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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 to the fund. The evening was 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 to the fund. See STUDENTS, page 3

You Should Know

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 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 145 passing. Of the 145 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 anchor Bill Martin moderated the event, “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, deems 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; budge 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 added 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

Running from the Law

Julie Lewis ’96 maintains a life beyond her career by running, swimming and biking as an Ironwoman.

CAREER, PAGE 8

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 rushing to a nearby fire station 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. "The Court is taking a beating now," said Wilson, who teaches First Amendment law.

Wilson reiterated the Holmesian aphorism that says "feel necessities of the time" and "guessed that civil liberties will come under fire in this new era of war."
As lawyers, teachers of law, further susceptible to assault, both framework to address, under the best of times because our Con- and the best of times. It is the even more compelling. In many case of this law school, to re-}

Berkman also lamented what she characterized as, “the invis- ability of the women rescue and recovery workers at Ground Zero.” Berkman was clear to commu- nicate that this is no hair-split- ting 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, alleg- edly perpetrated by a Osama bin Laden and his extremist al Qaeda network. “The many contribu- tions of women at the World Trade Center completely under- cut the genocidal and misogynis- tic 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 difference 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 do- mestic answer to the Taliban,” the Lieutenant said. Pekarek is a 2L.

**Afghan women face “death by darkness”**

By Eileen Sutker

The Taliban in Afghanistan plague women in dark- both literally and figuratively. Forced to live be- hind blackened windows and wear a body-enveloping burqa 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 vita- min D deficiencies and leads to rickets or bone deforma- tion. Although as little as 30 minutes of sunlight exposure satisfies the adult daily re- quirement, these women run the risk of vitamin D depri- vation unless this essential vi- tamin is available in their di- ets. In a very real way, these women are slowly killed by lack of light.

Secondly, the mind-numb- ing lack of human interaction is another form of darkness. 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 societ- ies know that one of the cruellest 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 fe- male.

Further, women may not be treated by male doctors and any existing women physicians are banned from practice because of their gender. Deprived of medi- cal aid, the normally joyous oc- casion of childbirth becomes fraught with all the dangers asso- ciated with medieval medi- cine. So the light of modern medicine is with- held 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 perma- nently extinguished for their sur- viving daughters. These daugh- ters, 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 24 million, frail women to impregnate and many will needlessly die birthing children. If this cycle continues, the Taliban could die out by natural selection and the population would solve itself. But the world cannot wait for this to happen because the current gen- eration of women in Afghanistan deserve to live as human beings. If the American people cared about an issue facing Rus- sian bullets only a few short years ago, then how can we ignore their current war against their own population? Genocide toward one half of an own population is still genocide. Germany had its Na- zis; Afghanistan has the Taliban. The darkness of this terrible re- crimination must be protested by all civilizing 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 no- tables 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.

**Walking the tightrope**

Recounting the Sept. 11 fallout.

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

By Steven H. Steinglass

The six weeks that have passed since Sept. 11 have not diminished the horror or shock of the tragedy that, for many Ameri- can’s, marked passage from a reasonably se- cure and com- fortable present into an uncertain future. In one of my Dean’s fo- rum’s, students asked that the law school sponsor a program in which we might discuss the many legal and humanitarian is- sues raised by the terrorists’ as- sault 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? Leg- al Implications of the Events of Sept. 11,” brought together four faculty members to offer their perspectives on the implications of the attacks: Professors Adam Thorschewell, Lolita Buckner Innis, James Wilson and Tayyab Mahmud, each brought to their subject scholarship and, perhaps, a different understanding or in- terpretation of the event and our country’s reaction. Many stu- dents and faculty attended from the law school and from through- out the university. Whatever else came out of that forum, one thing is indisputable: Though we of- ten see things differently, our community of teachers, admin- istrators and students is strong.

In the wake of the terrorists’ attacks, the threat of bio-warfare and our country’s retaliatory ac- tions, it is important to remem- ber the cohesiveness of our American institutions and in the case of this law school, to re- member not only our personal bonds to one another but our al- legiance 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 Con- stitution 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 world our institutions have rarely seemed more susceptible to assault, both from without and from within. As lawyers, teachers of law, fu- ture lawyers and guardians of the Constitution, we find ourselves often on the front lines. We must study and learn as never before.

**A Taliban ordered public execution in Kabul**

A former White House Fellow in the Office of the Secretary of Labor. Berkman is familiar with fighting for a cause. Twenty- two years ago, earning a J.D. from New York University, Berkman was a litigant in a sex discrimination suit against the New York City Fire Depart- ment. The 1982 legal victory permitted her to be among the first women to display the dress blue uniform of the FDNY which she wore at the C-M conference. She later joined Ladder Company 12 in mid- town Manhattan where she at- tained the rank of Lieutenant.

Berkman described the scene to FWS 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 confer- ence 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 im- pact of “the incident” in a vari- ety 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 can- not be replaced.”
Fried: one year later, wrestling with school and court

Tricia Hurst

4L Alan Fried’s life took a drastic turn on Halloween night 2000. He was at the Basemement in the Flats with friends, doused 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 out 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 a skull fracture and required 120 stitches. Fried spent 30 days in jail and described his probation as “maxed out.” He was placed on five years of probation. He 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, it will serve five months in jail. Friid 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 a leave to attend a wedding where alcohol would be served, and that motion was denied.

The 30 days 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, Fried had 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., Fried thought he had succeeded in that education, paying in cash, pain 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, he 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 his clients. 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.”

“I 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 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 Raymon Pierce finishes his term. Yes.” Pierce further explained that she felt Eckert was the best role model for a woman, but he is a devoted husband and father whose children attend the Cleveland schools. Addressing questions concerning the increasingly hot topic of safety, Pierce stressed the need to incorporate intelligence learned from the Sept. 11 school disasters in New York and Washington, D.C., into Cleveland’s disaster response plan. Pierce also said he needs a new city police force deployment scheme. Pierce delivered his opening statement with Mayor Michael R. White and New York Mayor Rudolph Guiliani in support of the city’s response plan.

When discussing waterfront development, both candidates strayed from stating that Burke’s 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.

STUDENTS: C-M organizations join national aid efforts

Becky’s hosted “Windows of Hope Family Relief Fund,” on Oct. 11, for C-M students to process to the funds. 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 the SBA, played a major role in coordinating nationwide student support. Brooklyn Law School collaborated with C-M students to raise hundreds for the people directly affected by the tragedy. Similarly, other student organizations were encouraged to start 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 well, their ranks and support by the SBA, SPiLO succeeded in mus- tering the support of overseas student organizations.

According to SPiLO, the re- sults of the fund-raising cam- paigns were more than what was expected, including Lillie & Holdeman, Primo Man- agement, Schilling Enamels Co, Corporate Center of the Wincey, L. S. Nexis, Fulton Bar and Grill, Hahn, Loeser & Parks PLL, and Second Law Review, the SBA and the Second City comedy club.

Khalid is a 1L.
Advances to nationals — and national telecasts could help

Anti-terrorism act could help

Many hats” and require more

Migration law as troublesome

come good law again.”

Wilson said. “Holmes may be-
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with Justice John Paul Stevens’

Continued from page 1-

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research

ed in the beginning,”
Smith said, “It is the most prac-
tical experience for future law

practice. Nothing compares to it.”

Forte featured on local and national telecasts —

Professor David Forte made

his mark on CNN’s “Inside Poli-
tics,” WKYC Channel 3 news, and “Feagler & Friends” on WRSV, WVIZ, discussing the Sept. 11 attacks and extremist Islam.

Cheselka Unplugged —

3L and Gavel columnist, Michael Cheselka, appeared on WFMF Fox-8’s “Fox Unplugged” where the morning debate fo-
cused on internet porn in public libraries and the legal conse-
quences 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 Competi-
tion 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.”

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bers, 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.

Kellhofer added that it is a good speaking experience that teaches you to think on your feet, to work with others, and to hone your writing skills. “Everybody thinks about orals with moot court but the brunt of the work is in the writing. It is 50 percent of the score, and you need it to be prepared for oral argument.”

Gavel’s Cheselka mixes it up on “Fox Unplugged.”

Szucs said that is important to be a good writer, to not be afraid to speak publicly and to be a person who can take criti-
cism. “Before you get good at it,” she said, “it’s usually pretty humbling, espe-
cially the oral ar-
guments.”

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 Cleve-

land State Law Review wel-

comed 42 new associates to its staff with an induction ceremony in the Moot Court Room Oct. 5. Associates are chosen annu-

ally by two methods. The ma-

jority of invitations are extended to those who finish in the top ten percent of their class after first year. The remainder of the spots are reserved for future law 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 cer-

emony was led by Editor-in-

Chief Sarah Latty 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

and substantive content of cita-
tions 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,” Associations 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.

Law Review Editor-in-Chief.

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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 ob-

serve 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 compe-
tition is a tune-up for nationals com-
petition. Former Moot Court ad-

viser, Professor Stephen Werber, will be among the judges.

WLSA silent auction —

The Women’s Law Students As-

sociation is host-

ing 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, 1L93, Moot Court Room, Nov. 28, 1:00 PM - 6:00 PM.

NIB Compiled by Frank Csikloski, Tricia Hurst, Ed Peharke and Clare Taft.

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

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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 penned off as his work.

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 for any real educational purpose. Yet, not all the Platonic dialogues suggest that Socrates sought to satisfy any such ludic longing. Socrates goals as an educator was to teach his students to think for themselves. Law students, however, are required to cite nearly every idea they entertain, whatever it means to do so. The Socratic method is used for the sake of teaching law, not for the sake of teaching law.

Moreover, some Socratic methods are placed on the spot, forced to answer challenging, often convoluted, questions. In sum, the Socratic Method as it applies to law school is neither Socratic nor method. Rather, the dean 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 is little reason to believe that students are being taught to think for themselves when they are constantly berated with the query, "What is the issue of the case?"

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ur 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 country needs to see the world that life will go on. If this be-
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 feedback while generating some interesting questions. However, some students questioned the meaning of “quali-

Making the Bush Presidency

By Frank Cwilinski

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 recounts, 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 advisors, who had been de-

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gavellaw@cox.net. Submissions must be reviewed. We reserve the right to edit for space and clarity.

Guest Column

Rob Guillermo

Guillermo

“Yankee Mystique”

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

For many at C-M, baseball in the aftermath of Sept. 11. An article was published.

For the fourth straight year. But the old story: the Yankees at it again for the third time.

"This season, there’s no question that we drew strength from the city of New York, and the NY on our caps represented much more than another title.

The 6th Circuit can certainly get involved, so pay attention! Perhaps Joe Torre said it best. "This season, there was no question that we drew strength from the city of New York, and the story to the occasion and meet the challenges that remain.

Cwilinski is a H.

Michael Hudson

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Part II

It is human nature to want to re-tell stories. Everyone knows that student has a different version of what happened at a particular event. So why is it that some stories have more impact than others? For one thing, a story that is true to life is much more likely to be believed by the audience.

We can see this in the profession of law. Even lawyers who work in the same firm for many years will have different versions of the same event. Some lawyers may remember the event as being very important, while others may not. This is because each lawyer has his or her own perspective on the event.

One of the reasons why stories have such an impact is because they create a sense of shared experience. When we hear a story, we are able to put ourselves in the shoes of the person who told it.

The Gavel 2001

By Julie Lewis

Taking the road less traveled to New York City

By David Mile

Her mettle is forged from iron

I

am a 1996 C-M gradu-

ate working as Associate Counsel at

IMG in Cleveland. IMG is a sports

and entertainment management com-

pany. 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 be-

come your life, even if you have a great

job. As lawyers, it is easy to let this hap-

pen — we tend to work many hours at

the office, at home and on week-ends.

To be sure, we have some awesome responsibilities to our employers, clients and families. But don’t forget about yourself.

My job is competitive sport — more specifically running, cycling, duathlon, triathlon and half-marathon. I am lucky to have friends and a boyfriend that I can share these interests with. Whenever possible, I travel to and from events with — it is my saving grace. I am able to train during the work in the mornings, at lunch and after work, whenever works out best. I really get to most of my training on the weekends. Like your work responsibilities, make your out-let — 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 hope-fully, less stressed. Further, setting goals is a great way to help you to set professional goals.

While I 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 and 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. The swim led to the bike transi-
tion, which went fast and smoothly. I started 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 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. “Race your- self,” 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 go-
ing to finish, but wondered why I didn’t go faster? Why didn’t I push harder? I knew I could have pushed 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 stadium, skewing oval, using the same fin-
ish 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, an Ironwoman from Ohio.” That’s me! I couldn’t believe it! The crowd couldn’t believe it either, or so it seemed. I ran a 100 yard sprint 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 ac-

complishment, relief, fun, fitness and ful-

fillment, fitness and heightened senses.

I finished the Ironman! I am an Ironwoman! I stopped across the finish line — yes, this is it — but was it really over? I felt totally calm and at peace. I stopped run-

ning 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.

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: What major changes 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 "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/competition at your firm?

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 attorneys, 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 on 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 probably be involved in a lot of head end of patent prosecution; that is meet 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 back-end 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 prosecute, 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.
**Franklin Castle’s Creepy Legacy**

By LeA Schemrich

Home’s past includes urban myths about original owner

Luise and their children. Despite her 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 deaths, it is rumored Tiedemann hastened their departures, especially young Emma who is said to have been found hanged 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 1885, Tiedemann sold the home to a German family named Mullhauser and they lived in the house 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 while walking upstairs a turning 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 trans- parent playmate on many occasions, and Mrs. Romano is reported to have heard the small child’s plaintive cries.

The Romano subsequently called upon the services of a priest. He rejected the family’s request for an exorcism but felt the house 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 investigate the house. The organization reported that during the investigation one team member felt the house 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 is said to have found a secret passage that led to a hidden room. The room was filled with human remains, supposedly belonging to a woman. 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 upstairs a turning their residency, something tore his tape re- corder from a strap over his shoulder and flung it down the stairs. Moreover, a television reporter witnessed a hinging ceiling light that suddenly began turning in circular motions. Muscatello took the castle to Cleveland Police Chief Richard Hongisto. He and his brother, who live for less than a year before ownership was taken over by George Micsoftia. He owned it until 1984. Micsoftia resumed tours through the house. It was then purchased by Michael DeVito 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 arson fire in November 1999. The house is currently under renovation and may soon be re-opened for public viewings. Schemrich is a 4L.