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# THE GAVEL

VOLUME 71, ISSUE 4

THE STUDENT NEWSPAPER AT CLEVELAND STATE UNIVERSITY COLLEGE OF LAW

February 2023

## The Name Change: A Long Overdue Victory

**Zachary MacMillan**  
Gavel Contributor

In the middle of last November, the Cleveland State University Board of Trustees voted unanimously to remove Marshall from the name of this law school. Within hours of the vote, emails were sent out to the student body announcing the forward-thinking adjustment. At the same time, banners prepared in anticipation of the vote were unfurled to display for the first time the name “Cleveland State University College of Law,” covering the old lettering of the school’s name on the exterior of the building.

In the following weeks, more emails were delivered to the student body. In these emails were editorials shared by the school administration acknowledging the new name as a success for racial justice. Others were emails applauding the efforts of students at the forefront of the movement. Removing Marshall from the name of the school was a small change but a visible and impactful one.

For many, the change was a victory that was long overdue.

In Summer, 2020, a national petition emerged urging the three law schools bearing the name of Chief Justice John Marshall to remove the name, citing Marshall’s blatant racism against enslaved and indigenous people and his support and active practice of slavery. In response, Cleveland State and University of Illinois Chicago formed committees to begin exploring the possibility of changing the name from their law colleges.



Students Against Marshall Rally  
*IdeaStream*

Within eight months Chicago’s board of trustees had voted to remove the name Marshall from their law colleges, but by the end of Fall 2021, Cleveland State had yet to make a determination one way or the other regarding the name of the school.

Frustrated students who had waited on the school’s process to work met with administration to voice their concerns, spoke with SBA, engaged in a community letter writing campaign, and gathered at a town hall meeting to ask the school administration one question: when would a decision on the issue be reached?

When the administration declined to commit to a specific date to recommend whether the name of the school would change, a new student-led group was announced: Students Against Marshall. Its purpose was to advocate for the removal of the name Marshall from the law school at Cleveland State University.

Over the following months the group worked to gather

support from across the University. Upon reaching out to community organizations, the group found itself with many allies at the local, state, and national level, including the Urban League and the NAACP. The Cleveland Chapter of the National Action Network, Dr. Rev. Al Sharpton’s organizing arm, helped organize a rally outside the law school.

The student group also enlisted the help of elected officials. Lending their support to the cause were Cuyahoga County Council members as well as the Cleveland City Council, which voted unanimously to urge the school administration to strike Marshall from the name of the school. “We used tools that advocates have always used,” said Emily Forsee, a 3LE student at Cleveland State College of Law and a founding member of Students Against Marshall.

Despite the immense support, it still took three separate exploratory committees almost three years for the Board of Trustees

to finally vote to change the name. Each committee recommended the Board of Trustees change the name of the school. During that time, two classes of law students, including many Black law students, graduated with the name “Marshall” on their diploma.

For many, the question surrounding the name of the school was not “should the name be changed?” but rather, “why is the name of the school so important? Aren’t there more pressing racial justice issues to focus on? It’s only a name.”

“In the overarching arc of the history of America and racism, it’s always evolved,” said Forsee, “What it looked like in the 1800s was slavery. In the 1900s it was Jim Crow. Now, it’s systemic racism. Sometimes hidden and sometimes nuanced, but we need to root it out everywhere.”

Systemic racism is especially pervasive in the legal field. Today, less than 5% of attorneys are black. Less than 2% of attorneys are

black women, a number that has declined over the last decade. And while for some a name is just a name, for others it is a constant reminder of a traumatic past and the current systemic injustices that have yet to be overcome.

Since the name change here at Cleveland State, advocates to change the name of Atlanta’s John Marshall College of Law have been inspired to organize as well, and have reached out to Students Against Marshall to help make that effort a reality.

“If there is a takeaway we have from this it is that [changing the name] would have been a lot easier to resolve if more people spoke up,” commented Forsee. “This isn’t going to be the last time we face an issue like this. The next time we do, I hope that more of us can have empathy for our neighbors and people who are not exactly like us who share community with us.”



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# Featured Faculty: Professor Matthew Ahn

**Christina Ryan**  
Gavel Contributor

You may know Professor Ahn as an accomplished visiting law professor. I found it heartwarming to learn that he is also one of us. What I mean by that is, like any loyal Clevelander, Professor Ahn is a diehard Browns fan. Born and raised in North Royalton, Professor Ahn completed his undergraduate degree just down the street at Case Western Reserve University. He then went on to New York University School of Law. When I asked Professor Ahn what drew him back to Cleveland, his response did not surprise me. Much like LeBron in 2014, he was ready to come home.

Within seconds of entering his office for this interview, I quickly identified a bicycle. The bike reminded me to ask him whether it’s true that Cleveland has the widest streets in the world. He responded that indeed, the statement is mostly accurate, based on a study performed by the University

of California, Los Angeles (UCLA). He then briefly explained how the removal of a freeway system can actually decrease a city’s overall traffic flow. I agreed that this must be true based on my experience with the recently expanded I-480, which seems to have grown more congested than ever. While on the topic of transportation, we pivoted slightly. In less than 30 seconds, he effectively convinced me of the importance of closing Burke Lakefront Airport, developing parkland, and gaining productive use of our greatest asset - Lake Erie.

Aside from urban planning, Professor Ahn is also drawn to criminal justice policy.

This passion can be attributed in part to studying the field under his former law professor, Bryan Stevenson. Stevenson is a renowned public interest attorney who focuses his practice on helping the underprivileged and the incarcerated.

While Professor Ahn, a former litigator and post-conviction appellate specialist, admits that he didn’t enjoy taking Property Law as a student, he now appreciates teaching the course. Let me assure you that he keeps the evening section on its toes! As a master’s degree holder in music composition, he has dropped several nods to popular artists: the Notorious B.I.G., in reference to the open and noto-

rious element of adverse possession; and Hozier, while discussing *Fulkerson v. Van Buren*, in which the defendant was a reverend at a church. I would be remiss not to mention that Professor Ahn has appeared on ‘Jeopardy!’ and held the *Guinness World Record* for the fastest time to travel to all of New York City’s subway stations.

However, if you take away one fact from this feature, let it be that Professor Ahn has led the way in getting involved with the broader Cleveland community by advocating for others. He was an early supporter of the law school’s name change and has recently formed an exploratory committee to run for Cuyahoga County Prosecutor in 2024. Professor Ahn truly embodies Cleveland State University College of Law’s mission to Learn Law. Live Justice.



# Featured Faculty: Professor Kevin O’Neill

**Susannah Schroeder**  
Gavel Contributor

Professor O’Neill is someone most of us are familiar with; he became a full-time professor here in 1996. However, Professor O’Neill’s path is one with a few twists and turns, and he has picked up lessons we could all use.

He was a film major before attending law school. I had to ask how he ended up in film, to which he replied with the sense of humor all his students have come to know and love: “it was the only thing I was good at.” When he was in high school, his parents would let him have premieres in his house for the films he made. A hundred kids would pack in to see his latest masterpiece with the actors of the film signing autographs. The experience sounds wonderful, and I wish I could have seen it. Especially his film exploring the lawn

ornaments, *Wild Kingdom* style. I don’t know how our school gets a premiere of these films on the calendar, but it needs to happen. Through his time in film he learned about communication and presentation, and he applies this knowledge to his classes to make them entertaining and informative, no matter the subject.

As a lawyer, Professor O’Neill achieved so much that his resume is nine pages long. Professor O’Neill isn’t driven by adding to his resume but by fighting for what he cares about. He found his purpose in pro bono work. The “beauty of caring about something,” he said, is where he found law to be the most rewarding. It is through his work for women, the environment and the homeless that he found humility and empathy.

The law is justice in Professor O’Neill’s view. Justice is a miracle, and through his pro bono work he achieved that miracle. It was inspiring to hear so much confidence in our legal system and our country’s ability to create change in a time when many are questioning it. It sparks hope for me and my future in the legal profession.

Professor O’Neill taught me in our conversation that even when you are not able to help in a big way, helping in a small way is valuable, and being a part of the bigger accomplishment in any way is what matters. He supported the Southern Utah Wilderness Alliance by sending research, helping to protect rivers in Zion National Park without ever being there. The reward was

SEE O’NEILL, page 5





# MPRE: Moving On From Larry Lawyer

**Jenna Hosier**  
Director of Bar Exam Preparation

Regardless of how many stories I have started with “back when I took the bar,” I have realized (and somewhat come to accept) that the current state of all things bar exam has changed since I endured the rite of passage in 2007. Those who took the exam around the same time I did like to point out how much more difficult our bar exam process was than it is these days, looking back begrudgingly at when the exam was three days (not two), we had to hand-write the exam (no typing allowed), we had twelve essays (not six)... you get the picture. But one thing that has perhaps leveled the playing field is a growing emphasis on the Multistate Professional Responsibility Exam (MPRE) in the last few years. The pass-

has taken the place of the ethics essay, which used to appear on bar exams across the United States. And so it was that when I took the bar, I had to pass the MPRE *and* write an essay on legal ethics. The questions were as eye-rolling as you can imagine, with Larry Lawyer violating ethical rules through his mischievous behavior. Somehow, ol’ Larry managed to find the time to supervise a paralegal who engaged in the unauthorized practice of law while also being in an illicit relationship with his client and, of course, spilling confidential information around town and spending all the client’s money in the process. It was up to us – the aspiring lawyers of Ohio – to report Larry’s naughty behavior to the Ohio Bar Examiners. With the passing of the golden era of *The Ohio Bar Exam* and the ushering in of the UBE, the ethics

has taken the place of written essays, the MPRE has taken on a more formal tone and has truly become its own arm of the UBE. One that must be taken seriously. The exam itself is 60 questions, asked over two hours, and all jurisdictions require passage other than Wisconsin and Puerto Rico. Passing scores for various jurisdictions range from 75-86 (Ohio is 85), and the possible scaled scores range from 50-150. In 2022, 57,009 applicants took the MPRE with an average score of 96. So, there is no doubt that the exam itself is very passable. However, the data also demonstrates that those who took the exam and passed dedicated specific study time to the ethical rules and practiced the questions to ensure both knowledge of the exam content and the test-taking skills required to master multiple choice questions. So, as we put away our commonsense approach and answering questions based on a veiled reference to the ‘Golden Rule,’ it is key to fully review the ethical rules and how such rules relate to one another to answer the entire question for the right reasons.

If you’ve ever stopped by my office or walked through the newly renovated second floor of the library where your writing professors and Student Success Team have their offices, you’ve seen the MPRE course books that are free for the taking. BarBri offers this course, also free, as a way for you to expose yourself to the ethical rules, as well as tips



The Scales of Justice  
Blawg 401

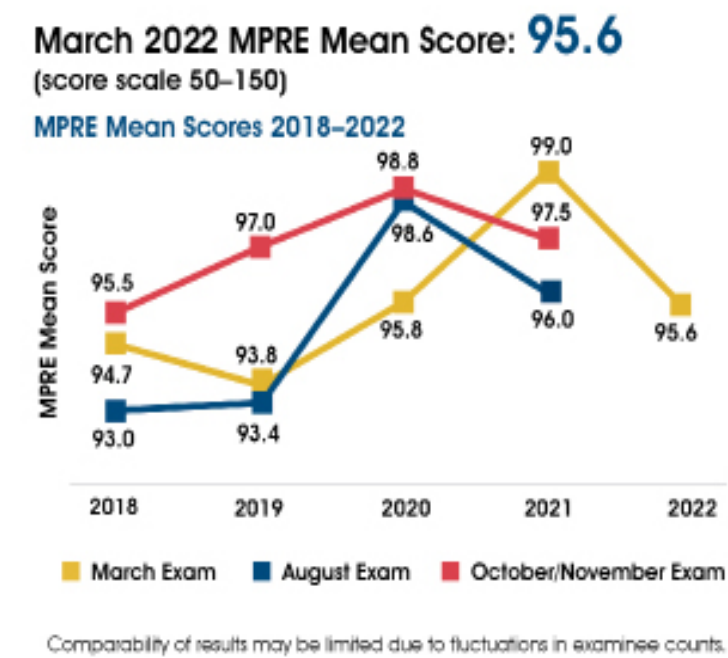
for review and taking the MPRE. You will utilize the combination of lecture and outline to gather the necessary information regarding the rules and then set that knowledge into action through taking practice tests. A simple online registration is all that stands between you and your very own MPRE review course: [Free MPRE Review Course](#) | [BARBRI MPRE Prep Course](#)

Once you register and complete the lecture, I recommend taking small sets of questions so that you fully remember your thought process in choosing answers. Then, go to the answer explanation section and spend the time reviewing the answers to understand the reason why each answer is incorrect or correct. That is a strong study method to ensure that you are highlighting the rule that governs the ques-

tion and why such rule and analysis of the facts leads to the correct answer. You will also gain understanding as to whether you missed a question because it was a rule you were unfamiliar with, or if the question was tricky. Either way, you will learn from the question and anticipate a similar rule or question tactic as you continue to practice. Remember, the key is to focus on the quality of your question taking, not the quantity.

The most frequently asked question from students is “when should I start studying.” The answer is personal and based upon your exact circumstances, but experts seem to agree that you will need to invest at least twenty hours in your studies. So, for example, I took the MPRE in the summer of my second year. I

SEE MPRE, page 4



National Means for Recent MPRE Exams  
National Conference of Bar Examiners

ing score of 85 remains the same, but the journey to passage has become a bit more difficult for modern test takers. Fine, I’ll admit it: one part of your bar exam is more difficult than mine.

According to the National Conference of Bar Examiners (NCBE), the MPRE tests “candidates’ knowledge and understanding of established standards related to the professional conduct of lawyers.” However, the NCBE is quick to warn that the exam is not meant to test the individual ethics of the applicant. Instead, the MPRE

writing component has been removed and replaced fully by the MPRE, which has become increasingly challenging to pass.

While I remember actually studying for the MPRE, I also remember there being a commonsense approach that has since been replaced with a specific need for knowing the rules and the required skill of being proficient at answering multiple choice questions. Thus, your version of the MPRE requires specific skill building that was not required to the same degree in the past. Because the multiple-choice exam



Iowa Paralegal Association



**MPRE**  
From page 3

was working full time, but was able to set aside a few hours each week to watch the lecture and review the rules with my trusty study partner. It was not too difficult to stay motivated because I did not have law school reading and review to do and I wanted to get the MPRE off of my ‘to do’ list before school resumed for my third year. So, my prep began at the end of June for the August exam and covered about six weeks, 3-4 hours a week. If you are taking the exam during school, however, you might find that you need to fit in studying during your ‘free time’ (and, of course, I use that term sarcastically). You might find that weekends are best and studying for longer hours over a shorter period of time is what works for you. For example, putting in three hours on Saturday and three hours on Sunday for the four weeks leading up to the exam. You will need to review your schedule and decide what timeframe works best for you. The one thing I will ask is that you do not ‘cram’ for the exam the night or few nights before. There would not be time for full review as well as meaning-

ful practice that way, and that approach often leads to unsuccessful attempts and frustration toward the exam. As noted above, put in the required work and get back a passing score.

I’ll leave you with a few fun facts about the MPRE: The registration fee is \$150, it is administered in March, August, and November of each year, the most popular exam is the one offered in March, and the least is August. The examiners release the scores within approximately five weeks, and your score (on average) is good for four years should you want to use the score in conjunction with a successful UBE score to gain admission into other jurisdictions. An 85 score corresponds to an exam with approximately 60% correct answers. The Student Success Team will host MPRE Kickoff Workshops several weeks before each MPRE administration to ensure that you know our best practices before you begin preparing for your exam. The most fun fact of all: the MPRE is 100% passable. You can do this, and you will do it if you put in the necessary work. Once you do, you are free to remind us *vintage* attorneys how hard your MPRE was compared to ours.

## Divided U.S. Congress Begins a New Term

**Abdul Aziz Meslat**  
Gavel Contributor

The new Congressional session has begun, and with it comes a new political landscape following the 2022 midterms. The results of the election have shifted the balance of power in Congress, with the Democrats losing their majority in the House of Representatives and the Republicans gaining control. This change in power will likely have a significant impact on the legislative agenda and priorities of the new Congress.

One of the key priorities for the new Republican-controlled Congress is likely to be the reversal of many of the policies put in place by the previous Democratic-controlled Congress. This

could include efforts to repeal or roll back progressive legislation, such as the Affordable Care Act, and measures aimed at addressing climate change. Additionally, the Republican Party has traditionally been more focused on issues related to taxes and government spending, so it is likely that we will see a renewed push for tax cuts and fiscal conservatism.

Another major priority for the new Congress is likely to be the passage of a comprehensive infrastructure bill. This is an issue that has been on the agenda for both parties for some time, and with the ongoing COVID-19 pandemic highlighting the need for investment in infrastructure, it is likely that there will be a renewed

push for this legislation. The Republicans will also be looking to tackle the issues of immigration, healthcare and the economy.

The prospects for these legislative priorities being enacted are uncertain, as the Democrats will still control the Senate and the White House. This means that the Republicans will likely have to work with the Democrats to pass any significant legislation. However, with the Democrats having lost their majority in the House, it will be more difficult for them to block legislation, and it is possible that some of the Republicans’ priorities will be able to pass.

In conclusion, the new Congressional session brings a new set of challenges and opportunities for the country. The results of the 2022 midterms have had a significant impact on the makeup of both the House and Senate. The legislative priorities of the new Congress include the economy, healthcare, immigration, and climate change. However, with a divided Congress, the prospects of these legislative priorities being enacted are uncertain. The new Congress will have to work quickly and find ways to work across party lines to achieve its goals.



House Chamber  
Associated Press

**Dylan Brown**  
Gavel Contributor

The CyberLaw Society (CLS), a new student organization at Cleveland State University College of Law, aims to promote the protection of data privacy rights and the regulation of emerging technologies. The organization is also promoting principles of cybersecurity and working to educate the public on best practices for protecting personal information and maintaining secure computer systems and networks.

One of the main focuses of the CLS concerns data privacy rights. With the increasing amount of personal information stored in our back pockets, worn on our wrists, or instantly uploaded from our laptops to the cloud like rockets, it is crucial that laws and regulations are in place to protect individuals from harm and

## Students Launch CyberLaw Society



java T point

ensure individual control over personal data. In general, CLS promotes the protection of data privacy rights to the extent necessary to safeguard personal information and prevent harm to individuals and corporations alike.

Another focus of the new student organization is exploring the regulation

of emerging technologies. Today, technology is advancing quicker than a fiber optic connection, and the results in the 2020s alone have been extraordinary. However, with the exciting rise of new technologies like artificial intelligence and the rapid technological development of the Internet of Things, it has become

essential to ensure that proper laws and regulations are in place to guide emerging technologies’ ethical use and to protect against potential harms. The CLS will work to explore and promote the regulation of these technologies so that the law can properly adapt and accommodate modern innovations, as well as protect against cyber threats and data breaches.

Given that some members of the United Nations estimate that cybercrime will cost the global economy around 9-10.5 trillion U.S. dollars by 2025, strong cybersecurity principles are becoming of unparalleled importance. The CLS is committed to promoting the principles of cybersecurity to the extent necessary to prevent damage to computer systems and networks. In addition, the organization is

looking for ways to educate the public on the best cybersecurity practices in order to ensure that personal information stays secure.

The CLS is open and welcome to all registered students, faculty, and staff at Cleveland State University College of Law and will provide plenty of opportunities for networking in the field of cyber-related law. Anyone interested in joining the CyberLaw Society should contact Gabby Hartstein—the current President of CLS—by email at [g.hartstein@cmlaw.csuohio.edu](mailto:g.hartstein@cmlaw.csuohio.edu).

***The Gavel  
Welcomes All  
Student  
Organizations to  
Introduce  
Themselves and  
Advertise  
Upcoming Events in  
Future Issues!***



O'NEILL

From page 2

knowing he helped, and later being able to experience Zion's beauty with his two children.

But his greatest moments are the ones many of us will never experience. With all his talent and passion, helping students is the best use of his skills in his eyes. The moments where he knows he has helped a student make a leap in their understanding are the moments Professor O'Neill treasures the most. Teaching is where he belongs, and we are lucky to have him here at CSU College of Law.

His message to all students is to believe in yourself. You can do this; and with professors like Kevin O'Neill in our corner, I believe we can.

COVID-19: Is the End in Sight?

Sydney Bowden  
Gavel Contributor

With the start of the new year, the world is also entering its fourth year of the COVID-19 pandemic. It's hard to remember a time before masks, social distancing, and isolation. But as we begin to see some hopeful signs, many are wondering: is the end in sight?

On January 26, 2023, the FDA voted unanimously to change the current vaccination strategy to mimic the flu vaccination model. The proposed strategy would result in a yearly vaccination in the fall that is recalibrated to the variants that are present that year, which allows for maximum efficacy and

will hopefully assist in lowering the prevalence and severity of future cases of Covid (NPR on FDA Vaccination Plan).

China, the focal point of the pandemic response, has begun lifting its restrictions on Covid-19 for the first time since the start of its lockdown in February, 2020. Just in time for the Lunar New Year, Chinese citizens will be able to travel within the country and celebrate for the first time in years. Chinese health officials are hoping that this surge of travel and jubilation will not create a spike in their Covid-19 rates, as many of their citizens (80%) have gotten ill since the last wave and are likely still immune from most variants

(NPR on Lunar New Year Restrictions). Going forward, however, it is unclear whether restrictions will stay lifted until the result of this leniency is quantified.

Does this mean the pandemic is over? With benefits offered by the government and workplaces fading out, many would likely say it is coming to an end. And cases of Covid are becoming less severe on a broad scale. However, there is much that is still unknown about Covid, including, most notably, the long term effects it may have on the body.

In addition to the unidentified effects that the virus may have on a person's lungs, immune system, and mind, an estimated 7.7 to 23 million Americans are suf-

fering from "Long Covid." Long Covid is a manifestation of the symptoms of Covid, like fatigue, weakness, and breathing problems, that continues for weeks and even months after initially falling ill. Little is known about this phenomenon, but it is beginning to cause economic strain on those suffering, as many do not qualify for disability or leave from work. These effects are even more inhibiting to those already suffering from comorbidities or disabilities that make the effects of Covid more severe.

Overall, although the rates of Covid transmission and hospitalization are declining, there is still much that is unknown about Covid. Unfortunately, while the pandemic has entered a new phase, it is far from over.

Trial Scheduled for Idaho Murder Suspect

Fernanda Balog  
Gavel Contributor

On November 13, 2022, four University of Idaho students were found stabbed to death in their home in Moscow, Idaho. The victims were Kaylee Goncalves, Madison Mogen, Xana Kernodle, and Ethan Chapin. It took approximately six weeks for police to gather enough evidence to arrest their suspect. The Latah County Sheriff's Department stated in an affidavit that the suspect was initially recognized because his car matched one shown on surveillance cameras leaving Moscow around the time of the incident.

The suspect is 28-year-old Washington State University PhD student, Bryan Kohberger. Kohberger was working toward a PhD in Criminology. He is being charged with one count of felony burglary and four counts of first degree murder. His trial is scheduled for June of this year.

Several other key pieces of evidence have linked Kohberger to the crime scene. Kohberger's phone had pinged cell towers near the victims' residence. Further, forensics were able to find DNA evidence on a knife sheath that was found next to one of the victims. During winter break, Kohberger, who is actually from Pennsylvania, drove home for the holidays. Authorities tracked his travels across



Photos of the four slain University of Idaho students.  
Image from [klewTV.com](#)

country and when he arrived home, they were able to collect DNA from the family's garbage can. The DNA evidence found in the garbage can matched that on the knife sheath. Kohberger was arrested in Pennsylvania on December 30 and he was extradited back to Idaho on January 4. Even though no arrest will bring the lives of these four young souls back, it definitely gave the community comfort.

Prosecutors have given the attorneys representing Kohberger nearly a thousand pages of documents, audio and video files from neighborhood cameras, and 1,865 photos connecting the defendant to the crime scene. The evidence, which shows what led investigators to arrest Kohberger, was released in response to the defense's discovery request.

The public defender assigned to this case is Anne Taylor. She has previously represented the mother of one of the victims, which may lead to a possible conflict of interest.

Prosecutors may request a grand jury indictment. Doing so would bypass discovery and prevent the surviving roommates from having to appear in court next to Kohberger and endure cross-examination during a preliminary hearing. The grand jury indictment could help speed up the process.

Many questions remain about the facts and evidence released to the public. We may understand more about the case during the trial, after evidence is presented. We, as human beings and law students, are hoping for justice and send our condolences to the victims' families and community.



Photo of Bryan Kohberger in custody.  
Image from [ksat.com](#)



# Damar Hamlin Report and Reflection

**Reece Barnett**  
Gavel Contributor

On January 2, thousands poured into Paycor stadium and millions (myself included) tuned in from home to watch the game of the year: the Buffalo Bills vs. the Cincinnati Bengals. The game had been anticipated by many NFL fans, partially because many believed if it hadn't been for an unfortunate coin flip and unfair overtime rules, these two teams would've met in last year's AFC Championship.

On the third drive of the game, however, everything changed. In a routine play, Bengals wide receiver Tee Higgins caught a pass from Bengals quarterback Joe Burrow, before being tackled by Bills safety Damar Hamlin. Right after the tackle, Hamlin stood up and then promptly collapsed, causing multiple Bills and Bengals players to call for medical staff.

What happened next was confusing.

Viewers at home were treated to multiple commercial breaks with the ESPN team repeatedly stating that he was still down whenever the broadcast came back to the field. Paycor stadium was dead silent as fans waited for answers, some crying. Then the Bills started to form a circle around Hamlin and the medical staff, and from the broadcast viewers at home could see that both Bills quarterback Josh Allen and Burrow were seriously shaken up. The fear only got worse as several Bills players stepped away and dropped to their knees in prayer.

Many NFL fans were reminded of Ryan Shazier, a Steelers linebacker who had ended up paraplegic back in 2017 in a Monday night football game against Cincinnati in the same stadium. Unlike with Shazier, however, no one knew what was wrong with Hamlin.

Then, ESPN let the viewers at home know what was going on: CPR had been administered and a defibrillator had to be used before they could load Hamlin into

an ambulance. Some began to worry that they had just witnessed a man die on the field, something which had only happened once before.

At 9:17 PM, shortly before Hamlin was loaded into the ambulance, the NFL announced the game had been suspended. Then, at 10:00 PM, the game was officially postponed. While most of the fans in Paycor started to file out, many heading directly to the UC medical center where Hamlin had been transported, the viewers at home stayed glued to their TVs waiting for updates on Hamlin. Mostly, they were waiting to see how the NFL would handle the situation. An update on Hamlin was provided by the Buffalo Bills around 2:00 AM. Hamlin had suffered a cardiac arrest, his heartbeat was restored on the field, and he had been transported to the hospital for further testing and treatment. So, all eyes turned to the NFL.

When it became clear that Hamlin wasn't getting back up, fans had called for the game to be canceled—and still, it took the NFL over an hour to do so. The NFL was already in hot water for the handling of Miami Dolphins quarterback Tua Tugvalioa's concussions. Four days after Tugvalioa suffered a concussion in a game against the Bills, the League allowed him to play on Thursday Night Football

against the Bengals, where, after getting sacked, viewers were subjected to a rather horrifying scene where Tua was taken to UC medical center, though that game continued on that night. Unlike Tugvalioa, Hamlin was not released later that night, and the reports indicated that he was not breathing on his own yet.

The game of football is no stranger to injuries, whether minor to life- and career-changing. Over its 103 years, fans have seen many players go through the NFL and some of their favorites later go to Canton to be inducted into the Pro Football Hall of Fame. But fans have also seen many of their favorite players have their careers ended by injury.

The NFL has evolved—from better uniforms, to more padding, to better helmets (considering the amount of people who entered concussion protocol this season alone, that remains debatable), to new teams, new stadiums, and many new rules. A rather controversial rule is roughing the passer. A rule designed to protect quarterbacks, the rule has faced criticism from many fans due to what has been considered "roughing." As teams started to build around people they considered "franchise quarterbacks," the League and owners decided to make

rules to protect those quarterbacks and other players.

However, no set of rules could've prevented what happened to Damar Hamlin. It was a routine play, a routine tackle; neither Hamlin nor Higgins did anything wrong. What got to people was the NFL's rather slow response. In 103 years, only one player has ever died on the field. That was back in 1971, when Detroit Lions wide receiver Chuck Hughes suffered a heart attack in a game against the Chicago Bears. The difference between Hughes collapsing and Hamlin collapsing was Hughes collapsed with 1:02 left on the game clock, whereas Hamlin collapsed with 5:33 left in the first quarter. So, naturally, the League was unprepared for how to handle Hamlin's injury.

The issue was never why doesn't the NFL have a protocol for this type of thing; it was why isn't the NFL doing anything? ESPN reported that the League had told the teams that they had 15 minutes to warm up before the game would resume after Hamlin was taken to the hospital, a statement the League said was false after an outcry from the fans. Even without the report, the fact that it took the League over an hour to postpone the game made people angry.

What does this mean for sports law? Football is a

dangerous sport at any level, but it is a sport that many people love. Many dream of either one day making it to the NFL or being the parents of an NFL star. Due to Hamlin's injury and questions about whether or not his career has ended, there have been renewed calls for guaranteed contracts in the NFL. Hamlin is in his second year of his four year contract that is not guaranteed. Moreover, he is not eligible for pension benefits. It takes three campaigns for an NFL player to qualify for pension benefits and a minimum of three seasons before they qualify for the five years of post-retirement health insurance provided by the League. The NFL's executive vice president of football operations Tony Vincent said that the League is committed to taking care of Hamlin in the future regardless of him being pension eligible, but the League is under no legal obligation to do that. And while Hamlin might be eligible for NFL disability programs and could file worker's compensation claims if he is unable to resume his career, the NFL has faced litigation in the past over denied disability claims with resolutions going both ways over the years. And while Hamlin's injury has caused states such as Texas and

**SEE DAMAR HAMLIN,**  
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Teammates kneeling after Damar Hamlin's injury.  
Image from *New York Times*



DAMAR HAMLIN

From page 6

New Jersey to focus on the safety of student athletes, not much has changed in the way of law.

However, there has been increased conversation on the importance of CPR and having defibrillators available at all levels, as the administration of CPR and use of the defibrillator is what saved Hamlin’s life. In a rather interesting postscript, Damar Hamlin has filed for two trademarks “DID WE WIN” and “THREE IS BACK,” the first paying homage to his first words he said at the hospital and the other hinting at a return to the field, as his jersey number is three.

Despite the scary scene, it is relieving to see that Hamlin is doing better. He was released from UC and allowed to go back home to Buffalo, and even attended the Bills game on January 22. It was also incredible to see all the teams come together on social media and change their profile pictures to “Pray for 3” the day after and light up their stadiums in blue. As the playoffs continue and fans root for their teams, Damar Hamlin remains a focal point as many are waiting to see if he returns next season and wait for more updates on his recovery. I personally am hoping to see him back on the field and wish him nothing but the best as he continues to recover.

Ohio GOP Splits Over Speaker Election

Philipp Corfman  
Managing Editor

In the Ohio State House, what was supposed to be a routine, uncontroversial exercise threw the Republican majority into turmoil. The election of Republican Representative Jason Stephens as Speaker of the House, over the opposition of a majority of House Republicans, opened a rift in the Republican caucus that may cast a long shadow over the upcoming Ohio legislative session.

Shortly after the 2022 November election, the Ohio House Republican Caucus (which had just won a 67-seat majority) narrowly elected Representative Derek Merrin to be the party’s choice for Speaker. Traditionally, that would be the end of the matter; when the House met in January to officially elect a Speaker, the Republicans would unanimously approve Merrin.

As an outspoken conservative and lead sponsor of 2019’s Heartbeat Bill, Merrin’s impending election appeared to be a victory for Ohio conservatives. And with Republicans winning a commanding majority in the General Assembly, along with dominating statewide judicial and executive elections, the stage was set for the Republicans to pass

a sweeping agenda in the 2023-2024 term. Priorities included anti-union legislation, including Right To Work; expanding school vouchers; and raising the threshold for constitutional amendment initiatives to require 60% of votes to pass, a rule that was reportedly intended to prevent efforts to reform gerrymandering and enshrine abortion rights in the Ohio Constitution.

However, the runner-up in the Speaker election, Republican Representative Jason Stephens, did not simply abide by the will of the caucus. Stephens instead began negotiating to form a coalition between Democrats and anti-Merrin Republicans that could elect him Speaker.

While the Republican factions are not homogenous, Stephens supporters tended to be more moderate while Merrin supporters tended to be more conservative. When asked to explain their votes, Stephens supporters emphasized the need for bipartisanship and civility, and expressed concerns over Merrin’s hard-line positions (especially on social and religious issues).

In order to win Democratic support, Stephens reportedly made a number of concessions, including supporting efforts to make public school funding more equitable and promising to block



Jason Stephens being sworn in.  
Image from ideastream.org

the anti-union bills and the bill to make it harder to amend the state constitution.

Ultimately, on January 9th, 2023, Stephens defeated Merrin 54 to 45, winning all 32 Democratic votes and 22 Republican votes. In a gesture of gratitude, Stephens asked House Democratic Leader Allison Russo to hold the Bible he swore in on.

The aftermath was explosive. The Ohio Republican Party censured the Republicans who voted for Stephens, banning them from endorsements and financial support from the party. Merrin supporters called the election a “coup.” Stephens supporters, meanwhile, called Merrin supporters “the CryBaby Caucus.”

History cautions against overstating the impact of the Speaker controversy. A similar upset occurred in 2019, when Republican Larry Householder ousted Speaker Ryan Smith with the support of a majority of Democrats. Smith support-

ers were similarly embittered by the outcome, and Householder similarly made numerous concessions to the Democrats to secure their support. However, Householder soon brought the caucus back together, and ultimately led a historically conservative General Assembly (including passing the Heartbeat Bill) over the opposition of his onetime Democratic allies.

Still, this election was an explosive start to the new year. For Democrats, trapped in a super-minority, it was likely the best-case-scenario; instead of right-wing dominance, the new Speaker promises moderation and bipartisanship, and has already made numerous concessions to the Democrats. For Republicans, meanwhile, the implications are ominous. Their legislative agenda has already been significantly curtailed, and if the two factions cannot reconcile, it may lead to a permanent schism in the party.

Twitter Notification

Alan Schiess  
Gavel Contributor

If you had asked a reasonable person a year ago to predict who would own Twitter and how its policies would change, they likely would not have been correct. After Elon Musk acquired Twitter at the end of October last year, there have been numerous changes. This article will discuss changes to the staff, the current economic status of the company, and new features offered on the app. Further, the article will mention a few of the legal challenges the company is facing.

Before the buyout, Twitter had 7,500 staff members; now, the owner claims



Image from slate.com

there are around 2,300 staff members and several thousand contractors, less than ten of whom are from other companies owned by Elon Musk. Twitter claims it will be hiring in 2023, but there was no mention of when or how many offers will be extended. Several employees who were let go filed class-action lawsuits against Twitter after the initial round of

firings. Their claim is that the company failed to compensate them adequately. Twitter claims it gave 50% more compensation than legally required. A judge ruled on January 13, 2023 that the employees pursuing the class-action suit must pursue their claims in private arbitration, based on the agreements they signed with the company.

When Twitter was acquired, it was supposedly losing \$4 million a day. After layoffs and ad-revenue loss, the company is currently still losing \$4 million a day. This number will likely decrease after the severance pay has totally been disbursed. The company saw between a 30%-60% drop in the numbers of active U.S. advertisers in the last quarter. However, Twitter seems optimistic as dozens of media companies set 2023 content deals. Twitter has added a paid subscription program for individuals called “Twitter Blue.” Its function is to verify the user and make their Twitter experience better. It has also created gold checks for companies and gray checks for govern-

ments. The checks can be purchased for \$11 a month. Other noteworthy lawsuits include a consulting firm suing Twitter for failing to pay two million dollars for its help in dealing with the acquisition of the company. Charles River Associates alleges that Twitter failed to pay for work that was done on its behalf. Twitter is also dealing with a lawsuit attempting to hold Twitter accountable for the leaking of 200 million users’ personal account data. After such drastic changes, if you ask a reasonable person to predict where Twitter will be a year from now, they may have some trouble. Only time will tell if buying Twitter was a good move for Elon Musk.



# All Bets Are Off: The Foreseeable Ramifications of the Legalization of Sports Betting in Ohio

**Jennifer Molnar**  
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There was extra anticipation for the clock to strike midnight this New Year’s Eve in Cleveland. While most were anxiously awaiting a New Year’s kiss, or the opportunity to finally go home and sleep after celebrating the end of 2022, a new buzz surrounded New Year’s Eve this year as thousands of Ohioans were awaiting the opportunity to place bets on their favorite sports teams. At precisely midnight, Cleveland Browns legend, Bernie Kosar, placed the first sports bet in Ohio, wagering \$19,000 for the Browns to take the Steelers. Unfortunately, that infamous bet cost Kosar much more than \$19,000. One week after placing the first legal sports bet in Ohio, Kosar was fired from his hosting gig by none other than the Cleveland Browns for violating the National Football League’s gambling policy. The Browns’ loss to the Steelers caused a familiar disappointment in the city, but the Cleveland Browns firing the one quarterback that got us closest to the Superbowl

and consistently kept us in the playoffs throughout the 1980s was a shock to sports fans everywhere. While betting on sports is now legal, many unknowns surround this practice, including what it means for sports and how the states can regulate it successfully. Historically, sports leagues have argued against sports betting because it calls into question the integrity of sporting events. The Black Sox Scandal of the 1919 World Series is just one of many examples of the complications that sports betting can cause. In 1919, eight Chicago White Sox team members conspired with gamblers, intentionally throwing games in exchange for money. The team eventually admitted to their actions, and a grand jury forced them to forfeit the World Series, which, coincidentally, ended up being won by the Cleveland Indians. Similarly, in 1951, seven college basketball teams conspired with gamblers and the mob, intentionally losing points during their games in exchange for money. Again, in 1985, Tulane University’s star basketball recruit was arrested and charged with conspiring with gamblers and shaving

points off games. Bribing athletes to throw the games became a challenging issue to regulate. In response to the negative impact of sports betting on sports, in 1992, Bill Bradley, a senator from New Jersey and former NBA star, sponsored the Professional and Amateur Sports Protection Act (PASPA). The act prohibited state-sanctioned sports gambling. Included in PASPA were exceptions for state-sponsored sports wagering in Nevada and sports lotteries in Oregon and Delaware. While the act’s purpose was commendable and very much needed, it did not correct the issue of sports betting in the US. NBA Commissioner Adam Silver voiced his concerns, arguing that PASPA was not working. He stated that over 400 billion dollars in illegal sports betting continued after the act was passed. From illegal wagers with local bookies or making bets through offshore sports books, sports gamblers were not confined by PASPA. The only ones limited by the regulation were the states, unable to regulate sports betting independently. In 2018, *Murphy v. NCAA* drew national attention to PASPA. The question before

the Supreme Court was not whether the act served its purpose; instead, the question was whether it was constitutional. The Court overturned PASPA, determining that the act went against the tenth amendment’s commandeering clause. The commandeering clause reserves the states’ right to enact legislation on issues not explicitly delegated to the federal government. Essentially, Congress had stepped out of bounds, and the Supreme Court called a violation. With Ohio, and thirty-six other states, legalizing sports betting, it is unclear what this means for the future of sports. Some sports leagues, such as the National Basketball Association and Major League Baseball, have implemented

an integrity tax, profiting from the growing number of legal bets and using that money to fund risk management initiatives within their corporations. Some sporting organizations have been able to opt out of legal sports betting if they are susceptible to corruption, including minor leagues. Lastly, sports organizations have enacted strict policies prohibiting personnel and players from gambling on sports. Sports organizations are making a valiant effort to accommodate sports betting while maintaining the integrity of their games. It remains to be seen whether these measures will protect America’s pastime or if the future of sports will be changed forever.



Image from *cleveland.com*

# A Plan for a Robot Lawyer is Being Rebooted

**Allison K. Younger**  
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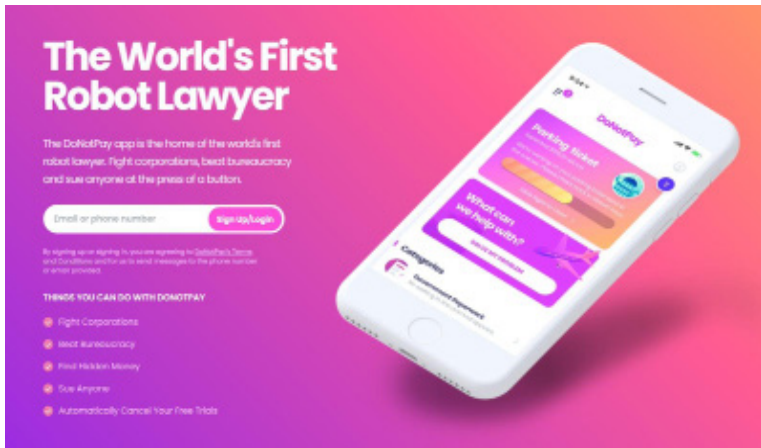
The plan for a robot lawyer to represent a defendant on a traffic ticket is being rebooted. DoNotPay is the company behind the world’s first robot lawyer. Their tagline is “fight corporations, beat bureaucracy and sue anyone at the press of a button.” Their website boasts a long list of tasks the robot lawyer can assist you with, including help with frozen crypto funds, landlord protection, and child support payments. This AI lawyer was set to handle its first in-person court case February 22,

2023. It was a \$200 speeding ticket, the only case out of 300 entries they felt the robot could handle. The program runs off of a smartphone, which listens to the court conversation. It then processes that data and relays it back to the defendant via headphones. It gives the defendant step-by-step guidance on what they should be saying. Joshua Browder, CEO of DoNotPay, said he wants to send his AI robot to law school. As soon as news broke about the robot lawyer, lawyers and bar associations alike were baffled. After investigations, multiple State bar prosecutors threatened the CEO with jail time if

he were to go forward with this. A \$200 speeding ticket was not worth the minimum 6 months in jail, the CEO stated, and he backed off from the idea. Federal courts and some state courts do not allow audio recording in the courtroom, which was the main problem for

Browder. “I regret being so controversial,” Browder stated in an interview. “We should just stick to fighting Comcast.” For now the sanctity of the law is protected, and free from robot interference. With technology rapidly evolving, only time will tell

if this project gets rebooted. For now lawyers can rest easy knowing that robots can’t take over their jobs, and they are still very much needed.



Via DoNotPay

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