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# THE GAVEL

VOLUME 72, ISSUE 2

THE STUDENT NEWSPAPER AT CLEVELAND STATE UNIVERSITY COLLEGE OF LAW

November 2023

## Unveiling Unseen Biases: Challenging Casual Misogyny and Gender Stereotypes in the Legal Field

Sydni Porter  
Gavel Contributor

Following the release of Greta Gerwig’s *Barbie* this past summer, pink posters with messages surrounding the importance of girlhood and feminism could be found on every social media and news outlet. As a woman, there’s no doubt *Barbie* strongly influenced how I saw myself, my mom, my friends, and all other women in society. Still, it also shaped how I looked at my male friends, our patriarchal society, and how it continues to shape the legal market.

For those of you who don’t know me, I’m an out-and-proud lesbian, and I present myself as openly queer. But that’s also something new for me – I spent most of my 1L year with long hair, conforming to what society expected of me because that’s exactly what I was taught to do. I dreamed of cutting my hair the way it is now for years, at a minimum, but I let my fears get the best of me. Pressure comes with looking and being queer when you walk into any new place. But in the legal field, there’s also a baseline pressure, in my experience, when you walk into a male-dominated space. And though it is clear that great strides have been made across the legal community, the incident with a Zashin & Rice attorney berating a former associate for leaving the firm shortly after returning from maternity leave earlier this year reminds us that we still have many steps to take in Cleveland.

When we talk about misogyny in the workplace, it’s important to remember that

these occurrences are not limited to such overt examples. More often than not, women are experiencing casual misogyny, actions, or words that may seem “harmless” on the surface but do little more than perpetuate incredibly harmful gender roles and stereotypes. It’s so ingrained into our everyday society, let alone the workplace or legal community, that unless you actively work against it, you are almost guaranteed to contribute to the problem. For example, how often have you critiqued a woman, not for what she was saying in the classroom or workplace, but for how she dressed? For how her voice sounded? For participating a lot, or not at all? Have you ever thought that an accomplished and confident woman was guaranteed a job, not because of her work ethic and other personal merit, but because she was a woman? Or queer? Or a racial or ethnic minority? How often have you interrupted a woman speaking or spoken over her?

When women walk into a room and actively take up space (for example, by raising their hands in the classroom), we’re often confronted with the pounding sensation of anxiety. As a 1L, I was constantly terrified to volunteer or be cold-called in a class, and it wasn’t because I came unprepared. It was because I was told through subliminal messaging throughout my entire life that girls shouldn’t be know-it-alls or should sit there and be pretty, not loud and opinionated. It took me a year of forcing myself out of my comfort zone and finding my voice for the

first time to have a genuine sense of self and confidence.

At some point, every woman, especially if she identifies with another minority community, has to decide between being acceptable to other people based on the messages she receives daily and being acceptable and authentic to the person you’ve always wanted to become. At some point, you must learn to like yourself and your voice, abilities, and opinions more than you want others to like you.

For me, this has meant accepting that people may get annoyed with my participation in a class or my willingness to take charge and lead in a group setting. It means getting over the fear of cutting my hair short or dressing in a way that affirms who I am. It means pursuing the

opportunities I have earned, not because of my sex or orientation, but on my genuine merit, when working in a society that has discounted my every step thus far.

I challenge every reader to reflect on how they contribute to casual misogyny, even in its most “harmless” form. We may not be doubting our peers to the extent Elle Woods was doubted in *Legally Blonde*, but we must pause and reflect on how we contribute to these systems and thoughts and force ourselves to reframe. If women and other oppressed groups stopped to educate someone every time they said something harmful, reductionistic, and misogynistic, they would have little time to do anything else; it’s everyone’s responsibility to correct their default systems, and I chal-

lenge us all to push ourselves to do better. Additionally, if you find yourself being called out for behaviors or thought patterns that contribute to these more significant, system-wide issues, take the time to reflect on them. Rather than defaulting to finding the thoughts to be inherently “anti-male” or “man-hating,” like many critiques of *Barbie* found themselves to be, try to find the larger picture from the small, casual instances we see every day.

As Justice Ruth Bader Ginsburg quoted abolitionist Sarah Moore Grimké during the 1973 oral arguments for *Fronterio v. Richardson*, “I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks.”

### Happy Halloween From the Pets of CSU|Law!



Zachary Zevchik’s dog, Astro!



Jenna Hosier’s dog, Her Royal Highness Princess Penelope!

**Check out more Halloween Pets on page 5**



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Carli Cox  
Gavel Contributor

The Peggy Browning Fund held its 25th Annual National Law Students Workers' Rights Conference this year in Philadelphia, PA. The Peggy Browning Fund was blown away by CSU's attendance and interest in labor law and workplace justice. Over 200 law students attended the conference from across the country and CSU had the single largest cohort of students in attendance from law school. This year 10 CSU|Law students attended the conferences thanks to the support from the Peggy Browning team, the CSU|Law administration, and CSU's National Lawyers Guild.

Over the two-day conference, there were several panels and workshops led by prominent labor lawyers

Student Spotlight:  
Fernanda Balog

Fernanda Balog  
Gavel Contributor

My name is Fernanda; I am originally from Brazil. I have been a licensed Attorney in Brazil since 2017. My path to Law School in America is quite unconventional. I am an L.L.M graduate from CSU, and my LL.B is from Brazil. I started Law School when I was 19 years old with a full scholarship. I had a passion for languages and was also studying English at the same time. My goal was to work with International Law or Diplomacy. Here in the U.S., I plan on working with Immigration Law. Because of the area I was interested in, I started to save money to do an exchange program to improve my English-speaking skills.

That is when everything changed. In September 2018, I came to America. Straight to Shaker Heights, Ohio, to live in a beautiful house resembling the American movies I used to watch. I was an Au Pair

(live-in Nanny) and spent almost two years caring for my two favorite people. Finally, in 2022 I was able to start my Master of Laws at CSU. Brazil follows the Civil Law system, whereas the United States follows a Common Law system. I also did not grow up speaking English, so I had a language barrier. However, I was very lucky to have support from the school staff, all my professors, and classmates.

I am the first person in my family to pass above a high school diploma. I am the first one who speaks English. I am the first one that traveled abroad. Finishing school in the United States and being able to sit for the Bar Exam is something I dreamed of and can now accomplish. Overall, I just wanted to share my story; hopefully, it will inspire you. Do not let insecurities hold you from going after your dreams. Do not let your background or circumstances dictate your future.




Photo of Fernanda Balog

~ Halloween Pets ~

Astro Zevchik

Blu Ighneim

Daisy Younger

Her Royal Highness  
Princess Penelope  
Hosier

Holly Casselberry

Jerry Corfman

Lola Mitchkash

Murphy Bosepheus  
Calandra-Suttie

Murphy Bowden

Mystic Cook

Bear Clemente


Thank you  
everyone for  
submitting  
pictures of your  
spook-tacular pets!

CSU|Law Students Attend the 2023 National Law Students Workers' Rights Conference

as well as union organizers. They discussed national labor trends, issues facing the workplace, and the importance of union organizing. The workshops included an intro to basic labor law that highlighted the historical influence unions have had on the workplace. There were also workshops that explored different areas in the labor field like public sector work, immigration rights, trade agreements, and sports law. Additionally, the students were able to network with these labor leaders who shared their experiences in the labor field and the many opportunities and paths available for labor lawyers.

Since their conception unions have been at the forefront of workers' rights and innovation shaping the workplace we have today. One panel discussed how current union efforts are already impacting future workplaces. The United Auto Workers

are challenging stagnant workplace standards and changing how we value and measure labor with their recent demand for a four-day workweek. This summer the threat of UPS workers striking won them heat safety protections that have set a new standard for the delivery industry. This new standard will increase competition in the industry and encourage other delivery organizations to improve working conditions for their own drivers. The ongoing actors' strikes are leading the debate over the use of artificial intelligence. Their ideas and negotiations will influence future policies regarding the use of



AI not only in the film industry but in others as well.

The conference showcased the importance of supporting unions and union workers. Unions drive progress in the workplace and improve the standard of living for everyone. Their efforts have been extremely successful in implementing workplace reform and have won many of the workplace rights and standards we have today. Their success comes from their collective power and their ability to organize, strike, and collectively bargain that is guaranteed under the National Labor Relations Act of 1935 (NLRA). Unfortunately, company executives are mounting huge anti-union campaigns violating the NLRA and intimidating workers to prevent them from organizing and unionizing. Union support is important in combating these attacks and empowering unions to continue to fight for workers' rights and progress in the workplace.

According to their website, "The Peggy Browning Fund is a nonprofit organization established in memory of Margaret A. Browning, prominent labor attorney and Member of the National Labor Relations Board. The mission of the Peggy Browning Fund is to educate and inspire the next generation of advocates for workplace justice. Through fellowships, workers' rights conferences, networking, and other programs, PBF provides unique opportunities for law students to work for economic and social justice."



# Challenging the Tradition: The Case Against Cold Calling Law Students

Allison K. Younger  
Gavel Contributor

Think back to when you were a first-year law student sitting in your first ever class, feeling anxious, wondering if you were going to be called on. Starting law school is a huge learning curve for every student. The weeks leading up to the start of the school year are filled with reading complex textbooks, re-reading cases until you find the rule, and constantly looking up legal terms. The longer you are in law school, the better you become at understanding legalese and how to navigate professors’ personalities and expectations. However, the anxiety of waiting to be cold-called never goes away or gets easier. Attorney and lecturer Adam Mortara tweeted on September 24<sup>th</sup>: “On my two-law school tour last week I saw something that genuinely surprised me. A student had a tri-folded cardboard

name tag in front of him. No big deal, I thought, in a big class professors might need those and while I don’t use first names many of my colleagues do. Then he explained there are three colors: green for willing to talk, yellow for being on the cusp of being willing to talk, and red for not being prepared. I was stunned — the idea of a law school class where students could opt out of being called on! Judges don’t let you put up the red light when you don’t want to answer. I can’t quite put my finger on the causation. Do law students demand to be treated like fragile children or do law faculty start treating them that way? Either way what a joke — in practice the vast majority of the class stays on yellow. This innovation will never find its way to my classroom at Chicago. But it is ok for the romper room that is Yale Law School.” Defending himself Mortara stated that the “whole point of law school is to train people to be

agile minded like a lawyer.” While I do not disagree with Mortara’s sentiment, I think he is coming at it from the wrong angle. The professor who instituted the color-coded card system was giving students a choice. In court, you know when you are “up” to speak. You have days if not weeks to prepare for your state-ments. Whereas with class, you prepare by reading the material, but you come to class to learn, to fill in the gaps from your preparation. The classroom is supposed to be a safe space for learning, for questions, and new ideas. The Socratic Method involves asking a question, asking a question about the answer, and then offering a better answer or opinion. While students can learn from this method, and have since 399 BCE, it is not a perfect method. Cold-calling students creates an anxious environment, which adds to the mountain of pressure law students feel to begin with. In a 2023 Bloomberg

Law study over 75% of law students reported increased anxiety and over 50% reported experiencing depression. In addition, 23% reported increased alcohol usage, and 16% reported thoughts of self-harm. Law students are not okay. Simply put, schools need to do better and support students better. The competitive culture of law school can be reduced, and in some cases with minimal effort. One alternative professors have utilized is making students aware of when they are on call. My 1L contracts professor instituted a panel structure, where a few students would be on call for the whole class. You knew when your time would be and had ample time to prepare. I remember I never dreaded going to class, knowing that I could focus on learning and not on the anxiety of potentially being called on and fumbling the answer. Other professors utilize a volunteer system and let students raise their hands when they want to participate. Regardless of how professors choose to approach utiliz-

ing an alternative method of class participation, choosing one that allows students more of a choice is better. When Mortara equated not wanting to speak in class to being a “fragile child” he undermined student autonomy. Law students face a mountain of pressure to succeed, be the top of their class, and navigate networking. Meanwhile they are facing a serious mental health crisis while trying to find their footing in school. So, when professors ease a bit of that pressure by letting students know when to expect their name to be called, they are helping their students succeed in the long run. There is a place for a variety of teaching and learning methods in higher education, cold-calling does not have to be one of them. It is possible to train highly effective, clever, quick-witted, and prepared future attorneys – without calling on them by surprise.

## SB 158 v. Issue 38: The Potential Clash Between Local and State Governance

Cole Sundermann  
Gavel Contributor

Cleveland voters and the Ohio Senate may be at odds come this November. Issue 38, dubbed the “People’s Budget”, would create a participatory budgeting model where 2% of the city’s budget (equivalent to \$14,000,000) would be allocated for Cleveland residents to create, propose, and vote on projects they would like the city to implement. There’s just one problem. If Cleveland voters do vote yes on this issue, it could be preempted by Senate Bill 158 (SB 158). Proposed by State Senator Jerry Cirino, SB 158 would prohibit municipalities from disbursing funds to residents, effectively killing any participatory budgeting plan any city of Ohio proposes. While the bill has already passed through the senate, the house must still

vote on the bill and then must be signed into law by Governor Mike DeWine. This has obvious implications for Cleveland’s proposed vote to implement such a system. Assuming both laws are approved and thus conflict, the question then turns to whose law should come out on top? The city or the state legislator? The answer is... it depends! I can hear my fellow law students groan as I type those words. However, that isn’t to say we can’t predict the outcome. Under Article XVIII § 3 of the Ohio Constitution, municipalities “have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws”. This is what is called the “home-rule amendment”. The home-rule amendment is meant to empower

a city’s rights over the state from which they are located by giving local autonomy separate from state control. So that settles it, right? Cleveland has the power to adopt regulations and have all powers of local self-government. Case closed? Well... not exactly. As previously stated, a city can regulate so long as it is not in conflict with “general laws”. According to the Ohio Supreme Court, a general law is a state law that is (1) a statewide and comprehensive enactment, (2) applied uniformly throughout the state of Ohio, (3) sets forth police, sanitary, or similar regulation, and (4) prescribes a rule of conduct on citizens generally. See *Canton v. State*. Ultimately, the Ohio Supreme Court has several tests for determining if any or all of these elements are fulfilled and I won’t go through all of them. What I will say is that it’s likely SB

158 will fulfill elements one, two, and four. The legislation is clearly to be applied uniformly statewide and comprehensively and prescribes a rule of conduct to citizens of Ohio generally. But what about the third element? The Ohio Supreme Court has defined “police, sanitary, or similar regulations” as those that prohibit a municipalities’ powers under the home rule without serving an overriding statewide interest. Given the bill is being passed to prevent a city’s right to use their budget as they see fit, the Ohio Legislators will be hard pressed to find a statewide interest that overrides this right. But let’s say they do. The city of Cleveland likely has a second argument to make under the home-rule. The Ohio Supreme Court has made a point to define what “all powers of local self-government” means separately from the rest of the

amendment. The Court has held that a city is using their local self-governing power under the home rule when it relates “solely to the government and administration of the internal affairs of the municipality”. See *Wesolowski v. Broadview Heights Planning Commission*. When acting under these powers of local self-government, the municipality is given supreme deference even in the face of a general law. A municipalities’ right to allocate their own budget can hardly be seen as not relating to internal affairs of the city. Thus, SB 158 would likely have a difficult path toward constitutionality if a suit is brought against the bill. Again, this is theoretical as both SB 158 and Issue 38 have not become law yet. Only time will tell if there is a constitutional issue that will arise. With that in mind, we could be gearing up for yet another legal battle between Ohio’s conservative state legislators and the liberal-leaning cities in the state.



# CSU Student’s Dream of Going to Law School Gave Her the Strength to Escape Homelessness

Housing Impact Project  
Gavel Contributor

The Housing Impact Project (“HIP”) interviewed Hannah Gates, a CSU student double majoring in Communications and Political Science with a pre-law focus who is heavily involved in extracurricular activities, is an excellent student, and balances multiple jobs. But above that, Hannah is caring, with a beautiful personality, and is wise beyond her years. Hannah is such a breath of fresh air that you would never know that she endured homelessness for thirteen years of her life. There is no denying that her journey has been rough, but Hannah’s positive disposition is likely attributed to the fact that she bravely integrated her past trauma as a part of her identity instead of divorcing herself from her past. Doing so has empowered Hannah to share her past experiences with others in hopes of destigmatizing homelessness and increasing visibility of students that are experiencing homelessness. Therefore, it was no surprise that Hannah self-assuredly answered that she aspires to a career in policy making, and maybe even be President one day, when we asked her if she knew what kind of law she wanted to practice. We followed up by asking Hannah how she defines home, and Hannah poetically replied, “home is a place where you can be yourself and can cultivate a space that reflects your identity.” Hannah’s expansive definition packs a punch. The way we develop our identity during our formative years strongly depends on our parents and/or authoritative figures mirroring us, if they did so at all. However, most people probably never realized the importance of having a physical space that mirrors their identities, yet Hannah’s definition of home captures the personal and societal im-

pacts homelessness has on a person: that it literally strips away a person’s identity. Namely, Ohio Identification Card and Ohio Driver’s License applications require, among other documentation, two documents from different sources to prove residency at an Ohio street address. Nevertheless, what is past certainly is prologue for Hannah Gates as she recalled one person who mirrored her true nature: at five years old, a teacher told Hannah that she should become a lawyer because she always had something to add. Her teacher meant it in a negative way, but when Hannah found herself alone in a local shelter at twenty years old with roaches crawling out of a hole in the mattress, she realized that her teacher actually noticed her talent as a fierce advocate that is dissatisfied with the status quo. That seed planted many years ago fostered in Hannah the courage to advocate for herself and navigate her way out of homelessness. Despite the fact that facing housing instability caused Hannah to drop out of high school in the first place, Hannah first advocated for herself at the shelter by expressing that their mandatory three-month plan did not suit her needs. Instead, she created a long-term plan that would allow her to earn her high school diploma, enroll at a university, and ultimately enroll in law school in the near future. While Hannah was at the shelter, she attended an information session that A Place 4 Me hosted. A Place 4 Me is a private, nonprofit organization dedicated to preventing and ending youth and young adult homelessness in Cuyahoga County. Hannah took advantage of the opportunity and became a board member of REACH shortly afterwards. As a board member, Hannah speaks from her experience to advocate for programs that would benefit youth that are similarly situ-

ated. Hannah eventually got a full-ride volleyball scholarship to go to college in Missouri, but she faced another setback when she had to move back to Cleveland for healthcare. Although Hannah transferred to CSU, that meant that she had nowhere to live again until the Fall 2022 move-in date for student housing, which was days before semester began. Hannah refused to go back to the shelter, so she chose to live in her car that summer. Hannah could have easily given up, but she chose to help A Place 4 Me break ground to build a 50-unit apartment building in August 2022. The building is dedicated to serve as a non-time limited transitional housing for young people ages 18-24 to help create the foundation they need to achieve their dreams. Hannah shared with HIP that CSU’s Financial Aid office was very helpful with getting her the resources she needed, but she said that the ability to advocate for herself made all the difference. Most students that are similarly situated feel left behind in life, and that the enrollment process is seemingly daunting because of the lack of awareness of the resources available. Access to Financial Aid used to be a lot more difficult, but Rachel Schmidt, CSU’s Financial Aid Director, shared with HIP that the FAFSA application was recently updated to accurately reflect students’ financial needs by asking: if a student is unaccompanied, self-supporting, homeless, or at risk of becoming homeless. However, Rachel shared that third party documentation is required, and although the Financial Aid team helps students think of creative solutions to meet the third party documentation requirement, it can pose a challenge. Accordingly, Hannah is encouraging students experiencing homelessness to speak out because



Photo of Hannah Gates

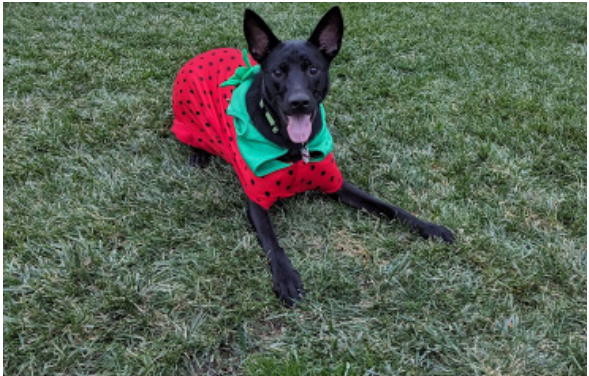
they are doing themselves a disservice by not letting others know what they are going through and seeking help. HIP hopes to help Hannah’s vision become a reality by hosting Open Mic Nights to create a safe space for students to share their experiences with homelessness so that we can listen and learn how we can meaningfully support our peers in reaching their academic goals. Hannah shared that she is an anomaly for many reasons, but one reason being that most students are uncomfortable sharing their painful experiences with homelessness, and if a student does, the student is usually compensated for sharing their story. There are limitations to what HIP can do, and although we cannot compensate students for speaking out at Open Mic Nights, we hope that other students that have experienced homelessness are inspired by Hannah’s bravery and will join us in spearheading efforts to shatter stigmas surrounding homelessness. There is no

better space than CSU|Law to support this movement because, since its inception, CSU|Law was tailor-made for non-traditional students, and HIP wants all students to know that nothing has changed in that regard. Hannah’s first closing statement in her legal career is: “When you are at rock bottom, and everything seems grey and dark, just know, God hasn’t given up on you. If you just hold on to that faith, that optimism, despite you not even being able to feel, see, or touch the good to come, He will move in ways you never thought were possible.” If you are experiencing barriers to your education, both academic and non-academic, please reach out to CSU’s CARE team: [magnusacts@csuohio.edu](mailto:magnusacts@csuohio.edu). CSU’s CARE team is best reached via email M-F and will assign each student a case manager to create an individualized action plan. Thank you, Hannah Gates, for meeting with HIP and allowing us to share your story.





# Halloween Pets of CSU|LAW



StrawBEARy in a field from Susannah Schroeder



Flavor Flav from Danny Antwi



Allison Younger's Pumpkin, Daisy



Ayah Inghneim's dog, Blu



Alyssa Mitchkash's dog, Lola



Holly from Megan Casselberry



Murphy Bosepheus Clanadra-Suttie from Trevor Suttie



Jerry from Philipp Corfman



Murphy from Sydney Bowden



Mystic from Catelyn Cook

## Paid Externships At CSU|Law: Where We've Been And Where We're Going

Philipp Corfman  
SBA Academic Committee  
Chair

It's been said that one of the most dangerous phrases in the English language is "we've always done it this way." As aspiring attorneys, it should at least give us pause, and flag an opportunity for careful, objective, reflection. One thing that's "always been done this way" is that students have participated in requisite experiential learning programs, as an opportunity to improve their employability. This practice is cross-disciplinary, and although students work alongside professional staff, and organizations benefit from their labor, it is almost always unpaid.

In recent years, unpaid externships have become an acute topic of discourse

on campuses as climbing student loan debt and cost of living increases have caused severe economic challenges for students. Proponents of allowing externships to remain unpaid often point out the similarity between exchanging labor directly for experience and exchanging it for education. They believe, at best, paying students would disincentivize employers' altruistic motivation to take on unskilled labor, and at worst, potentially open the student worker for an exploitative work experience.

Opponents, arguing for pay, note that students work alongside paid staff, providing free labor, but with significantly fewer labor protections. Students and their allies name the economic hardship and "obligatory rite

of passage" as inherently exploitative, often citing two concerns: first, that students actually pay to work unpaid jobs, and second, they often forego paid work to fit these experiential opportunities into their schedule. Unpaid student labor has come under scrutiny across many fields, including engineering, social work, healthcare and others, and policies are starting to shift. In 2016, after two years of consideration, the American Bar Association lifted the prohibition that barred students from receiving credit for experiential learning for which they were paid, leaving it up to each law college to regulate their own program. Since then, institutions have tested out a variety of approaches to navigate this new terrain.

At CSU|Law, this issue was

first raised in 2018 when the Student Bar Association put forth a proposal to the Faculty Senate Curriculum Committee to amend its current policy regarding externships and experiential learning. As it stands currently, our policy dictates that students must complete at least six credit hours of experiential learning, and are prohibited from receiving compensation or working at private firms. Despite submitting that proposal in November of the 2018-2019 academic year, it was not voted on.

The following year, the 2019 SBA put forth an amended proposal, incorporating faculty feedback, and requesting a pilot program. In it, they asked that CSU|Law lift the prohibitions on paid placements and private firms. Pointing

to policy changes trending in this direction, they argued it would make CSU|Law more competitive. They saw it increasing the academic experience, as it would incentivize students to work in legal areas they may not otherwise. Their strongest argument focused on the socioeconomic challenges of students, noting the prohibitive cost of law school itself as a pre-existing barrier to access. They highlighted the challenge of choosing between needing to quit paid work, working an externship in addition to their paid work, or taking out additional loans.

In response, the Faculty Curriculum Committee recommended a no-vote to the faculty senate. In Ohio, they argued most schools still prohibited paid externships and working for private firms. They cited the possible academic and institutional harms, stating...

Continued on page 8



# Roll The Union On: UAW Strikes to Correct the Past and Win the Future

Josh Bazzoli  
Gavel Contributor

“We may be foul-mouthed, but we’re strategic. We may get fired up, but we’re disciplined. We may get rowdy, but we’re organized.”  
-Shawn Fain, UAW President

Since September 15, the United Auto Workers (UAW) have been on strike against the Big Three American auto companies: General Motors (GM), Ford, and Stellantis (the parent company of Chrysler). The UAW represents over 145,000 unionized workers spread across the Big Three’s assembly plants, parts factories, and distribution centers. The UAW’s recent mobilization marks the first simultaneous strike against the Big Three in the union’s history. Union workers fired the first shots of the strike with walk offs at three assembly plants, one from each of the Big Three. As the Big Three have failed to meet the workers’ demands with good faith offers, the strike has since expanded to 34,000 UAW members across dozens of workplaces. The present strike may be unprecedented in its scale, tactics, and ambition, but many of the workers’ demands are rooted in the union’s history and past concessions made to the auto companies. The UAW was founded in 1935 amidst the current of

radical industrial unionism sparked by the Great Depression and facilitated in part by the New Deal (specifically the passage of the National Labor Relations Act). By 1941, the UAW had unionized the Big Three after formulating its iconic tactic of the “sit-down” strike and in the face of significant company violence. After a series collective bargaining negotiations in 1950 that became known as the “Treaty of Detroit,” the UAW shed much of its prior radicalism, surrendering many bargaining subjects to management discretion in exchange for generous pay raises and fringe benefits. Since the Treaty of Detroit, cracks have formed in the grand compromise between labor and capital. The rightward shift in US political economy since 1968 has led to significant decreases in the power of labor unions as well as greater exposure to market competition with non-union autoworkers, both domestically and abroad. Perhaps most significantly, the Great Recession that bankrupted GM and Chrysler (forcing Chrysler’s eventual acquisition by Stellantis) led to the UAW making considerable concessions to the Big Three during contemporaneous contract negotiations. Among these concessions was the implementation of “two-tier” wage systems. Under the tier

system, incumbent union members retain the pay rate guaranteed by previous contracts while new members are hired on a lower pay rate. Such a system flies in the very face of union solidarity, but the concession was made ostensibly to save the entire US auto industry from complete collapse. In this way, union workers through its contract concessions and the US government through its financial bailout (i.e. nationalization) saved the Big Three from certain death. Though the US government has been repaid for its role in saving the auto companies (by selling its ownership stakes for cheap right back to the capitalist class that drove the companies to ruin), the UAW is still waiting for its just recompense. In March 2023, Shawn Fain defeated incumbent UAW leadership and was elected president of the union based on a platform of labor militancy. That sets the stage of the ongoing strike. Chief among union workers’ demands for the current strike are the elimination of wage tiers, pay increases to compensate for inflation and the imposition of the tier system, restoration of cost-of-living adjustments, and the right to strike over plant closures. The main theme unifying the union’s demands is the revocation of the concessions made by workers when the companies were

flirting with complete collapse. Now, as the Big Three rake in record profits, UAW members are demanding their fair share in exchange for the sacrifices made to keep the companies afloat. The ongoing strike is also notable for the novel strategy being deployed by the union. Though the union has taken the unprecedented tact of striking the entire Big Three at once, it is not striking every workplace at once. Instead, the UAW is pursuing what it is calling a rolling “stand up” strike. The strike began at only three assembly plants, one from each of the Big Three. Based on the weekly progress of negotiations, the UAW has selectively expanded the strike. For example, many more GM and Stellantis sites are currently on strike than Ford sites because negotiations have reportedly been much smoother with Ford. Such a strategy allows the UAW to play the Big Three off one another through the threat of further escalation while avoiding the financial burden (to both members and the companies) of a full-blown strike. The risk of such a strategy, however, is that it forces some UAW members to bear a disproportionate share of the burden based simply on the site they work at or the company they work for. Solidarity, crucial in any strike, may be challenged when some members are on strike and others are not. So far, the UAW’s strategy has won significant conces-

sions. Each of the Big Three have offered double-digit pay increases while also moving on the issues of cost-of-living adjustments, ending the two-tier system, and the right to strike over plant closures. Signs of progress in negotiations can perhaps be gleaned from the fact that the UAW did not call for any expansion of the strike in its October 20 weekly update. Despite the improved offers, the UAW isn’t ready to sign anything just yet. In response to the Big Three’s latest offers, Shawn Fain replied, “These are already record contracts, but they come at the end of record declines. So it’s not enough.” The UAW president’s words could just as easily be applied to the US economic system as a whole. It’s not just UAW members who’ve got a righteous beef with capital. Polls show a supermajority of all Americans support the UAW over the Big Three. The US is more than half a century past the neoliberal turn where workers were promised that the rising tide engendered by deregulation, privatization, global supply chains, and tax cuts would lift all boats, obviating the need for quality public services, strong unions, and a generous welfare state. Instead of a rising tide, UAW members got contract concessions and a declining auto industry even as shareholders continue to line their pockets. They responded with militancy and organization to demand their fair share of the profits produced through their own labor. How about you and me? How are the rest of us going to get our little handful of earth? Shall we beg and barter feebly as individuals or join together in pursuit of a collective bargain?

“I was there when the union came to town  
I was there when old Henry Ford went down  
I was standing by Gate Four  
When I heard the people roar,  
‘They ain’t gonna push the autoworkers around!’”  
-“UAW-CIO,” The Union Boys

*Editors Notes:* The Union has reached tentative agreements with all three companies as of October 30th.

## Sidebar; Sponsored by Benesch

Kanani Chi’ Sanders  
Gavel Contributor

Finding networking and recruitment opportunities from law firms can be daunting for 1Ls and 2Ls. Between juggling classes, extracurriculars, and other outside factors presented by life, the challenge of making these crucial connections can be overwhelming. However, putting yourself out there and making yourself known to prestigious firms is something all law students desire, and if this critical steppingstone is missed

it can lead to dire consequences for your career. A “special sidebar” event, designed to provide that steppingstone, was held on October 12, 2023, providing an opportunity for students to connect with one of Cleveland’s top law firms Benesch, Friedlander, Coplan, & Aronoff LLP (which sponsored the event). The event allowed students the opportunity to speak with the hiring partner, the senior managing partner of law recruiting, and associate attorneys including those who are alumni of the College of

Law. The firm offered the opportunity to gain more than just knowledge but the chance to become a part of their network on Florecruit. Benesch was formed by three Cleveland attorneys who prided themselves on being civic leaders prominent within the community, Alfred A. Benesch, Jerome M. Friedlander, and Robert Morris in 1938. Alfred Benesch worked throughout various roles within the civic area, while practicing as a lawyer, his most beloved role serving as the President of the Board of Education.

Those same civic principles dear to the founders are seen through the core values of the law firm, one of them including meaningful contributions to the communities in which they live and work. The firm’s commitment to enhance recruitment of 1Ls and 2Ls can be seen through the summer programs offered. Not only do they offer a Summer Associate Program in various locations throughout the nation, including right here in Cleveland, OH, but they also offer a 1L Diversity Fellowship

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# We're Getting Too Old For This: *The Gavel* Wins ABA Newspaper Award, Again

Ernie Oleksy  
Development Editor

In the 2001 October Issue of *The Gavel* over 20 years ago, retiring Editor Kevin Butler began a story for this newspaper with these lines: “While most students were busy forgetting everything law school taught them over the summer months, the staff of the Gavel passed two- mile markers.” Those markers signaled something old, and something new. The old: The Gavel turned 48 years old. The new, we climbed to the #1 spot of all law school newspapers in the country by winning the ABA Newspaper Award.

While you may think it took a long time to achieve a goal like winning the Newspaper Award it is no small feat. 22 years later (now that The Gavel has won this prestigious award for the second time) we cut that wait in half. But still enough time has passed for a lot to change.

Reading through the rest of the 2001 Issue where Mr. Butler printed his own celebratory Newspaper-Award

Story it is like playing a game of “same face, (slightly) new place.” Some highlights: then-Dean Steven Steinglass wrote columns for The Gavel, now Dean Emeritus Steinglass spends less time in his office than I do, but is still actively involved in scholarship and educating folks on the Ohio Constitution; then-Prof. Stephen Lazarus was involved with the Moot Court Team alongside Profs. Karin Mika and Sandra Kerber, now Prof. Emeritus Lazarus teaches fewer classes than he used to, but is no less beloved and sought-after by all students; then-tenure-track Prof. Kevin O’Neill was amid his civil liberties advocacy and fighting for death row inmates’ First Amendment rights during their last words, today tenured-Prof. O’Neill is *The Gavel* faculty advisor and shares his wealth of academic and experiential knowledge to teach future generations of advocates;

Kevin Butler himself went from a law student, and Editor of *The Gavel*, to a successful attorney as Of Counsel at McDonald Hopkins, at the time I write this story. And really, it takes a lot less time than 22 years for a lot to change. Especially in law-school years. Since I’ve started writing for The Gav-

el, then-Managing Editor Catelyn Cook went from being the youngest CSU|Law graduate ever, to completing her academic journey with a Master of Education. Our current Managing Editor (Phil Corfman) is someone I went to undergrad with a few years ago but feel like I haven’t seen him since I was procrastinating on homework by playing games on a PlayStation 2. I’ve gone from Editor-in-Chief of our paper to effectively entering Editor Emeritus status. And I’m sure we can all relate to how long and hectic the day-to-day of law school can feel. Especially in the crunch of a semester’s second half, aMiRiTē? hahahahahaHAHAHAHAHA . . . ha . . . ha . . . ugh. It’s a long 3 to 4 law school years for most of us. The Gavel is now 70 years old. And all those years were law school years.

But why care? Newspapers are pretty quaint, right? I mean, who even picks up those comically large leaflets anymore? Browsing social media feeds is so much more convenient. And why bother writing for a law school newspaper? There are professionals who report on the news every minute of every day. And AI will probably eventually become sophisticated enough and ubiq-

uitous enough to report on all the news more efficiently than humans ever could.

You should care because The Gavel isn’t just a paper for reporting news; it’s a funky-shaped forum for telling stories. In our 70 law-school years, CSU|Law students, faculty, and community members have expressed themselves within our paper, sharing their personal experiences (like our Student Spotlight series), making us laugh (in our The Gravel April Fools Issues), and emphasizing current events which are of personal interest to them (like our World News stories). As an analogy, many members within the legal profession unwind after long work-weeks by getting together with colleagues in funky-shaped diners, bars, etc. to chat the nights away, tell stories about their experiences, laugh out loud, or emphasize timely events. We’re a funky group of stressed-out professionals that love to listen to, and be heard by, each other.

The Gavel is now the best it’s ever been at being a forum for listening and for being heard. When reading the 2001 Issue many stories were penned by “Staff Writers”: recurring writers who were formally associated with our paper. Now, we

have no “Staff Writers,” we only have volunteer Contributors. This dynamic, which we emphasized in our application for the 2023 Newspaper Award, is what makes our paper special. The Gavel is a forum where anyone from the CSU|Law community can be heard. It’s this diversity in backgrounds, perspectives, and passions from our writers that makes our paper stand out—on the national stage—versus other law-school newspapers.

A lot has changed since 2001, but The Gavel continues to care about its mission to be a funky-shaped forum for our colleagues after all these years because, just like great professors and deans never really stop teaching and leading, a great paper never stops being a platform for its community. Stories continue to be made by the CSU|Law community. And although we’re happy to report on them ourselves, it’s even better when they are told by our community through our forum. Thank you for making last year another award-winning year for our paper. And thank you for 70 great law-school years. Here’s to another 70.

**Check out the October 2001 along with the CSU article “All Rise! The Gavel Nets ABA Division Award for 2023” at [thelevelandstategavel.org](http://thelevelandstategavel.org)**

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Program. Their diversity fellowship program is meant to encourage in recruitment addition to retention, development, and advancement of diverse attorneys within the firm. This excellent opportunity provides students with the chance to understand how law firms work, client interaction, courtroom activities, and teamwork with Benesch Attorneys. They offer summer associates immediate contact with clients and involvement in strategy, negotiation, and drafting sessions. Those who are a part of the 1L Diversity Fellowship Program will receive a variety of substantive work and projects. Those who are selected for this opportunity will be able to participate in events designed exclusively for the summer program in

addition to those specially planned by the firm, including regular operations such as department meetings.

I am one of many students who find networking to be intimidating. Especially as a 1L who, before law school, was known for being shy and quiet when it came to meeting new people. However, I know that networking can determine whether you lose out on opportunities you’ve worked and studied so hard for. So, it was nice... ..to have the ability to spend time speaking and being in-

troduced to alumni who are now working as associate attorneys and get their take on issues like work-life balance.

I met and spoke with Robert Ross, Hiring Partner at Benesch, and had the opportunity to ask him about the dos and don’ts for prospective applicants of their summer programs. I also spent some time speaking with Brittany Vozar, the Senior Manager of Law School Recruiting, during Sidebar about the firm’s 1L Diversity Fellowship Program and learned what to expect from

the experience. We spoke more after the event about Benesch’s goals and the possibility of future events for 1Ls and 2Ls to get a chance like this again. She spoke of the strong recruiting partner Cleveland State has proven itself to be, and why Benesch took the opportunity to sponsor Sidebar with the aim start connecting with students and giving them the ability to learn about what kind of career paths they offer. They do plan on hosting events in the future for 1Ls sometime in January, and another event in the summer regarding their 2L programs and OCIs. These future events are to be hosted at their new office located at Key Tower, which will provide a “great way to see the environment and culture firsthand with a

firm visit.” She was happy to be in attendance at Sidebar’s October 12th event and excited to meet new students.

Her wise words that the “practice of law is about networking and building relationships” echo a theme I’ve seen repeatedly as I begin my journey. It is one that Benesch has shown they are aware of too, and that they want to help make it easier on students. Additionally, she wants students to know how the summer programs offered are exploratory and allow students to engage in the seven core practice areas to narrow down their interests.

Benesch has a strong commitment to bridging this gap.





# Participatory Budgeting Debate

John-Paul Richard  
Gavel Contributor

After getting out of CRT, I ran over to my car and raced to Public Auditorium for the Participatory Budgeting (PBCle) debate. Kris Harsh, a Cleveland City Council member for Ward 13, decided that he'd done enough rage-posting on Twitter, and invited a couple of the organizers from the PBCle organization to a public debate. The room was packed, the speakers primed, and I couldn't wait for more.

PBCle is a resident-led charter amendment to allocate 2% of the City of Cleveland's budget for direct democratic control, divided up fairly between the wards. It's an exciting system that's already been in place in other cities with varying levels of success, and now we're trying to give it a run here in Cleveland. Participatory budgeting is a way for citizens to take direct control over their budget, and boost civic engagement by letting the voters decide what to do with their own tax dollars. The voting boost is reported around 8%, which may not seem significant, but in non-federal elections that can almost double the historical turnout. Further, it allows kids as young as 13 to vote, raising civic awareness and encouraging them to be politically active. Granted, we don't want to spend all our money on ice cream, but if a bunch of middle schoolers are able to organize such a cohesive voting bloc, I think they deserve the win.

Foes of the movement usually recycle the same lines, saying they've been elected so they're owed the power to allocate the budget, and that if we take away even as little as 2% it will have disastrous outcomes. That Cleveland is so close to the brink of bankruptcy that if we "give away" 2% (even though it's still going to the city—they just can't control where it goes) then we'll lose ambulances, transportation, road care, oh my! Though Cleveland roads are already trash, public transit isn't good enough to where it'd matter, the council themselves are making \$80-150k,

the CPD is consistently overfunded, and we give millions already in subsidies to businesses and sports teams instead of—but no no! This 2% is what's going to drive Cleveland into the ground.

Before the debate, City Council had been fuming all over Twitter and whatever other media sources they could find to try and kill the movement, going as far as an attempted bill allowing them to use City funds to push their Anti-PBCle message (which they TOOK BACK after the public learned about it). Even as I sat in the debate hall the City Councillors had already called their friends in the Ohio Statehouse, who are pushing through an emergency measure to outlaw any Participatory Budgeting schemes in all of Ohio. Nice, right? Well, that's Ohio politics for you. Don't worry, it gets worse. Council Chair Blaine Griffin said this was the opportunity for Council to let everyone know that you can't "mess with" them. Granted, he thinks citizens bringing a charter amendment is messing with him because it's an attempt to diminish his power and money, but hey. That's Cleveland politics for you.

PBCle began the debate—each side given four minutes to speak—and brought up stories of local workers. Leaders in the community who've been working for ten, twenty, thirty years without any support from anyone, especially the local government. Aleena Starks, who works with the Ohio Families Party, spoke deliberately, confidently, and with conviction. After she finished, someone named Robyn stepped up. Robyn seems just to be a resident that doesn't like PBCle for some reason, so they threw her on stage next to Kris Harsh. She took off like a motorboat, trying to fit as many words into as few seconds as possible, and I worried she didn't know this wasn't a high school debate club. After she spoke, Aleena and Robyn asked each other questions. I can't remember them, but they pretty much just restated the positions I listed above.

After them came Kris Harsh, aforementioned

crusty politician, and Johnathan Welle, significantly less crusty community organizer. They both gave speeches continuing in the footsteps of Aleena and Robyn, with Kris talking just as quickly trying to cite as many sections of the proposed charter amendment as possible. The pure hate and vitriol he spewed was impressive, as was the fact that he would bring a new issue up every ten seconds, which is also impressive because the charter doesn't have that much language to critique by volume.

I can't speak to every argument brought up by Kris, but he did mention that PBCle would be more corrupt than anything in Cleveland history. Which is a large claim considering our extensive mob history, political self-dealing, our stadium has the name of a company that just got nailed in the largest bribery scheme our state has ever seen, and the bodies buried in the cement of the Justice Center.

Kris also claimed PBCle couldn't hold elections because they're not a governmental organization. This seemed especially silly as, if PBCle were to pass, then it would be a part of the government, and authorized to hold elections. Kris also seemed skeptical as to how we would determine if a child was 13 years old, as that would be the minimum voting age to participate in PBCle, which is also odd. Because birth certificates.

There comes a certain point where the attacks on PBCle become so varied and ridiculous, that it is absurd not to believe that Kris Harsh and the rest of Council aren't just your run of the mill power hungry politicians with spite for anyone who dares to encroach on their power. After all, they were elected! Granted, they don't mention most Council seats were won with around two thousand votes in wards of twenty thousand eligible voters. Richard Starr, one of the loudest and most annoying critics of PBCle, even lost his primary election, and then won the general election with a mere 800 votes.

It's fine, though. Like I wrote before, the Ohio



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...that the risks posed did not outweigh the rewards. They feared pay would open students up to exploitation in an At-Will employment state and felt limiting work in private firms pushed students to work in areas of the public sector they might not work otherwise. They feared the negative impact on alumni and donor relations and the potential that paid externships might create conflicts of interests for curriculum staff. At no point did they address the socioeconomic issues the students raised. Their conclusion: the "change is not needed."

In 2019, the Faculty Senate voted "no" and SBA's proposal was denied.

Much has changed in the last four years, including drastic economic changes, and policy changes that directly impact students, including student loans and Affirmative Action. After many student requests and expressions of concern, this SBA has decided to revisit the topic.

The SBA Academic Committee has launched a thorough and intentional investigation, to objectively answer the question of whether maintaining our current externship policy provides the best educational experience for students. We are weighing such factors as academic experience, potential employability, work-life balance and impacts on mental health, faculty and staff concerns, socioeconomic challenges, and most importantly, the direct experiences of CSU|Law students. We are undergoing comparative research on experiential programs in the state and other regions in the country and are in contact with experts on the subject to guide us.

Statehouse may just remove our right to even vote on the topic of Participatory Budgeting across the entire state. Democracy is fine, and you can return to stressing over a Garlock test.

We have already completed the first step in our student engagement process by completing a student survey. Next month, we will be hosting a listening session to seek further student input. We encourage any student to reach out to us at any point by emailing [p.corfman@cmlaw.csuohio.edu](mailto:p.corfman@cmlaw.csuohio.edu) (Academic Committee Chair). Over winter break, the SBA Academic Committee will compile our research and publish the results of our findings.

If we find conclusive evidence that lifting these prohibitions is in the best interest of students, we will put forth a resolution to be voted on by the SBA and draft a proposal to the Faculty Curriculum Committee. We will join the coalition of other SBAs and student leadership nationwide in advocating for this change and commit to get it done this academic year.

SBA is a democratically elected body. As such, it is our position that we are not committed to neutrality; rather it is our duty to advocate for the student body. We commit to a process of transparency and will objectively and carefully review what we've "always done" here at CSU|Law to see if it is what we should be doing now. We welcome feedback from any member of this community and look forward to serving you throughout this process.

Go to [linktr.ee/csulaw\\_paid-externships](https://linktr.ee/csulaw_paid-externships) (or follow the QR code) to read any of the related materials mentioned in this article, student survey results, additional reports, or submit questions or comments to the SBA Academic Committee. We are committed to transparency and will continue to update this space with additional information throughout this process.