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Cleveland-Marshall College of Law

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C-M RECEIVES LESS THAN STELLAR RANKING FROM U.S. NEWS AND WORLD REPORT

By Andy Nichols Staff Writer

U.S. News and World Report recently published its yearly rankings of law schools, and for the first time since it began ranking all 170-plus law schools, Cleveland-Marshall is in the bottom tier. While some may wonder if the rankings are of any real significance to current C-M students, one would be naive not to be concerned. "Perception is always a concern," said interim Dean Steven Stein glass, "the quality of education at C-M has always been, and will continue to be, extremely important to the faculty and administration," for perspective law students the report is one of the places they look when trying to decide to which schools to apply. Additionally, the decision to attend a particular law school does have an effect on where you will practice law.

In 1992, U.S. News began ranking law schools in tiers, which translates into a numerical ranking category. Cleveland-Marshall has consistently ranked in the 88 to 132 range tier, until now. The methodology of the ranking, although somewhat arbitrary, is based upon five factors: student selectivity, placement success, faculty resources and two measures of institutional reputation. One measure of institutional reputation is compiled from surveys of deans and senior faculty of accredited law schools. The other is from lawyers, hiring partners and judges nationwide. Few would argue that lawyers and judges in California have any real knowledge of this law school, but perhaps a better indicator is the rating by academics. This ranking has usually been quite good, hovering near the high end of the 88 to 132 range tier, a rather respectable showing. So what happened this year? A careful analysis of the rankings reveal that there is a handful of schools that fluctuate between the bottom two tiers. Only Cleveland-Marshall and one other school have consistently been ranked in the 88 to 132 range, before they fell into the bottom tier this year. The other school is The University of Toledo College of Law. This similarity may be a result of the current uncertainty by the Ohio Board of Regents regarding funding for state-supported law schools and may have had a silent impact on the rankings. In an article last month in the Columbus Dispatch, Regent Paul M. Dutton said, "there are three public law schools that have an inordinate number of students that fall into the categories of average or below average." He would not say which law schools they were, only that a vote on the budget would take place in May.

So all of this begs the question, does U.S. News really dictate the standing of C-M students in the legal community? Probably not. The future of the law school will be shaped more by the support it receives from within than by any article in U.S. News and World Report. The search for a new dean, the timely completion of the new law library and the reconfiguration of the current library into, among other things, a much-needed trial advocacy room, is critical. According to Harold Allen, Provost and Senior Vice-President of Cleveland State University, "the decision of how to best reconfigure the current library space will be left up to the College of Law administration, once that has been determined then avenues of funding will be pursued." (Let's hope there is no truth to the rumor that the space could be used for another department of the university.)

Cleveland-Marshall's current ranking in the bottom tier is probably only temporary. An interoffice memo from the Office of Career Planning indicates that the information used for C-M's placement statistics is incorrect. According to Sonia Winter, Executive Director of the OCP, her office, in conjunction with the Dean, is preparing a response to the U.S. News & World Report ranking. So what is the payoff?

See U.S. News on p. 2

RECENT GRAD STILL WAITING FOR GRADUATION PICTURES

By Marc Stolarsky 1995 C-M Grad

As May graduation approaches it will be the first anniversary of my paying for but not receiving graduation pictures. I am writing this letter because the one year anniversary really brings to light the ridiculousness of this situation.

Last May, on the day of my graduation from Cleveland-Marshall, I wrote out a check for twenty-two dollars for a graduation picture and a compoiste of the graduating class. The process was done in conjunction with the C-M Student Bar Association. About three months after the picture was taken I became concerned.

Since that time I have tried to contact the new officials at the SBA. The ratio of calls to call backs to the SBA is usually about 10 of my calls to one of their call backs. Over a period of a few months I was put off by the SBA in some of the most unique and unusual ways. Finally I decided that I had been patient long enough. I wrote a letter to Dr. Claire VanUmmeren, the President of Cleveland State University, for which I received a telephone call, but little else.

For the past year no one has been willing to take responsibility for this matter and apparently neither the SBA, C-M, or CSU has been able or is willing to effectively resolve this situation. My lesson in this matter is that my twenty-two dollars is gone with the wind. It's sad that no one feels they are responsible for my lost money and no one can explain why I don't have the money returned to me or receive the pictures for which I paid. It is not so much that bad things happen, but that I still cannot get a straight answer from anyone about what happened to the photographer and to the many students who paid for pictures.

CHOMSKY PACKS THE HOUSE

By Mark Goodrich Staff Writer

Noam Chomsky, professor at MIT and an internationally known figure in both the fields of Linguistics and dissent visited the College of Law on March 27 and 28. Professor Chomsky met with students during informal morning and evening sessions, gave lectures in classes and delivered an address to a large noontime crowd on the twenty-eighth.

In many ways, Professor Chomsky seems like a white, academic Louis Farrakhan. He is farther almost every institution in the United States with a level of Rhetoric that would approach revolution if he didn't think that academically distasteful, Professor Chomsky throws around terms like "business community" and "propaganda" with a reckless abandon. He sees self-interest and class warfare on a sort of grand alliance model: involving the government, the media, the business community and possibly the original cast production of "Cats."

Getting Professor Chomsky as a Cleveland Marshall Fund Speaker was certainly a great coup for the committee that organizes these thrice annual visits. Their endeavor was rewarded by a massive crowd at Professor Chomsky's speech: not only was the Moot Court Room filled to capacity but so were the two lecture halls that overflowed it. Overflow viewing was provided by two television monitors, one in the College foyer and the other in room 11. The crowd included many visitors to the college community including members of the Revolutionary Communist Party and other activist groups from the American left. The size and politics of the crowd gave a Woodstock-like feel to the lecture, although without the permissive sex and drug use (although I wasn't in room 11, so maybe some of that went on there). Professor Chomsky's speech was entitled "Consent without Consent: Reflections on the Theory and Practice of Democracy." Despite a provocative title that brought to mind Oscar Wilde's famous aphorism: "de

See Chomsky on p. 6
I would have to say that between graduation, Barrister's Ball, my sister's wedding, work and classes, my head is not always as clear as it should be. I've known for quite some time that I wanted to get an article in this last issue of the gavel, but I have had a heck of a time thinking of something witty to spew about. As the clock began to near the final hour before articles were due I figured I would simply flop myself in front of a computer and see what happened, always a frightening proposition. So hold on, a stream of consciousness is about to trickle. (actually this will probably resemble a babbling brook)

It is difficult to put into words what I am feeling, but since most of you advise against my singing in public, here goes. Recently, thanks to the helpful and all-powerful financial aid office (and very pregnant, might I add), I was subjected to my "exit counseling session" for loan repayment information. This is where a guy in a suit reminds you that you really do have to pay that money back. This is where a guy in a trooper in my life. The financial aid office told me I owe more money for loan repayment in the next two months that I think I should have to go.

1. I was told recently to start preparing myself for a future as a "lonely lawyer." One of my classmates gave me this advice after I spoke up in my Capitol Punishment class about ethics and attorneys. Silly me, I thought the ethical code that we learned in law school consisted of rules by which we, as lawyers, were supposed to live and work. Silly me, I thought that the Code gave us some guidance about how we were to practice law, and also gave us some assurance that other lawyers would abide by that same code. After all, one of the things I definitely learned in law school is that this profession called the law that we are about to enter consists of little more than a game in which the best player wins. And I can deal with that, basted allusions and all, so long as there is a rule book by which we all play fairly. Let the best man or woman win and all that.

But apparently that is not the case. My classmate explained that ethics and rules may be okay for corporate attorneys but when you are a solo practitioner, probably working in criminal defense, trying to pay the bills, ethics and rules may sometimes have to be broken. (And what does the general public call lawyers?)

I will admit that my classmate's approach rankled. I went home, thought about it, and told myself why don't you keep your mouth shut. I mean nothing is more boring than righteous indignation. I told myself, "today I will practice non-judgment," and I will try to understand my classmate's opinion on this.

C-M STUDENT PREPARES FOR "LONELY LIFE" AS A LAWYER

By Robin Wilson

Staff Writer

I was told recently to start preparing myself for a future as a "lonely lawyer." One of my classmates gave me this advice after I spoke up in my Capitol Punishment class about ethics and attorneys. Silly me, I thought the ethical code that we learned in law school consisted of rules by which we, as lawyers, were supposed to live and work. Silly me, I thought that the Code gave us some guidance about how we were to practice law, and also gave us some assurance that other lawyers would abide by that same code. After all, one of the things I definitely learned in law school is that this profession called the law that we are about to enter consists of little more than a game in which the best player wins. And I can deal with that, basted allusions and all, so long as there is a rule book by which we all play fairly. Let the best man or woman win and all that.

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CONGRATULATIONS TO EVELYN MOYA, ANDY NICHOL, AND JIHAD SMAILI WHO WERE ELECTED CO-EDITORS OF THE GAVEL FOR THE 1996-'97 SCHOOL YEAR.

By Donna Andrew

Staff Writer

Oh yeah, so I'm in California and the grandparents, aunts and uncles are asking the same question, "How does it feel to finally be graduating and hitting the real world." They feign pride at my academic accomplishments. Secretly they all think I have trouble facing the real world. (Wait till I tell them I'm now going to get my Ph.D in English Literature, His-Hers!) So I am trying to answer them honestly and I realize that every time I answer, something different comes out. I'm excited, then I'm nervous, then I'm scared, then I'm happy, then a little sad. I think I'm really schizophrenic. (would answer a lot of your questions about me anyway)

So I'm having a little trouble dealing with this rite of passage thing that's about to happen. So, as a personal therapy exercise (much cheaper than a shrink) I am going to list the top ten reasons why I am feeling a little crazy, happy, scared, etc. about graduation:

1. After three years of law school and thousands of dollars in loans I have come to the realization that I really want to be a Forest Ranger, open an antique shop and teach English Lit. to college freshmen.

2. I do have my health.

3. As of Friday April 5th I have one day of sunny and 75-degree weather. All this snow. They have to suffer through day after day of sunny and 75-degree weather. On March 28th the financial aid office told me I owe more money in student loans than Donald Trump has in the bank.

4. I actually have fond memories of Cleveland-Marshall College of Law in 1991-92. I'm happy, then a little sad. I think I'm really schizophrenic. (would answer a lot of your questions about me anyway)

5. I have started writing things like:

6. I have started writing things like:

7. The bitter-sweet truth is that I am about to conclude the蜍 here and incorporated herein by reference please find a memorandum to the general public call lawyers?)

8. The Spring break vacation I just took was the last one of those for a long, long time.

9. On March 28th the financial aid office told me I owe more money in student loans than Donald Trump spent on hair spray last year.

10. I still unemployed.

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CONVENTION FINDS WOMEN IN LAW HAVE A LONG WAY TO GO

By Vickie Jones
Staff Writer

According to the ABA Commission on Women in the Profession, women make up 44% of all law school students, but only 13% of law firm partners, 13% of state and local bar presidents and only 9% of judges. On February 29, nine members of Cleveland-Marshall Women Law Students’ Association (WLSA) attended the National Women Law Students’ Association Convention held at the University of Wisconsin at Madison to discuss this disparity and many other issues of significance to women and in particular women law students. The members of WLSA joined over 140 other women from Syracuse University and American University to the University of Arizona and the University of Washington.

This year the convention was aptly entitled “Consensus and the Community: Diversifying Our Points of View” and the speakers and students exemplified this viewpoint. Panels of four to six women attorneys, law professors, and judges discussed their views on bias in legal education, feminist theory in practice, challenging gender roles through the law and the future of feminist legal theory. The women law students in attendance were quick to relate their experiences that gender discrimination in law schools is not a thing of the past and even though women are close to half of the population of the classroom, instances of gender discrimination still exist and may at times be more overt. One first-year told of being addressed as “Sweetie” when being called on in class by her professor. Another told of one Tort professor’s use of female students as “live” models to demonstrate the location of the female reproductive organs during classroom discussion of reproductive torts. Professor Jane Larson of Northwestern University proposed requiring that harassment policies be considered as an element of ABA/ABA accreditation as one solution to this enduring problem.

In addition, leaders from the National Organization for Women, the ABA Commission of Women, the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice discussed the formation and enactment of the Violence Against Women Act of 1994 (VAWA). VAWA provides for improved prevention and prosecution of violent crimes against women and girls, as well as creating federal penalties for certain violent crimes motivated by gender. Professor Victoria Nourse, Special Counsel to the Senate Judiciary Committee (1990-93), told of the inadequacy of state and local law prosecuting crimes of violence against women as her impetus for drafting VAWA. Eleanor D. Acheson, Assistant Attorney General for Policy Development for the Department of Justice, discussed a recent West Virginia prosecution under VAWA where a man was sentenced to life for beating his wife into a coma and driving her across state lines in the trunk of his car. Without the ability to prosecute under VAWA, which makes it a federal crime to cross state lines to harass or defy a protection order, the husband would have been sentenced to an average of two years.

WLSA plans to attend the next National Women Law Students’ Association Convention which will be held in Los Angeles in 1997 and all paid WLSA members are eligible to attend. WLSA sponsored activities included WLSA’s Annual Silent Auction to help the participation of its members possible.

SECOND CIRCUIT GETS TOUGH ON WAR CRIMINALS

By Jihad Snellini
Staff Writer

The Genocide Convention of 1948 was a product of mass exterminations committed by the Nazis during World War II. The Convention was never revered world leaders. “Never again,” they promised. “Never again” will people be persecuted for who they are, and not what they have done. Guess again.

But at least now, the Second Circuit Court of Appeals has sent a clear message that our judicial system will not tolerate nor protect convicted war criminals. The message is clear: Anyone who violates international laws and treaties will be liable to his victims(s) in a United States court, and their investments and moneys in this country will be in jeopardy. By doing this, the judicial system of the United States has set a precedent not only for other courts, but also for other countries to follow. A convicted war criminal will have no place to hide himself or his money.

The most important result from this investment in universal accountability for war criminals and genocidal maniacs is the renewed support and vote of confidence for a new International Criminal Court; giving the United Nations a boost in its fight against international crimes.

Croat and Muslim citizens of Bosnia-Herzegovina, formerly a region of Yugoslavia, accomplished a significant victory in the fight against war crimes and “ethnic cleansing” when they filed a suit in New York against Radovan Karadzic, the leader of the self-proclaimed Bosnian-Serb republic of “Srpska” and convicted war criminal, with various atrocities including forced prostitution and imprisonment, brutal acts of rape (According to Patricia Visser-Sellers, legal adviser to the Crimes Tribunal, victims were not only raped, but also forced into sexual acts with every conceivable combination of sex and family relationship...it’s a great way to destroy a person,) she added that “it destroys dignity and self-esteem. It weakens you to your core,” torture and other cruel and inhuman degradation, assault and battery, ethnic inequality, summary execution, and wrongful death carried out by Bosnian-Serb military forces as part of a genocidal campaign conducted in the course of the Bosnian civil war, a pattern of systematic human rights violations directed by Karadzic and carried out by military forces under his command. The complaints allege that Karadzic acted in an official capacity. The victims suffered compensation and punitive damages, attorney’s fees, and in one case injunctive relief. The Bosnian citizens filed their class action suit in the United States District Court in Manhattan. The District Court, citing the Alien Tort Cases (25 U.S.C. section 1350, 1889) enacted in 1789 but rarely invoked, established that “federal court jurisdiction can be validly established for suits alleging torts committed anywhere in the world against aliens in violation of the law of nations.”

In other words, an alien in the United States can bring a federal court action which violates a law to which the United States is a signor.

The Manhattan District Court held that to contract with the United States is required for there to be federal court jurisdiction for suits alleging torts committed anywhere in the world against aliens in violation of the law of nations. A United States District Court for the Southern District of New York (Peter K. Leisure, Judge) dismissed the case for lack of subject matter jurisdiction.

The Second Circuit Court of Appeals for the Second Circuit reversed the below decision where it was held that Bosnian nationals lacked subject matter jurisdiction and established that Karadzic may be found liable for genocide, war crimes, and crimes against humanity. The Second Circuit Court held that Karadzic was not immune from service of process. This was a historic decision that has been hailed by human rights activists as a significant victory for the world as a whole, and especially the United States.

The most interesting aspect in the Circuit Court's judgment of the jurisdiction issue came when the court found that Karadzic was personally served with process while he was physically present in the Southern District of New York when process servers approached Karadzic in the lobby of the Hotel Intercontinental in Manhattan, called his name, identified then purpose, and attempted to hand him the complaint from a distance of two feet. Security guards seized the complaint papers, and the papers fell to the floor. The court, citing Fed. R. Civ. P. 4(a)(3), which specifically authorizes personal service of a summons and complaint upon an individual physically present within a judicial district of the United States (also citing Burnham v. Superior Court, 495 U.S. 604 (1990)), and the fact that Karadzic ventured outside the “headquarters district” of the United Nations, which is immunized from jurisdiction, and engaged in non-United Nations-related activities such as fund-raising, the court found that Karadzic was properly served. The court held that Karadzic did not exhibit a “federal common law immunity” from service outside the “headquarters district.”

The court also recognized that

L Welch

The GAVEL

3

LOST AND FOUND ITEMS NEED COLLECTED

Many items have accumulated in the Lost and Found Box at the main Reception/Information desk at LB 117. They include the following:

1) Books - Law texts, novels, even a Bible! Note books and other supplies
2) Jewelry - One piece looks extremely valuable.
3) Keys - Some singles, some complete sets.
4) Eyeglasses - Prescription, shades, some in cases.
5) The Usual - Scarves, hats, gloves, umbrellas.

Some items were found inside the Law School. Other items were found on the grounds outside.
Elana Turoff Lurie, a Cleveland-Marshall attorney and alumnus of the aforementioned law firm, has certainly found this to be so. She and her mother, Carole R. Turoff, joined forces to create their own firm. Lurie, who has clerked at a larger downtown firm and recently had a child, appreciates the unique business climate her firm offers. “There is a different attitude at our firm, one more flexible and understanding toward demands women encounter, such as child care.”

Indeed, many value this aspect of the smaller, women-owned firm. Attorneys from such firms around the country note the flexibility of scheduling, conducive to child care, and a sense of increased autonomy and personal choice, allowing for a creative legal practice, fine-tuned to the needs of the client. Many women appreciate the reprieve from pressure that thrusters at many larger firms including the notorious “glass ceiling,” sexual harassment, and rigid work hour expectations.

Such firms also behave the public. Women and men alike are often drawn to such firms. As women increasingly find success in business, the trend toward the establishment of law firms that are female-owned and corporate owned positions and corporate owned networks is growing. Women often will choose experienced female attorneys.

Men as well, have their reasons for choosing a female attorney. In her practice, especially with criminal and domestic cases, Lurie has found that men, as well as women, are drawn to the “softer” touch of a female attorney. “In domestic cases, especially divorce, men seem to feel more comfortable showing emotion and opening up to a woman. Whereas in criminal cases, a man might feel a female attorney could help to offset the ‘hardened criminal’ aspect to the jury,” explains Lurie.

Such appeal is an asset to such firms and many firms deliberately emphasize their female ownership for this reason. Lurie has found that her gender has been an asset to her career. The decision to include first names on the firm’s sign was intentional and has proven successful in attracting business.

However, while the women-owned firm offers special advantages and opportunities, starting such a firm can be challenging and demanding. Company policies and set-aside programs mean that the public sector and many large corporations seek a percentage of their counsel by women and minority-owned firms, which can help them to get started. However, such affirmative action can create a backlash of sorts against such firms, by those who feel such policies are unfair. And some female attorneys report that the demands of starting their own business are actually greater than those they encountered while working in more traditional firms. Starting a new firm, regardless of gender, requires time, experience, and community. In addition to client work, administration and management concerns must be addressed, placing greater demands upon time.

None-the-less, the continued growth and success of the all-women law firm seems secure. As the face of the legal community continues to change, this trend promises to offer invigorating and exciting opportunities for women and the legal community.

The most recently available study by the American Bar Foundation Lawyer and Client Service Report (1991) states that 16.3% of Ohio’s attorneys are women. As this number grows, the unique women-owned law firm promises to be increasingly less rare.

Dean Steven Steinglass to serve as interim Dean when Dean Steven Smith officially resigns. Professor Jack Guttenberg indicated that Dean Smith is finalizing his deal with Cal-Western and is expected to be here until July 1st. In the meantime, Steinglass will assume some of the Dean’s responsibilities, and take over as Dean when Dean Smith leaves.

Guttenberg stated that the Dean search committee is currently working on the job description for the Dean position. Members of the Committee are setting required and preferred criteria and are putting together a packet regarding Cleveland-Marshall, the community, etc. The committee is using information regarding the previous searches for a Dean as a basis, and is building from that.

“You don’t just put an ad in the newspaper to find a Dean,” says Guttenberg. Instead the Committee will be placing a number of ads with the ABA, the Chronicle of Higher Education, and other such publications. Guttenberg says that the new Dean will most likely be a current Dean at another law school, or even a current President of a major university. There are approximately 170 law schools as well as major universities that could provide us with our next Dean.

Guttenberg says there are no real applicants as of this date, it’s too early. According to Guttenberg, everyone who applies will be seriously considered, including the staff at Cleveland-Marshall. After all of the applications are received, the committee will begin to narrow down the field.

Michelle Berenst, the student representative on the committee has been holding meetings for C-M students to express their concerns and voice their opinions as to what the Committee should look for in our next Dean. Although the formal meetings were held April 10th and 11th, any input students should have be expressed to Michelle. Also, when the applicants are interviewed at the law school, the students should take and invited to take an active role.

The following is a tentative time line for the Cleveland-Marshall Dean search, as provided by the Committee:

Spring 1995 - To be completed by May 25, 1996

Review archives of previous Dean search.

Affirmative action compliance review.

Set job description and criteria.

Obtain input from College of Law and University constituencies, including faculty, staff, students, alumni, legal community, university administration.

Gather information about College of Law, University and Cleveland-Marshall, including faculty, curriculum, placement, financial aid, budget, admissions, library, legal writing, clinical programs, development, alumni, university, legal community and environment, and the community in general.

Post Dean job description and opening, and solicit applicants.

Summer 1996 - To be completed by August 22, 1996

Develop pool of candidates by, but not limited to, the following means:

Networking through formal and informal means.

Conferences, including Clinical Education, Law School Development for Deans and Administrators, American Bar Association Annual Meeting, etc.; and

Publication of announcements in journals and newspapers.

See Dean on p. 6
CRIMINAL LAW
SOCIETY HAS
BANNER YEAR

By Marlene Jennings
Staff Writer

We applaud all students who participated in criminal law activities, which included visiting juvenile court and the detention center, listening to speakers from the Adult Parole Authority and the US Attorney's Office, job shadowing defense and prosecuting attorneys in Cuyahoga County Court of Common Pleas, exploring the motion to suppress and related issues, touring the Ohio Reformatory for Women (under arctic conditions), examining the ethics of prosecuting juveniles, riding with the Cleveland Police, and reviewing convicted felons' efforts to obtain a new trial or clemency.

Our officers went above and beyond the call of duty to make the necessary arrangements for the activities. Those who serve know the satisfaction of helping others. THANKS to Eric Rosenberg, Zachary Simonoff, and Jihad Smalls.

We wish the new officers well in the coming year. Any comments or suggestion for activities would be appreciated.

Prof. Streib and Prof. Pyle supported and guided our organization through the year along with Prof. Falk and Prof. Ammons who made significant contributions. In fact, look for the video tape on the clemency cases in Ohio that is currently on order for our library.

The universal norms of international law "provide judicially discoverable and manageable standards for adjudicating suits brought under the Alien Tort Act. Thus, the action was justiciable under the circumstances.

This decision is an important one in the fight against international crimes and especially 'ethnic cleansing.' Hopefully, other countries will follow suit in at least the federal court system.

Imagine the following scenario: You've served a violation of a local law. It's your first day on the job, and you're sent to check the legislative history of a particular Ohio Revised Code section. You also need to find several Ohio EPA regulations and the Basic Building Code. Where do you start?

You've been at the firm for a month now... Starting to feel pretty uncomfortable, huh? What's this?! Mr. Sturdevant wants a case mentioned in an article he saw last month, or was it last summer, in a journal? Then Ms. Nasty wants everything about how a city transfers school districts. Where in the world do you begin?

Students attending the Law Library's new Brown Bag series on Ohio Legal Research topics have had the opportunity to learn the answers to these research hypotheticals.

LAW LIBRARY
OFFERS BROWN BAG
RESEARCH SERIES

By Ellen M. Quinn, Asst. Dir. Public Serv. & Laura E. Ray, Med./Ref. Librarian

The Reference staff has already presented three of a series of four lectures this semester on topics relating to legal research in Ohio. The sessions are aimed at law students and will be geared toward practical sources that will be of use to you in real life research situations such as summer clerkships, and jobs as attorneys.

The first session, presented on March 14th by Ellen Quinn, Asst. Director for Public Services, was on "Ohio Form Books." The second session, presented by Marie Rehman, Head of Reference Services, was on March 26th on the "Ohio Revised Code & the Ohio Administrative Code." The third session on April 9th was a presentation by Laura Ray, Reference/Media Librarian, on "Ohio Secondary Sources." The final lecture this semester will be on April 22nd at 12:00 noon in Room 208, and 5:00 p.m. in Room 207.

For more information on West's resources, services and discounts:

- Up-to-date legal information
- Ohio State Bar Association Report
- Ohio Lawyer
- Networking opportunities
- Committee and section meetings
- 1996 Annual Convention (May 15-17 in Cincinnati)
- District meetings
- Resume Exchange Program (for third-year students)
- Discounts
  - Major medical insurance - indemnity and PPO options
  - Cellular phone service
  - Long-distance telephone service
  - Credit card with no annual fee
  - Air express shipping
  - Car rental
  - Jos. A. Bank Clothiers

See Library p. 4

OSBA Law School Student members are eligible for West Bar Review discount

West Professional Training Programs, Inc. is offering all law school student members of the Ohio State Bar Association a discount off the full price of the West Ohio Bar Review course. This course includes a full review course covering Ohio essay subject areas and the WestWeek Multistate Workshop.

In Ohio, the full price of the 1996 course is $1,175. OSBA Law School Student members pay only $875. OSBA Law School Student members can register with West at any time and receive the discount.

Students also receive $100 off the $325 price of the WestWeek Multistate workshop, when taken by itself.

To receive the special discounts, current student members should identify themselves as OSBA Law School Student members when registering to take the West Ohio Bar Review course.

All law school students are eligible to join the OSBA. Annual dues are only $25. To join or for more information, call the OSBA Membership Services Department at (800) 282-6556 or (614) 487-2050. You can pay your dues over the telephone by using your VISA or MasterCard or request that an application be sent to you.
OE TIME...AND SUCH
Conception | Birth

The time-line above represents the normal human gestational period. The line in the middle is used to indicate the time when life begins. It is located at the mathematical average of all possible times, between and including conception and birth.

The study of human reproduction is part of the science of biology, which comes from two Greek words, bios and logos meaning "life study," or as we might say in English "the study of life or living things." Are humans are the prime example.

The human gestational period is divided into three parts, the first, the embryo - going backwards - and the zygote, which is how we all started.

Sometimes, before birth, it is decided to kill the fetus, which is a Latin word meaning "young one, off-spring or progeny." The Constitution says "posterity," which largely over-laps "progeny" in meaning.

The fetus is then said to have been aborted, the word "abortion" coming from two Latin words meaning "badly born." Thus, even an aborted fetus may be correctly said to have been "born" no matter how "badly." In 1973, in the infamous Roe v. Wade decision, the U.S. Supreme Court ruled that "the word person as used in the Fourteenth Amendment, does not include the unborn." 410 U.S. 158 (1973).

Chomsky from p. 1

Chomsky is one of the most controversial figures in American politics. His views on language, politics, and society have been widely discussed and debated. This article focuses on the role of the American people in the shaping of the political landscape. Chomsky argues that the American people have a responsibility to question and challenge the dominant structures of power and privilege.

This is a case of the chickens coming home to roost, for 37 years earlier, in 1956, the year of the Berlin Olympics - when the Nazis were still trying to present a straight face to the world - the German Supreme Court refused to recognize the Jewish residents of Germany as "persons in the legal sense." (Ernst Fraenkel, The Dual State: A Contribution to the Theory of Dictatorship, trans. E. A. Shils with Edith Lowenstein and Klaus Knorr (New York: Oxford University Press, 1941) p. 95.) Note that again by coincidence, both Courts used the same word, "person," in their dicta.

When it becomes possible to discriminate against one person or group, then it becomes possible to discriminate against any person or group.

The Nazi Holocaust was ended only by World War II. If the holocaust of the unborn ever becomes fully accepted - God forbid - the next to be eliminated are the elderly, which also happened under the Nazis, and for which plans are already afoot.

Editor's Note: Mr. McDonnell is a Project 60 Student at C-M. He dedicates this article to his Grandmother Hedderman who, according to McDonnell, often used to say "in her quaint old Irish way," "Scientia est imperium."

Chomsky's logic: he desires the deceitfullness perpetrated on the American people felt and in what direction they wanted the country to go. This is one of the internal weaknesses of Professor Chomsky's logic: he denies the deceitfullness perpetrated on the American people by those in control of industry, government and media but he at the same time completely ignores the complicity of the American people for partially causing their own blindness. While Professor Chomsky attacks the oil industry, he completely ignores the fact that currently the American people are demanding to not only drive less fuel efficient cars but also to drive faster and faster on the nation's highways (thus using fuel less and less efficiently).

At one point Chomsky highlighted the well-known fact that while bashing foreign aid is a popular election ploy, it works with the American people only because they overestimate the amount of foreign aid by, on average, a factor of fifty. Professor Chomsky seems unable to conclude that part of the problem is not just media disinformation, but public ignorance. Professor Chomsky bemoans the technological subsidies that the government gives corporations but completely ignores the high demand and apparent satisfaction that the hi-tech gadgets (made possible by these subsidies) elicit in the public. Professor Chomsky is in many ways still stuck in a sixties mindset that all troubles gurgle down from above onto an innocent and faultless common man.

But Professor Chomsky is always good for the incendiary and counter-vocal comment. In his speech he dropped bombs like he was filling a traffic meter. "Mass education was created [in the United States] to turn individual farmers into tools of production... The choice for the rich has been which public funds will be more lucrative to rob." At one point he praised the reporting of The Wall Street Journal while at the same time calling its editorial page a "Comicon Strip" (although he did not suggest if it was more like Nancy or perhaps closer to Marmaduke).

Professor Chomsky also brought some interesting ideas to the college community. For instance, he pointed out that the absence of cohesive social programs in the U.S. may be attributable to the clean slate on which colonial Europeans built America. He sees the so-called American exceptionalism as a concept fostered by those who wish to keep the American people passive and unorganized. With the American Constitution we virtually started society anew and years later we still show this lack of pre-capitalist roots. Professor Chomsky also had some very interesting comments relating American hostility towards government with post-war advertising and public relations strategies.

Perhaps the most disappointing aspect of Professor Chomsky's visit was the lack of intellectual clash. Despite the presence of at least one organization and several students with high profile conservative positions, Professor Chomsky was asked questions by adorers not challengers. It is difficult to understand why, considering that Professor Chomsky is one of the most choleric and prolific scholars on the left, there was not an active conservative presence to rebut the rather far-ranging and specially persuasive claims of Professor Chomsky.

Dean from p. 4

Fall 1996 - To be completed by December 23, 1996

Begin reviewing potential candidates by the start of school in late August. Narrow field to 10-12 candidates. Conduct short screening interviews ("airport interviews") with narrowed field. Longer, on-campus interviews with 5-6 candidates. Obtain input from the various constituencies on the narrowed field of candidates. Recommend two candidates to the University.

Winter 1997 UNIVERSITY OFFERS POSITION TO DEAN CANDIDATE

The committee anticipates that information gathering, developing a pool of candidates, and maintaining open communication with all interested constituencies will be an ongoing part of the Dean selection process. The committee also anticipates that free and open communications with the University administration will be a central part of the Dean selection process.

Library from p. 5

Students can bring their own lunch/dinner.

Notice about future research sessions by Law Library staff will be made through flyers in your student mail box, e-mail messages, posters throughout the school, and announcements on the computer display just inside the law library.

If you have suggestions for additional sessions, please contact Ellen Quinn at 687-4931 or e-mail: ellenq@info.csuohio.edu.

Eleven year old Yotam Zohar, the son of C-M student and Gavel staff writer Wendy Zohar, sends his congratulations to the 1996 law graduates with this sketch drawn in their honor.
Ethics from p. 2

Now I am the first to admit that I am guilty of speaking and acting rashly. I was told by one of my teachers as early as elementary school that I had a "bright future so long as I thought before I spoke and thought before I acted." So I thought long and hard before writing this article but I am writing it anyway. Could someone tell me, am I wrong here?

Am I really going to be a "lonely lawyer"?

The professor who teaches the Capital Punishment class in which the exchange took place went to great lengths to explain why some attorneys working on Capital Punishment cases, after working all night trying to save the life of a client, in the wee hours of the morning, might argue that when lawyers bend the rules and ignore the ethical code to save a client on death row it is understandable, some may even call it heroic. However, what a slippery slope we are on. Go ahead, bend the rules for a criminal case here and then let other lawyers bend the rules and the ethics for their clients there. Where are the guidelines? Where are the ethics? What are the rules? HOW DO YOU PLAY THE GAME?

If we as lawyers know the rules and play by them then, whatever the outcome of a case in this adversarial system of ours, the result is fair. So long as we, the lawyers (be they prosecutors, defense attorneys, or plaintiffs attorneys), play fair the system can work. So long as the main players of the game are abiding by the rules and the ethics of the profession are honored, then attorneys can practice with pride. However, when we, the keepers of the system, start bending the rules because we have bills to pay, clients to protect, and cases to win then, like the Roman empire, we destruct from within professionally and personally.

The professor who teaches the Capital Punishment class in which the exchange took place went to great lengths to explain why some attorneys working on Capital Punishment cases, after working all night trying to save the life of a client, in the wee hours of the morning, might...
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