allowing perpetrators to be hunted, captured or killed.

Thurschwell also said the move toward an international criminal court has been slow, but added that the "new paradigm" of expanded interchange of intelligence data between government agencies will help flush out terrorists more efficiently.

"The Court is taking a beating now," said Wilson, who teaches First Amendment law.

Wilson reiterated the Holmesian aphorism that says judges make law according to "felt necessities of the time" and guessed that civil liberties will come under fire in this "new era"  
See **SPILO**, page 4

## You Should Know

By CLARE TAFT

## Is C-M passing the bar?

The July 2001 Ohio Bar Exam results are in. While C-M had more first time and repeat students take the July exam, C-M's passage rate remains one of the lowest of all Ohio law schools.

C-M's first time passage rate was 75 percent, tying C-M for seventh out of the nine Ohio law schools with Capital University. Only Ohio Northern students fared worst, with 74 percent passing.

C-M's overall passage rate was 67 percent, again placing C-M at seventh, with only Capital and Ohio Northern placing lower.

C-M had 179 students take the July exam, with 120 passing. From the total C-M students taking the bar, 145 were first time takers with 109 of those students passing.

The University of Cincinnati again had the best bar passage rates, with 91 percent of first time takers passing, and a 90 percent overall pass rate.

## Candidates race to finish line at CSU

By Colin Moeller  
STAFF WRITER

The Maxine Goodman Levin College of Urban Affairs at CSU hosted a WJW Fox-8 live television broadcast discussion between Cleveland mayoral candidates Jane Campbell and Raymond Pierce on Oct. 10.

Fox-8 anchorman Bill Martin moderated the event entitled, "A Conversation with the Candidates," while Greater Cleveland Growth Association President Dennis Eckert and Fox-8 reporter Wayne Dawson presented the two candidates with a broad range of issue-based questions. "This is not a debate," Martin said. "This is a conversation, and we want to extract as much information so everyone can get a great idea of who to vote for. [W]e feel that this is a fantastic setting down at Cleveland

State University to accomplish that."

Martin said that one of the objectives of the night was to have fun. Prior to the broadcast, Martin joked with the audience, which included Ohio Gubernatorial Candidate Tim Hagan, deans from the various colleges at CSU and members of the CSU Board of Trustees. Martin also joked with the candidates and said, "My job is simple; badger the candidates."

Issues relating to education, safety and lakefront development dominated the discussion. On all three topics, there was little disagreement between the candidates. Eckert said, "I can't help but sit here and find that you two seem to agree on a lot more than you disagree."

Near the conclusion of the event, Eckert attempted to create

some disagreement by asking the candidates if they would vote for the other if not running in opposition. Both offered reasons why the other would not be their choice. "Cleveland cannot and should not allow itself to elect leadership that is not innovative, that is not responsive to the real needs of our city or town," said Pierce. Campbell alluded to her opponent's lack of experience in public office. "The Mayor's seat is not a place for on the job training," she said.

On the issue of education, Martin asked the candidates to set aside their "political rallying" and speak directly to the issue. "Don't you think the best thing to do is sit someone down and give the teacher some power, tell them to be quiet, take their books home and bring back their homework signed  
See **MAYOR**, page 3



## Getting on with our lives

By Steven H. Steinglass



The Dean's Column

The six weeks that have passed since Sept. 11 have not diminished the horror or shock of the tragedy that, for many Americans, marked the passage from a reasonably secure and comfortable present into an uncertain future. In one of my Dean's forums, students asked that the law school sponsor a program in which we might discuss the many legal and humanitarian issues raised by the terrorists' assault on our country and by our nation's response. SPILO did just that, and I am grateful to the organization. SPILO's program, "Rights? Security? Justice?: Legal Implications of the Events of Sept. 11," brought together four faculty members to offer their perspectives on the implications of the attacks: Professors Adam Thurschwell, Lolita Buckner Inniss, James Wilson and Tayyab Mahmud, each brought to their subject scholarship and perhaps, a different understanding or interpretation of the event and our country's reaction. Many students and faculty attended from the law school and from throughout the university. Whatever else came out of that forum, one thing is indisputable: Though we often see things differently, our community of teachers, administrators and students is strong.

In the wake of the terrorists' attacks, the threat of bio-warfare and our country's retaliatory actions, it is important to remember the cohesiveness of our American institutions and in the case of this law school, to remember not only our personal bonds to one another but our allegiance to the rule of law and democratic governance. Our obligation to learn and teach well has, in the past month, become even more compelling. In many ways, this is the worst of times and the best of times. It is the best of times because our Constitution will provide us with the framework to address, under the rule of law, the challenges we face, and it is the worst of times because the Constitution and our institutions have rarely seemed more susceptible to assault, both from without and from within. As lawyers, teachers of law, future lawyers and guardians of the Constitution, we find ourselves on the front lines. We must study and learn as never before.

Continued from page 1-

The conference explored the myriad challenges that a woman firefighter faces daily.

The first of its kind two-day conference was funded by the Women's Law Fund as a result of a class action settlement. Kenneth J. Kowalski, assistant director of the C-M Employment Law Clinic, was among the attorneys who represented the plaintiffs in the employment discrimination action and helped to organize the event.

Approximately 175 firefighters, public officials, civil rights activists and attorneys from across the country converged on C-M to discuss solutions to career impediments for female firefighters and to share the experiences of Berkman, a former White House Fellow in the Office of the Secretary of Labor.

Berkman is familiar with fighting for a cause. Twenty years ago, after earning a J.D. from New York University, Berkman was a litigant in a sex discrimination suit against the New York City Fire Department. The 1982 legal victory permitted her to be among the first women to display the dress



Lt. Brenda Berkman, FDNY, addresses a near SRO crowd at C-M.

## "Walking the tightrope" Recounting the Sept. 11 fallout.

blue uniform of the FDNY which she wore at the C-M conference. She later joined Ladder Company 12 in midtown Manhattan where she attained the rank of Lieutenant.

Berkman described the scene to *WFS Publications*, "the street was ankle-deep in dust and there were vehicles everywhere, but just a few people wandering around. We were right on the edge of 'Ground Zero' and there was nothing there. No buildings. No Twin Towers. Nothing. A huge depression set in as people realized the magnitude of what we were facing." At least 343 firefighters perished

— 80 from her division alone.

Berkman expressed gratitude for the opportunity to deliver the luncheon lecture. "This conference has allowed me to think about something else other than the World Trade Center. I wake up and think about World Trade Center, I think about the World Trade Center all day long and it's the last thing on my mind when I go to bed," she said.

Berkman described the impact of "the incident" in a variety of other terms, from the over \$40 million in destroyed vehicles and lost equipment carried by each of the 343 who perished and the "expertise that simply cannot be replaced."

Berkman also lamented what she characterized as, "the invisibility of the women rescue and recovery workers at the site," and expressed disappointment regarding the media's "almost universal use of 'firemen.'" Berkman was clear to communicate that this is no hair-splitting semantics issue, "women are there and have been there since the first plane hit the building," she said. Berkman noted bitter irony in the jihad attacks, allegedly perpetrated by a Osama bin Laden and his extremist al Qaida network. "The many contributions of women at the World Trade Center completely undercut the genocidal and misogynistic vision of humanity that the Taliban is preaching to the world," Berkman said, "for the Taliban, women are subhuman and incapable of having any kind of civic responsibilities or to be employed outside the home in any capacity. This is what they are fighting for."

Berkman strongly suggested the importance of demonstrating the resilience of American women to the rest of the world. "For us to succeed against this terrorist threat, we need to have all of our people behind us. What we are fighting for is an entirely different vision of humanity — one that takes advantage of all the talents and abilities of all of its people. The women at the World Trade Center are the domestic answer to the Taliban," the Lieutenant said.

*Pekarek is a 3L.*

## Afghan women face a "death by darkness"

By Eileen Sutker

The Taliban in Afghanistan place women in darkness, both literally and figuratively. Forced to live behind blackened windows and wear a body-enveloping bourqua outdoors, women are physically shrouded. However, these are obvious manifestations of this smothering regime. Other forms of repression also lead to death by darkness.

For example, the modern world takes for granted that lack of sunlight causes vitamin D deficiencies and leads to rickets or bone malformation. Although as little as 30 minutes of sunlight exposure satisfies the adult daily requirement, these women run the risk of vitamin D deprivation unless this essential vitamin is available in their diets. In a very real way, these women are slowly killed by lack of light.

Secondly, the mind-numbing lack of human interaction is another form of darkness.



A Taliban ordered public execution in Kabul

Condemned to live as a shut-in, a woman's life is no better than the average American pet dog who gets walked each day. If a dog craves interaction, how much more so does a trapped human being? Civilized societies know that one of the cruelest forms of incarceration is solitary confinement. At this time, we cannot know how close these women are to that level, merely for the crime of being born female.

Further, women may not be treated by male doctors and any existing women physicians are banned from practice because of their gender. Deprived of medical aid, the normally joyous occasion of childbirth becomes fraught with all the dangers associated with medieval medicine. So the light of modern

medicine is withheld from those who need it most.

Finally, the Taliban's ban on teaching women to read means that when the currently educated generation of 11.5 million women die, the light of the 20th century is permanently extinguished for their surviving daughters. These daughters, raised in intellectual and physical darkness, will not even know of their innate human right to stand in the light of day. Meanwhile, the men of the Taliban will have a population of weak, frail women to impregnate and many will needlessly die bearing children. If this cycle continues, the Taliban could die out by natural selection and the problem would solve itself. But the world cannot wait for this to happen because the current generation of women in Afghanistan deserve to live as human beings.

If the American people cared about Afghanistan's people facing Russian bullets only a few short years ago, then how can we ignore their current war against

their own population?

Genocide toward one half of your own population is still genocide. Germany had its Nazis; Afghanistan has the Taliban. The darkness of this terrible regime must be protested by all civilized people in the name of human rights and human health. Let there be light for all women, everywhere.

To protest these human rights violations, please join such notables as Mavis Leno and Ann Landers by calling the Feminist Majority Foundation at (888) 939-6636 for a "Take Action" packet, or access the Web site for the Revolutionary Association of Women in Afghanistan at [www.rawa.org](http://www.rawa.org).

*Sutker '00, was a Gavel Editor from 1998-2000.*



*This Editorial first appeared in the March '99 issue of the Gavel. It is part of an ongoing series featuring Gavel articles from the past 50 years to celebrate the Gavel's 50th anniversary.*



# Fried: one year later, wrestling with school and court

Tricia Hurst

STAFF WRITER

4L Alan Fried's life took a drastic turn Halloween night 2000. He was at the Basement in the Flats with friends, dressed for the occasion in a superhero costume, enjoying himself despite the freezing temperatures outside. He had no idea he would spend the next two days in jail wearing that same costume, and that those two days were only the beginning.

According to Fried, that night he saw a friend in an altercation with a much larger man. Fried came to his friend's defense and tackled the man. Fried was then hit by another man, and a brawl ensued. It culminated with Fried and his friends placed under arrest for assault.

Fried said he was shocked at the way the incident played in the local media. It was reported that he and his friends were kicked out of the bar for fighting and had waited 45 minutes to jump the man when he left. Fried denies this. A bouncer at the bar was a witness expected to testify that the injured man was the real troublemaker that night, according to Fried.

Prosecutors later added charges of felonious assault and attempted murder of the man Fried tackled. The man suffered

cuts on his head and back and a subdural hematoma. The counts of attempted murder and felonious assault were eventually withdrawn, and Fried pleaded guilty to simple assault.

Fried spent 30 days in jail and described his probation as "maxed out." He was placed on five years of probation and was ordered to pay a \$1,000 fine plus court costs. Fried must report to a probation officer each month, must be tested monthly for drugs, and must follow travel restrictions that include not going to the Flats or anywhere else that serves alcohol. Judge Kathleen Sutula included restaurants like TGI Fridays among the restricted establishments. If Fried breaks probation by even getting a speeding ticket will serve five months in jail.

Fried said, "that misdemeanor sentencing definitely had a felony feel to it." Sutula also banned him from having any contact with the victim, the co-defendants or other wrestlers. Later, Fried filed a motion for leave to attend a wedding where alcohol would be served, and that motion

*"I know what was in my mind. Why didn't I just go get the two cops who were standing maybe 20 feet away?"*

was denied. The 30 days he spent in jail gave Fried time to reflect. "I needed to go to jail with people with real problems," Fried added that Sutula knew this was the only way he would learn. "She saw what I was."

Fried was a local champion wrestler who coached at CSU and was training for the Olympics. He has since lost his C-M scholarship as a result of the incident.

Fried thought he had succeeded in keeping an arrogant personality inside. "It was phoniness. I was trying to be nicer than I was," Fried said. "I was almost naive. I was raised to be kind, so kind as to be taken advantage of."

However, that attitude did not always show. "People judge you on what you do, not what you intend to do," he said.

At his sentencing he was given the opportunity to speak. "Judge Sutula took my words and used them as arrows against me and gave me a nearly impossible sentence," he said.

As one of the top wrestlers in the U.S.

he admitted he sometimes felt special and was surrounded by people who validated that belief. "I didn't get the real world education," he said.

Fried said that he is now getting a crash course in that education, paying in aches, pains and money. "I've been dumped, stabbed in the back, talked about, and fired from CSU coaching," Fried said.

The incident has also affected Fried's future as an attorney. He had his character and fitness interview a week after his arrest, and with the possibility of two felony convictions still pending at the time, was denied a seat to take the bar. His appeal is Dec. 12.

Fried said that this experience has served as a filtering process for him. Some people came out of nowhere to support him. Others told prosecutors that they had dirt on him or accused him of selling out his friends. "There are a lot of people who can't wait to take a ringside seat to watch you go down."

"It didn't need to happen," Fried said. "I was there. I know my intentions. I know what was in my mind. Why didn't I just go get the two cops who were standing maybe 20 feet away?"

Hurst is a 3L

## MAYOR: Candidates attempt to set themselves apart

Candidates discuss education, waterfront and terrorism

**Continued from page 1-** by anybody just so they can learn what's going on in school?"

Campbell said parents and teachers need to be empowered. "I have never met a parent who did not want their child to succeed," Campbell said. "The problem is that parents don't always know how to help their children."

Citing the high number of

schools.

Addressing questions concerning the increasingly hot topic of safety, Pierce stressed the need to incorporate intelligence learned from the Sept. 11

Lakefront Airport should be scuttled. "Right now, Burke Lakefront airport serves a very critical function in our air transportation needs," said Pierce. "I would not be a part

of rushing to shut down Burke and build on it without making sure first that we have a comprehensive regional transportation strategy." Campbell said she would like to focus on developing the lakefront area between Edgewater Park and Gordon Park and develop ways for people to have access to it. "[Access to the lakefront] is the real emotional issue," Campbell said. "That is what people want."

The night concluded with a round of questions demanding a one-word answer when, among other

things, both candidates said that they would support mayoral control of schools and oppose school vouchers.

Campbell said she would oppose a change in the residency requirement for firefighters, while Pierce said he would not.

Martin closed by reminding voters that the mayoral election takes place Nov. 6.

Moeller is a 1L



**Before the CSU forum, Campbell and Pierce debated Cleveland's future and their vision for Cleveland at C-M Sept. 21.**



ED PEKAREK-GAVEL (2)

single mothers whose children attend city schools as a possible need for a female role model, Eckert asked Pierce, "Is it time for a woman Mayor?" Amid laughter from the audience Pierce said, "Right after Raymond Pierce finishes his term. Yes." Pierce further explained that as a man he is not the best role model for a woman, but he is a devoted husband and father whose children attend the Cleveland

disasters in New York and Washington, D.C., into Cleveland's disaster response plan. Pierce also said he sees a need to revise the city police force deployment scheme. Campbell championed cooperation with Mayor Michael R. White and New York Mayor Rudolph Giuliani to supplement the city's response plan.

When discussing lakefront development, both candidates strayed from stating that Burke

## STUDENTS: C-M organizations join national aid efforts



ED PEKAREK-GAVEL

**Becky's hosted "Windows of Hope Family Relief Fund," on Oct. 11, donating 10 percent of its proceeds to the fund. The event featured live entertainment and an SBA charity raffle.**

**Continued from page 1-** theaters and businesses. A total of \$1,100 was collected.

The campaign was geared towards other objectives as well. SPILO, in collaboration with the SBA, have coordinated with the American Red Cross to host a blood donation drive. The blood drive is scheduled for Nov. 6.

Additionally, SPILO, assisted by the SBA, played a major role in coordinating nationwide student support. The Brooklyn Law School collaborated with C-M students to raise hundreds for the people directly affected by the tragedy. Similarly, other student organizations were motivated to participate in fundraising campaigns for the victims and their families.

Apart from fundraising, C-M students also procured life insur-

ance policies and created opportunities to provide protective cushions to the affected families. With a strong student force in their ranks and support by the SBA, SPILO succeeded in mustering the support of overseas student organizations.

According to SPILO, the results of the fund-raising campaign owe much to the cooperation offered by those donor organizations who contributed prizes for the raffle including, Lillie & Holderman, Primo Management, Schilling Enamels Co, Shooters on the Water, Lexis-Nexis, Fulton Bar and Grill, Hahn, Loeser & Parks LLP, Weston Hurd LLP, CSU Law Review, the SBA and the Second City comedy club.

Khalid is a 1L



# Forte and Cheselka on tube, 2/3 pass the bar

## Forte featured on local and national telecasts —

Professor David Forte made his mark on CNN's "Inside Politics," WKYC Channel 3 news, and "Feagler & Friends" on PBS, WVIZ, discussing the Sept. 11 attacks and extremist Islam.

## Cheselka Unplugged —

3L and *Gavel* columnist, Michael Cheselka, appeared on WJW Fox-8's "Fox Unplugged" where the morning debate focused on internet porn in public libraries and the legal consequences of Sept. 11, especially the impact on civil liberties.

## C-M Moot Court team advances to nationals —

C-M's Moot Court team was a quarterfinalist at the John Marshall Moot Court Competition in October, with team members 3L Jason Kellhofer, 3L Ildiko Szucs and 2L Doug Smith nearly claiming the award for "best brief." Their second-place brief was eight-tenths of a point short of the winning brief.

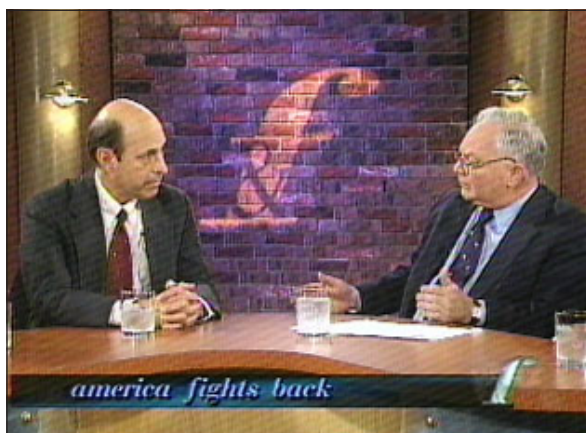
Kellhofer described the rush of competition as being like a roller coaster. "You love it, but when the ride stops you're glad it's over."

The team's ride began with weeks of research and preparation. Drafting the brief took about six weeks and was followed

by two weeks of oral argument practice before judges' panels comprised of moot court members, professors and practicing attorneys. "It takes up more time than classes," Kellhofer said.

All the preparatory time paid off when each member stood to present their arguments at the competition.

"It's awful in the beginning," said Smith. "The wait attorneys. Smith said, 'It is the most practical experience for future law practice. Nothing compares to it.'"



VIDEO CAPTURES AL NOZAK-CSU IMS (3)



**Gavel's Cheselka mixes it up on "Fox Unplugged."**

Szucs said that it is important to be a good writer, to not be afraid to speak publicly and to be a person who can take criticism. "Before you get good at it," she said. "It's usually pretty humbling, especially the oral arguments."

Their work is now done. Next up, two more teams of three represent C-M at the nationals in November.

## Law Review inducts new members —

The Cleveland State Law Review welcomed 42 new associates to its staff with an induction ceremony in the Moot Court Room Oct. 5.

Associates are chosen annually by two methods. The majority of invitations are extended to those who finish in the top ten percent of their class after first year. The remainder of the spots go to students who compete in a writing competition. This year's associate class has ten successful "write-ons," comprised of both 2L and 3L students.

The 2001 induction ceremony was led by Editor-in-Chief Sarah Lally and attended by well over a hundred family, friends and faculty. The guest speaker was attorney Allan Goldner, a partner at Benesch, Friedlander, Coplan & Arnoff and a former Cleveland State

weed out terrorists, although "all goals of preventing future attacks can be met with better implementation of existing immigration laws."

Mahmud said the notion of "human rights" has always been problematic in the United States because "although Americans aspire to freedom, there have always been hurdles to inclusion to being human."

"It's easy to say in hindsight that Sept. 11 was an attack or scheme against us," said Mahmud. "But it's been going on, it's important to understand that this is a global phenomenon."

*Roche is a 3L*



**Forte appeared on CNN, WKYC and "Feagler & Friends" discussing Islamic policy.**

Law Review Editor-in-Chief. Goldner, although admittedly biased, sincerely believes the lessons one learns on Law Review "significantly increase the likelihood that you become excellent lawyers."

Work has already commenced for new associates. Associates are required to complete periodic assignments, verifying both the accuracy



and substantive content of citations in upcoming articles for publication. Those who cursed the "Blue Book" last year will quickly make a newfound friend by default.

The most daunting task for new members is "The Note." Associates must complete a 50-page legal article, half content and half citation, on a topic of their choice. These articles must then pass a series of reviews in order to earn editor status for the following year and possible Law Review publication.



**The Hon. George W. White '55, reflects on a portrait of the esteemed jurist, the newest addition to the C-M collection.**

## Fleming unveils portrait, gift to C-M art collection —

The Judge Charles W. Fleming Memorial Scholarship Fund graciously donated an original oil portrait, painted by noted Northeast Ohio artist, Mrs. Norma Fleming.

The subject of the work is one in a series of influential African American men from Northeast Ohio. Judge White was appointed by President Carter to the U.S. District Court for the Northern District of Ohio. White retired in 2000 to assume the position of Director of the Cleveland Browns Foundation.

Former Fleming Scholarship recipients Pablo Castro '01, 4L Larry Jones and 3L Marquette Johnson were in attendance.

## Bar Codes —

C-M alumni victoriously returned to campus recently to celebrate their recent passage of various state bar exams. Among those seen and heard included former *Gavel* Editor Kevin Butler, *Gavel* staffer Maureen Connor, former Moot Court Governor Chrisanna Blanco, Hallie Deegan, Mary Sullivan, Maggie Tomaro, Sean Lavin, Adam Van Ho, John and Kelly Kress, Jennifer Braman, John Powers, and Brian James Kenney.

The 67 percent from C-M who passed the July 2001 exam will be sworn in Nov. 13.

The deadline for 2Ls to file their character and fitness applications for the Ohio Bar is Nov. 13.

## SBA blood drive —

The Student Bar Assoc. is hosting a blood drive with the American Red Cross on Nov. 6.

## No Vet's Day at C-M —

Despite being part of a state university, C-M will NOT observe Veteran's Day, Nov. 12. Classes will be held as regularly scheduled.

## More Moot Court —

The annual C-M Moot Court Night is Nov. 8, at 7 p.m. The intramural competition is a tune-up for nationals competition. Former Moot Court adviser, Professor Stephen Werber, will be among the judges.

## WLSA silent auction —

The Women's Law Students Association is hosting their annual silent auction Nov. 15 beginning at 11 a.m.

## Give thanks for the break —

Thanksgiving break for C-M students starts starts early this year, beginning Wed., Nov. 21.

## 1L Oral Arguments —

Oral arguments for Professor Beverly Blair's Legal Writing class, L793, Moot Court Room, Nov. 28, 1:00 PM - 6:00 PM.

*NIB Compiled by Frank Cwiklinski, Tricia Hurst, Ed Pekarek and Clare Taft.*

*Have an event or news tip? E-mail the Gavel c/o "Notes in Brief," gavel@law.csuohio.edu*

## SPILO:

### Continued from page 1-

of terrorism." He concurred with Justice John Paul Stevens' view that government not yield to the religious precepts of the majority. He proposed that the Supreme Court stay as neutral as possible without a jettison of civil liberties.

"We'll get through this," Wilson said. "Holmes may become good law again."

Inniss described current immigration law as troublesome because the Dept. of Justice and the Dept. of Immigration and Naturalization Services "wear many hats" and require more funding.

Inniss agreed that the new anti-terrorism act could help

*PMBR Ad*





## What is so Socratic about the method?

Socrates would probably roll over in his grave and obscenely gesture at the legal education establishment if he saw what was being pawned off as his work.

**Mat Rieger**

*The Staff Infection*

As one of the world's great philosophers, Socrates employed a dialectical method of teaching, seeking truth and enlightenment through conversation. This has come to be known as the "Socratic Method." While law students may be familiar with the term Socratic Method, it is unlikely they know much about the method itself.

For years, law professors have used the term Socratic Method incorrectly to describe an intimidating, often humiliating, question and answer teaching style. Conversely, Socrates never resorted to the use of threats like, "Answer my question or I will reduce you by half a letter grade."

Many law professors, whether knowingly or not, place undue pressure on their students, frustrating the learning process. In particular, first-year students are placed on the spot, forced to answer challenging, often convoluted, questions.

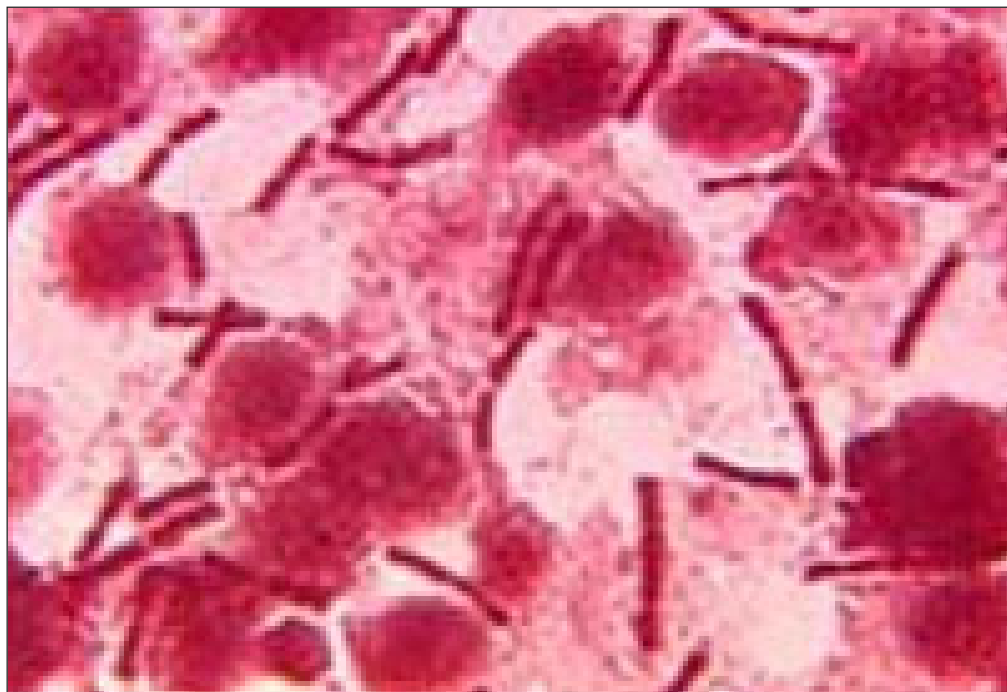
Moreover, many law students get the impression that the so-called Socratic Method functions more for the amusement of the professor than it does for any real educational purpose. Yet, nothing in the Platonic dialogues suggests that Socrates sought to satisfy any such sadistic longing.

Socrates goal as an educator was to teach his students to think for themselves. Law students, however, are required to cite nearly every idea they entertain, and there is little reason to believe that students are being taught to think for themselves when they are constantly berated with the query, "What's the issue of the case?"

In sum, the Socratic Method as it applies to law school is neither Socratic nor method. Rather, the deer in the headlights approach employed by many law professors appears to further no practical purpose other than serving as an economical check and balance to make sure that all students are doing their homework. And this seems a little juvenile at this stage of the game.

None of this is to say that C-M or any other law school, should change. But, in a professional setting where words seem to have an almost empirical significance, perhaps we should all get our terms straight.

*Rieger is a 3L*



## Acting on Anthrax

### Are we ready to give up our civil liberties in the name of safety and security?

A pride of lions, a flock of seagulls, a school of fish, a herd of buffalo; these are reference terms that we are familiar with. We are beginning to understand why they refer to a "strain" of virus. Who could have known that we would reach a point in our society where you could sit at your desk, open an envelope, have a bunch of white powder fall onto

**Michael Cheselka**

*The Weak in Review*

your desk and be relieved to discover that it is only cocaine?

Our nation struggles to regain a sense of balance, all the while realizing that normal has always been a tenuous term at best. Life has never been fair. You walk down the street and find a twenty, only to get your car and find a parking ticket. We

will probably never be able to comprehend why on Monday, Tuesday, Wednesday, Thursday and Friday you can get a million things done at work, but on Saturday and Sunday after you get out of bed, brush your teeth and pet the dog, you discover that it is already dark outside.

We have relied on knowledge to help find an ordered way out of the chaos of blissful ignorance. We have camped under the waterfall of news and in-

formation where "the medium is the message." We are discovering water, water everywhere but not a drop to think.

How reassuring is it to have the president tell us that the best we can do to keep the economy moving is to spend like there's no tomorrow? How helpful was it to be told that it was safe, again, to fly on the same day that the federal government authorized the military to shoot down civilian aircraft? Why do the hometown channels run stories out of Washington designed to reassure us that our present dangers are contained and then follow them with local investigative reporters speculating wildly over what we should be afraid of next?

Our thirst for split-second reporting launches simultaneous second guessing. How can you invite the Afghani people to overthrow their government and not suggest that they work with the Florida Secretary of State? How will knowledge make its way out of the wash when the machine is stuck on the spin cycle?

The patriot bill has just been passed. Federal authorities now have the mandate to place homes, cell phones and e-mail accounts under surveillance without notice. We are ready to be saved from biological agents, but are we ready for life under the microscope?

The biggest threat posed by all of those tiny germs and spores might just be their power to force us all into a yet unimaginable and indefinable mode.

*Chesleka is a 4L*

## Letting freedom ring through the holidays

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

—Benjamin Franklin

A friend of mine told me that

he saw a poll on Netscape's homepage that showed 31 percent of respon-

dents were willing to cancel Halloween this year. I tried to find the poll results but couldn't. Nevertheless, of this 31 percent, I wondered: How many did not let their children trick-or-treat?

I raise this point days after the most expansive anti-terrorism bill in U.S. history was signed into law. Understand also that the provisions in this bill, while ostensibly written to help law enforcement stop terrorism, will probably not be used solely against terrorists. When has the government ever minded its boundaries?

Moreover, it's possible that an American could have his home searched and seized without his knowledge, according to U.S. Rep. Bob Ney of St. Clairsville, Ohio. U.S. Reps. Stephanie Tubbs Jones and Den-

nis Kucinich joined Ney voting against the bill. Constitutional challenges are certain to arise.

Constitutional challenges should arise. While we all want to be safe and secure, we should remember that a strong government that moves fast is a dangerous government indeed. History is riddled with examples in which powerful governments that acted quickly against their own citizens, resulted in the latter's oppression and destruction. While we all want the feds to find the culprits, we need to be mindful of our constitutional rights. We also need to remember that the rules of engagement we construct now will be with us in the future. Let's not overreact. Remember, the current rules didn't work. The FBI and the CIA were aware of the possibility of these hijackings before they occurred; each now blames the other for letting it happen.

This bill is only one of many efforts by the government to stop terrorism. With victory not clearly defined, the precise boundaries for a war on terrorism remain to be drawn, at what point will the government stop?

Some things will not stop. The air is increasingly cooler. The leaves are beginning to fall. The Browns are playing, and there's a good chance they'll lose. *In the playoffs.* The first shipments of that tasty copper-colored cider have arrived at the grocery stores. (I like mine warm, in a mug, with a cinnamon stick.) Soon holiday music will play, we will eat turkey and Christmas will arrive. These are a few examples of things to look forward to.

However, no speech, no victory, no bill, will ever make us feel completely safe to enjoy the holidays. We were naive if we thought we ever were completely safe. Regardless, we cannot let these terrorists convince 31 percent of us to forego the holidays or our freedom. If we do, then our way of life become more and more like those who live under the Taliban.

American life is good, and it should continue largely as it has. No one celebrates the upcoming holidays like we do. And why shouldn't we? After all, it is the most wonderful time of the year.

*Petrus is a 4L*



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Our country needs symbols of strength. The deeply emotional performances of “God Bless America” sung by various NYPD members during the World Series are some of the most patriotic and uplifting scenes I’ve ever witnessed. Our

**Rob Guillermo**  
*Guest Column*

country needs to show the world that life will go on. If this begins with our National Pastime, then by all means, play ball!

For many at C-M, baseball in October means talk about the Tribe in 2002. Nobody around here seemed to want to talk about the World Series. It’s the same old story: the Yankees at it again for the fourth straight year. But consider for a moment how much more this particular Fall Classic represented. Yes, the Yankees were once again the focal point of the World Series, but for exceptionally different reasons. These Yankees were playing in the aftermath of Sept. 11. These Yankees represent the people of New York, the same people at the core of our nation’s grieving. The 26-time world champions were playing for much more than another title. The people of New York, their despair, and the thousands of victims weighed heavily on the Yankees’ minds.

I visited with three friends from Manhattan last weekend. New Yorkers are a toughened lot by necessity, the daily grind of the city leaves one with few alternatives. Although my friends are no exception, that weekend I sensed their hurt and the void left behind from the demolished towers. That fateful morning, my friend Jimmy was working on the floor of the New York Stock Exchange, blocks from “Ground Zero.” “Nothing shuts down the Stock Exchange,” Jimmy said. But he followed that thought with a pregnant pause and a blank stare while slowly and dejectedly shaking his head. He recalled not knowing what to do or where to go, not feeling safe inside or out, where he couldn’t believe his eyes. Another friend, Kristie, worked at St. Vincent’s, the closest hospital to “Ground Zero,” until almost 3 a.m. that day. She focused on aiding those



## “Yankee Mystique”

in need, but all the while, the horrific news she knew would inevitably arrive shrouded her in deep concern. She grew up in Rockaway, a quaint suburb miles from Manhattan, and an entire story unto itself. Rockaway is a town known for its generations of firefighters. The local joke is that there’s a firefighter in every other house. In the days after the attacks, over 70 Rockaway citizens were missing. The number of funerals her family would attend following the attacks is probably more than most people will attend in their lifetimes.

Luckily, my two sisters who work in Manhattan were not hurt. I anxiously called both of them to confirm their safety shortly after the first plane hit. My sister Geri, sitting at her desk blocks from “Ground Zero” had a direct view of the devastation. She heard the first crash and wit-

nessed the second plane’s impact. What she saw after that only worsened: flames and molten steel dripping from the tower, a man at a window near the gaping gash, frantically waving his jacket before plunging to his death. The most horrific sight she saw was a man and two women jump from the tower with their arms interlocked.

My other sister Grace, working at the Times Square offices of Morgan Stanley, was also safe, but understandably concerned for colleagues working in the firm’s World Trade Center offices. Little did she know how many would lose their lives.

My third friend, Jen, lightened the mood. Jen is the official babysitter for the New York Yankees. Someone has to watch the players’ kids during home games, and Jen is lucky enough to be that person. As we started

talking baseball, we were offered a reprieve from the melancholy.

Perhaps that’s what the Yankees are for many grieving New Yorkers, a breath of fresh air. According to Jen, the Yanks understood their role this post season. They wanted to win not only because they were the defending champs, but because they knew how many were counting on them for something to cheer about. Derek Jeter recently said, “baseball is not going to heal the world or the city. But if we can give people something to cheer about then that’s what we’re here to do.” The Yankees’ fight for a fourth straight world championship was fueled by hopes of survivors to host a ticker-tape parade in defiance of the cowards that stole so much from so many. And as a result, these Yankees demonstrated to New Yorkers and the rest of America how to battle back from adversity.

Perhaps Joe Torre said it best. “This season, there was no question that we drew strength from the city of New York, and the

NY on our caps represented more than just baseball fans, it represented New York City and all of America because of what we’re fighting back from.”

No one has epitomized these sentiments better than Rudy Giuliani. The mayor has been a pillar of strength and leadership for New York and all of America. His visibility in the post season, even embracing Joe Torre on the field after victories, instilled the pride and courage New Yorkers need to cope and endure.

As history reflects on the 2001 World Series, we may not talk about the Yankees dynasty. But Americans will certainly not forget the team that played for much more than a mere World Championship. Forget those damn Yankees? Not this year Tribe fans. These Yankees have been immortalized, win or lose.

*Guillermo is a 2L*

World Series distracts New Yorkers, giving them something to cheer for.

*AP/WorldSeries.com*

## En banc court to hear challenges to U of M undergrad and Law admissions policies

Not long ago, an article was written on diversity as a tool and how to attract more qualified minorities. It received some positive feed back while sparking some interesting questions. However, some students questioned the meaning of “qualified.” According to Sandra S. Yamate, director of the ABA Commission on Racial and Ethnic Diversity in the Profession, the meaning of qualified when applied to lawyers of color, rarely includes or makes excep-

tions for work or life experience, natural talent, interest and aptitude, or determination, but rather a focus on class ranks, academic honors or significant journal experience.

For those who are concerned, reason rests on their side. Schools from Boston to Florida are holding debates and making decisions concerning admissions practices for individuals considered to have come from diverse backgrounds. Concerns are growing over the num-



*Concerns are growing over the number of non-minority students being denied admissions*

ber of non-minority students denied admission as schools seek more diverse student bodies.

The University of Michigan is currently in the middle of litigation challenging their under-

graduate and Law School admissions processes. Arguments were scheduled for Oct. 23, but in an astounding move, the 6th Circuit Court of Appeals ordered that the cases be heard *en banc* rather than by panel.

This move by the court could prove to be one of the most important since busing was enforced. It is clear that this issue carries great value for future students across the country. This is one issue that law students of the 6th Circuit can certainly get in-

## Making the Bush Presidency

**By Frank Cwiklinski**

STAFF WRITER

Throughout history, a president’s legacy has been defined by crisis. This one will be no different. Less than a year ago, the debate hovered around re-counts, chads and legitimacy. Commentators groaned that this administration would neither shed that stigma nor build coalitions for change. Today, a president once chided over his choices of advisers, who had been described as “old school” and domineering, is being heralded for having such competent staff on which he can rely.

The test of the Bush presidency has hardly begun, yet through this crisis he has emerged as a very different man. He is much different than anyone expected to see after his inauguration. My personal observations see a president truly sincere in his prose and whose resolve is squarely grounded in faith. He is a man who does not need to say “I feel your pain,” because you see it in his face. Most importantly, he’s a leader who feels natural among average Americans.

Bush’s prose tells only half the story. Critics during the election correctly and painstakingly questioned his lack of experience on the international scene. Yet, you cannot fault the man for recognizing his weaknesses, surrounding himself with the likes of Powell, Rumsfeld, Cheney and Rice, and then not letting ego cloud his judgment when heeding their advice. Despite Bush’s inexperience, one can hardly argue that this administration has missed a step.

Bush’s legacy remains in its infancy. But, if the past six weeks are any indicator, fate dealt us the right man to rise to the occasion and meet the challenges that remain.

*Cwiklinski is a 3L*

involved with. The Univ. of Michigan will become a landmark for future legal issues surrounding admissions. Precedent is about to be made, so pay attention!

**Michael Hudson**  
*2L*

### Concur? Dissent?

e-mail

GAVEL@LAW.CSUOHIO.EDU  
Submissions must be signed.  
We reserve the right to edit for space and clarity.



## Everything you always wanted to know about Moot Court

\*Part II

By Karin Mika

*Q: What academic credit does one get for Moot Court?*

### Legal Writing

Students who are chosen during their first year will receive three credits for Advance Brief Writing that extends through the summer and fall semesters of their second year. These same students receive three moot court credits and two moot court board credits during their third year.

Students who are chosen during their second or third evening years will have either already received two credits for Advanced Brief Writing or be in the process of doing so and will receive one credit for the competition. These students will receive three moot court credits and two moot court board credits during their third year.

*What is the Moot Court Board of Governors and what are the obligations once a student is on Moot Court?*

Moot Court is a student organization; thus, it is essentially run by a student board. This board has officers who are responsible for delegating duties, including judging practice rounds, coordinating an annual Moot Court Night, recruiting alumni judges for practice rounds, grading and judging for both the first and second year competitions, etc. Because Moot Court is a graded subject, there are administrative hours required in order to receive a good grade.

Generally, a team will have four weeks to research and prepare a 30 to 40 page appellate brief. Thereafter, the team will generally have two to three weeks of practice oral arguments before going to the competition.

*Why should a student desire to participate on Moot Court?*

It looks good on a résumé. Moot Court members, like college fraternities and sororities, are a close knit group who may prefer their own in a hiring situation. In addition, an employer who sees Moot Court on a résumé knows that student has had practical legal experience.

However, there is more to it. It is human nature to want to receive acknowledgement for a job well done. Even if the team wins no awards, there is still a feeling of success because it is a considerable achievement to have been chosen for the team. It develops a camaraderie that has few equals in the profession of law.

*Mika is the C-M Moot Court adviser.*

## Her mettle is forged from Iron

I am a 1996 C-M graduate working as Associate Counsel at IMG in Cleveland. IMG is a sports and entertainment management company. I love my job. Yet, I did receive some good advice while in law school and it really rings true — don't let your job become your life, even if you have a great job. As lawyers, it is easy to let this happen — we tend to work many hours at the

### Alumni Advice

office, at home and on weekends. To be sure, we have awesome responsibilities to our employers, clients and families. But don't forget about yourself.

My outlet is competitive sport — more specifically running, cycling, duathlon, triathlon and hiking. I am lucky to have friends and a boyfriend that I can share these interests with and to travel to and from events with — it is my saving grace. I am able to train during the week in the mornings, at lunch and after work, whichever works out best. I really get in most of my training on the weekends. Like your work responsibilities, make your outlet — whatever it may be — a priority. What you may not realize is that it will likely make you a better lawyer because you will be happier, healthier and hopefully, less stressed. Further, setting goals outside of work can help with the way you set and meet professional goals.

While it may sound corny, one race that I completed provides a good metaphor for going the distance at work and in life. The race is the Ironman triathlon. The Ironman consists of a 2.4 mile swim, 112 mile bike ride and a 26.2 mile run. This race requires about one year of base training, good nu-

trition and a persevering mindset. The Ironman triathlon I participated in was held in Lake Placid, NY on July 30, 2000. As you read my summary of the race, note the parallels to skills we all use in our jobs, at home, at school and in life in general.

The race started on a cold morning with a dense fog. After the national anthem, I swam towards the start line then “bang,” the Ironman began! The crowds were loud and the water was freezing. As I finish the long swim, I was far behind the leaders, but the crowds were still enormous, yelling and cheering for me.



OIZ.COM

By Julie Lewis

the cycling portion of the race, which is 112 miles, of two loops of 56 miles, through the Adirondack mountains. Ouch. When I started, I felt low on energy. After some nutrition, I felt much better. I could see other race participants the entire time. I got a tad bored after mile 80 but I never, not once, thought about stopping. I pushed on towards mile 112 and after 7 hours on the bike in the aero position, I thought my head would snap off when I lifted it.

The bike to run transition was different — I was feeling tired. I sat down and began to think about the marathon. “Pace yourself,” I thought. There was a downhill, and all seemed to be right with the world until I hit the inclines. I pressed on talking to a few runners and taking in the scenery of the

Olympic ski jumps, the mountains and the lovely homes. As with most endurance events, you have a lot of time to think, but I began to think too much. I knew I was going to finish, but wondered why I didn't I go faster? Why didn't I push harder? I knew I could have biked and ran faster if I wanted to. But then again, I just wanted to be sure I finished. I keep telling myself that I trained to finish, and a fast time is merely a bonus. At mile 19, a guy with a cooler sat by the side of the road with a sign “Beer for all Ironwomen.” I passed on the beer, but couldn't help thinking what a great pick-up line that was. The finish was at the Olympic speedskating oval, using the same finish line location (sans ice) that Erik Heiden skated over when he won his gold medals in 1980.

As I entered the oval for the finish, I could hear the crowd going crazy! I turned the corner and the announcer yelled my name: “Julie Lewis from North Royalton Ohio.” That's me! I couldn't believe it! The crowd couldn't believe it either, or so it seemed. I ran the last 100 yards with the finish banners and grandstands and people holding out their hands for high fives. I thought, why couldn't this finish area be a mile long?

May I always recall the feeling of accomplishment and pride, happiness and fulfillment, fitness and heightened senses. I finished the Ironman! I am an Ironwoman!

I stepped across the finish line — yes, this is it — but was it really be over? I felt totally calm and at peace. I stopped running and realized I couldn't move my right leg — my right calf was cramped beyond belief. I walked off the cramp. I went to the massage tent and found a spot in the Jacuzzi. My mom, boyfriend and aunt were so very proud and hugged me with genuine delight. What a day.

## Taking the road less traveled to New York City

By David Milite

CONTRIBUTING WRITER

I always dreamed of being a lawyer. After graduate school I became a legal assistant for a large international law firm in Cleveland. Subsequently, I received acceptance into C-M and moved one step closer to my dream. But, after my first year, I decided I needed a break. So the day after finals, with a handful of résumés, I boarded a bus and moved to New York City.

I moved in with friends on the Manhattan's Upper East Side, two blocks from the Metropolitan Museum of Art. Although the apartment was small, I lived with a friend from Cleveland and two actresses in a summer-long “Friends” episode.

The first week in New York, I began a rigorous job search while enjoying the city's incredible lifestyle. Ul-



COURTESY OF DAVID MILITE

timately, in one afternoon, I was both interviewed and hired by an agency as a temporary legal assistant to work in large firm litigation support. I was fortunate enough to work with three international firms: Shearman & Sterling, Sullivan & Cromwell, and Cravath, Swaine & Moore. One of the cases I worked on was the Microsoft litigation, which definitely held my interest. Nevertheless, litigation support can occasionally be tedious.

It was fun and exciting to be someplace new. I made time to visit the museums, take in plays, fish for shark, go to the Belmont Stakes and the Hambletonian, spend the Fourth of July on the John F. Kennedy aircraft carrier, enjoy baseball games, bike ride in Central Park and take in the incredible restaurant and dance scene. The fun was unending.

The one thing I did sacrifice was space. Near the end of the

summer, the apartment became a little small. I moved downstairs with a friend who is a massage therapist. I'll never forget reviewing documents until late at night and telling the rest of the litigation team members I was going home to get a massage.

I've often paused in amazement at what an adventure this really turned out to be. I never regretted my decision.

My advice to young law students is to be enthusiastic, aggressive, take risks and have confidence in yourself. Employers like those traits and characteristics in a future employee. The laughs, fun times and adventures were non-stop, just like the pace of New York. Try it for yourself and find out. Take the road less traveled, and it will make all the difference.

This was one of life's experiences that I will never forget.

*Milite is a 3L.*

*Bar Bri Ad*



# Filling the intellectual property niche in Cleveland

## Practice Profile

*Fay, Sharpe, Fagan, Minnich, and McKee is a "boutique" "IP" firm in downtown Cleveland. The firm has 35 attorneys on staff. Chris Fagan and James McKee are senior partners. They were each asked nine questions about the practice of intellectual property law in general, and here in Cleveland.*

*Here is what they had to say.*

**Q:** *How long have you been in the IP field?*

**Fagan:** I like to say my patent career started as an Examiner in the Patent Office in 1963 while I was still attending Law School at Georgetown, but I didn't become a member of the Bar until 1965.

**McKee:** 33 years

**Q:** *What major changes have had the greatest impact on your practice?*

**Fagan:** I go back to 1982 when the Federal Circuit was formed. The formation of the Federal Circuit was unquestionably the greatest impact on the practice of patent law in this country. What it did was put

patent law in the hands of a central appellate court in this country, which prior to that, the holdings were helter-skelter between the circuits. It unified the body of patent law and, at the same time, created an environment in which patent owners were winning much more often in court.

**McKee:** There has been a major increase over the last five to 10 years. I think that the competition inherent in the global market economy has caused the cost of goods and services to become much more competitive. This has caused companies to become much more inclined to both protect and defend in litigation their intellectual property rights.

**Q:** *How would you characterize growth in the field?*

**Fagan:** Patent may still be the hottest area in the practice of law today. It is unquestionably growing. People are becoming more aware of what IP can do for them. The increase in competition is

causing people to look for ways to create a market niche, and court enforcement of IP rights is occurring today that just wasn't



happening 25 years ago.

**McKee:** All areas of law have ebb and flow of what is "hot," but for the moment I definitely believe we are in a growing area of the law. However, economic conditions do play a factor in how much money companies spend on their IP assets.

**Q:** *How do you view the IP market in Cleveland?*

**Fagan:** Relatively few lawyers practice in this area. The practice of patent law is necessarily limited to those attorneys who have an undergraduate technical degree. The number of attorneys who have this undergraduate technical degree is, I believe, a constant from year to year. The demand is rising, but I think the number of attorneys who are registered to practice before the patent office is roughly the same as it was 15 to 20 years ago.

**McKee:** The number of older companies, the "nuts and bolts" companies are moving out, but if Cleveland as a whole is successful in refocusing its area of concentration, say in the Biotech market, Cleveland could be a real hotbed in the future. However, other IP firms, and we ourselves, are not limited in our clients to the Cleveland area, the competition for clients is becoming more national.

**Q:** *What can individuals do to prepare for IP practice?*

**Fagan:** Try to get hooked up with either a firm or corporation that has some exposure to the practice. I am excluding going to the patent office itself, and working as an examiner, which I think may be the best experience you can get.

**McKee:** Since we start to train our attorneys from scratch, there is really no way to truly prepare. We like to see applicants who have some time in their field. Who have some practical experience and some maturity; someone who knows what its like dealing with people on a daily basis in a business and technical type environment. Absent that, clerking at an IP firm and taking some of the new IP type courses can be helpful in getting a student the experience that IP firms find attractive.

**Q:** *What do you look for in a prospective IP clerk?*

**Fagan:** The type of undergraduate degree, depending on the need at the time. If we have a lot of chemical patent work, for example, we may be looking for someone with a chemical undergraduate degree. A solid technical background with good school performance is important, as well as the ability to take technical concepts and explain them in common sense terms.

**McKee:** Intellectual property law is a very broad definition, encompassing a wide variety of practices. You have to have a technical undergraduate degree or be able to demonstrate that you have a wealth of technical experience to even be able to take the agency exam, and then of course you have to pass the patent bar to be able to practice patent law. I think patent law is the only area of law which still

has a separate bar exam. To work in copyright or trademark, you just have to be hired by a firm who practices in that area.

**Q:** *What can a first year associate expect upon entering practice?*

**Fagan:** First year, one will encounter a heavy caseload of patent prosecution; that is meeting with the inventor, understanding the invention, drafting the subject matter of the invention, drafting the claims of the patent, outlining the precise limits of the invention. It can be kind of tedious deskwork, and it requires a good bit of attention to detail. I think that you can't understand other areas of the practice such as litigation or licensing, areas that some people may consider more exciting, unless you have a good understanding of the basics: drafting, preparing, filing, and prosecuting patents.

**McKee:** First year associates tend to do a lot of background work in litigation when they enter the IP departments at some of the larger firms. Smaller firms, by that I mean boutique firms, will probably start new associates in the aspects of patent prosecution, that can be interrupted, however, if a big piece of litigation comes along. Some smaller firms do strictly prosecution, completely avoiding litigation altogether. So it really varies with the type of firm you join.

**Q:** *What advantages does IP practice provide?*

**Fagan:** The main advantage is you have a solid area of the law that has come into its own in the last 25 years, which should continue to grow, coupled with the limited number of qualified practitioners.

**McKee:** Once again, I think it varies with the type of firm that a person joins. I think it is a function of the individual's personality. If an individual is drawn to trying to gain clients, trying to build the firm, someone who likes working alone and determining their own destiny, then they would be a good fit for a boutique firm. Someone who doesn't mind working primarily for others, or doesn't want to go out and drum up their own clients may be better suited to a larger firm environment.

**Q:** *What are the disadvantages of IP practice?*

**Fagan:** If you don't like technology, or you're not willing to devote the time and attention to detail required to be a good patent attorney, this type of work is not for you.

**McKee:** It again depends on the personality of the individual, and the type of firm they practice in. I think the most important thing for a young person is to understand who they are, what their interests are, what their goals are, and then to choose any area of law, and the type of firm they practice in accordingly.

# 3 X 8

## Wilton Sogg



**W**hen I parked my car and walked to the high iron gates of the house at 4308 Franklin Ave, known as the "Franklin Castle," the exterior didn't really look like the gloomy house I expected to find.

According to Cleveland legend and lore, the home has a history bloody enough to give Stephen King time to pause. Partially based on that history, the castle has earned a reputation as the most haunted house in Cleveland.

The house is said to be plagued with a spectral sampling complete with doors that explode from their hinges, footsteps that tread ceaselessly up and down the halls, disembodied voices, flickering lights, doors that open and close on their own, fogging mirrors, ghostly organ music, the sound of breaking glass and objects vanishing only to reappear in unexpected places. Neighbors have reported seeing a woman in black at the tower window and the room in which the family maid was murdered is said to echo with the sounds of her choking.

The home's history began in the 1860s when it was built by Hannes Tiedemann, a German immigrant and tradesman-turned-banker. After founding Euclid Avenue Savings and Trust, Tiedemann commissioned one of the finest architectural firms to build the Queen Anne-style home. The house boasts four stories, 20-plus rooms, numerous fireplaces, a carriage house, a ballroom complete with a musicians' gallery, turret rooms, gargoyles and secret passageways. It is believed that some passages have yet to be found.

After its completion, Tiedemann moved into the home with his mother, his wife



ED PEKAREK-GAVEL

## Franklin Castle's Creepy Legacy

Home's past includes urban myths about original owner

By LeA Schemrich

Luise and their children. Despite his stature in the community, folklore painted a portrait of Tiedemann as a sadist, capable of violence and perhaps, even murder.

In 1881, Tiedemann's 15-year-old daughter Emma and her mother, Wiebeka, died in the house within weeks of each other. During the next two years, three more Tiedemann children mysteriously perished. Although officially declared as natural causes, it was rumored Tiedemann hastened their departures, especially young Emma who is said to have been found hanging from the home's rafters.

The death of the family maid, reputedly a Tiedemann mistress, has also been attributed to Tiedemann. It is most widely reported that Tiedemann tied, gagged and strangled the maid in an effort to force her to reconsider her decision to marry another man. Another account is that Tiedemann hacked her to death with an axe.

After Luise died in 1895, Tiedemann sold the home to a German family named Mulhauser and they lived in the

home until 1913. The castle was later purchased by a group rumored to be Nazis, who used the house for parties, meetings and spying. Stories circulated that during their residency, differences in political views led to 20 people being machine-gunned to death in a secret room.

For 55 years, the house was uninhabited until 1968 when it was purchased by James Romano and his wife. Shortly after the couple moved in with their children, spirits began to make their presence known. The Romano children described a new friend in the castle as a young girl, who wore a long, funny dress. The Romano children reported seeing their transparent playmate on many occasions, and Mrs. Romano is reported to have heard the small child's plaintive cries.

The Romanos subsequently called upon the services of a priest. He rejected the family's request for an exorcism but felt the home was under the grip of an unholy presence. He advised the family to move.

Desperate, the Romanos turned to the Northeast Ohio Physical Research Society, which sent out a team to investi-

gate the house. The organization reported that during the investigation one team member fled the home in terror.

The Romano family moved out in 1974 and sold the house to Rev. Samuel Muscatello. The Reverend planned to convert the mansion into a church. After learning of its history, however, Muscatello opened the home to tours in order to finance the renovations. Muscatello was said to have found a secret passage that led to a hidden room. The room was filled with human remains, supposedly belonging to children. One theory was that the remains were medical specimens.

During one tour, Cleveland radio personality John Webster visited for an on-air broadcast. He claimed that while walking up a staircase something tore his tape recorder from a strap over his shoulder and flung it down the stairs. Moreover, a television reporter witnessed a hanging ceiling light that suddenly began turning in circular motions.

Muscatello sold the castle to Cleveland Police Chief Richard Hongisto. He and his wife lived there for less than a year before ownership was taken over by George Mircatra. He owned it until 1984. Mircatra resumed tours through the house. It was then purchased by Michael DeVinko in Nov. of 1984.

Michelle Heimburger calls the Franklin Castle home today. She purchased the mansion in 1999. Heimburger has begun restorations but was stopped by an arson fire in November 1999. The house is currently again under restoration and may soon be re-opened for public viewings. *Schemrich is a 4L*

## Jacob's Field to host 2002 Barristers'

Daniel Markey

CONTRIBUTING WRITER

Well, the long awaited C-M tee shirts and jackets are in. Back by popular demand, these best-selling



### SBA Briefings

items will make great gifts for friends and family of C-M students. If you pre-ordered anything, look for your Student Bar Association representative and pick it up. If you still wish to order a shirt or

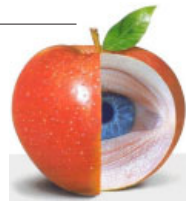
jacket, it is not too late.

OK, enough shameless clothes mongering. In case you hadn't heard, this year's Barristers' Ball will be held in the Terrace Club at Jacob's Field, Saturday, March 2, 2002. We hope to put on a great show for everyone. If you have any comments or suggestions, feel free to leave them in the SBA suggestion box. Decisions on such matters have not yet been made.

I would like to take a moment to thank Frank Cwiklinski for his help for New York restaurants and to the members of SPILO for their assistance with the Brooklyn Law School. In times of crisis, it is individuals that direct collective energy and make a difference. Many students at C-M have come forward and contributed to the national community. These are just a few great examples of individuals and organizations shining light in the face of darkness. We should be proud.

It looks as if many of our traditional student organizations will be charging ahead in the new year. As history teaches though, interest in various student organizations waxes and wanes from year to year. I would like to challenge the leaders of all student organizations to make a commitment this year to effectively recruit, maintain and promote the future leaders of our student organizations. In order to do this, groups will need to work hard and spend time getting their message out. Additionally, doing some homework over the summer would be wise. Organizations who delay reactivation until October frequently find that they are behind the eight ball when it comes to budgetary considerations and other concerns. We want all groups to be involved in advancing our agenda. The SBA is here to answer questions that students may have about the creation and operation of student organizations. Please contact the SBA if you're interested in learning more.

*3L Markey is SBA president.*



## Focus On: Maureen McGuire

## Marathon runner is taking life and law school in stride

**Note:** "Focus On," is a regular feature of the Gavel, profiling some of C-M's more interesting people.

**When/where do you train?** I start my day with a run. On weekends I do long runs. Metroparks and my neighborhood in Lakewood. I love running on Edgewater and Lake Roads.

**How do you change your diet for training?** I make sure to eat whatever and as much as I want when training. I do indulge in as many hamburgers and beers as I want - it's the perfect protein/carbo mix.

**How many miles do you run weekly?** It ranges from as few as 15 miles to 35 miles a week. When not training, I generally run 3-4 miles every other day.

**Do you run alone?** I run with my golden retriever on the shorter weekday runs. Otherwise during the long weekend runs I enjoy the quiet time of running on my own.

**How does running benefit you as a law student?** Running is a way to cope. There were many days that school (especially during 1L) felt like one long, never ending run. It reminds me to handle school like a marathon

and break the three years down to one day, one semester at a time, just like I break my runs down to one mile at a time. It is also a reminder that I have the discipline to achieve any goal I decide to set for myself. Running, like life or school, is more about attitude and determination than talent or ability.

**What place did you finish in the Chicago Marathon?** I placed 14,873rd of 28,760 finishers and 874th of 2365 in my age group.

**Do you have any philosophy about running and life?** Just like life, there are moments while I am running when I feel tired and

discouraged but I always improve if I keep moving forward.

**What was your time?** My finish time was four hours, 18 minutes.

**What do you hope to be doing down the road?** Running down roads in cities and places like Dublin, Big Sur, New York City, Paris and New Orleans.

