Street Law Dropped

By Susan French-Scaggs
Staff Editor

The proverbial bomb has dropped -- street law has in fact been removed from the Spring 1996 course schedule. Despite the heroic attempts of Elisabeth Dreyfuss, as well as other well-known community leaders, the powers that be have decided to drop the course from the Spring schedule.

When Dreyfuss discovered that there may be problems with continuing the street law course, she began to look for ways to keep the program going. The University stated that the course could no longer be offered as there were insufficient funds in the budget to accommodate this course. After learning of the budget problems, Dreyfuss began to investigate exactly how she could come up with money for the program. She learned that if she wished to solicit outside community leaders, politicians and business persons, she would first have to obtain the University's approval.

In June of 1995, Dreyfuss submitted a list of potential donors to the Vice-President for Development. She received assistance from her long-time friend and support of street law, Tim Hagan, as well as Louise Dempsey, the Assistant Dean for External Affairs, and Pam Meyers, the Major Gifts Officer. Finally, in October of 1995, the list was returned to Dreyfuss and the school had approved the names for solicitation of donations, but at the same time, the school cut the program from the schedule. It was too late to save the program for the Spring 1996 schedule.

Dreyfuss says the problem with trying to raise money in October and November is that it is a bad time for the politicians and community leaders due to November elections. But Dreyfuss is not giving up, she wants to give the $25,000 that she has already collected on behalf of the street law program, which amounts to one-half of the funding needed, and she wants the University to match the amount and offer the program in the Spring of 1996.

Dreyfuss further appeals to all supporters and alumni who are interested in saving the street law program to contact the SBA, University President Claire Van Uummerson, or Gary Maxwell, President of the Alumni and former street law student.

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A Distorted View Of The Criminal Justice System...Or Reality?
A Student's Discussion Of The O.J. Simpson Case Impact

By Jihad Smaiti

I was one of the lucky few to have a comfortable front row seat for the 'main event' on that Tuesday morning. Just out of Civil Procedure, everyone was jetting across campus to catch the feature chache television set in the cafeteria lounge. Then it was 'live' to the courtroom in L.A. for the verdict. A hush ing the verdict. As law students, our 'chaic' friends and family members expect more of us. They think just because we are in law school, we should be able to explain to them why the jury decided the way it did. As much as we try to sound like we know what we are talking about, we find it hard to rationalize the jury's decision.

It is almost impossible these days to find anyone who does not have an opinion on the O.J. Simpson verdict. Some believe that O.J. is guilty, and it is clear the only reason he was acquitted was because he could afford to "buy justice." Others argue that even if O.J. was guilty, the prosecution failed to prove its case beyond a reasonable doubt. He adds that "lawyers should not care more about their images than their responsibilities to their clients and the American judicial system. Lawyers' behavior of the courtroom should be restrained after the Simpson trial. The lawyers in the trial abused their positions with the press." Professor Finer went on to say that "lawyers have been ordained as a result of the Simpson trial aimed at restraining a lawyer's conduct when dealing with the media during an on-going trial. It is an abuse of a lawyer's power of the courtroom and her case to the public during a trial." Professor Finer does not advocate a total blackout of trial coverage by the media. Nor does he believe that televising of all trials is the answer. Rather, he argues that a 'case-by-case' attitude should be taken. "Trials should not be viewed as entertainment if their message is to be effective. When people are tured to entertain the population, the 'circus atmosphere' of the media will pen- the trial itself." Professor Finer's attitude toward cameras in the courtroom has changed significantly since the Simpson trial. Given the resulting negative public perception of the American judicial system, Professor Finer believes it would not be a good idea to televise trials such as Simpson's.

As the trial was unfolding, Professor Finer perceived it as an informative outlet to his Criminal Procedure class. He added that the televised trial was "more dramatic for his class in understanding the role of participation in any mass media process." But even back then, Professor Finer cautioned by echoing Holmes' observation that "hard cases make bad law.

Overall, Professor Finer believes that the O.J. Simpson trial was "traumatically, a very distorted and negative view of the American criminal justice system. It was an atypical and aberrational expression of how our system operates. In almost all of the other cases thus far televised, it is the prosecution that has the better lawyers and resources. The fact remains that lawyers have different abilities, and their strengths and weaknesses are determinant factors in today's trials. If you are able to have more than one lawyer in a case, each specialized in a given area of the law, you will be more effective. The wide differences in the ability of lawyers shouldn't make a difference but it does.

Professor Finer added that the paradox is not that the rich can afford to hire the best lawyers, but it is that the poor are unable to hire adequate lawyers or experts and cannot effectively cross-examine the other side's experts; he uses the racial disproportionality in the application of the death penalty as an example of this paradox.

Professor Finer refers to Justice Black's statement that the outcome of a trial should not depend on how much money a lawyer has, but one cannot truly test the validity of that statement today. As Professor Paul Rothstein of Georgetown University Law School put it: "If you talk long and loud enough about something, no matter how many people you raise a reasonable doubt about anything--including the sun rising tomorrow.

"A lesson to be learned from the O.J. trial," Professor Finer adds, "is that a jury should never be sequestered for more than a short period of time. There is no doubt that the objective of the sequestration process was lost during con- jugal visits.

"But the saddest consequence of this trial is the increased callousness society may harbor toward domestic vio- lence, battered women and stalking." One can clearly see today that 'our lady the law' is in need of a facelift. It is easy to ignore or downplay the negative consequences of the Simpson trial by labeling it an 'atypical and aberrational.' Sweeping the problem under the rug is not the answer. The fact remains that it did happen and one cannot say that it will not happen again.

Our system is in need of reform. The images of racist police officers, a 'dream team' of wealthy lawyers notorious for 'getting people off,' and a helpless 'wife' who was so deeply ingrained in the public's mind.

As a new generation of aspiring law students, I believe that it will be up to us to reeducate the face of our lady the law/ with its true colors, and to re- store dignity to our law enforcement and judicial systems. We can do this not by branding cases such as Simpson's as 'atypical,' but by re- noting that some aspects of our system are in need of reform and by demanding more stringent guidelines for public servants. Only then will we be able to get past our attempts to 'rationalize' what we do not ourselves believe, and begin to focus our energies on the betterment of our system of justice.

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Echoes of Kent State: The Army National Guard

By Zachary Simonoff

The Army National Guard traces its lineage back to Pre-Revolutionary War town militias. Over the years it has evolved to the point where it now makes up a major portion of the United States Armed Forces and its personnel. The Guard has a larger role than the basic wartime mission, it is also the military arm of the states in which the Guard is based. As a result of this the Guard fulfills the missions of helping natural disasters and controlling civil disturbances. Guard members get minimal if any training (how much training does it take to fill a sandbag) in natural disaster relief but each soldier is required to undergo 16 hours of instruction initially and eight hours of training yearly in Civil Disturbance. As a seven plus year member of the Guard, I just attended my unit’s Civil Disturbance Training and for the first time viewed it through the eyes of a law student. The training was divided into a number of distinct blocks and I will discuss four of them: use of force; apprehension of individuals; operations; and practical exercise.

The use of force is taken more seriously in the State of Ohio than in any other state in the country. This is a lingering reaction to the deaths at Kent State. Though the Guard considers the deaths an unfortunate incident and has analyzed the mistakes, overall the Kent State incident is viewed as a “Good Shoot.” The state has taken two very divergent actions to prevent the same circumstances from happening again and to ensure that soldiers will not face personal moral conflicts when force is used. First, before ammunition will be issued to Guardsmen the decision must be made by the State Adjutant-General or the Governor. Since carrying an M-16 without ammunition makes no sense and carries potential that the gun will be taken from an emancipated Guardsman, M-16s won’t be issued without ammunition. Essentially a Guardsman will be armed with a 3.5 foot riot baton made from Oak, Ash, or Mahogany, a Vietnam era nylon flak vest, and a Kevlar helmet with a face shield. A quick reaction force will be armed with 12 gauge shot guns loaded with “Bean Bag” non-lethal, and “double O” buck lethal rounds. Each Guardsman will be inspected and have any other potential weapons (pocket knives, entranching tools, mace, etc.) removed prior to going into the area. Regardless how armed, any action a guardsman takes in the operation is subject to review by civil and military authorities.

The measure that is used to gauge conduct is the “reasonable person” theory or as Guardsmen call it the “unreasonable reasonable person” theory. This essentially says that if you act as a reasonable person would, i.e. return fire from a rioter who shot at you, run away anyway because you must behave to a higher standard. Also if a Guardsman must use force with a baton he is not to raise the baton above the shoulder unless to stop a blow. Most if not all blows should be to the leg or stomach. This is to minimize injury to the protestor, and more cynically is harder to take a picture of.

To ensure that Guardsmen will have minimal feelings against using force, Ohio has instituted “Op Plan Ready.” This plan essentially mobilizes Guard units outside the area of rioting. For example if there is a civil disturbance in Toledo, the Guard units responding would come from Cleveland, and Columbus. This prevents Guardsmen who have friends and relatives in the disturbance from having to possibly use force against them. If by chance a Guardsman has a moral problem with taking part in the operation (i.e. operations are against a union protest and the Guardsman is a member of that union), he will not be placed in a situation that will put him in confrontation with the rioters without penalty.

One of the largest functions of the Guard in a disturbance is to patrol and apprehend persons breaking the law. Nine times out of 10 the Guard will be acting in assistance of civilian authority and will have a police officer along to process the actual arrest, but when individuals are stopped the Guardsman must search them to ensure that they are not a threat. There are three permissible times to search: a Terry Search, Plain view, and “in process of an arrest.” Essentially the Terry Search is “for any reason or hunch” search. The Terry search encompasses only the surface of the clothing. Hands cannot enter a pocket unless a suspicious bulge is found. A plain view search is a full search when contraband has been spotted in plain view and is identical to the search that accompanies an arrest. When searching, a Guardsman is taught to put the individual to be searched at a disadvantage (i.e. off balance, against something etc.) and to be polite during the entire process.

When dealing with a Civil Disturbance the Guard is constantly at a disadvantage. They are being held, outnumbered and severely restricted on ability to respond to force. The goal of the operation is intimidation and this is achieved through right sized, very exaggerated drill movements. Riots are not organized and are made up of individuals. As a group the Guard or police could be quickly overwhelmed but since each individual is more concerned with his own safety even a small Guard force can be very intimidating. Essentially, in clearing a street the Guard will form a line, very reminiscent of 18th century battle lines, and move slowly down the street. The baton would be used to prod protestors back. If a protestor does not back off, or attacks a Guardsman a reserve force will snatch him and arrest him. If a leader of the disturbance is identified the Guardsman will form a Diamond and move into the crowd and snatch him. The essence of these operations are to cause the citizens to go home and cool off. Only if attack is a Guardsman allowed to respond and only to the level of violence that is used against him.

In all good training there is a practical exercise, ours was no exception. We broke into three squads and assigned two squads as the good guys (Guard forces) and the third to the bad guys (rioters). The mission for the small force was to guard a gate to the motor pool and maintain the ability to allow vehicles to pass in and out. Each squad then took turns as the front rank in the Guard force. Each time the mission was essentially accomplished but on more than one occasion clearing operations broke down into a melee. This melee was written off as “soldiers cutting up and trying to have a bit of fun” but in a real situation the Guardsmen would have been spread over the papers under headlines of “Jack Booted Thugs Beat Civilians.”

In this day and age, when civil disturbance is not as common as it was 20 to 30 years ago, the states maintain a surprisingly high ability in their law enforcement and state military authorities to control a disturbance. Questions always remain as to how prepared are these authorities, especially in light of the events such as the riot in Virginia Beach four or five years ago when authorities lost control and busted heads. Rest assured Ohio is better trained than Virginia. In the event of a riot, however the best individual policy is to go home and keep coolheads prevail.

Gender Continued From Page 2

that even when you think you have been kicked as low as you can, you can get yourself back up and fight back.”

The October 27th talk was the culmination of a two year effort to bring Guinier to the CSU campus. Her appearance was sponsored by several campus organization including the Black Students Association.

GENDER NOT DETERMINATIVE OF RANK AT C-M

Although administrators are unsure why, figures at C-M do not always support Guinier’s study regarding gender and law school performance. According to numbers provided by Director of Student Records Kay Benjamin, of the 19 people ranked in the top 10% of the 1994 entering class of day students, 13 (or 69%) are females. In the top 10% of the 1992 entering class, 17 (or 79%) are men. The 21 students in the top 10%, 16 (or 79%) are men. In the evening division, seven of the 11 students in the top 10% are men.

Associate Dean Jean Lifer says this fluctuation from year to year is normal at C-M. “Some years men dominate the top 10 percent, other years women do.” Lifer says possible factors explaining this pattern are that many C-M professors do not use the Socratic method and that C-M has an older student body.

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The names Rodney King, Mike Tyson and William Kennedy Smith present vivid images of public figures whose lives have been affected by cameras in the justice system. However, no name represents a more dramatic example of this than the Simpson murder trial. But was the media explosion surrounding the trial a positive influence or careful manipulation for contrived objectives?

History has taught us many things. Yet we as a society seem to fall into cyclical patterns and repeat the same mistakes. The frenzy surrounding the media coverage of the O.J. Simpson Trial is no exception. Regardless of the verdict or not, there is much to be learned. The purpose of allowing cameras in the courtroom is to inform the public. But, it seems that the ordinary individual is of little interest to the media. Instead, the media seems to capitalize on the public's appetite for sensational viewing material and big rating shares. So, is the media to blame for the atmosphere that surrounded the Simpson trial or is it the fault of inadequate control by the judicial system?

The William Kennedy Smith rape trial introduced the vast majority of American's to the age of televised justice. In addition, I believe the sudden interest in justice had more to do with the prominence of the Defendant's celebrity status and the justice. But, the media capitalized in every way possible, leaving little doubt that this would be a lucre of the judges and attorneys in the future. So why do the courts allow the courtroom to be transformed into a theater? Because it's not a right it's a privilege.

Not since the kidnap- ping of the Lindbergh baby over 60 years ago, and the coverage of the Menendez Brothers, has the media covered a trial with such intensity. And yet, both are dwarfed in comparison to the coverage seen in the Simpson trial. From an ethical standpoint, a right to broadcast should be studied very closely. I believe that the consequences that can result from a court decision. In addition, what effect do cameras have on the conduct of the attorneys or the defendant? Who can forget the exchanges between Marcia Clark and F. Lee Bailey, or Johnny O'Donahue wearing the ski cap during closing arguments. I wonder how much was for the benefit of the jury and how much was for the benefit of the media. All of the attorneys, as well as the judge, are forever elevated to a celebrity status as a result of the trial. I doubt they would have achieved had the cameras been turned off.

The purpose of the media is to inform the public. Many years ago one of the objections of having live media coverage was that the bright lights, microphones and moving picture cameras were inconsistent with the dignity and decorum of judicial proceedings. Today, the cameras have largely receded; the most persuasive remaining objection is the possible effect cameras, and the larger audience they represent, may have on the testimony of witnesses in criminal trials. Anyone remember Kato Kaelin? Perhaps land can forget the trial of Dr. Samuel Sheppard over 30 years ago. In that case the judge did not prohibit Dr. Sheppard from being "persuasive and prejudicial public." Part of the controversy centered on the fact that both the prosecutor and the trial judges were up for election. Television cam­ eras interviewed the judge and attorneys as they entered the courtroom, taped the proceedings in the courtroom and taped the selec­tion of the jury. It got him a new trial on appeal.

In addition, his role in televising courtroom proceedings is two-fold; it will affect how the public perceives the guilt or innocence of a person, and it will present a clear, more realistic, picture of how our judicial system really works. Unfortunately this has not always been the case. This can best be understood by considering the differences in public understanding surrounding the Tyson and Simpson trials. Despite the fact that both trials accused a celebrity of rape. In each case, the celebrity had previously been accused of sexual assault, but one resulted in an innocent verdict, the other in a guilty verdict. The Kennedy Smith trial was covered by both Court-TV and the Cable News Network, and some estimate that over ten million people watched part of the trial. Tyson's trial was not carried live by any network, and is one of the few states that does not allow cameras in its courthouses. The public wondered what the differences were between the two cases. I believe we would have been nice if we all could have seen the Tyson trial; then we wouldn't be wondering what the differences were between the two cases. Just by listening to the news and to the public, one can understand this problem. People have formed opinions about the Simpson trial outcome, because they saw it themselves. But the public had many more questions about the Tyson trial. Why? Because people had the opportunity to hear the evidence, decide if it was fair, and draw their own conclusions.

Under the existing system, the decision to allow cameras is left to the discretion of the judge, and the reasons for allowing or disallowing cameras will vary according to the personal preferences and biases of the individual judges. This was apparent in the trial of Susan Smith, and now in the re-trial of the Menendez Brothers. Cameras have largely receded as a direct response to the circus atmosphere of the Simpson trial.

While I once believed there was a place for cameras in the courtroom, I think it requires intense re-evaluation. The broadcast of wrong, an event, is not a good way to give back to the community. It's important to put children on the right path, not the wrong path. We need to improve the.Cleveland Literacy Coalition.

Although similar programs have been organized by law schools, this is the first time the program has been offered at Cleveland-Marshall, according to program organizer Amy Phillips. "It's a good way to give back to the community. It's important to put children on the right path, not the wrong path. We need to improve the literacy of the people in the community."

In addition, the initial sign-up period for the program ended earlier this month, organizers emphasize that students can volunteer to take part any time during the school year. Interested students can see Literacy on the GAVEL, the Newswide.
Faculty News

Candice Hoke served as a commentator on a panel on “Living in a Constitutional Moment?” at the New Federalism after U.S. v. Lopez Symposium in November at Case Western Reserve University School of Law.

Kevin O'Neill, Visiting Assistant Professor, delivered a lecture on “Trends Last Term in the Supreme Court’s Treatment of Civil Liberties” at the University of Akron Law School in October. Professor O’Neill’s speech was part of a day-long seminar on public interest law sponsored by the Alliance for Justice.

Steven J. Werber has been elected to the status of Master of the Bench Emaritus by the Harold Burton Chapter of the American Inns of Court. Professor Werber taught as a volunteer at Temple Emanu-El Religious School, High School program, in a course designed to introduce students to similarities and differences in American Temple Emanu-El Religious School, the University of Akron Law School, varsity Law Year’s Baker-Hostetler Visiting Chair.

Moral Autonomy Defines the Emergence Fund Lecture was delivered by Lea Brilmayer, Ben- C. Monk, Executive Director of the Association of Hoke. Faculty Jurisprudence was entitled which provides free income tax assistance.

The following presentations were delivered at the Law Faculty Seminar Series: Rejection of Moral Autonomy Defines the Emergence of the Rhenquist Court by Baker-Hostetler Visiting Chair Stephen Gottlieb, Professor of Law at Albany Law School of Union University, joined the Cleveland Marshall faculty as this year’s Baker-Hostetler Visiting Chair.

The Sixtieth Cleveland-Marshall Visiting Fund Lecture was delivered by Lea Brilmayer, Benjamin F. Butler Professor of Law at New York University Law School, in September. Her presentation was entitled Idealism and the International Environment. Professor Brilmayer also conducted a Faculty Workshop Seminar during her visit.

Cleveland's Chief Wahoo (And Others) Must Go!

By Ed Palm

Dick Feagler’s column in the Plain Dealer on October 20th, that was displayed on our first amendment board, asking for Chief Wahoo’s dis- point—Wahoo’s ouster is long overdue. I say good riddance to the garish icon. I agree with the columnist; it belongs to another era, another world. However, there are a few comments that should be made.

I take exception to one of Feagler’s statements that we don’t see any mascots of Polish, Irish, Italian or Asian heritage. This is not true. For example, Notre Dame, the foremost collegiate football team of the century, does in fact use an Irishman as its mascot. And rather than portraying this person in the best light, extolling the virtues of the Irish, this Catholic university denigrates the Irish by showing their mascot as a cantankerous, hard-to­eatable drunken leprechaun, dukes up ready for any pugilistic action. Is this how we as a society view Irish people?

Being half Irish, I cringe every time I see this outlandish caricature. Apparently Notre Dame doesn’t realize the contributions the Irish have made to the literary and politi- furope. Try such as James Joyce and George Bernard Shaw or that a man named Kennedy was our presi­ dent. It would seem the university would rather baste together the worst perceived patches of a culture and deliver a hideous quilt as linen.

Other examples are the Michigan State Spar­ tans and the USC Tro­ jans. Perhaps these teams miss the thrumming of those with an eye for political correctness because these mascots are not degraded for their shortcomings. Rather they are defiled and raised to olympic heights as the around campus arenas bedecked in clattering armor and blood-like plumes. But have you seen any Greeks acting like that lately? Wahoo must go, so must others. But where should logo decimation stop? Obviously the Braves logo and tomahawk chop should go, as well as the Washington Black Hawks and other teams that use-not Indians—but Native Americans and other ethnic groups to repre­ sent their teams. But others such as animal rights activists may insist that my favorite teams, Detroit’s Tigers and Lions as well as Michigan’s Wolverines must go, citing zoanthropy as an odious way to pay homage to our furry four-legged friends. Religious types might resent the fact that there are teams named after ‘Blue Devils’ and ‘Angels’. Oh and let’s not forget the New England Patriots, named presum­ ably in tribute to our founding fathers, the same ones that owned slaves and wrote racism into our country’s con­ stitution.

By this time it’s over, will we only sport teams named after our laundry? 

Compiled By Rosa M. DeVecchio

The literacy projects is just one of several C-M/ABA-sponsored programs this year that will focus on public service. In February the group will assist with the Volunteer Income Tax Assistance program which provides free income tax assistance for humanity. The ABA also sponsors the “Work-A-Day” program which allows law students here at C-M, and nationwide, to put in a day of pro bono work at various social service agencies.
By Jihad Smaili
Staff Writer

On October 30th a retirement reception was held in honor of Professor Emerita Joan E. Baker in the atrium of the law building. Faculty, friends and former students of Professor Baker gathered in appreciation of her lifetime of achievements, and especially to thank her for two memorable decades of service to the Cleveland-Marshall College of Law.

Looking at Professor Baker’s curriculum vitae, one can easily see why she has earned the utmost respect from her friends and colleagues: Bachelor of Arts degree from Reed College in 1953; Juris Doctor degree, with honors, from George Washington University 1967; Doctor of Law degree (LL.M.) from Yale Law School in 1968. The list goes on and on, page after page. From a law clerk for a United States District Court Judge and Associate Professor of law at the University of Colorado School of Law, to a visiting Professor at the Polytechnic of Central London School of Law and an author of numerous publications, Professor Baker left her mark. But in order to really be able to understand ‘why’ her friends, colleagues and former students have such high regards and admiration for Professor Baker, you have to talk with the people who knew her as the ‘down to earth’ person that she is.

Dean Steven Smith presented Professor Baker with a plaque on behalf of the students, faculty and staff and thanked her for her contributions to the Cleveland-Marshall College of Law and to the community as a whole. “Her enormous dedication to her students and learning process are immeasurable.”

One of her former students, Pamela Hultin, Esq., of McCarthy, Lebit, Crystal & Haiman, remembered Professor Baker as a “hippy law teacher” who taught her law at the University of Colorado School of Law. Pamela Hultin described Professor Baker as an inspiration to women of the class of ’73 seeking a career in law. In 1973, only three percent of practicing lawyers were women. Pamela Hultin added that it is no surprise that students of Professor Baker have gone on to become Iowa Supreme Court Justices.

The Honorable Patricia A. Hemann, Magistrate Judge on the United States District Court, was a student of Professor Baker’s Federal Jurisdictions and Labor Law classes in 1979-80. Judge Hemann remembered Professor Baker as a teacher that “did not let us off the hook.” “When we would go to her with a problem, she would tell us, ‘Of course you can do it,’ and then she would smile. Back then, faculty members would let women students off the hook, but Professor Baker did not. Her message to us was ‘don’t look for any excuses.’ She really prepared us.”

With Professor Baker, what you see is what you get. She is a person with deep convictions and cares about students and scholarships. But most importantly, she is true to herself.”

Associate Professor Susan Becker describes Professor Baker as a great teacher and role model to other faculty members. As a former student, Professor Becker described how Professor Baker “had the temptation to treat students as people, worthy of her attention and respect. This is a valuable lesson.”

The most memorable and emotional moment of the evening took place when Masumi Hanashi, Associate Professor in the Art Department, presented Professor Baker with a unique piece of artwork depicting the Roman Bath in England. As she began to describe the impact that Professor Baker has had on her life by being one of the “few supporting people,” she was unable to continue because of the degree of emotion she had for Professor Baker; we all knew what she meant without her actually saying it.

Another one of her students, Beverly Pyle, lecturer in legal writing, described Professor Baker as a “great professor that made sure you learned. She will be remembered well. She will also be remembered as a founding member of the Ohio Women’s Bar Association.”

Associate Professor Dena Davis describes Professor Baker as a “Professor who is especially focused on the needs of students. Students, as well as the law school as a whole, will miss her a lot. I have known her for five years and she is terrific. She has a full life ahead of her.” Professor Davis expressed concern over the fact that there only remains one female full Professor of law at Cleveland-Marshall. When asked to comment on the status of women full Professors at Cleveland-Marshall, Professor Baker acknowledged that there are many qualified female Professors coming through the ranks that are great candidates for a full Professor position.

Professor Joel Finer describes Professor Baker as “an extremely immeasurable value to the faculty and students. She spends a great deal of time inside and outside of the classroom with students. I will certainly miss her.”

There is no doubt that Professor Baker was a valuable asset to Cleveland-Marshall and the Cleveland area as a whole. We thank her for her dedication and commitment to the needs of students. The impact that she had, and continues to have, on faculty, students and friends is admirable.

Most importantly, as one of her former students put it, “Professor Baker not only succeeded at law, but she succeeded at law without losing her self. With Professor Baker, what you see is what you get.”

SBA Halloween Party

On October 27th about 40 clowns, Power Rangers, pumpkins, dancers, ninjas, and other costumed-children masqueraded around the law school trick-or-treating and playing games at the SBA Children’s Halloween Party. This party, which lasted from 6:00 p.m. until 8:00 p.m., was the first time that the SBA has provided an event specifically for the children of C-M students. Events for the children, who ranged from one to fourteen years of age, included pumpkin decorating, trick-or-treating, bobbing for apples and other games. Pizza, pop and lots of candy were provided for everyone who attended.
Two weeks ago I took my first law school examination. I was pleased to learn that it was only a practice exam. Nevertheless, I still felt the tension that comes with any examination. Upon receiving the exam I took a glance at it. The words seemed to fade away into an ocean of ink. At a second glance I came across Mr. X, Mrs. Y, and a third party (Mr. Z). I wondered who these people were and how they related to my two months of briefing cases. To understand Mr. X I turned to one of the school's most distinguished teachers, Professor Emerita Joan Baker.

Professor Baker suggested that one should compare an exam to their first day as a practicing attorney. Imagine yourself as a young lawyer waiting for your first client. The client will probably be someone you have never met, he will present certain facts to you, and he will ask you for advice. As law students you are expected to perform very much the same as a lawyer would when a real life problem walks into his or her office. A lawyer is asked to diagnose the situation. An examination prepares you for the surprises that you might have to deal with as a lawyer.

A student should learn two very important tools for diagnosing a problem, Professor Baker said. The first tool is the substantive material of law and the second tool involves an acceptable mode of analysis. The substantive material gives the legal principles of the area of law you are studying. The mode of analysis allows you to apply those principles to specific fact patterns. According to Professor Baker, an acceptable mode of analysis has two parts. First, you need to have a 'healthy respect' for the facts (ask yourself What happened? What is the situation I am dealing with?). Second, you have to decide whether anything in those facts creates legal issues. A legal issue according to the definition given in Federal Courts and Federal Jurisdictions would be a question concerning the possible applicability of a particular legal standard that is a rule, principle, or doctrine of law to a particular set of facts.

Our teachers are constantly asking questions, constantly posing issues. Professor Baker said professors often ask students questions and once you give them a response, "they throw you a curve ball." They change the facts and ask you what the new outcome will be. According to Professor Baker, teachers are trying to extend your analytical abilities by throwing these curve balls, and their specific intentions are not to embarrass you in front of 90 students. You too must enter the questioning mode. This method of thinking will help you to spot issues. Prepare yourself for exams by understanding that you also will be asking questions of the situation presented. Only after you have analyzed the situation presented are you able to move on to answering the professor's question.

Professor Baker also advises students not to take quizzes and practice exams for granted, and to try to attend as many lectures on 'how to take exams' as possible.

"When studying for an exam, study the basic as well as the complex principles. Your final review should be a very broad review that brings the whole subject to your attention." Make sure Baker on Page 9

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Cleveland Marshall's OACDL Has Much Good Happening
By Marlene Jennings
Staff Writer

The OACDL (Ohio Association of Criminal Defense Lawyers) is up and running. After an organizational meeting last month we started our activities with a video on Mumia Abu Jamal's case. He faces capital punishment for the murder of a police officer in Philadelphia. Leslye Huff shared her thoughts on the case.

Our thanks go to Greg Millas, who arranged a tour of the Cuyahoga County Juvenile Court Detention Center. We toured the building with a social worker. The Center meeting last month we started our activities with a video on Mumia Abu Jamal's case. He faces capital punishment for the murder of a police officer in Philadelphia. Leslye Huff shared her thoughts on the case.

As guests of the Cuyahoga Criminal Defense Lawyers Association (CCDLA), we attended a presentation on the changes in sentencing guidelines for Ohio. The provisions take effect next July. In an effort to protect the public from future crimes and to punish the offender the guidelines establish the sentence imposed by the court as the actual sentence that the felon will serve. In some cases the sentence may be subject to appellate review at the initiation of either the defendant or the prosecutor. "Bad time" replaces "good time" allowing an incarcerated individual to extend his stay at a state prison. At the end of incarceration the guidelines impose mandatory post-release control on the worst felony offenders.

Ann Rowland of the U.S. Attorney's Office in Cleveland will meet with our group on Nov. 13 at 5pm in the Moot Court Room. She plans to address issues in white collar crime. On Nov. 16 Mark and Heather Cockley will discuss municipal law, criminal procedure, and appellate practice. This program is scheduled at 5pm in room 12. Everyone is welcome.

We plan to schedule another tour of the Cuyahoga County Juvenile Court Detention Center on a Friday afternoon for the benefit of first year students, who were not able to join our last tour. Any other interested students are welcome. Zack Simonoff is working with the Cleveland Police Department to set up a "ride along" with their officers. Let Zack know if you would like to participate in this activity.

In cooperation with the CCDLA, M-N students will have an opportunity to shadow a local attorney. We are also arranging an opportunity to write post-conviction relief petitions. Under the structure that we are discussing, an attorney would identify the constitutional issues, then pass the file on to a student, who would write the petition and return the file to the attorney for review. Students could get a pro bono endorsement on their graduation certificate for their work in the program. Contact one of our officers, if you have an interest in either program. Pres. Marlene Jennings, V.P. Eric Rosenberg, Sec. Zack Simonoff, Tres. Jihad Smaili.

In a joint effort with WLCA we are preparing a tour of the Ohio Reformatory for Women. The tentative dates are the 12th and 19th of January 1996. Leave a note in Marlene Jennings' mailbox if you would like to join us for the tour. Any suggestions for OACDL activities would be appreciated.
A Student's Interesting Idea?

By Mitch Goodrich
Staff Writer

I have this great idea, I've decided to form a Third Amendment Club. It's really quite simple. With the torturous/fifth column congress at work to cut budgets, it is only a matter of time before we reach a showdown of the IRS, the ATF, the FBI, the Humane Society, etc. will be robbing us of our free-speech of the press including their arms. Their point is, well as installing their gun in the living rooms. They'll find out very quickly that I would rather talk about the constant episodes of "Seinfeld" and "Charlie Rose" corrupting my children and my wives. Of course beneath all this, Rose is an evil genius with tongues strong enough to invalidate the Constitution. Recently the Supreme Court has gotten so tired of the issue that they have refused to grant cert in any of the most confining gun laws, like complete bans as in the case of Quilici v. NRA. The case was presided over by that Falstaff of modern American Judiciary, Warren Burger. All these cases have come to us that they held that legislators may make just about any sort of law they want in regulating ownership of firearms. The great news is the regulations might not do any good, but that's beside the point - we're talking rights here.

Now obviously there's not much public opinion on our side. This is of no concern. If we can show an example of the Second Amendment people see that strong public opposition to our ideas can be effective. To me the second amendment is what matters. (the regulations might not do any good, but that's beside the point - we're talking rights here).

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But what does that matter? I think many people guys don't have any case law on their side either. I mean there is a lengthy series of Supreme Court decisions that back to the mid-19th century that oppose their view-point. From Cruikshank v. United States (1866) thing is coming into the liberal panel that had just a few years before determined that slaves weren't human beings) to Williams v. Mississippi (decided by that impartial panel who applied the simple test that anything proposed by the Roosevelt administration would be scrutinized). Recently the Supreme Court has gotten so tired of the issue that they have refused to grant cert in any of the most confining gun laws, like complete bans as in the case of Quilici v. NRA. The case was presided over by that Falstaff of modern American Judiciary, Warren Burger. All these cases have come to us that they held that legislators may make just about any sort of law they want in regulating ownership of firearms. The great news is the regulations might not do any good, but that's beside the point - we're talking rights here.

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What they are looking for. Again, you do not necessarily have to be right, how you arrived at your conclusion is right. Do not worry about the outcome, lawyers often do not know what the facts are. Most importantly, Professor Baker adds, "remember that the experience should be fun. You are not trying to please an irrational teacher, you are learning skills that will come in handy when you start practicing law.

Finally, do not forget that Mr. X could be your first client.

On behalf of all first year students, I would like to thank Professor Baker for her time and patience. We would also like to congratulate her on 20 years of excellent service and dedication to Cleveland-Marshall students.

The Law Alumni Association, several faculty members and C-M student groups are developing a Pro Bono program that will allow student volunteers with local attorneys who need assistance in cases on important issues of public interest. Interested students are asked to contact Dean Lifter, Prof. Susan Becker, or student Jon Sinclair (721-4425) as soon as possible.
The Housing Law Clinic, the legal clinic concerning fair housing rights available to Cleveland-Marshall students, may be a well-kept secret but it is one to which the savvy student will want to be privy. This unique classroom opportunity is the result of a joint effort between the law school and Housing Advocates, Inc. (HAI), a non-profit fair housing law firm. In the Clinic, attorneys and students join forces to defeat housing discrimination in the community by offering legal counsel to low income residents in the Cleveland area. Students are assigned to individual clients. They represent clients in court and thereby obtain valuable work experience and a rare opportunity to "practice" before graduation under the helpful guidance of HAI attorneys.

A diverse group of students have benefitted from this unique class, including students from law schools in Iowa and Denver as well as other Ohio law schools. Only a brief inquiry into the experiences and feelings of clinic interns was required to conclude that student response to the clinic is overwhelmingly positive.

Julianne Weintraub, a current housing clinic intern and third-year Cleveland-Marshall law student, appreciates the change of pace the Clinic adds to her semester course load. A seasoned veteran of both the environmental law clinic and a judicial externship, she is puzzled that student demand for such courses is not greater.

"It is amazing that more students are not vying for spots in the clinic’s classes,” she mused. According to Weintraub, the Housing Clinic offers plusses which students could be hard-pressed to find in other courses. Half-way into the semester, she is pleased to find that the clinic offers the opportunity to handle a variety of cases from start to finish, in both federal and local courts. As an intern, she has been in court several times, attended pretrials, written a number of motions and held client interviews. Her work with clients has been both rewarding and frustrating, a likely insight into the realities of future law practice. "Often potential clients request our help after they have attempted to handle the situation themselves by declining to pay rent or they call the very day that they are scheduled to appear in court."

She appreciates the fact that HAI attorneys, Edward Kramer, Diane Citrino and Tim O'Bringer allow interns to truly manage cases themselves and act as an advocate for the client in court. The attorneys oversee cases and give input as needed. Weintraub is confident that her experience will behoove her in her future law career as oftentimes such "hands-on" experience is not obtained until well-past graduation. Likewise she remains steadfast in her belief that more students would opt to participate in the clinic if they were aware of its benefits.

Her clinic experiences have been so positive that her only regret is that Cleveland Marshall does not currently offer a criminal law clinic, the area she plans to enter after graduation.

The services provided by the clinic’s students and attorneys are in demand and they have expanded in scope as well; the Clinic now extends its services to the homeless in addition to its regular cases involving landlord-tenant disputes and housing discrimination. In 1994, the clinic assisted over 1500 clients and handled more than sixty court cases. Ample opportunities exist for students interested in taking part in this unique class.

If you are interested in adding some ‘zing’ to your spring semester, jump-starting your career by obtaining valuable experience, and have completed at least 58 credit hours, contact Deans Lazarus or White in order to obtain a special registration card for the class. Next, contact Kay Benjamin in Room 19 or at 687-2289 in order to complete the simple application process to obtain the Legal Intern Certificate from the Ohio Supreme Court, which enables students to practice under the supervision of an attorney. The application process consists of completing a few forms and paying a small fee. Kay Benjamin adds that the certificate includes an additional benefit for students – if certified one can continue to practice under the certificate after graduation, as long as under attorney supervision, up until the results are in from the first bar the student would have been eligible to take.

The class is available for the upcoming spring semester and can be taken for two, three or four credit hours, to fit into a variety of schedules. Take the time to explore this novel opportunity soon!

Congratulations

Cleveland-Marshall’s Moot Court Team has once again won first place team honors and best brief honors at the National Moot Court Competition in Information Law and Privacy which concluded this Saturday at the John Marshall Law School in Chicago. The team members, third year students Rachelle Kuznicki Zidar, Todd Schrader and Aaron Reber, argued the final round before five state Supreme Court Justices and defeated a strong team from Texas Tech University. After the preliminary rounds, the team went on to defeat teams from American University, Villanova and Florida State to reach the final round. The team was assisted by Legal Writing Instructor Karin Mika whose dedication and support was instrumental to the team’s success. Last year, C-M’s Team won the Regional competition of the American Bar Association National Appellate Advocacy Competition and went 8-0 in the F. Lee Bailey National Competition in Fort Lauderdale.
STUDENT LOANS REMAIN A BIG, BIG CONCERN

By Barry Saxon

Are you concerned about whether or not the Federal Stafford loan program and other Federal subsidized financial aid programs will still be available next year? You may want to rely upon these programs to help you pay your tuition, if you are wondering about how you will pay your tuition next year, then you should have been at Lake Erie College on Monday, October 30 to hear Steven LaTourette, Congressman, 19th District, give an update on Higher Education’s Financial Aid in the 104th Congress.

LaTourette spoke for an hour about balancing the budget, the Congress, balancing the budget, the President, balancing the budget, Medicare, balancing the budget, Welfare, balancing the budget, and oh yes, he did spend a few minutes on financial aid. A half hour was set aside for questions and the audience of about 50, mostly college administrators, a few concerned citizens, and even fewer college students kept LaTourette on point as much as you can keep any politician on point.

Distributed at the conclusion of the speech was LaTourette’s Top Ten Myths about Student Loans. This list, which LaTourette likened to David Letterman’s Top Ten List isn’t nearly as funny as Letterman’s, but a joke nonetheless. The items on LaTourette’s list aren’t fact, but merely LaTourette’s interpretation of the most current information. According to LaTourette, no funds have been cut from any Federal financial aid program. According to LaTourette, funding has been increased. He explained that funding for student loans will increase 5% over the next seven years. These are the same seven years in which the 104th Congress has committed itself to cut spending across the board. LaTourette has said that most of the $12 billion is coming from to fund this increase. LaTourette claims that funding for Pell Grants has increased to $5.7 billion and that the maximum award will now be $2,440. But he also said that loans (mainly Stafford) will increase $600 over the next seven years. According to LaTourette if you’re getting $600, that $600 won’t make a difference whether or not you can go to school. Maybe $600 a year doesn’t make much of a difference to a United States Congressman who is making over $100,000 a year, but $600 for some students can make the difference between whether or not they can afford to pay for public transportation to get to and from school.

That this Congress should be considering any legislation which would undermine, reduce, eliminate, or disturb in a negative way the Federal programs which support aid for higher education is a matter of grave concern to all Americans. Federal spending for education isn’t money spent to maintain the status quo, it is an investment in Americans. Financial aid for higher education is an investment in the future of America which only the short sighted and foolish would fail to make.

If the Front Page of The Post was part of the Contemporary Dialogue Series, made possible through the support of The Harriett B. Storrs Fund of The Cleveland Foundation. If you missed the speech and would like to attend the next discussion, LaTourette knows how you are about this issue you can call his office at 352-3939 or 946-2604.

Ohio Senators and other N.E. Ohio Congressmen can be reached at: Senator Mike DeWine, 522-7272; Congressman Bob Ney, 522-7272; Congressman Marlin Stutzman, 522-7272; Congressman Louis Stokes, 522-4900.

AFFORDABLE THEATRE... THE CLEVELAND PLAYHOUSE

By Marie Rehmar

Your CSU ID can get you a real entertainment bargain at the Cleveland Play House. If you would like to purchase a ticket for $5.00 for any non-Friday, non-Saturday production, just bring your CSU Student ID (with the current sticker) to the Play House Box Office, 8500 Euclid Avenue. Box Office hours vary; you may want to call for hours (795-7000). There is a limit of one ticket at this price per production, per student. Even though you still have to pay the $5.50 per car parking fee, the ticket price is substantially lower than the regular ticket price. An individual with a current CSU Faculty/Staff ID can receive a $5.00 discount on the regular ticket price.

There is another new option available to anyone during the first week of a production (Tuesday through Sunday). Half price “rush” tickets can be purchased, if available, the day of a performance, but only up to 1 hour before curtain time.

Note: The Cleveland Play House, now celebrating its 80th season, is east of CSU on Euclid Avenue, towards University Circle and the Cleveland Clinic. It is not part of the Playhouse Square complex just west of C-M.

The 1995-96 Season includes the following plays:


Private Lives by Noel Coward. (Drury) Nov. 21 - Dec. 31

The African Company Presents Richard III by Carlyle Brown. (Bolton Theatre) Jan. 2 - Feb. 4

The Enchanted Maze by Murphy Geyer. (North American Premiere) (Drury) Jan. 23 - Feb. 18

The Front Page by Ben Hecht and Charles MacArthur. (Bolton) Feb. 20 - March 31

The Lady from the Sea by Henrik Ibsen. (Drury) March 26 - April 21

Quilters by Molly Newman and Barbara Damashek; Music and lyrics by Barbara Damashek. (Bolton) April 16 - May 26

More Congratulations!

The Gavel would like to congratulate Editor David Bentkowski on his successful bid to become a councilman in the City of Seven Hills. Bentkowski defeated the ten-year incumbent and Council President with a whopping 73 per cent majority. Not only was this one of the largest margins of victory by a non-incumbent, but it was also one of the largest margins of victory for any candidate who faced opposition - incumbent or not - in the entire County. The day after the election, Channel 8 saluted Bentkowski as their person of the day for his upset. This is a pretty amazing accomplishment when you consider that this was the 23-year-old’s first run at elected office. White House, here he comes.

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