



CSU
College of Law Library

Cleveland State University
EngagedScholarship@CSU

1990s

The Gavel

1995

1995 Vol. 43 No. 6

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s
How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1995 Vol. 43 No. 6" (1995). 1990s. 11.
https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s/11

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1990s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.





THE GAVEL



Volume 43, Issue 6 Cleveland-Marshall College of Law

Professor Forte Says... Pass/Fail Option has "de-minimis" effect on G.P.A.

by Cheryl Lane
Staff Writer

Student concern arising from the Academic Standards Committee's decision to allow students from Dena Davis/Michael Davis' 93-94 torts class the option of changing their grade to a pass/fail for the class prompted the SBA to arrange a meeting with Professor Forte, the Chairperson of the Academic Standards Committee and Associate Dean White.

The meeting was held Monday, February 27th in the student lounge. There were only 10 students present at the meeting, but those in attendance were vocal in expressing their concerns and the concerns of those unable to attend due to prior commitments.

A student who was not in Michael Davis' class began to pose the first question to Professor Forte; "If I could drop my torts grade, my G.P.A. would raise by five percent..." Before the student had an opportunity to ask the question, Professor

Forte chided, "that's a statement, do you have a question?" "Yes," the student replied, "That five percent increase would raise my class ranking—has the Academic Standards Committee considered the impact that its decision will have on class ranking?" Forte replied that the Committee did not consider the impact, and that in his opinion the impact would be *de minimis*. Forte opined, "The difference that this will have on class ranking is nothing that putting 10 hours into a good outline wouldn't overcome."

The Academic Standards Committee decides issues of grade disputes. The Committee will allow a grade to be changed to a "P" or "W" when the grade awarded "was arbitrary or not in accord with the grading standards applied to other members of the class." Because Michael Davis, in violation of school policy, administered the same test to two different torts classes, there was plausible evi-

See *de-minimis* p.2

Professor Finer Impacts the O.J. Trial

by Stacey McKinley
Staff Writer

A tentative decision made by Judge Lance Ito in January to bar television coverage from the O.J. Simpson trial prompted a Cleveland-Marshall professor to write Judge Ito in an attempt to persuade him otherwise. The letter was submitted to the court, landing Professor Joel Finer a cameo role in the so-called trial of the century.

Ito threatened to suspend television coverage on January 24th after a Court TV camera mistakenly revealed a juror in violation of Ito's orders. "I felt it would have been a true deprivation to the public," said Finer. "The circus has been going on in the media. If the trial wasn't covered, people would assume there was a circus in the courtroom, too." Finer began drafting the letter within hours after hearing of the suspension of television coverage. Using electronic research to find names and fax numbers, Finer sent copies of his letter to the defense and prosecution, as well as attorneys representing the media.

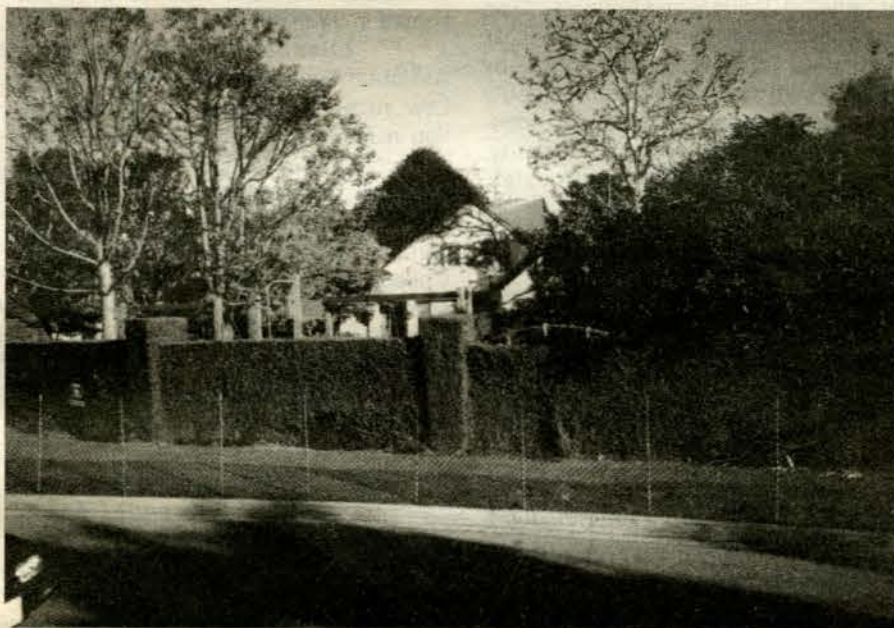
With a hearing on the matter scheduled for the next morning (8 a.m. PST, 11 a.m. EST), Finer faced

a battle against time. "I drafted the letter about 2 a.m.. At 3 a.m., I was on my computer trying to get fax numbers for the attorneys." The names of prosecutors and defense attorneys were known and Finer said he learned through media reports that Kelli Sager would be the attorney representing the media.

Using various computer data bases, Finer found the addresses and fax numbers of the attorneys involved. "I researched Nexis to see who was the Chief District Attorney (for Los Angeles County), and cross-researched to find his fax number." Finer used the Martindale-Hubbell Law Directory to find fax numbers for Robert Shapiro and Ms. Sager. About 5 a.m. Finer sent the letters to their respective law firms via fax using his home computer.

A copy of the letter was submitted to the Court by at least one of the parties. Finer says, using Lexis, he found two references to it in the transcripts of the next day's hearings. In one, attorney Sager told the judge,

See *Impact* p.5



Could it be? Yes, it's O.J.'s house, hiding behind a hedge. A C-M student took this picture while in Los Angeles recently.

C-M Students To Lose Another Parking Lot

by Wendy Zohar

Law students beware! We are about to lose the small "APCOA" lot off E. 17th street as a place to park. Within a month it will fall prey to the jaws of bulldozers and wrecking equipment as construction crews begin to demolish the Price Building on Euclid Avenue. According to John Oden, Director of Parking at CSU, the new multi-level parking facility which is to be built in the 17th-18th street block off Euclid Avenue is scheduled to be ready for service by December 1, 1995. Until then, however, we will experience a serious lack of parking space.

The game of musical chairs (or should I say parking spaces) will get more competitive, with spots gone by 8 or 8:30 in the morning. Meanwhile, Oden is investigating other parking arrangements with commercial lots downtown that are farther from campus but reachable with perhaps a shuttle or loop bus.

For example, the Gateway garage on E. 9th Street is not full during our peak hours, and may possibly have as many as 500 spaces. At issue is cost and practicability. The CSU Parking Services will soon issue a questionnaire directed to students at the Law School to determine student needs and their responses to various options. This will help guide John Oden's decisions in his effort to solve our parking problems for the upcoming months. He predicts the greatest parking crunch will be in late September through the end of November, until the new parking facility is complete. At that time overall enrollment is at its highest. By then he plans to have other parking options in place.

Be watching your mailboxes for the Parking Questionnaire. Please participate and help determine the most practical solution.

Inside...

C.M. Professors Stay Non-Union.....	p.3
Jury Duty.....	p.5
Letter To Judge Ito.....	p.6
Welfare Reform.....	p.7

Faculty News

de minimis from p. 1

Due to the construction site of the new law library, the following law clinics have been temporarily relocated to the 12th floor of Fenn Tower: Fair Employment Practices Clinic (**Jane Picker**, Director), Law and Public Policy Clinic (**Alan Weinstein**, Director), Environmental Law Clinic (**David Barnhizer**, Director) and Street Law Program (**Elisabeth Travis Dreyfuss**, Director).

The following presentations were delivered at the Law Faculty Seminar Series in January and February: "The Investigatory and Courtroom Procedures in Criminal Trials in Russia Today" by **Anatoly Petrovich Kruglikov**, Deputy Dean and Professor of Criminal Procedure at Volgograd State University. "Teaching in China" by **Thomas Buckley**. "The Ethics of Withholding and Administering Drugs in Psychiatric Experiments" by **Sheldon Gelman**. "Environmental Problems and Teaching of Environmental Law in Russia Today" by Professor **Valentina Nikolaevna Guzenko** of Volgograd State University. "How the Wall of Separation was Built" by **David Forte**.

Governor George V. Voinovich announced the reappointment of **Linda Ammons** to the Ohio Public Defenders Commission for a four year term ending December 12, 1999.

Gordon J. Beggs, Staff Attorney for the Fair Employment Practices Clinic, was elected Secretary to the Board of Directors of Community Re-Entry, a nationally acclaimed ex-offender ministry operated under the auspices of Lutheran Metropolitan Ministries of Cleveland, Ohio. Community Re-Entry operates numerous programs involving employment, counseling, crisis management, community

corrections, and prison visitation.

Kay E. Benjamin, Director of Student Records, completed a Ph.D in Urban Education--Policy Studies from CSU. Dr. Benjamin defended her dissertation, *A Case Study of a Cleveland Superintendent: Paul Briggs 1964-1978*, on January 25.

Pamela A. Daiker-Middaugh, Staff Attorney for the Law and Public Policy Program, spoke on "Legal Approaches to Domestic Violence" at the law school in January.

Elisabeth Travis Dreyfuss, Assistant Dean and Director of Street Law, received a certificate of appreciation in January for her presentation at the Kiwanis Club of East Cleveland. Dean Dreyfuss' African artifacts are part of the Travis in Focus exhibition that opened January 19 at the Cuyahoga Community College Metro Gallery. Dean Dreyfuss spoke on her father's (Paul B. Travis) 1927-28 trip through Africa in February at the Gallery.

David Forte, published two op-ed articles in the *Wooster Daily Record* in January entitled "NATO vs. The UN" and "The Perils of Appeasement." In February, Professor Forte appeared on WCPN discussing the Republican Contract for America, and he was a discussant on a panel, "The Changing Nature of Sovereignty," at the annual meeting of the International Studies Association in Chicago. In March, Professor Forte delivered two presentations: "Teaching about the Foundation" at the Salvatori Conference at the Heritage Foundation in Washington D.C., and "Religion and the First Amendment: at the Federalist Society at Tulane Law School in New Orleans.

Adjunct Professor **Irene C. Keyse-Walker**, a partner at Arter and Hadden, published an article entitled "Think Before You Write" in the *Cleveland Bar Journal* in February. Professor Keyse-Walker is also a member of the Ohio State Bar Association's Committee to Review Ohio's Disciplinary Rules in 1995.

Margaret McNally, Assistant Dean of Admissions, wrote a play entitled *The Story of Ruth*, which was selected and produced for the Cleveland Public Theatre's International Play Festival in January.

Karin Mika, Assistant Director of Legal Writing and Advocacy Lecturer, published an article "Private Dollars on the Reservation: Will Recent Native American Economic Development Amount to Cultural Assimilation?" in the *New Mexico Law Review* symposium issue on Indian Law for 1995.

Thomas A. Moran, Adjunct Professor, published an article, "Post-Traumatic Stress Disorder, Broken Marriages, and Annulments," in *The Jurist*, (The Catholic University of America, Washington, D.C., 1995). Professor Moran also served as a presenter at the Sierra Club of Cleveland in January.

Adjunct Professor **Diane M. Palos**, Referee for the Cuyahoga County Domestic Relations Court, lectured on spousal support at a statewide video teleconference at the Ohio Judicial College in December. Professor Palos was appointed a member of the Board of Trustees as well as chair of the Domestic Relations Practice Section of the Ohio Association of Court Referees and Magistrates in 1995.

Jane Picker, published "The Right to Justice: The Political Economy of Legal Services in the United States by Charles R. Rowley" in the *Cleveland State Law Review* (1994).

Steven H. Steinglass, Associate Dean, was the principal author of the brief amicus curiae submitted by a statewide group of law professors to the Ohio Supreme Court in *Wilkinson v. Maurer*, a case challenging the commutation of a number of capital sentences by the former governor of Ohio. The amicus brief argued that the governor had acted consistent with the Ohio Constitution in commuting these sentences. On December 30, 1994, the Ohio Supreme Court by a 4-3 vote upheld these commutations.

Melody Stewart, Assistant Dean of Student Affairs, performed a program of music written by American composers Nathaniel Dett, Amy Beach, Vincent Persichetti, George Gershwin and Edward McDowell for members of the Cleveland Heights Alumni Chapter of the music fraternity Mu Phi Epsilon in February.

Frederic White, Associate Dean, published a 1995 edition of OHIO LANDLORD TENANT LAW with Banks-Baldwin. Dean White also reviewed a chapter on "Renting Residential Property" in the ABA Family Legal Guide, a completely revised and updated edition of *You and the Law* (Random House, 1994).

dence that some students gained an advantage. Professor Forte stressed that although there was no evidence of student misconduct, the Academic Standards Committee focused its attention on students that felt they had been disadvantaged.

One student asked Professor Forte why the pass/withdraw option was not given to every student who took torts last year. Forte replied that the Committee only determines whether or not any one professor acted arbitrarily towards the student or students in that class. "The Committee was bound to consider the parameters of the case" and does not consider "cross-class comparisons."

Another student asked why the entire class was not required to take the pass/withdraw option. "We can't force a student to take a 'pass' in a class" answered Forte, "we only considered the claims of those students who petitioned."

Although the Committee's decision was based on fundamental fairness to those students who may have been unjustly disadvantaged, some students did not agree with Professor Forte's opinion that the impact on class ranking would be minimal. One second year student stated, "the first year experience is competitive and five [credit] hours is alot...you're a professor...we're in the trenches...it's not *de minimis* to us." Another student asked, "How can you say that the impact is *de minimis* when there has been no statistical analysis of the impact of the Committee's decision?"

When queried about whether or not disciplinary action had been taken against Professor M. Davis, Dean White replied that disciplinary action against a professor is a "decanal" (ie. Dean Smith's decision) issue.

Professor Forte could not discuss action which may be taken by students who feel they have been harmed in any way by the decision of the Academic Standards Committee other than to suggest that those students speak to Dean Jean Lifter to discuss possible options.

Eds. Note: In the '91-'92 school year, M. Davis exceeded the grading guidelines when he distributed too many 'D's and 'F's. Students were given a pass/fail option.

Take That Extra Step

Aluminum can recycling bins are located throughout the law school building. These bins are not as numerous as the garbage cans, but by taking that extra step or two to the recycling bin with your aluminum can, you will help reduce the amount of garbage in the waste stream, thereby helping to make the world a cleaner place.

This message brought to you by The Environmental Law Association of Cleveland-Marshall College of Law.

OSBA membership provides you with valuable resources.

Join or renew today.

- **O**pportunities to interact and network with practicing attorneys through committee, section and district meetings as well as the OSBA Annual Convention (May 17-19, Toledo). Students can attend all meetings free.
- **A**mentor program, the Linking Program, can provide you career guidance and knowledge about "real-world" practice.
- **R**ecieve current information through the quarterly student publication *Associate News*, the weekly *Ohio State Bar Association Report (OBAR)* and bimonthly *Ohio Lawyer*.
- **G**ain a job resource through our Resume Exchange Program that makes your resume available to firms that have positions available. The *Ohio State Bar Association Report (OBAR)* also contains job listings.
- **S**ave through discount programs. The OSBA offers savings through Jos. A. Bank Clothiers, long-distance telephone service and more!



For more information or to join, contact the Ohio State Bar Association, Membership Services Department, P.O. Box 16562, Columbus, OH 43216-6562 or call (800) 282-6556.

NEA Report says Union Faculty Do Better, But C-M Profs Stay Non-Union Salary Gap Between Male And Female Profs Grows Wider

by Jon Sinclair
Staff Editor

What would the faculty do with \$9,000 more in salary? Not much, apparently.

A report by the National Education Association (NEA) shows professors in universities with collective bargaining units earned \$9,354 more than their non-union counterparts. The C-M faculty voted against forming a collective bargaining unit last school year.

During the 1992-93 school year the average faculty salary at C-M was \$66,100. The average salary of full professors was \$71,500, almost 26% less than three other schools in the region. At that time, the average full professor at the law schools of OSU, Cincinnati, and Pittsburgh was \$88,200, \$87,500, and \$93,500, respectively. For the 1993-94 school year, the average national law faculty salary at land grant (public) universities was \$79,881.

Dean Smith told the Gavel in May, 1993 that he had lost a number of professors to better-paying schools over the years. Then why would the faculty elect not to form a bargaining unit? There are a myriad of reasons, say faculty members. Some say unionization is simply inconsistent with the ideals of independent-minded lawyers. Though you would think, for an extra \$9,000 a year, faculty

would be willing to be 'inconsistent'.

Other Statistics

The NEA also reports that professors in all schools are finding less interest in teaching, as opposed to research. In 1969, 71% of doctorate-granting college faculty said their interests were primarily in teaching, rather than research. In 1989, only 57% of faculty answered the same.

In other news, not only do female professors in the US earn less than males, but this gap has grown wider in the last 20 years. Male faculty nationwide averaged \$49,098 in 1992, while women averaged \$39,373. This gap grew wider (in constant 1993 dollars) by \$1,192 between 1972 and 1992.

A little good news

The number of women faculty members in the U.S. grew by 127% between 1972 and 1992, while male faculty grew by only 31%. The large growth of new female faculty members may partly explain the salary gap. Large numbers of new female faculty members might have weighed down their average, because their beginning salaries were less than those earned by the crusty veteran male faculty members. Regardless, in 1992 males still held 67% of all faculty positions in the nation. Males held 78% in 1972.

Environmentalism to speak at C-M

On Monday, April 3, 1995, the Cleveland-Marshall College of Law Student Public Interest Law Organization (SPILO) will host environmental activist William Sanjour. The event will be held at noon in the College's Moot Court Room.

A maverick voice in the environmental field, Sanjour will discuss why citizens of Ohio should be concerned about Ohio's health and environmental agencies. Mr. Sanjour's lecture will include a discussion of whether these government agencies are actually protecting the safety of the citizens or whether these agencies are actually protecting the interests of the toxic polluters.

Sanjour has engaged in many high-profile battles with the EPA while working as a policy analyst there. Mr. Sanjour will not be representing the EPA when he speaks at the law school.

In the early 1990's, Sanjour vehemently opposed the opening of the Waste Technologies Industries (WTI) incinerator in East Liverpool, Ohio. Mr. Sanjour argued that the state and federal agencies had violated the law in granting a permit to a dangerous and unnecessary facility.

More recently, Sanjour is credited as the force behind the operating shutdown of a Columbus trash-burning power plant which was releasing more dioxin than all the other incinerators in the United States combined. Mr. Sanjour will discuss how state and local authorities who failed to oppose the operation of the Columbus incinerator misled the public and the Federal EPA.

If you would like to contact Mr. Sanjour at his office in Washington, please call (202) 260-4502.

Request for Donations of Artwork with an environmental theme Created by Students, Faculty or Staff

The donated artwork will be sold at
The Environmental Art Show
Thursday, April, 27, 1995
4 - 8 p.m.
in the Law School Atrium

Proceeds to benefit
the Environmental Law Association
of Cleveland-Marshall College of Law

Artwork will be accepted up through April 21, 1995.
Photographs, sculpture, paintings, collage, and
drawings are encouraged.

Please contact ELA President David Eppstein at 523-7368

O.J.'S Trial Can Be Addictive

by Robin Wilson
Staff Editor

Okay, I'll admit it. I have become an O.J. trial junkie. For months after the murders I had very little interest in what was happening with the case. Even after the trial started, I couldn't have cared less. My only reaction to the tragedy in Brentwood was, "what a mess!" It all changed during a fateful trip to L.A.

It started with an innocent decision to head to the west coast for the weekend. My only concern, being the neurotic that I am, was missing Professor Gelman's Constitutional Law and Professor Myer's Mass Media Law classes. How was I to know that my decision to go would lead me down the path to addiction.

I arrived in Los Angeles Thursday evening. O.J. Simpson was the last person on my mind when I arrived at LAX. I vaguely remember glancing to my left and seeing a woman on the plane reading magazines. Every time I looked her way she was reading another article in a different magazine about O.J. Still I had no concept of what was awaiting me in L.A. When I arrived at our hotel Thursday evening, I turned on the TV before going to bed. I just couldn't go to sleep without seeing the local news. That's when it started. On every L.A. station, all they were talking about was O.J. Again, the next morning, as I dressed for the day, I switched on the TV set and on every station all of the stories were about the O.J. case. It was as though nothing else was happening in the world. Every local station had news crews live at the courthouse to report on the trial related activities there that day. I started to wonder how far the courthouse was from my hotel.

I left the hotel for most of the morning then came back for lunch. I was going out at four for the evening and I had planned to spend the next couple of hours doing some law school reading. Before I could stop myself, my hand went to the TV. On the screen testifying was one of Nicole Simpson's former neighbors on Gretna Green, the location of that famous 9-1-1 telephone call. I started to wonder how far Gretna Green was from my hotel.

Nicole Brown's sister came to the stand later that afternoon. She talked about O.J.'s house on North Rockingham and some of the events that had happened there. She spoke about her sister Nicole's condominium on Bundy Drive where the murders happened and about the Mezzaluna Restaurant nearby. I started to wonder how far are those places from my hotel.

The next morning we started off for a tour of the movie stars homes in Beverly Hills. I couldn't believe it, was that my voice asking the tour guide if the tour went by O.J.'s house? The tour didn't but due to the huge demand, the tour company had printed up maps with directions to the murder scene on Bundy Drive, Ronald Goldman's apartment, the Mezzaluna Restaurant, the address on Gretna Green

where the 9-1-1 phone call was made, the school where Nicole and O.J.'s daughter had her recital the night of the murders, and O.J.'s house on North Rockingham in Brentwood.

While O.J. and Nicole did not live in the same neighborhood as the movie stars on my tour, they lived off the same exit of the highway. You turn west to go to their homes in Brentwood and east to go to Beverly Hills, Hollywood, Sunset Boulevard, and Rodeo Drive. Brentwood is about 20 minutes away. Although the cost of real estate in Brentwood is outrageous by midwestern standards, it almost appears middle class. Especially compared to the grandeur of Beverly Hills. Nicole's condominium on Bundy Drive where the murders occurred sits right on the corner of two very busy streets. The neighborhood has an eclectic, artistic-type feel. When we arrived, there was a crowd of about a dozen people taking photographs of the house. They call it a condominium but the house really looks like a large duplex. Nicole's was one of two attached dwellings side by side. The gate leading to her front door was locked. The condo was deserted. Through the gate you could see dead potted plants sitting on the steps near where the murders occurred. Although the area where the murders happened is very secluded there is very little space between Nicole's condo and the unattached house next door. It is amazing nobody saw the murderer.

Most of the people at the murder scene appeared embarrassed to be there. Some were taking pictures. Others were walking around the house to look at the rear gate which still has visible red stains. A couple of guys in their early 20s from Nevada asked if everyone would gather for a group picture. Several people did, standing in front of that now famous front gate. We said no and left.

Five minutes away, police had blocked the entrance to North Rockingham with barriers that said "residents only." It was difficult to tell if the barriers were permanent or had been set up only because there were so many people out and about on this beautiful sunny Saturday in L.A. Just past North Rockingham there was another street. It turned out to be a back road which led up the hill to O.J.'s house. At least two plain clothed security guards were standing on the street outside O.J.'s house. Several times they told people to stay off O.J.'s property. A photographer from Current Affair was taking videotape pictures of tourists on the street. There were about two dozen people at Rockingham just standing around looking. It was as though people didn't notice or maybe they just didn't care that they were loitering in someone's neighborhood. People were just sitting around, talking. It was a very strange scene. I left feeling sorry for O.J.'s and Nicole's neighbors.

CONGRATULATIONS GO OUT TO
PROFESSOR CANDICE HOKE
WHO BECAME THE MOTHER OF AN
8lb. 6oz. baby boy Friday,
February 17, 1995.
THE BABY'S NAME IS TRENT HOLDEN
TAYLOR.

Opinion

Ode to a Game

by Geoffrey Novak
Staff Writer

While eating breakfast Sunday morning, I noticed the sun melting an icicle outside my kitchen window. I was watching it disappear drip by drip when thoughts of green grass, warm breezes, and leaving the house without a five pound jacket came drifting in my head. The thought of spring made my oatmeal taste a little better.

Spring is a time of joy, and love, and baseball. Baseball, the great American pastime. It is the poetry of the sporting world. And come April, millions of boys will be searching for their lost gloves and missing bats, dreaming of hitting a Babe Ruthian shot or throwing a ball faster than Nolan Ryan. Maybe, they hope, they will one day reach the Major leagues.

It is too bad the boys already there are not as excited about spring.

The game that was not stopped by World War I, the Great Depression, World War II, Korea, McCarthy, or Vietnam was halted in its tracks by greed; another great American pastime, and the one that seems to be greater.

But in looking rationally at the situation, I cannot understand why baseball players would go on "strike." (Thinking of the sacrifices some people went through to earn a living wage by striking, it seems absurd to use that term in this context.)

"The game that was not stopped by World War I, the Great Depression, ...McCarthy or Vietnam, was halted in its tracks by greed.."

Have they all gone crazy?

To start, the average salary is over a million a year. While on strike, the players are not receiving a dime of it. (Except for a two thousand dollar weekly check.) Hundreds of thousands of dollars, enough per player to support an average family for ten years, is lost. They will never be able to earn that money again.

But, you say, that is the idea of a strike: forfeit now to earn more later. But wait, read my second point.

An athlete has a clock. And that athletic clock is ticking. In five, eight, or 10 years most of today's players will be lucky to receive a spring training invitation. The Schmidt's and the Brett's of yesterday become the Thomas's and Griffey's of

today. The cycle is continuously running. The bottomline is make it while you can because it will not be there tomorrow. The money the players are losing might not be made back if the strike lasts as long as some predict, and the owners win.

And for the same reasons, the owners are bringing in replacement players - which they should do. They are telling the players: "hey, if you don't want to play there are others who do; and granted, they are not as talented and we will lose money, but in five years they will be the ones losing money and we won't." Baseball had to start somewhere. It will start again.

Finally, one of the main negotiation problems is profit sharing and a salary cap. The players want fifty percent of the profits and no salary cap so they can equal the owner's income. They play the game, they say, so they should make the money. But the way it works is the signor of the check makes more money than the signee. A bricklayer, which is a skilled worker, is paid by the owner of the brick-laying company a far lesser salary (I suppose) than the owner makes. What is different about baseball? It is a business. The workers produce a product for the consumers, and are compensated. I think that is the capitalist system. (I don't like it any more than they do.)

But now I am done looking at it rationally. Speaking from my heart, I want baseball to be played; and with the players, not replacements. Baseball to me is a Salman Rushdie novel compared to football as a Stephen King book. It is lyrical and beautiful, and I cannot think of a summer without it. I want to eat hotdogs and drink beer, and feel the summer breezes as I watch Belle go long. It has to be played.

It seems ridiculous for such rich egos to get in the way of such a tradition. Congress(come on Newt) should force the game to be played. It is hurting a society whose children are already cynical enough. What type of values is the strike teaching them? The only word I can think of to describe what the owners and players are doing is sin. Let's play ball. And I hope Fehr strikes out.

And to think that such a digression could result from watching a melting icicle.



Can you guess what this is a picture of? Turn to p.10 for the answer

Letter to the Editors

Dear Editor,

I would like to respond to a letter from the Office of Career Planning prompted by a letter from a student expressing her concern that Cleveland-Marshall encouraged the JAG to recruit on our campus despite their overt **discriminatory practices**.

The letter stated that it was the mission of the OCP "to increase the employment opportunities for *all* students" (italics added). It went on, however, to qualify that the end of creating opportunity was not to be thwarted by scrutiny of the means such as "what kind of employers recruit on our campus". It further emphatically disclaimed that the OCP "cannot be in the business of filtering out employers whose policies or practices may be offensive to some".

I fail to see how OCP can achieve their goal of *increasing* employment opportunities for *all* students while at the same time encouraging potential employers to openly discriminate on the basis of age, sexual orientation, or other "practices that may be offensive to *some*" (italics added).

Who are *some*? I certainly hope we are not talking about people who happen to be in the minority at Cleveland-Marshall. If so, then isn't discrimination along the lines of sex or race only directly offensive to *some*?

I submit that Cleveland-Marshall must go beyond simply asking that each employer sign an

anti-discrimination pledge in order to achieve their goal of *increasing* employment opportunities for *all* students. A good starting point would be to adhere to the college's anti-discrimination policy which ensures, *inter alia*, that it is the policy of the college of Law (and CSU) to avoid discrimination based on age or sexual orientation in school administered programs.

Michael Wilson
3L

Letters To The Editor

Applaud us, amuse us or argue with us. Drop off your Letters to the Editor at the Gavel office in Room 23. Letters must contain the writer's name. Letters will be edited for brevity and for clarity.

Make a Statement... Write for The Gavel

The Gavel is always seeking interested students, staff, faculty and administrators to contribute to this publication. If you are interested, stop by this office, LB 23, or call 687-4533. Opinion pieces, news articles and cartoons are welcome. Please contact an editor regarding your topic to avoid duplication of efforts.

Contributors become staff writers after publishing two articles in The Gavel. Staff members are eligible to participate in editor elections at the end of the school year. Three editors are elected, each receiving a full stipend (in-state tuition) from the University.

The opinions expressed herein are those of the author and not The Gavel. The Gavel is not responsible for article content, including factual matters.



Jacobs Field in all its glory and splendor before it was shutdown due to the major-league baseball strike last year. Will big-league baseball ever resume here or will the field be a monument to greed and stupidity?

A Layman Speaks of His Jury Experience

by Rob Wilson

I am neither a lawyer nor a law student. Perhaps that is why I was picked for jury duty, as I understand litigators rarely prefer legal-minded jury members. Anyways, after postponing it twice, I recently served my time on jury duty for the Cuyahoga County Court of Common Pleas. These are my thoughts while the trial was going on:

Day 1:

Waiting, waiting, waiting.... Arriving at 8:30 a.m., we sat for an hour and a half before getting impaneled. Twenty four of us went to a jury room and waited to be called into the courtroom of Judge Thomas Patrick Curran for a criminal trial.

Choosing the jury: At noon we went into the courtroom. Jurors one through 12 got to sit in the jury box, while the rest of us sat in the back of the courtroom. The judge spoke to the jury first and appeared to be either imitating a patronizing relative or campaigning. Next came the prosecutor, who looked like he was six months out of law school. The judge seemed to take great exception to the prosecutor's line of questioning - he corrected the prosecutor twice and then called him up for a sidebar. After the sidebar, the prosecutor stopped trying to give legal definitions to the jury and the judge seemed happier. The defense attorney was much smoother, but asked identical questions to each juror, which got annoying after a while.

Four jurors were dismissed from the panel; all appeared to be people the judge had taken a liking to during voir dire. Being juror number 17, I became an alternate on the case.

Day 2:

Waiting, waiting, waiting.... We were instructed to return at 9:00 a.m. and to be ready to go into court at 9:30. At 11:15, we finally got into the courtroom. We got a good solid hour in before breaking for lunch. After lunch, we went from 2:00 to 4:15, when we stopped for the day. I think I understand better why so many people want to go into the legal profession - you can't beat the hours.

The Case: A former employee of the Cuyahoga Hills School for Delinquents is accused of illegally using a State of Ohio gasoline credit card, presumably to put gas in his own vehicle. He is accused of charging what appears to be less than \$200 of gas over a two month period. He is charged with 25 felony counts - 12 counts of forgery, 12 counts of utter-

ing, and one count of abuse in office by a public official. (Not being of the legal persuasion, I thought uttering was a one-sided conversation that some homeless people carry on. I was informed that uttering is professing to be someone else when you commit a forgery. Forgery and uttering go hand in hand, and seem to provide two charges for the same act.)

The Pace: Working at this slow pace is more tiring than an active day at work. I have an urge to reach for the remote control so I can fast forward through the boring parts. I have new sympathy for the jurors in the O.J. Simpson case.

Day 3:

Waiting, waiting, waiting.... We report at 9:00 a.m., in order to be ready to resume at 9:30. At 9:45 we are called to the jury room, and travel up the elevator with "His Honor." We pass a line of 10 people waiting to talk to "His Honor." The bailiff asks us all to write down our names so that the judge can send us a letter of apology for all of the delays. Court starts at 10:30. We get about four hours of testimony in before calling it a day.

Theory: The courtroom is a sensory deprivation experiment. It is warm and there is no air circulation. The same questions are asked over and over. The judge and the prosecutor play a game called "How should I phrase the question so as not to illicit a hearsay answer?". The prosecutor seems to be losing the game. My brain activity slows to the pace of the trial. I sit and wonder if I can pass a simple motor skills test, and consider trying to touch my index finger to my nose.

The Prosecutor Builds His Case: The whole case hinges on the testimony of an expert witness, who is a professional document examiner. His professional opinion is that the defendant signed other people's names on the gasoline charge slips. His testimony only lasted about 45 minutes, and left me with many questions, such as 'How accurate is handwriting analysis, and what is the margin for error?' I hope someone answers these questions. There are other questions that I would like to ask, but since we are a deliberative body and not an investigative body, I doubt I will get a chance.

Day 4:

How to Win Friends.... Today we got called up to the jury room at 9:35, our best start of the week. Unfortunately, when we went into the court room at 9:45 the defense attorney wasn't there. The judge seemed vexed. After some check-

ing, the bailiff found that the defense attorney was still at home. We ended up not starting until 12:15. When we resumed, the defense attorney apologized, but really never explained what happened.

The Defense Builds Its Case: Most of what the defense presented today were character witnesses, who described the witness as being an honest, God-loving, choir singing man, who is devoted to youth and incapable of wrongdoing. The defense asked each character witness how the defendant was viewed in the community as far as "truth and veracity". The defense attorney seemed to have particular trouble pronouncing the word veracity and I wondered why he kept using it. However the witnesses all agreed that the defendant was honest and truthful.

Shameless Plug: Juror number 10 owns a family bakery and is bringing in doughnuts every day. The doughnuts are great. The bakery is called Michael's and it is on Broadview Road in Old Brooklyn.

The Clock is Ticking: We have now spent four days on a case that has had 45 minutes of concrete evidence. The jury is getting restless. Will the case carry over until next week? Everyone wants it to wrap up. Is this a ploy by the defense somehow?

Day 5:

Hurry Up: We start at 10:00, the earliest start of the week. The judge apparently wants to end this thing too.

The Defense Resumes: The defense puts three more character witnesses on the stand, who portray the defendant as "dedicated to the young people". They are effective. Toward the middle I find myself thinking that the defendant does seem like a pretty good guy, and that convicting him on these felony counts is excessive.

The Defense Concludes: The defendant testifies in his own behalf as the last witness. He categorically denies using the gas credit card or forging other people's names. He is an effective witness. However, he loses some credibility when he acts like he doesn't know that the gas stations where many of the incidents happened are between his residence and the boys school.

The Closing Arguments: After lunch, the closing arguments begin. The prosecutor begins by apologizing to the jury if he has offended us in any way, and for letting his Irish heritage come out during the trial. He hasn't particularly offended me, although he hasn't really impressed me either. I have no hard feelings toward the Irish (other than some Notre Dame fans), so I sit and wonder what the hell is he talking about as he is talking. The defense attorney repeats many of his same conspiracy arguments in his closing. He is a much better public speaker and more entertaining to listen to. During the course of the trial he has mispronounced or forgotten virtually every name involved in the case.

Money: During the closing arguments, the defense attorney came over, stood in front of me and pointed at my lap. When I don't respond, thinking this is the weirdest thing yet, he points again and says the word "money". Sure enough a quarter had rolled out of my pocket and was on the chair. I said thanks, and he resumed his argument.

Deliberations Start: At about 4:00 the judge starts his instructions to the jury. After half an hour or so, he sends the jury to the jury room. As an alternate, I am excused at this point. I walk out of the jury room with 12 envious sets

of eyes following me.

Alternate Life Style: On one hand, I was glad to get on the road and be done with my civic duty. On the other hand, I felt slighted that I was not able to discuss the case with the other jury members.

Epilogue:

The Verdict: The jury took approximately one hour to find the defendant not guilty on all charges. The key fact that decided the case was that the defendant had been instructed to sign the names of all of the people whose names had been forged in his handwriting sample. The other people had only been asked to sign their own names. In an inspired moment, the defense attorney had asked the hand-writing expert "Are you absolutely sure that, had you seen all of the handwriting samples with all of the names, that your conclusions might not have been different?", and the expert witness had said "no".

Beyond a Reasonable Doubt: The defendant may have been guilty. However, the State did not present enough evidence to prove this to me beyond a reasonable doubt. In my opinion, the State had enough facts to get a conviction but the prosecutor got out-argued in court.

Conclusion: This trial took approximately 20 hours of court time over a five day period to discuss about an hour's worth of relevant information. Why did this case ever get to trial? I couldn't help but speculate that the defendant had a civil case against the State for being fired from his job. This "not guilty" verdict may cost the state of Ohio a big settlement. Still, it is hard for me to justify convicting someone of 25 felony counts for taking less than \$200 worth of gasoline.

The author, Rob Wilson is the husband of a second year law student at Cleveland-Marshall.

Impact from p.1

"I received a letter just this morning which I submitted to the Court and I understand was given to counsel from a law professor concerned about the fact that the Judge was considering terminating electronic coverage because of its importance to the viewing public and the understanding of how the process works.

During subsequent proceedings later that day, Prosecutor William Hodgman also made reference to Finer's letter in other arguments before Judge Ito. "You know, it was considered by this Court this morning to have the resumption of televised coverage of this case. The Court's interest - as I'm sure - at least certain parties - was that this would be an opportunity for America, law students, law professors and perhaps even people around the world to see how the system operates in America."

Judge Ito eventually ordered that television coverage continue. "It seems clear that Judge Ito does want to make this an educational experience," said Finer. A couple of days later Finer called attorney Kelli Sager and she thanked him for the letter. "She was very appreciative. She thanked me for doing it," he said, adding "Every once in awhile you have to contribute in some way to the issues."

Finer says he is referring to the Simpson trial frequently in his Criminal Procedure class. "It makes it much more lively." In addition, Finer has been invited to participate in a panel discussion of the Simpson case in March at the City Club.



Marino's Haircutting
The Difference . . . Personal Service

Student Discounts on Haircuts & Products

Mon - Fri:
9:00 a.m. - 5:00 p.m.
Appointment Appreciated

1818 Euclid Avenue
Cleveland, Ohio 44115
(216) 861-6044

Prof. Finer's Letter to Judge Ito

Professor Joel Jay Finer
Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44017
January 25, 1995
5:00 a.m. EST

Dear Judge Ito,

I am writing this a few hours after it was announced that you have tentatively decided to bar further television coverage of the trial of O.J. Simpson because of the televising of alternative jurors in violation of your rules.

As a legal educator for almost 30 years, in the areas of criminal law, criminal procedure and first amendment, I am chagrined at the prospect that the most profoundly promising experiment in the history of public legal education may be aborted.

Also, as one among the hundreds of millions who have been inundated with sensationalist tabloid-type coverage and who looked forward to the countervailing effect of the televising of a formal trial with all the safeguards that the law and your Honor would impose (against introduction of irrelevant, unduly prejudicial, wildly speculative or purely gossipy-hearsay material) I am doubly concerned. For the televising of the trial promised to provide an antidote to the false public impression irresponsible elements of the media have engendered about the law and its processes.

The public has become increasingly conflicted, if not indeed alienated toward law, lawyers and legal processes. Public cynicism toward the legal system, always a presence has probably reached unprecedented proportions.

Misunderstandings, distortions, and hateful-sadistic humour toward our profession is pervasive, and reckless-bad faith "reporting" of the Simpson case by sorry segments of all the media have substantially contributed to this profoundly anomalous state of affairs.

Nothing less, your Honor, than the reputations of our Lady the Law is at stake here. Exploitation and sensationalism by ethically irresponsible segments of the media have distorted legal processes and stained the image of our criminal justice system.

Already in the first day of trial, the public has seen how the law really operates - e.g. in your public rulings against [unsworn testimony to the jury by Mr. Simpson] and against undue argumentation by Prosecutor Marsha Clark. It has also learned of your sensitivity to public display of graphically disturbing images, by your shutting off of video feeds to protect vulnerable member so the public (e.g. children, and grieving families (and their remaining privacy)).

Whatever the merits of televising trials generally, given the enormity of public misinformation so-far generated outside the courtroom only public viewing and listening to the trial itself can save the Great Lady from yet another smear on her deeply rooted, but very tarnished reputation as ultimate bestower of Justice. Public observation of your Honor's authoritative administration of the proceedings, with the dignity, decorum, respect, and faithfulness to the teachings of the Law, that your courtroom projects may be one of the last best hopes for generating a more knowledgeable and responsible citizenry, appreciate of the rationality, soundness, strengths and virtues of our adversary system of justice.

As my law school classmate, former Dean of the University of Pennsylvania Law School, now President of Dartmouth College, James O. Freedman has writ-

ten, "[f]rom the point of view of ordinary citizens, the nature of the legal process is one of our nation's best-kept secrets."

I frequently remind my students of Justice Brandeis's observation that "[t]he law is the great teacher." I have told my students, as we study the Simpson case in Criminal Procedure, that your courtroom promises to be the great public educator, demonstrating that our legal system is rational, fair, dignified, respectful of persons, and ultimately just.

* * * Lack of faith in our legal processes will undermine those very processes for the preservation of our justice system is ever dependent on a well-informed citizenry.

The first amendment "is an experiment, as all life is an experiment." Justice Oliver Wendell Holmes wrote.

Yes, there is some (small) risk from continuing televised coverage. Notwithstanding that risk, which your Honor has the means to minimize, "the spirit of liberty, and of government education for responsible citizenship, is that spirit which is not too sure that it is rights, and which can rarely hope to see, but through a glass darkly (I paraphrase Judge Learned Hand.)

At the same time your very understandable outrage at the televising of alternative jurors cannot be ignored. It is not the burden of this letter to suggest remedies for grossly negligent action of Court TV (which by and large provides an enormously valuable public service in all its programming). There may well be less restrictive alternative remedies to a total blackout.

**** Your Honor's credibility would not be jeopardized were you to take some significant action regarding future coverage. Were that action to be, however, a blackout of the trial itself, the ultimate loser would be the law itself, for one of the best and last desperate hopes for an enlightened citizenry would be obliterated at the very moment of its birth.

Respectfully yours,
Joel Jay Finer
Professor of Law

AFTERNOTE - the letter implicitly emphasized what the public could learn about the adversarial criminal justice system operating with full procedural protections of both sides and with both sides having access to any and all helpful and relevant resources.

However, I have at least two important qualifications to any inferable suggestion that this is a very good example of our criminal justice system in operation. In the first place, the vast majority of defendants in the criminal justice system are provided with far fewer resources and often less talented legal assistance than may be necessary adequately to defend themselves.

Second, although the trial shows that the law inside the courtroom is not the circus that the media has created outside the courtroom; nevertheless, because of enormous and usual pressures on the system, because of the atypicality of this particular trial, the process may produce a result reflecting Holmes' observation that "hard cases make bad law."

Nevertheless, public observation of the trial, with appropriate accompanying commentary indicating what is typical and what is atypical, may well enhance public understanding about some of the strengths and weaknesses of our legal system.

JJF

Other Academics Use Law Library

by Marie Rehmar
Reference Services Librarian

Perhaps you've been curious about the individuals or groups you've noticed on tours of the Law Library over the past months. Where are they from and why might they be here? Here are some details for you.

The most frequent type of individual Law Library tour has been for a faculty candidate or a new faculty member. Our focus is generally on aspects of our collection or our services especially helpful in meeting that person's instructional and/or research needs. We occasionally have special out-of-town company. This past year's guests have included visiting judges from China and visiting law faculty from Russia and other countries.

In our role as the center for legal research on this campus we have C.S.U. graduate and undergraduate students from the Colleges of Education, Arts and Sciences, and Urban Affairs who have assignments/papers requiring that they use law review articles, cases, etc.

Getting more specific, could you imagine a school administrator in today's educational environment not having had any exposure to legal issues? The School Law course doesn't turn your local back-in-school principal into an attorney, but can create an awareness of when it might be wise to seek legal advice. (As an aside: area high schools have Street Law courses for students; it only seems logical that legal educational opportunities are available for teachers.)

A student in Legal Aspects of Social Work may eventually be planning a career in law, but in the meantime needs to find out how to research information related to a piece of federal legislation information critical for a paper or on the job.

Students in the Sports Law class are learning about risk management. This may result in a benefit to individuals in the community in which they may later be employed.

There may be Urban Affairs students in a cross-listed Law course. They need some additional information about legal research and the Law Library just to manage in the course.

As we become aware of a class with a legal research component, we try to take a proactive approach, talking with the faculty member and scheduling a tour. This can provide a more effective educational experience, and also maximize our staffing resources. Students can become more confident and self-sufficient, and be aware that their cooperation is important (in reshelving materials they use, etc.). (And, from a personal perspective, it is really nicer to be able to talk about Vendamat cards to 15 people at a time, rather than to each individually.)

We also have students (and faculty) from other universities. The Ohio Board of Regents has sponsored the OhioLink combined online catalog, so just as we have greater access to collections at the other state universities (and C.W.R.U.), so we can expect a greater number of users from other OhioLink institutions.

The community colleges will be part of the OhioLink system and from a recruitment interest the universities are developing a number of relationships with them. CCC-West and Lakeland both offer paralegal programs, as do Dyke College and several other institutions. Taking a realistic approach that a paralegal in the Cleveland area would at some point be likely to use this library (whether as a student learning about area resources, or later on handling a request of perhaps one of our graduates) we are finding it useful to provide tours of the Law Library. "Floundering" decreases, **more accurate information is conveyed**, and cooperation becomes more of a norm.

In today's sophisticated, multidisciplinary, and financially-conscious educational environment, any student can count on needing the resources of any number of libraries. Libraries are involved in numerous cooperative relationships to serve their users. We are, and we continue to try to develop ways to maximize our resources so as to best provide services for you.

Performance Art in the CSU Art Gallery

The Cleveland State University Art Gallery will host a series of performances, lectures, and video programs March 6 through April 12 as part of the eighth annual Cleveland Performance Art Festival (PAF).

This year's festival includes over 182 events presented by more than 275 artists and groups from a dozen countries. In addition to the CSU Art Gallery, venues include the Powerhouse Loft, the colonial Arcade Ballroom and Karamu House.

The entire Cleveland Performance Art Festival runs March 2 through April 21.

Five featured artists will present installation performances in the gallery each Tuesday evening at 7:30 p.m. (unless otherwise noted). On Wednesdays at noon, the artists will present free lectures in the gallery. Additionally, the festival will premiere a different 60-minute video program each Monday at noon in the gallery.

In addition to the video premieres each Monday, an interactive Video Resource Room will be open in the gallery Monday through Friday, 10 a.m. to 4 p.m. It will feature hypertext-linked databases of photos, videos, artist fact sheets and news clips of performance artists featured in the festival over the years.

General admission performance tickets are \$10 per person. Admission to performances in the CSU gallery is free to visitors with a valid CSU ID. Festival passes are available for \$25, which is good for four admissions at any venue.

C-M Students Speak Out About Welfare

by Susan French-Scaggs
Staff Writer

Although most agree that our current welfare system is in need of reform, it is hard to establish just what should be done. Some believe that the system is entirely over generous and perpetuates dependence upon the government. This sentiment is evidenced by a comment I overheard from an anonymous source stating "if women have time to fool around and get pregnant, they have time to flip a burger." Others will argue that the system falls short of what really needs to be done in order to accommodate the basic human needs. Many students at Cleveland Marshall have some very good ideas about what they would do if they were in charge of reforming our current welfare system.

Kathy Grey, a 2nd year student, believes that the most important issue in welfare reform is actually health care reform. Kathy believes that you must first concentrate on a good national health care plan, otherwise people will not get off of welfare because they cannot afford health care. Simply stated, all need health insurance, especially women with children. You have to give people some incentive to get off of welfare, and by providing affordable health care for all, this would achieve the objective. Grey also believes that the issue of breakdown of the family has to be addressed. The government today supplies too many incentives not to work, such as having a low minimum wage rate. The government is incorrect when it states that minimum wage is set basically for part-time teen employees, there are many families trying to live on minimum wages. Grey also advocates public work programs, where people on welfare who are able to work and who cannot get jobs otherwise, work for the government for their support

money. She also believes that more programs like head start are needed to break the welfare chain early. With a better education that parents have to participate in, the family works together as a unit towards future independence. Grey admits that her ideas would cost more money in the beginning, but there would be less of a cost in the future and less people dependent on the welfare system.

Aaron Reber, also a 2nd year student, states that we need more of an IRS type of system, sort of welfare auditors or parenting devices. This would monitor and discover fraud in the system, which should be remedied and punished according to adequate legislation. Reber also believes that the welfare system is being abused just like the unemployment situation. He thinks it will be very hard to instill pride in the welfare recipients, they believe they should not change -- why change your ways if you get money for not working?

Emily Hvizdos, a 1st year student, believes part of the answer lies in placing a time limit of say three years on full compensation. Of course there may be some exceptions. Of course there may be some exceptions to the time limit, which will be decided on a case by case basis, and not all programs will be cut after three years, just the full and total compensation. Hvizdos says more emphasis needs to be placed on single parents, or dual parents with many children. There needs to be even more subsidized day care so people can go out and work, and more job training and education programs to equip these people with the necessary job skills for employment. Basically the programs as they exist today, Hvizdos says, create dependency, not self-sufficiency.

Darrell Tyburski, a 3rd year stu-

dent, says that the current welfare system offers no encouragement to the recipients to succeed or to get off of welfare. The benefits need to continue for a period of time even after employment is obtained, in order for the person to become secure in his job and earn enough money to live above poverty levels. This would be a transitional measure that assesses realistically what a person or family needs to survive. This would promote or give an incentive to the people on welfare to seek employment. Another problem with the current welfare system is the fact that predominantly white males are deciding the fate of predominantly single minority moms. We should take a close look at the system as it exists and have legislative hearings and talk to these minority single moms to find out what is really going on in their lives and what their needs really are. The current welfare system is plagued with stereotypical fallacies which motivate welfare cuts instead of welfare reform. Abuse is not the true issue -- the true issue is that the current system is not meeting the needs of the people. This is because government has failed to address the real problems which are poverty and its true causes. It is the government's duty and obligation to address these issues.

Third year student Cate Smith agrees that the welfare system needs to be reformed. Although the system was progressive in its inception, it has suffered too much abuse for too long of a time, like many other governmental policies. **Smith thinks part of the answer lies in setting time limits on the benefits for able bodied persons, during which they are retrained for other jobs. She advocates a cut off of services for these able bodied persons of say two to three years -- no**

matter what. There should also be no additional money for additional children, or we should severely reduce the money for additional children, says Smith. This may promote better attention or care in the use of birth control.

Leo Spellacy, also a 3rd year, states that the whole point of welfare is to be a transitional program, such as for people between jobs -- not for people who simply do not want to work. There should be a time limit for benefits, a couple of years or so being the maximum. We have to break cycles of welfare dependence and we have to get the business community involved through programs and tax incentives, or through non-profit federally subsidized projects like the Hough Area Partnership in Progress where these people are trained in the community. We have to be realistic though, the whole point is to help people gain independence from support, not make them dependents. The current system reflects the "great society's" failures. We also need to involve social security and churches to supplement and allow for some retreat by the federal government. Basically, get more involvement from the private sector, says Spellacy. Spellacy would also not take away health insurance from those seeking employment because, he says, this would be a further incentive not to work. Spellacy says the federal government should buttress the health insurance programs.

South African Visits C-M To Gather Information On Street Law Programs

by Susan French-Scaggs
Staff Writer

Annie Chimusoro, a Zimbabwean and permanent resident of South Africa visited Cleveland and Cleveland Marshall on February 6th and 7th. Cleveland was just one of three cities that Mrs. Chimusoro visited while participating in the International Visitor Program of the United States Information Agency. Chimusoro visited San Francisco from January 23rd through January 30th, Portland January 30th and 31st, and Cleveland February 6th and 7th.

Chimusoro earned her BL in 1987 and LLB in 1989 from the University of Zimbabwe in 1989, graduating with honors. Her husband is a gynecologist and works in South Africa.

Chimusoro is the coordinator of the Street Law Program at the University of Fort Hare which is located in the Eastern cape of South Africa. Chimusoro visited the United States to gather information about administration, finance, development, and evaluation techniques used in street law programs in Cleveland, San Francisco and Portland. She will take this information back to South Africa and implement the procedures in her Street Law Program.

Some of the areas in which Chimusoro and her husband work are very underdeveloped with children who cannot afford proper clothing, books or are communities with make shift schools. There is great concern about the welfare and treatment of children, so part of Chimusoro's mission is to teach the children about The Universal Declaration of

Human Rights Adopted unanimously by the United Nations General Assembly on December 10, 1948, and also incorporated into the South African's temporary five year constitution which is still in effect. If these rights are violated in South Africa, a remedy can be obtained in court. These declarations are simply aspirations in the U.S. and do not have the force of law.

(Some of Annie's background information was obtained from a copy of her Biographic Information handout)

The Universal Declaration of Human Rights are in pertinent part as follows:

- Article 1:** All human beings are born free and equal in dignity and rights.
- Article 2:** Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Article 3:** Everyone has the right to life, liberty and the security of persons.
- Article 4:** No one shall be held in slavery or servitude.
- Article 5:** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 6:** Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 8: Everyone has the right to an effective remedy by the competent national tribunals.

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal.

Article 11: Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.

Article 13: Everyone has the right to freedom of movement and residence within the borders of each state, to leave any country and to return to his own country.

Article 14: Everyone has the right to seek and to enjoy in other countries asylum from prosecution.

Article 15: Everyone has the right to a nationality.

Article 16: Men and women of full age, without any limitation due to race, nationality or religion have the right to marry and to found a family ... The family is the natural and fundamental group unit

of society and entitled to protection by society and the State.

Article 17: Everyone has the right to own property as well as in association with others.

Article 18: Everyone has the right to freedom of thought, conscience and religion.

Article 19: Everyone has the right to freedom of opinion and expression.

Article 20: Everyone has the right to freedom of peaceful assembly and association.

Article 21: Everyone has the right to take part in the government of his country ... The will of the people shall be the basis of the authority of government.

Article 22: Everyone, as a member of society, has the right to social security.

Article 23: Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and his family ... Motherhood and childhood are entitled to special care and assistance.

Article 26: Everyone has the right to an education.

Article 27: Everyone has the right freely to participate in the cultural life of the community.

Pro-Bono Legal Assistance Can Aid the Voices of Despair

by Michele R. Fosco

Only one of every six low-income Ohioans who has a civil legal problem is able to secure legal assistance. This need could be satisfied if each attorney in this state would provide a minimum amount of pro bono service to low income clients. Two extreme, opposing viewpoints govern this proposition, as I will demonstrate through the works of Ames in *Law and Morals*, and Epstein, in *A Theory of Strict Liability*. In the end, the law has remained silent and has not yet taken a stand. Perhaps the law cannot afford to remain silent any longer. By drawing an analogy between indigenous people in Peru, a third world country, where poverty is obvious to all and states like Ohio, where those in need are not as readily apparent, I will illustrate how both are in dire need of assistance, regardless of their propensity to show need.

Imagine, for just a moment, that such a requirement came into existence. The ultimate issue would then be whether persons can be liable for nonfeasance, or the failure to act, if there exists an affirmative duty to aid, assist, or protect others from harms that afflict them. These harms not only range from poverty, hunger and homelessness, but also to the inability to afford sound legal advice when in need. Would attorneys who refuse or fail to satisfy the pro bono requirement be penalized in any way? How would the punishment be implemented? Would there need to be a system for checking whether attorneys fulfill their civic duty? These questions need to be answered.

On one side, we have theorists who support the idea of creating an affirmative duty to provide aid for those who are unable to help themselves. As Ames stated in his work, *Law and Morals*, "The law is utilitarian. It exists for the realization of the reasonable needs of the community" (22 Harv. L. Rev. 97, 110-113 (1908)). In his essay, he poses the question of whether the law should inflict punishment or provide compensation for events which would not have happened but for the wilful inaction of another. Ames concludes with the idea that if persons can render aid to others without causing a burden to themselves, they should do so. Consequently, Ames would support enforcement of a requirement for pro bono service hours.

On the other hand, Epstein, in an excerpt from *A Theory of Strict Liability*, takes an opposing viewpoint. For example, he questions whether or not, if society is governed by Ames' propositions, one can be forced or legally obligated to contribute ten dollars to a charitable organization that ships food and medical supplies to third world countries (2 J. Legal Stud. 151, 198-200 (1973)). Certainly, society would not react well to the notion of being forced to contribute to charity. Perhaps this aversion would be quite a different story, however, if society knew the harm being done to indigent people is not far away in another country, but right here,

in this very state. Would it be easier to justify the imposition of a duty when the harm is imminent rather than far removed from our daily lives? Epstein would answer negatively, claiming that since there is no place to draw a clear line between moral obligation and legal obligation, imposing a duty would not be justified regardless of the evidence of need, because "need" is a relative concept. Surely he would object to the idea of lawyers being required to perform pro bono work.

In contemplation of these issues, I am reminded of a South American city I visited this past summer, tucked deep into the Andes mountains, in Cusco, Peru. It is a beautiful place, where pastures of green abound and the blue sky extends for miles around, interrupted only by tall, snow-peaked mountains. While there, it occurred to me that millions of people enter this land each week, viewing the beautiful sights and observing the customs of the peoples, yet many fail to see the poverty-stricken looks on the peoples' faces amidst the fascinating Inca ruins and the beautiful splendor of the countryside.

Similarly, how many law students and attorneys today, confronted with law books and dreams of high-paying clients in corporate America, close their eyes to the realities of life? Indigent clients, those who are entitled to legal aid just as much as top-level executives in big businesses, remain unassisted. Then again, perhaps the response from the legal community would be different if the need were more apparent. What would happen if each day attorneys encountered indigent clients begging for aid at their office doors? Would the situation be any different?

Are things different in countries where poverty abounds, and is obviously a problem? The parallel perceptions found in my travel journal from Peru, provide a valuable analogy:

It is not so much the beautiful ocean or the breathtaking mountains I remember as much as the people. The faces I saw remain ingrained deep in my memory. They all had characteristics in common: dark complexions, deeply inset, sad, brown eyes, forlorn expressions portrayed on weather-beaten faces and then their voices. I can still hear the voices of the small children who approached me from every corner, begging, "Canto, Senorita? Canto in Quechua?" They wished to sing for me, in exchange for a coin or two.

At one point I encountered a young boy amidst the Inca ruins, clutching a bouquet of weeds in his small hands. His torn gray sweatshirt and red sweatpants hung from his thin body like clothes hanging on a clothesline. He wrapped his arms around his small frame to keep in warmth that was simply not there. His sad face and wet eyes spoke a thousand words. I watched him roaming the ruins for someone with a trace of humanity left, by begging for life, asking for coins from tourists in a language no one could really

understand, just to buy a piece of bread for the day. Finally, he reached my small group, and attempted a smile.

I found a coin in my pocket, then placed it in his cold, little hand, and began to walk away, but not without gazing over my shoulder at him. He was still watching us, his eyes thankful. We were simply visitors on his mountain, the land on which he worked to stay alive. What could he have possibly been thinking. Was he marveling over the travelers who had enough money to visit his country, yet for some reason did not even offer a coin to him?

Finally, upon leaving Peru, I met an old man who made a living shining shoes at the airport in Lima. He waited at the doorway of the airport cafe, where travelers rested while waiting for their flights. In some unknown language, he attempted to sell his services to those passing by. To his obvious dismay, there were no takers that morning. Defeated, he resorted to sitting on his little shoe cleaning stool, which he propped in the doorway of the cafe. There he hungrily watched all the shoes that entered and exited. The man watched not the faces of the people, but their shoes. With great sadness, I watched his head turn with much energy and vigor as each set of shoes passed by. He called out to some, but received no answer.

Is this the impression we, the legal community, wish to give Ohioans? Should we turn our backs and ignore the disturbing statistics as the travelers ignored the poor old man at the airport in Lima? Are attorneys in Ohio going to wait until the need is as great as the impoverished in Peru before addressing the unmet legal needs? Just because the deficit of legal help does not paint such piercing visual pictures, is it not as real? By requiring pro bono hours, can attorneys in Ohio address a growing problem before it escalates into a crisis?

Law is a service profession; therefore, it should be designed to assist low income citizens who are unable to obtain aid due to financial constraints. I believe there should be a requirement to provide a minimum amount of pro bono service to such clients. Absent such a requirement, we are neglecting *The Ohio Code of Professional Responsibility* (1994), which declares the fundamental principle of the professional responsibility of lawyers is that "every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence." (EC 3) The Code states that the responsibility for providing legal services to indigent clients rests upon each individual attorney, and "personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer" (EC 9). Furthermore, all lawyers are encouraged to counsel the disadvantaged, regardless of "professional prominence" or "professional workload" (EC 9). Although some services are available to indigent clients, such as lawyer referral services, legal aid offices, and other programs where low income clients can seek assistance, these efforts fail to meet the increasing needs of our litigious society.

As we continue to study law and advise clients, I believe law students and practicing attorneys should be reminded what this profession is truly all about. Law is designed to serve the needs of the people. As we embark on our legal careers, fascinated by the workings of the law and the ability we have to interpret it for others in beneficial ways, let us be reminded not to neglect the serious needs underlying our entire profession. It is essential to remove ourselves once in a while from the theoretical, scholarly legal realm and realize there are ways we can assist others who are most in need right now.

In order to better survive in this changing world, we need to help others in the community whenever we can. Familiarity with the tribulations of peoples in third world countries makes us more aware of immediate needs in this country. One cannot deny that the need for legal assistance provided for low income clients far exceeds the current supply. Regardless of duties or requirements imposed, I propose the following: we, as future and practicing attorneys, do not have to wait for the law or regulations to exercise human compassion. For we know in our hearts that the same sense that would compel us to place a coin into the cold hand of a poor orphan would also inspire us to help indigent clients in need. **I challenge the legal community to change the perception that the public has of our profession. We must remember to listen to the voices of despair, and then answer them.**

Student Theater At CSU

Two student directed plays will be featured at Cleveland State University in the Factory Theatre, 1833 East 23rd St. All tickets are \$3.00

"The Game of Chess," Kenneth Sawyer Goodman's play which uses the board game as a metaphor for life, is directed by Shannon Kraustok. "I Can't Imagine Tomorrow" will be with "The Game of Chess" as a double bill. The Tennessee Williams play, directed by Dale Fowles, explores the relationship between a mortally ill woman and the man who comforts her. Performances are Friday, March 31, at 8:30 p.m.; Saturday, April 1, at 2:30 and 7:30 p.m.; and Sunday, April 2, at 2:30 p.m.

For tickets and information, call 687-2109.

Christmas in The Holyland

by Linda A. Sandish

Some of my fellow students thought I should tell of my experience this past Christmas break. I had the fortunate opportunity of spending the holidays in the Holy Land.

I left for my getaway only hours after my last exam and arrived in Tel Aviv, Israel the day before Christmas Eve. My husband and I had planned my stay so that we would go to Bethlehem on Christmas Eve and spend Christmas Day in Jerusalem. I couldn't imagine a more appropriate place to be for the holidays if you are a Christian.

I've been to Europe twice and in many different parts of America but nothing prepared me for the culture shock I was in for.

My husband and I, with some friends of ours, walked into Bethlehem after having to leave our rental car about a mile away because there was no parking. I don't mean to say that all the lots were full because so many people were there. I mean they don't have parking lots in this part of the world. You could park on the side of the street, double park, triple park, park in the middle of a road, out in a field, or in a public square next to a sign that said "no parking"; wherever you could find a place. It didn't matter where you parked because cars are not towed. They have no place to park them if they are. You only had to worry about being "parked in" by other cars. Parking

in Israel is like organized chaos, if there is such a thing. We found an old, bombed out building to park next to and proceeded on our pilgrimage.

As we walked into Bethlehem and tried to reach Manger Square, we were caught up in a PLO demonstration. This is when I realized we were in occupied territory. As you looked up to roof tops, you could see Israeli soldiers patrolling with their guns pointed down at you. Arabs crowded the streets where the demonstration was to take place, waiting for the leaders to arrive. Cars adorned with PLO flags and Yasser Arafat pictures appeared in the middle of the crowd and proceeded as people pushed each other out of the way of the cars. As the cars passed, I found myself, with many others, using the wake from the cars to move forward. I was almost riding on the bumper when a guard proceeded to grab my arm and push me and many others back, away from the cars. I didn't protest as the guard's rifle kept rubbing up against my face. He proceeded to scream in some "foreign" language, not noticing my eyes were as big as saucers from this potential threat to my life.

I somehow caught up with my husband, who was pushed along in a different direction from myself. We then tried to go around Manger Square and come in on a different side, which we succeeded in doing. We had to wait in line

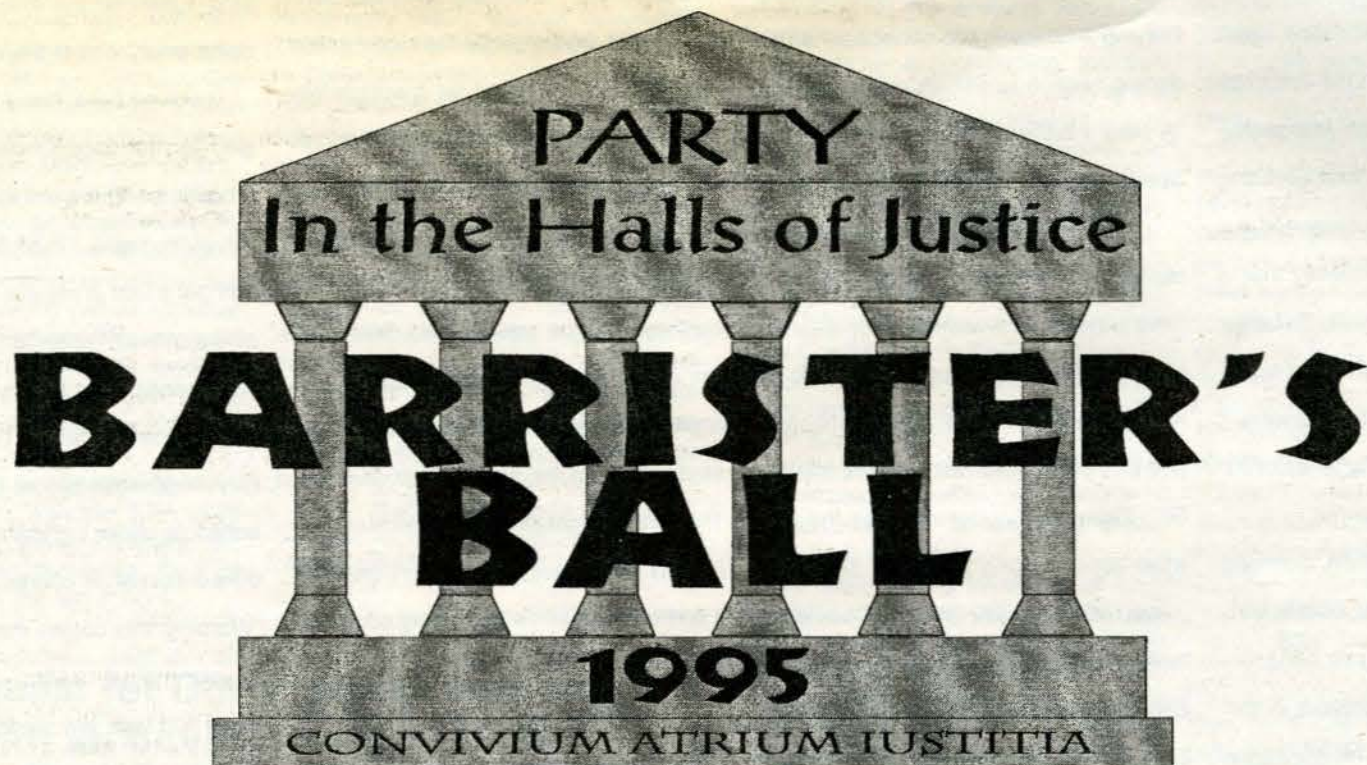
to enter through a check point. I still didn't quite comprehend for what we were standing in line; I just wanted to go into Manger Square. What was the problem? After many minutes of waiting, it was finally our turn to get in. My husband showed the guards his passport, walked through the metal detector, told them why he was in Bethlehem and proceeded in. I did just the same but the guards wouldn't let me in. They insisted (in very poor English) that I give them film or a photo. I tried telling them the only film I had was in the camera I was carrying and that the only photo I had was on my passport. After much pleading with me to give them photos, a soldier who spoke better English appeared and explained to me I needed to take a photo with my camera in order to prove a weapon was not in it. I turned to my husband who stood on the other side of the door to semi-freedom and took a photo. As the guards allowed me to pass, I got a grim look from my husband who wanted to know why I was goofing around back there and taking silly photos.

Once I was on the other side, I just stood still for a moment taking a good look around and absorbing the different cultures that were packed into Manger Square. There were Israeli military personnel posted in strategic locations. Yasser Arafat photos were strewn all over

the Square while Christians of all nationalities clamored to the Muslim owned souvenir shops to buy Nativity scenes or other Christmas mementos. There were mosques directly across the square from the church that houses the birth site of Jesus. Arab vendors were selling corn on the cob. One restaurant even had an arabic name, written in English, stating the establishment's specialty was oriental food.

The Christians that now swarmed the Square, after the demonstration, were incredible. You couldn't walk 10' without hearing a different language from the one you last heard. There were Asians, Africans, Europeans, Americans and natives from surrounding areas, all wanting to go into the churches, and shops and wait for Mass.

It was a wonderful sight to see because there was a representative from all of God's people, so close in proximity to each other. Three different religions that all believe in the **same** God. And yet it was sad. We spend so much time focusing on our differences that we forget what we have in common. This Christmas meant more to me than all the Christmas presents I've ever had. I just thought I'd share it with you.



BARRISTER'S BALL '95

April 22, 1995

Catering
by SAMMY'S

This year's Barrister's Ball, our school's end of the year blowout party with music, food, drinking and dancing, will be held at the Old County Courthouse on Saturday, April 22, 1995 from 8:00pm - 1:00am. Tickets (per person) will be \$25 dollars and include free parking. Catering by Sammy's will include a mouth-watering assortment of hors' devours including sliced chicken breasts with sweet & sour or honey-sesame sauces, cheese filled tortellini with light cream sauce and fresh herbs, grilled skewered shrimp, Caribbean meatballs with molasses and pineapple sauce, fruit, and veggies with assorted gourmet dips. For desert, there will be cheesecake squares with fresh fruit, chocolate eclairs, assorted finger pastries, and white and dark chocolate-dipped strawberries. In addition to a full assortment of beverages, there will be a full open bar with top-shelf alcohol.

End the year with a bang and experience the courthouse like you never will again!!!

C-M Student Learns to Love Civil Procedure and Keep His Sanity

by Marc Stolarsky

Civil procedure isn't exactly the most fruitful topic in which to write a humorous essay. There aren't many situation comedies written about Rule 11 and most stand-up comics don't open their acts with a story about joinder. It seems like a challenge though, so I'll give it a try.

Before my enlightenment at Cleveland-Marshall, I thought civil procedure was a method used to domesticate animals. While I was gratified to learn the casebook wasn't about house training cats and dogs, my displeasure returned when I read our first case: Pennoyer v. Neff, 95 U.S. (5 Otto) 714 (1878). From then until I completed my final exam, I cursed the memory of Justice Field who wrote that opinion, and started the metaphorical ball rolling that is now the behemoth sized boulder we now know and dread as civil procedure. Id. I'm not ashamed to admit that in struggling with some of the concepts during that year, I often felt as if that boulder had rolled squarely over my head.

The fun didn't stop with Pennoyer. Id. Oh, no. Like the truck driver who barreled through Massachusetts in Hess v. Pawloski, (and wreaking much the same havoc), we careened our way through the magical odyssey that is "civ pro". 274 U.S. 352 (1927). To better recount the experience, let's take a closer look at some of the unique problems I encountered while struggling to learn the different elements of the course.

At first, jurisdiction seemed straightforward. It's a fairly simple concept that a residence state can bring suit against someone living or present in that state. Pennoyer, 95 U.S. 714; Milliken v. Meyer, 311 U.S. 457 (1940); Shaffer v. Heitner, 433 U.S. 186 (1977). Unfortunately, that idea is child's play on the way to grasping the theory of relativity. Jurisdiction can also be obtained by a state if a party committed a tort in the state, owned property there, conducted business or was married in the state. World Wide Volkswagen v. Woodson, 444 U.S. 286 (1980); Dubin v. City of Philadelphia, 433 U.S. 208 (1938); Flexner v. Farson,

248 U.S. 289 (1919).

From there our journey continued on to minimum contacts. Logic would dictate that the Supreme Court could take all the facts and theories about minimum contacts and give us a bright line rule to follow. Well, logic would be wrong. Minimum contacts is even harder to understand when the Supreme Court, those gods of constitutional decrees, can't decide for themselves what the rule should be (as evidence by their inability to reconcile Gray v. American Radiator & Standard Sanitary Corp., 22 Ill. 2d 432 (1961) with Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987)). However, far be it from me, a humble law student, to question the actions of that august body.

The most quizzical thing about notice is how the court expects parties to be aware of constructive service. As for myself, I'm not likely to see such a notice of a court action unless it's printed on the front of the sports section in big purple letters the size of Barney the dinosaur. Burying a notice in the newspaper's gardening section under an article entitled, "A New Fertilizer: Newt Gingrich's Old Speeches" is not exactly valid notice.

Our study of federal jurisdiction started out pretty clear cut: you've got to have either a federal dispute, or diversity and \$50,000. in question. It's hard to go wrong when you have just two choices and in a pinch your chances are still 50-50. Then the Snyder case hit the fan: what about adding parties? Snyder v. Harris, 394 U.S. 332 (1969). Does each have to satisfy the \$50,000. amount? Zahn v. International Paper Co., 414 U.S. 291 (1973). How about state created claims? Merrill Dow Pharmaceuticals, Inc. v. Thompson, 478 U.S. 804 (1986). What about federal preemption? Louisville and Nashville R. Co. v. Mottley, 211 U.S. 149 (1908). The concepts were overwhelming. I slumped. I shook. My temples throbbed. I felt like I had Buddy Rich in my head and the Titanic in my stomach.

Thank goodness for supplemental jurisdiction, the new and improved

term for both pendent and ancillary jurisdiction. Finally something was straightforward and made me feel like I was "getting it." While nothing in civil procedure is easy, it was a breather in the education marathon race just when I'd hit heart-break hill. Expecting a slap in the face it was a relief to get a splash in the face (to extend the marathon metaphor one more sentence).

When civil procedure had become predictable, removal and remand changed the rules in the middle of the game. We learned that like a jumping bean, a case could leap up from state to federal court, hop from one federal jurisdiction to another, and then drop down into the court of another state. Things really get interesting when cross-claims, counter claims and joinder are thrown into the mix.

Venue is the last pieces in the puzzle to decide in which jurisdiction a case can be brought. I can honestly say there is nothing even remotely funny about venue. The Latin phrases don't rhyme with anything silly, the case names, like Hoffman and Burnham are unusually ordinary, and unfortunately, even the logic of venue is straightforward. Hoffman v. Blaski, 363 U.S. 335 (1960); Burnham v. Superior Court, 480 U.S. 1 (1990). It's obvious that the people who developed the element of venue had absolutely no regard for the fact that some day a law student would be trying to mock them. Therefore, because there is no humor in it, I will skip venue as if it didn't exist (as it sometimes seems that many courts do too).

Rather than going through the other concepts (pleadings, discovery, preclusion, class actions and appeals), let's cut right to the heart of civil procedure, the star of the show, the big kahuna; Erie R.R. Co. v. Tompkins, 304 U.S. 64 (1938). This is one of the most pivotal cases in civil procedure and imperative to the rules of jurisprudence. An attorney not knowing Erie would be like a farmer not knowing how to grow beans (and as they say, "If you don't know beans, you don't know nothin"). Erie and its progeny are sup-

posed to clear up whether procedural or substantive law control when federal and state law conflict. However, as is usually the case with civil procedure, the more you learn about Erie, the more confused you get. In studying this case I wondered if the subject would have been a lot less complicated had Tompkins had the good sense not to walk down the railroad tracks at night, or at least step away from the speeding train. Id. Nonetheless, I learned the Erie rule, the exception to the rule and then the exception to the exception.

Because removal and remand are personally the most confusing area of civil procedure, it was appropriate that they were a major part of our final exam. In trying to make sense of 20 different parties, with contacts in 15 different jurisdictions, bringing action in 10 different state or federal courts, my scratch paper looked less like an outline and more like a Picasso. Unfortunately, Picasso was an artist and not a legal scholar. Somehow though, by perseverance and dumb luck, I finished the exam and ended up doing pretty well in the course after all.

Looking back now I can say that I'm glad for the experience of learning civil procedure. There are times, when in the still of the night, I think back to that year and get a tear in my eye. (The tear is for all the money I spent on study aids.) As an essential part in the practice of law, its importance cannot be doubted. My only suggestion is that on every course schedule under the listing for civil procedure a caveat be offered. It should read, "Warning: this course may be hazardous to your mental health." I can only wish those first year law students and soon to be law students good luck, fasten your seat belts and get ready for the ride of your life.

Picture from p.4

The photograph on page four is a picture of the Law School refrigerator freezer that you, the students, get your ice from in the Student Lounge.

Disillusioned Dave's "Horror Scope"

by David Bentkowski
Staff Writer

LEO (July 23 - Aug. 22): I'm very excited. I found a new girlfriend. We haven't met yet, but we've talked on the phone a lot. She's really kinky and loves to talk. Everything is great except my phone bill is extremely high. I am not sure where she lives, but that 1-900 area code must really be far away. I'm thinking of putting her on that "Friends and Family" plan. Leos, sometimes it's better to reach and touch yourself-God knows, it's cheaper.

SAGITTARIUS (Nov. 22 - Dec. 21): Okay, here's my religious question of the week. The Earth as we know it is supposedly billions of years old. Man is only "X" thousand years old. This leads me to my question of: "If God made us, would He like to explain to us what He was doing for a couple of billion years." I mean, I like to procrastinate too but a couple billion years? It's not like He spent all that time perfecting us. (Hell I'm proof of that.) The only thing I could think of is that God must be a union guy. Hey Joseph was a carpenter. "Hey look, I'll get to it when I get to it." Sagittarius, remember it's best to start out slow at first at your job. That way, anything you do later looks like an improvement.

LIBRA (Sept. 23 - Oct. 22): Libras are hard to nail down. (Try longer nails.) My mother is a Libra and after all these years, I still can't figure her out. (Although I love her dearly - this is called fishing for rent money.) If you ask her what she wants for her birthday, etc., she'll reply, "I just want good kids." So, after hearing this wish for years, I decided to satisfy her wish one year. She was opening her birthday presents and looked at me as if to say, "So, what did you get me?" I smiled broadly and said, "Mom, this year, I was a good kid." Forget about fastening your seat belts, this guilt trip was starting now. "How could you forget your mother's birthday . . . after all I do for you . . . you should be ashamed of yourself . . . Look what your brother got me . . . etc." "It was a nightmare. I of course rebounded with, "Just kidding, I'm taking you to Las Vegas." (Then, of course, I hopped on the phone and bought Vegas tickets.) The lesson here is that buying gifts is a tricky area and that people always expect something nice, no matter what they say. The good news is that sometimes a gift can act as a "buy-out option." In other words, Cousin Bucky doesn't care if you miss his wedding at the bowling alley as long as your personal check clears. Libras, you should be the first ones to tell it like it is and put, "Regrets Accompanied By a Check Only" on your wedding invitations.

SCORPIO (Oct. 23 - Nov. 21): Over break while in Florida I saw a boat of Haitians trying to make it into America. I almost felt sorry for them. Their boats looked like they were made by a bunch of drunk fraternity guys for the Krazy Kraft Contest. Yes, I think the time where the Statute of Liberty finally closes her welcoming arms has finally come. (P.S. Did you know Liberty has hair under her arms to signify that she was truly a gift from the French?) I

hear the base of the Statute was changed from "Give me your poor, etc..." to "Go away..We're like, not here, or something. Huh, huh . . . huh huh, huh . . . Em, yeah yeah." (Thank you Beavis and Butthead.) Since athletes from the Dominican Republic/Caribbean, etc. have usually be very talented I say we give all the Haitians uniforms and let them fill in for the greedy underachievers of Major League baseball who have cost the fans of Cleveland their first World Series in 40 years. (The author wishes to stress that he really doesn't think the Indians will ever win the World Series - see the curse of Rocky Colovito - but that it was nice to dream for a few seconds.) Thank God - or Jobu - for the movie "Major League." Scorpio, I have no idea what the hell the point of your "horror scope" was this month. Thanks for being so understanding.

CAPRICORN (Dec. 22 - Jan. 19): The other day I was talking to some exchange students visiting from Sweden. They were bragging to me about how wonderful their country was. Come, on, Sweden? ABBA? Ace of Base? Stefan Edberg? BOR---ING! (I wish I was a disc jockey so I could say, "That was Ace of Base with 'I saw the Sign' . . . and the sign said that song sucks.") Personally there isn't any other place I'd rather be than the GOOD OLD U.S. of A. (Did I mention I was running for office?) Only in America could a nerd like Clinton be President. Only in America could drugs be legal (technically). And only in America could I write such a stupid column and actually have people read it. God Bless You . . . And God Bless America. P.S. I told those pale-little S.O.B.'s from Sweden that they better say good things about America or I would send a bunch of guys named Billy-Bob from Texas over there to act out the scenes from "Deliverance." Capricorn's let me hear you squeal like a pig.

AQUARIUS (Jan. 20 - Feb. 18): I've come to the conclusion that I should be a role model for Kids. (I believe the song goes, "It's the end of the world as we know it . . .") Now I'm not Mother Teresa (I have a dentist), but I beat the baggy-pants off some of those rap role models that are out there today. Tupac, Snoop Doggy Dogg, and Flavor Flav have all been in the news for various run-ins with the law. I could just see a witness picking out Flavor Flav from a policy line-up. "I'm not sure what the guy looked like but I know it was 11:30." The first thing I would teach the kids is that you do not go blind if you masturbate. For many years I thought that's why Asians' eyes were different. The second thing I would teach them is that it really is funny to pull up to a turnpike toll-booth and hand the guy a roll of film. "Yeah, I'll pick these up next week. Thanks." And lastly, I would teach them that Chia-Pet is no substitute for puberty (Boy, did I learn this the hard way). Aquarians, I'm entertaining offers to be a guest lecturer at schools or P.T.A. meetings. Call now and call often. The only question I still have is

"Who is Malcolm Ten."

PISCES (Feb. 19 - March 20): Just when you thought you've seen it all...John Wayne Bobbitt is the star of a new porno movie called, "Un-cut" (Talk about your Comeback Player of the Year). I have to see this movie just to be thankful of my own manhood. Speaking of my manhood, I once had a girl ask me, "What does a man with a ten-inch penis eat for breakfast?" I said, "Well, I had a couple of eggs and toast." (The author wishes to acknowledge that he has never embellished facts as much as he did in this last joke. Due to a guilty conscious, he wishes to clarify the record and report the truth - that he doesn't eat eggs and toast, but cereal. Once again, sorry). The whole Bobbitt event brought up a heated discussion about the penis' capabilities. For years, many men have claimed that "it" has a mind of it's own. As proof, they offer up the bizarre occurrences of morning erections - where men actually have to stand on their heads to avoid missing the toilet, and, occurrences of impotence - usually attributed to alcohol, where for no apparent, reason the penis decides that it is on strike during various sexual encounters. In fact, even this author has been a victim of an unwelcome visit by "Mr. Happy." I was driving about 90 mph (OOPS - I forgot dad reads this) . . .check that, I was driving the posted speed limit of 55 mph when for no reason, my penis decided to become aroused. It usually doesn't bother me when he visits, but a driving visit was almost very dangerous. It was like someone had put "The Club" on my steering wheel. Thank God I was able to fend off his visit by singing the words of the Barry Manilow song that was on the radio. Women now claim that the Bobbitt case has finally proved that without its owner, the penis cannot do anything. (There is an "even with its owner" joke, but I'll let the women out there make it). After all, when Lorena Bobbitt threw John's penis on the road, it did not become a kindergarten book of running and jumping. The correct book would have read, "See Dick lay there and do nothing." Although it would have been funny if the penis could talk. To the gas station attendant: "Yeah, I'm looking for the quickest route to Manassas...I have a feeling someone is looking for me." The point is - and I hate to admit it - men can no longer blame their affairs on a betraying penis. Pisces men, please join me in mourning this sad day.

ARIES (March 21 - April 19): I hate to keep talking about the penis, but I have to mention the interesting phenomenon of men naming theirs. We all do it. Many like to give theirs names associated with their careers. For example, I am choosing a legal career. Some popular penis names are "The Gavel" of "The Docket." I have chosen to affectionately call mine, "The Firm," among other things, after the very entertaining Tom Cruise lawyer movie. Aries, be creative in your naming - like Stanley, for example. Stay away from

the words "tiny," "mini" or "little devil."

TAURUS (April 20 - May 20): I'll never forget the time my old girlfriend said she wanted to make love on a table. So, we started...It was really weird because all these people at Denny's were watching us. Oh well, r guess I got the "Grand Slam." While we were there, I noticed a sign that said, "Over 1,000 people have received free birthday meals here." The way I look at it, if you're in Denny's on your birthday, you should get something for free. It's as if the good folks at Denny's are saying, "Yes, we know you are a loser - here have a Dennyburger Combo on us." P.S. I'll never forget the time I was sitting next to a "lady-of-the-evening" at Denny's. The waiter asked her how she liked her eggs and she said, "Unfertilized." Taurus, Denny's is the best place to be after the bars close at 3:00 a.m. Why? Unless you've been there, I just can't explain it.

GEMINI (May 21 - June 20): I've been exploring my Polish roots any I've been trying to express my proud heritage (anyone got a shovel), but I'm not having any luck. Although I did discover that nothing kills a party like playing "Who Stole the Kishka" and the "Polka Dot Polka." Anyway, I've come to a conclusion; other than an occasional pierogi or my last name, I have absolutely no Polish background (There goes my Stosh Stalarski Grant) I've decided that I am a tasty, zingy bowl of that American melting-pot stew. (I just hope I never have any carrots in me - jump in the bowl. Just don't go winkie-tinkie in it.

CANCER (June 21 - July 22): Cancers tend to be serious people with no sense of humor. They also tend to make sweeping generalizations about entire social groups with no factual foundation. Cancers are probably behind the movement to get beer commercials taken off television. Taking beer commercials off TV would put the entire blonde industry out of work. If any ads should be removed, how about banning feminine hygiene product commercials. "Mom, did you ever get that not so fresh feeling?" Cancers, practice good hygiene. (P.S. Before any member of N.O.W. writes me a letter, please look up the word satire first.)

VIRGO (Aug. 23 - Sept. 22): I need your help, fans. I recently bought two puppies - I feel like Noah. (Noah, did you really need to put two termites on the Ark?) I am having trouble naming them, though. Beavis and Butthead? Thelma and Louise? Job and Blow? (This is a joke for our dyslexic readers). If anyone out there has a suggestion, feel free to contact me telepathically. I have ESP. Actually, I have ESPN, but what the hell, close enough. Virgo, picking names can be very important. See Aries. Speaking of Noah . . . The Bible said he lived to be 900 years old. Now, I hate to sound like an under-achiever, but anytime God wants to let me live to be 900, I think I could find time for church and ark building.



BAR REVIEW

30th Consecutive Year • Ohio and MBE Preparation • Howard M. Rossen, Director



***Over 26,000 lawyers
have sworn by it!***

OHIO BAR/BRI • 1370 Ontario Street, Suite 410 • Cleveland, Ohio 44113
216-696-1326

THE GAVEL

Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-4533

Staff Editors

Les Rockmael
Jon Sinclair
Robin Wilson

Staff Writers

Donna Andrew David Bentkowski
Steve Blount Cheryl Lane
James J. March Joshua Marks
Stacey McKinley Geoffrey Novak
Susan French-Scaggs

Staff Artist

Joshua Marks