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Scholarships, stipends help pay tuition
By Shawn Romer
Though some students receive scholarships upon acceptance to Cleveland Marshall College of Law, the majority does not. For these students, the issue of paying for law school is paramount. Many sign away projected income by taking out college loans. Others rely upon generous parents and matriculation. These scholarships not receive scholarships upon students in each class who did still others work their way through by taking out college loans. Many sign away projected income for law school is paramount. There are a few ways to get the tab on that next tuition bill. The university awards $2,000 Mar or be lucky at exam time. The university to pick up part of the there are a few ways to get the situation, almost all would like to pay as little as they can get away these students, the issue of pay with. For those in this category, there are a few ways to get the university to pick up part of the tab on that next tuition bill.

First, a student can study hard. Regardless of the student's situation, almost all would like to pay as little as they can get away with. For those in this category, there are a few ways to get the university to pick up part of the tab on that next tuition bill. First, a student can study hard. Regardless of the student's situation, almost all would like to pay as little as they can get away with. For those in this category, there are a few ways to get the university to pick up part of the tab on that next tuition bill. First, a student can study hard. Regardless of the student's situation, almost all would like to pay as little as they can get away with. For those in this category, there are a few ways to get the university to pick up part of the tab on that next tuition bill.

Local attorneys vie for position as mayor
By Stephen Wolf
Five of eight candidates for mayor of the city of Cleveland are attorneys. What attracts attorneys to the office, and why would anyone want to subject themselves to such a challenge? The Gavel spoke with two of these attorneys and mayoral hopefuls.

James Draper
When he was in law school at C-M, Draper never considered running for mayor. Now, a lifetime later, his friends and constituents came to him and asked him to run. He said it was their faith in him that moved him to act.

Although initially not recognizing the full extent of his accomplishments, his friends convinced him of both his record of service and the administrative skills required to be mayor. Draper is not new to public service. He devoted his adult life to serving the citizens of greater Cleveland.

Joining the Navy after college, he returned to begin a career as a Cleveland police officer. He enrolled at CSU and obtained his bachelor's degree and juris doctor. Draper began his law career with five years as the general counsel for the Ohio Public Interest Campaign. He proudly described this time as one of "fighting for equity for Ohio citizens." Draper took a position as Chief of the Cuyahoga County Public Defender's office.

The eight mayoral candidates debate at The Maxine Goodman Levin College of Urban Affairs at CSU

By Daniel Thiel
Upon returning to law school this year, a popular question seems to be "what did you do this summer?" Several C-M students, however, have a slightly better answer to this question, as their summer consisted of international study. Josh Fellenbaum was awarded a scholarship from the International Law Student Association and Dispute Resolution Institution at Queen Mary School of Arbitration in London, England. Queen Mary is one of the foremost schools in the world for international arbitration. He attended five weeks of class that he believes will benefit him for a lifetime.

Not only did Fellenbaum gain educational benefits, he was able to network with law students and young lawyers from the United States, Europe, and India. "This experience provided opportunities to make central contacts and invaluable knowledge of how to effectively advocate for a client outside a classroom," Fellenbaum said.

In a sobering contrast to this positive experience, Fellenbaum was riding the subway during the July 7th London bombings. Not only was he riding on the subway when it happened, the train he was riding was near the explosion. "I was only about 15 feet away from one of the bombings," said Fellenbaum. "It was so close we could hear and feel the explosion." Despite that horrifying ordeal, Fellenbaum still recommends this program to anyone interested in international arbitration. Mark Merims went to Saint Petersburg, Russia through C-M's Study Abroad Program. The program was "great and well worth the time and money," Merims said. His studies consisted of four weeks of courses with ample travel opportunities. The course was predominantly taught by American professors with one Russian professor. One of the most memorable trips during Merims' exchange program was to the small town of Novgorod.

Merims plans to practice international law and believes that this experience taught him many essential tools to assist him in that field.

The hardest part about traveling and living in Russia was not knowing the language. If one did not have a bilingual speaking
Dean introduces self, looks forward to year

By Geoffrey Mearns

For my first column, I would like to tell you a bit about my personal background, my professional experience, and why I am excited to be one of the newest members of this excellent law school.

I am the fifth of nine children. In 1974, my parents moved to the Cleveland area. I attended Shaker Heights High School and graduated from the university of Kentucky in 1980, from Yale University, where I majored in English, a subject I taught for three years at The Delbarton School in Morristown, New Jersey. I then attended the University of Virginia School of Law. After graduating in 1987 and for the Honorable Boyce F. Martin, Jr., of the U.S. Court of Appeals for the Sixth Circuit. During this clerkship, I enhanced my legal writing and analytical skills and learned that judges, including federal appellate court judges, decide disputes. Through that experience, I also learned some important lessons about life. Judge Martin is a mentor and a role model. Through his life-long commitment to public service, he demonstrates that a citizen-lawyer can make a difference in the lives of others. I know this because he changed mine.

Shortly after the end of my clerkship, I began a nine-year career as a prosecutor with the U.S. Department of Justice. From 1989 to 1995, I was an Assistant U.S. Attorney in the Eastern District of New York. In that job, I principally prosecuted organized crime cases. The EDNY includes Brooklyn, Queens, Staten Island, and Long Island, so for those of us who prosecuted mobsters, it was a “target-rich environment.”

In June 1995, I left New York City to become the First Assistant U.S. Attorney in the Eastern District of North Carolina. I worked for Janice McKenzie Cole, who was one of the first African-American women in our nation’s history to be appointed by a President to serve as a United States Attorney. Her life story is similar to the stories of many of the men and women who have attended our law school. She put herself through law school while working as a New York City police officer, and was the quintessential public servant: modest, honest, and courageous.

In May 1997, I was drafted — not by the Secretary of Defense, but by Attorney General General Janet Reno — to assist in the prosecution of Terry Nichols, who was charged with assisting Timothy McVeigh in the bombing of the federal building in Oklahoma City. Nichols was convicted of the federal offenses of the federal building in Oklahoma City. He was convicted of those offenses and sentenced to life imprisonment for his role in that terrible crime.

As a result of the outstanding efforts of Nichols’s defense team, the jury did not impose the death penalty. One member of that capable and dedicated team of trial lawyers was Professor Adam Thurschwell, one of my new colleagues.

While I was in Denver preparing for that trial, my wife Jennifer moved to Cleveland with our oldest children, Bridget, Chris- tina, and Clare. Shortly after I came home in January 1998, Jennifer gave birth to our twins: Geoffrey, Jr., and Molly. We live in Shaker Heights.

For the next seven years, I practiced with two national law firms based in Cleveland: first with Thompson Hine LLP, and then with Baker & Hostetler LLP. My practice focused on defending individuals and companies in federal criminal investigations and prosecutions, as well as complex commercial civil litigation. Being a federal prosecutor was exciting and rewarding, although I found private practice to be equally demanding and challenging. In short, I enjoyed practicing law, and I am proud to be a lawyer.

I sought and accepted the appointment as your Dean because legal education is a special calling. It is a profession that embodies some of the values that were instilled in me by my parents. My father was a law professor for 40 years. After raising nine children, my mother spent 18 years in public service; she was the first woman to be elected Mayor of Shaker Heights.

This law school is also a special place. It has a tradition of excel- lence, and it is a law school of opportunity. Being Dean is an opportunity to be an advocate for a very good cause and an opportunity to share my passion for justice with the next generation of lawyers.

Over the next few weeks, we will face many challenges. Among other things, we need to continue to recruit and retain outstanding students and faculty in a very competitive environment, even though state financial support for higher education will likely decrease. In future columns and elsewhere, I will discuss these and other challenges, as well as our plans to overcome them.

For now, I assure you that we will overcome these challenges, and we will enhance the regional reputation of this law school, because the entire law school community — the faculty, the students, the staff, and the alumni — are committed to advancing the common good, as opposed to preserving the status quo or protecting their own self-interests. I am here because I share this optimism, and because I believe that through service to others, a lawyer can find professional satisfaction and reap great personal rewards.
Candidates: using legal education

Continued from page 1--

It was there he learned many of the administrative skills he hopes to bring to the office of mayor. His appointment as safety director broadened those administrative skills to include the biggest and most expensive part of the city.

Draper was also involved in the Eighth Judicial Conference, Ohio Legal Assistance Foundation and the board of trustees of Southwestern Christian College.

When asked about the large field of attorneys in this political contest, Draper dismisses liability to being labeled as an attorney.

“As an attorney, you cultivate valuable mediation and negotiation skills,” said Draper. “As mayor, it is necessary to bring together a diverse set of people and work with one another to find solutions to problems facing the city.”

Draper also acknowledged the importance of listening and the role of the mayor.

“The mayor must listen to the parties to better understand their needs and facilitate communication amongst the parties,” Draper said. “However, it is the mayor’s responsibility to choose the ultimate course of action.”

David Lynch

Lynch was born and raised in the Cleveland area. He obtained his bachelor’s degree from John Carroll and juris doctor from Georgetown University.

He brought his education back to Cleveland but did not foresee his current position.

“In law school I never envisioned running for mayor,” Lynch said.

Lynch was born into politics and public service. His mother was active in republican politics and his father ran for school board.

After law school, Lynch found that he did not really enter politics as much as politics entered him.

“It is the nature of the beast that attorneys work with government,” said Lynch. “If you’re working on zoning, you find yourself in front of zoning boards, and after a bit, you realize what role politics plays in life.”

Lynch ran for Euclid City Council and served two terms as mayor of Euclid.

In that position, he discovered use for the skills he had learned as an attorney.

“While there is a mercenary aspect to becoming a lawyer, it is that adversarial aspect that becomes useful,” Lynch said.

The 2005 Cleveland Mayoral Candidates

Anthony Brown

Former city employee
Master of Business Administration from CSU

Jane Campbell

Current mayor of Cleveland
Master of Science in Urban Studies from CSU

James Draper

Former Cleveland public safety director
Juris Doctor from C-M

Frank Jackson

City counsel president
Juris Doctor from C-M

David Lynch

Former mayor of Euclid
Juris Doctor from Georgetown University

Michael Nelson

Attorney
Juris Doctor from Case Western Reserve University

Bill Patmon

Consultant for development company
Associate degree in construction technology
Washtanaw Community College

STUDENTS

Continued from page 1--

friend along with them, then things like reading menus became impossible. This minor set back does not hinder him from suggesting possibilities. This minor set back does not hinder him from suggesting possibilities.

I traveled to Beijing, China through De Paul’s Study Abroad Program. The program itself lasted about four weeks and included numerous field trips.

The major field trips included tours around Beijing to Shanghai in the south and Xian in the west. In addition, there were various small trips such as the observance of a criminal trial, a visit to a law firm and a trip to the Supreme Court for a talk with two judges.

Somewhere between all these trips were classes, but they did not interfere with sightseeing too much.

The best part of this experience was that twice a week we would have Chinese guest lectures speak to us about their field of expertise. One of the lecturers even provided me with the opportunity to participate in a six-week summer internship at the speaker’s prestigious downtown law firm where I learned how real international legal transactions are performed. Although each student had a vastly different experience studying abroad, all agree that the their experiences enriched them in a way that a summer in Cleveland could not.

Legislation proposes new restrictions on adult entertainment

By Kurt Fawver

A bill currently under consideration by the Ohio senate would substantially alter the state’s adult entertainment industry if passed. The piece of legislation in question, known as Ohio House Bill 23 or “The Community Defense Act,” proposes a stringent set of guidelines for the operation of businesses such as cabarets, gentlemen’s clubs and adult video stores.

Unlike the bill’s rules, a club or cabaret’s nude or semi-nude dancers are prohibited from touching patrons, an act that remains a staple of many adult entertainment facilities.

Patrons could no longer tip performers through use of the traditional and time-honored g-string either. They would instead be obligated to throw gratuities into an off-stage tip jar. HB 23 also restricts the adult entertainment industry’s hours of business.

In addition, between the hours of 11 p.m. and 1 a.m., any establishment engaging in a public display of adult entertainment is obligated to close for the night or otherwise end the entertainment.

Restrictions such as these have caused significant backlash from certain segments of the community and have surrounded the legislation with controversy.

The bill has already passed in the state house by an overwhelming majority and is now up for debate in senatearian committees. Citizens for Community Values, an organization dedicated to “the restoration of these Judeo-Christian moral values upon which this country was founded,” has been one of the legislation’s strongest supporters.

CCV promotes the Community Defense Act as a valuable tool in combating the violence that they believe often accompanies sexually-oriented entertainment. Citing numerous studies of rape and robbery statistics, the group claims adult businesses corrupt surrounding communities. They maintain that heightened crime rates in areas with adult businesses have a direct relation to the brand of entertainment those businesses provide.

CCV has crusaded against what they deem as obscenity since 1983, mostly in the Cincinnati area. There, the organization’s efforts to eliminate the sex industry were largely successful.

In greater Cincinnati, only 5 percent of all video rental stores and magazine retailers still stock pornographic materials. The city also has the seventh lowest crime rate among the 38 largest metropolitan areas in America.

This correlation is not a coincidence, said CCV. By restricting adult entertainment statewide, they hope to precipitate an even wider decline in illegal behavior.

Opponents of HB 23, however, see it as a gross violation of the First Amendment. Worried the bill will push its way through a largely conservative senate without much resistance, they fear it is a weapon of censorship and repression.

Many of its critics have focused on the legislation’s broader implications. For instance, it attempts to legally define what is “obscene” in regards to stage performances and works of art. Any work that has a “dominant tendency to arouse lust” will be labeled obscene and is therefore subject to the restrictions of the bill. Free speech advocates across the state have cringed at the possible interpretations such a definition could have. Sexual expression in media and art is protected under the First Amendment.

To censor adult entertainment would be to disregard a basic principle of the Constitution and threaten the very foundation of our freedom, opponents said.

Still others are apprehensive about what HB 23 means for Ohio’s nightlife. Several adult club owners across the state have come out against the bill and are nervous that their businesses will lose considerable profits. Some simply believe the industry and a part of the state’s economy will die perhaps with good reason.

When asked for comment on the proposed legislation one anonymous 1L student said, “If I can’t touch, I might as well go home and watch a movie.”
Changes in summer writing competition

By Jamie Cole Kerlee

CO-EDITOR-IN-CHIEF

Many experienced advice participants in the Fall Interview Program either require or strongly prefer that the bidding student be a member of a law school publication. For C-M Law Review and the Journal of Law and Health, there is a chronology of courses that needs to start earlier than later. Also be aware that you could learn on your own, or subject matters that you already know something about.

For instance, I wasted my time taking an agency course that fully replicated a course I had as an undergrad. If you fit into that category, then you should be focusing on courses that interest you, or courses that will advance your aspiration.

You also need to research things like prerequisites for certain courses. Be aware that if you want to work in tax law, there is a chronology of courses that needs to start earlier than later. Also be aware that if you would like to take trial advocacy, it might be a good idea to have background knowledge about evidence prior to the course rather than after it.

Be aware that there are certain courses that must be taken at a certain time in order to participate in certain extracurricular activities. Sometimes the experience you get from doing something like that outweighs what you could learn from reading about it in every subject tested on the bar exam.

As you’ve probably already discovered, advice about what you should be doing will come from all kinds of sources. Keep in mind that each person who gives you advice has his/her own view of law’s priorities – both personal and for the school. All viewpoints have merit, but the only person who can decide what is best for you is yourself.

By Karen Mika

LEGAL WRITING PROFESSOR

I had in mind of the idea of having all of your classes taken in terms of planning out your course selections for law school. There are, of course, lots of seemingly conflicting goals: taking required courses, taking exam prep courses, taking practical course, taking courses, taking bar exam prep courses, any major purchase without doing extensive research. The same should be true of planning out your course selections for law school.

What each student needs to do is to find out where he/she fits into the grand scheme of things. For instance, everyone wants to pass the bar exam, but a schedule limited to bar review just isn’t for everyone. Regardless, there is a high risk group that should focus on bar courses, but maybe you’re not in it and know that there are subject matters that you could learn on your own, or subject matters that you already know something about.

For instance, I wasted my time taking an agency course that fully replicated a course I had as an undergrad. If you fit into that category, then you should be focusing on courses that interest you, or courses that will advance your aspiration.

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Welcome to the 2005-2006 academic year and to a new column in the Gavel! As a graduate of C-M (1982) and the Levin College (MPA 2000), I know that no matter what year of graduate school you are in this will be a year of challenges and discoveries.

Since this feature is new, I thought it best to start off with some introductions and my goals for this column.

Prior to my connection to the Bench (1996), I worked primarily in the areas of insurance and white-collar crime. That work provided me with the opportunity to work with and trained industry personnel and law enforcement at every level of government.

I am now in my second term on the Court of Common Pleas and serve as the court’s Probation Committee. I am a Fellow of the Ohio State Bar Foundation (2001) and an alumna of Leadership Cleveland (2000).

As you know, C-M is the law school of judges here in Northeast Ohio. Regardless of which bench you review, you will find judges with considerable municipal, common pleas and appellate courts throughout the area.

One of the greatest strengths of our law school is in diversity on every level from age, gender and ethnicity to life experiences. All of these variables make for great classes and a vibrant local bar. You have the opportunity here to learn from the faculty and also from fellow classmates. It is the richness of life experiences of the students that is most unique about C-M.

You also have a vibrant group of alumni, ready and willing to assist you as you transition from student to practitioner. Don’t hesitate to network! It is my hope that through this column we can establish a dialogue which will help you prepare for the real world of practicing law (the information you don’t necessarily receive in a classroom, a form of virtual internship, if you will) of the Bar’s Probation Committee.

In keeping with that goal, each of you is invited to visit my court room and “shadow” me for a day, or more, if you’d like. That is my invitation to you to spend the day with me and my staff and do what we do, from criminal to civil to settlements. I whatever is happening that day.

To those of you interested in public service, the Judiciary, or any form of litiga-
The Political Broadside

Constitutional interpretation: evolution or originalism

Should Supreme Court nominee John Roberts be compelled to follow precedent?

By Mike Lezzi
Conservative Columnist

One thing is clear from the confirmation hearings of Chief Justice nominee John Roberts this past week: liberals are scared … and they should be. But what exactly are they scared of?

They are scared of the thought that the future Supreme Court of the United States will no longer cower behind “stare decisis,” but will fulfill the duty of the highest court in the land; first and foremost, the duty to interpret the laws of the Constitution, but also, in the words of the late Chief Justice Rehnquist, the duty “to reconcile constitutional interpretation that ‘departs from a proper understanding of the Constitution.’” Casey v. Planned Parenthood. (Dissonance)

Rehnquist’s “counter-revolution” as it has been called was based on the position that “it is impossible to build sound constitutional doctrine upon a mistaken understanding of constitutional history.” This position is well illustrated in his dissent in the 1985 case, Wallace v. Jaffe. (stare decisis)

“…where he said, “as drafters of our Bill of Rights, the framers inscribed the principles that are sacrosanct to our way of life; first and foremost, the duty to interpret the laws of the Constitution, but also, in the words of the late Chief Justice Rehnquist, the duty ‘to reconcile constitutional interpretation that ‘departs from a proper understanding of the Constitution.’” Casey v. Planned Parenthood. (Dissonance)”

Unfortunately for Rehnquist, the majority of the Justices have not been willing to follow such a noble charge. The most recent example of this can be seen in McCrory v. ACLU that was decided June 27, 2005, (display of Ten Commandments in courthouse held unconstitutional) where Rehnquist joined Scalia and Thomas in dissent.

The Justices rejected the idea of a “living constitution” but asked “why [assuming the Constitution ought to change according to democratic aspirations] those aspirations [are] to be found in justices’ notions of what the establishment clause ought to mean, rather than in the democratically adopted dispositions of our current society?” (Noting that 97.7 percent of all believers in the United States are members of the three most popular religions in the United States: Christianity, Judaism and Islam, all of which believe that the Ten Commandments were given by God to Moses and are divine prescriptions for a virtuous life.)

Fortunately for those who appreciate the proper role of the U.S. Supreme Court, Judge Roberts recognizes the importance of judicial opinions being grounded on sound, consistently applied principals. And where judicial opinions have deviated from such principals, Roberts understands, as do Rehnquist, that it is the duty of the court to “right the ship” so to speak, and reverse age-old precedent if need be.

This is made clear by Roberts’ response to Senator Kohl’s questions regarding the Court’s willingness to “step outside the box, to break new ground … and strike out in an entirely new and positive direction” in Brown v. Board of Education. Roberts stated that Brown’s overturning of Plessy v. Ferguson was not a departure from the 14th Amendment, but it was in fact more consistent with the meaning of 14th Amendment than Plessy. Roberts explained that it wasn’t necessary for the Court to change the rules of the game. “What was necessary for them to do … was to get it right when they had gotten it wrong in Plessy.” Sounds familiar doesn’t it? What Senator Kohl fails to see like so many others is that the correct decision was arrived at in Brown not because the rules were changed but because the original meaning of the 14th Amendment was followed.

So, will Roberts pick up where his predecessor left off and lead a “counter-revolution” of his own? One can only hope. Even if he does accept the charge, it will be anything but easy.

If confirmed as the next Chief Justice of the U.S. Supreme Court, Judge Roberts will join a court with only two originalists: Justices Scalia and Thomas. And with the vacancy of Justice O’Connor’s seat left unfilled, there are many uncertainties as to the direction of the Court. But one thing is for sure, it is heading in the right direction.

By Paul Shipp
Liberal Columnist

Those of you who have taken your professional responsibility course know that the code of judicial conduct generally states that a judicial candidate for election may speak of a judicial philosophy and may praise or criticize particular decisions and laws, but the candidate must not make statements appearing to commit the candidate with respect to the merits of cases or issues likely to come before the court. However, this restriction does not apply to a candidate for appointive office. Therefore, despite what some conservative politicians are shouting Roberts may be asked about the merits of cases or issues likely to come before the court.

With privacy rights, abortion, affirmative action, tortue, the war on terror, election rights, capital punishment, and economic and environmental regulation at stake senators not only can, but they should attempt to beg Roberts on such issues.

In a Republican controlled Senate, however, there will be little recourse for a nominee who refuses to answer the tough questions. This is why the confirmation process is ultimately about partisan politics, no matter what any politician says otherwise.

In a recent article by The Associated Press, republicans such as Senator Charles Grassley of Iowa and John Cornyn of Texas have urged Roberts not to answer “litmus test” questions because doing so would only be “giving in to liberal interest groups who only want judges to do their political bidding on the bench, regardless of what is required by the law or the constitution”.

One question: isn’t this exactly what conservative republicans want a nominee to do? Conservative republicans are phrasing the argument as if it’s only the liberal democrats that are playing politics with the Court. Conservatives are desperate to use this as an opportunity to move the Court to the right. There is a reason that the Court does not have a conservative majority already; conservative interests are not in the best interest of all Americans.

Conservative want a Supreme Court that promotes 1) states’ rights 2) strict textual readings of the Constitution and 3) small government. First, conservatives only support states’ rights that fit their agenda. The conservative Justices vote against state-enacted laws routinely. Second, the founding fathers could not have imagined the vast increase in our country’s population, economy, and technology.

How could anyone think that only the express wording of a 200-year-old document that (originally counted African Americans as 3/5 a man and denied women the right to vote) should govern our individual rights of privacy? Third, states’ rights and small government led to historical events such as legalized segregation, the street market crash, the Great Depression and Enron.

But I guess conservatives have good reason to be wary of republican judicial nominees. Republican presidents appointed the very Justices that conservatives decry mistakenly thinking the nominees would further conservative republican interests.

President Nixon appointed Chief Justice Blackman who is the justice that authored Roe v. Wade. Other current justices include: Justice Stevens appointed by President Ford, Justice O’Connor and Justice Kennedy appointed by President Reagan, and Justice Souter appointed by the first President Bush.

Lastly, many conservatives are wary of “activist” judges, but there are varying definitions of judicial activism. One of the most “activist” decisions a judge can make is to overrule a law enacted by Congress or state legislatures because these represent “the will of the people”. This past July, Paul Gewirtz and Chad Golder, writers for The New York Times, dug into past judicial decisions of the most recent Supreme Court. They found that the Court’s conservative members, Rehnquist, Scalia, and Thomas, voted to overturn democratically-enacted laws more than the so-called “liberal justices.” So who are the activists?

Liberal rebuttal...

I said in my original article that conservatives are worried about Roberts. Roberts has stated during his confirmation hearings that he will respect Supreme Court precedent and that Roe v. Wade is “settled law.” And there’s the troubling matter (to conservatives) of Roberts’ pro bono work in preparing the plaintiff’s case in Plessy v. Ferguson. Without respect for Supreme Court precedent, Roberts’ opinion was added to the court’s rules of the game.

“Activist judges” are not judges who strike down legislation found to be unconstitutional but rather are judges who, for whatever reason, decide cases without respect for settled law.

For instance, a ninth circuit judge who, without respect for Supreme Court precedent, holds that the reciting of the pledge of allegiance in public schools violates the constitution. This is judicial activism, and it is wholly unacceptable.

What is not judicial activism is the Court going back and ‘getting it right where they had originally got it wrong’ – i.e., Brown & Plessy.

Judge Roberts is the right justice for the Court. But his addition is only the beginning of what needs to be a continuing effort to put Justices on the Court who appreciate and respect the text of the Constitution and the importance of interpreting its original meaning instead of bending text to the changing whims of the day.

Conservative rebuttal...

I can only respond by reiterating that the proper role of the U.S. Supreme Court is to interpret the Constitution and the laws made therefrom.

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Judge Roberts is the right justice for the Court. But his addition is only the beginning of what needs to be a continuing effort to put Justices on the Court who appreciate and respect the text of the Constitution and the importance of interpreting its original meaning instead of bending text to the changing whims of the day.
When I came to C-M, I came with many beliefs, but those beliefs have been challenged and forever changed.

In May 2005, I experienced a terrible tragedy that defied paradigms in my legs for no apparent reason. I was eventually diagnosed with multiple sclerosis. MS brings with it fatigue, and disabling pain of the central nervous system that strikes people between the ages of 20 and 50. It is unpredictable and persons with MS have different responses. Currently, there is no cure for MS.

MS has consumed a large portion of my life. As a mother of four, grandmother of one, law student, and child support enforcement officer, MS is an intruder into a busy life. Currently, I am in the process of learning to live with it and think again after being diagnosed.

After being in the hospital for nearly a month and returning to my home in June 2005, I contacted CSU to see what accommodations I could receive upon my return to school in the fall. I was referred to CSU’s new Student Disability Services representative.

I expressed my concern to Ms. Yurick that handicapped parking near the law school was unavailable, and I hoped it would be made available before the fall semester. Ms. Yurick informed me she would promptly investigate the matter. After many phone calls without responses, Ms. Yurick returned my call with the following information:

No handicapped parking spaces had been installed near the law school because:
(a) Handicapped parking is available on the upper level of the 19th Street garage near elevators. This was done because the school was concerned that a handicapped person may become injured while stepping in or out of their car by another driver entering through the 19th Street garage.

My response: The upper level of the 19th Street parking garage extends to 21st Street, and it was no longer close to the law school. The only way to return to the parking garage was to go around (in my case, with law books and a manual wheelchair). Furthermore, if a person were speeding in the parking garage, anyone could be injured.

(b) Handicapped parking cannot be installed within the turn-a-round of 19th Street because only CSU vehicles and fire trucks could park in the turn-a-round. They also could not be installed within the turn-a-round because CSU had a mandatory policy that student cars had to be covered.

My response: The fire hydrants are at the beginning of the 19th Street parking garage; therefore, if cars were parked at the turn-a-round, the cars would no way block the fire trucks. Also, the 19th Street parking garage was not fully covered.

(c) Handicapped parking is available in the 17th Street parking garage as well as in the 19th Street parking garage.

My response: The distance is too great from the law school and the hill leading from the parking garage into the business school is a nuisance to climb everyday. And, the 17th Street automatic doors are powered off after a certain time making them difficult for a handicapped individual to open.

(d) Handicapped parking is available in the Corlett parking area on East 20th and Euclid Avenue.

My response: Again, it is too far for a handicapped person, and it is unsafe for an evening student to go to the Corlett parking alone.

Fall interview program: one student’s view

By Brian Sammon

As a second-year student, I have the privilege of participating in the fall interview process which provides an opportunity for me to meet local lawyers and compete with fellow students for some of the most prestigious summer associate positions in the area. The experience requires researching, writing, revising, practicing and a little polishing.

From the very outset, I am confused. I want to participate in the Fall Interview Program but that seems to encompass a number of things. There’s OCI (On-Campus Interview), Resume Collect and Resume Direct. In addition, there is a separate application for the DOJ (Department of Justice) and yet another process for judicial clerkships. I have absolutely no idea where to begin.

I went to see Jayne Geneva in the Office of Career Planning. She directs me to a network of each of my interviewers. She provides answers to the tough questions.

I need to practice interviewing, force myself to stop saying “um,” “uh,” and “yeah,” and conjure up sophisticated answers to the tough questions. And finally, I need to pick up an ensembl of the resumes and the cover letters and the OCPC to submit to the companies.

“The most important part of the Fall Interview Program is that this is one time in your career where shameless self-promotion is condoned...”
Students face new challenges in first year

By Nicole DeCaprió

Last semester, C-M students may have enjoyed Side Bar Café’s coffee before their morning class, and possibly one of their muffins or cereal. This dream is a reality no more.

For what seemed like a fleeting moment in time, the Side Bar’s hours went from a ho-hum 11 a.m.-6 p.m., Monday through Thursday, to a spicy 8 a.m.-6 p.m. Monday through Thursday, 8 a.m.-1 p.m. on Fridays.

The Side Bar’s selection got better, adding sushi, various microwavable meals, and a plethora of salads and sandwiches.

A customer service hotline was adopted to encourage better service from Side Bar attendants. But alas, like the middle child secretly unloved by his parents, Side Bar’s new hours (implemented on a trial basis) were snatched away as quickly as they came.

Other campus food venues tauntingly open their gates at 8 a.m., but law students must wait, hollow-eyed, desperately clutching their empty coffee cups, until 11 a.m. By that time, the earlier classes are over, and who wants a muffin then? No one, that’s who.

Yes, the Side Bar’s hours have reverted back to 11 a.m.-6 p.m., Monday through Thursday. However, the expanded selection and great customer service remain.

SBA’s Food Service Task Force is responsible for last year’s changes to the Side Bar. “We knew the changes were temporary,” Scott Kuboff, Task Force Chairperson, said in a September 8 press release.

“We know a trip to Becky’s is worth every non-studying minute.”

The shiny new plasma TV in the atrium has probably sparked a trial basis) were snatched away as quickly as they came.

One of these future uses could be clamping the new TV as an extra Moot Court room screen during events with an oversized crowd.

Genzen adds in a shout-out to his colleague, “By the way, the fantastic animated background on the screen was created by one of our talented network administrators, Rick Zhang.”

The following is the first in a six-part series following a first-year C-M student from orientation to exams.

We have bought our books, laptops, and of course our rainbow of highlighters. We have toured the library and fought with the wireless network. We have met our professors, and remain uncertain of alphabetically linked characters likely to instill fear into our little hearts.

We were told during orientation that at some point we would all need mental health help, possibly alcohol treatment, and academic support during the year. At that point we started to ask what it was exactly that we were getting ourselves into.

As our classes began we began to wonder what would be expected of us. A couple weeks in and the haze of confusion has only intensified. What is it we are supposed to do before law school? Then there is the terror and suspense of the scrotum method.

As we sit in our seats and wait for the next victim we ask ourselves could we have given the right response? How can we answer what we really don’t entirely understand? How do we know we are getting it? For that matter why don’t the same people who answer everything just stop talking once in a while?

In all the confusion of the first month there are other serious questions. Such as what should we wear? Who should we sit by? How do we know who we can tolerate for a full year? What will happen if we are late besides books getting thrown.

All of these unanswerable questions and there still remains the big: study groups. Some study groups have begun to form throughout our class. How do we know who to invite and if it will even help? Are we going to live through this?

We have been told that the friends and colleagues we meet our first year will be our friends for life. How do we find the right ones? First impressions are mostly skewed, especially under the stress and rigor of all that the first month of law school demands.

The dust has begun settle around a few things. We have learned how much and how intensely to read for classes. We know a trip to Becky’s is worth every non-studying minute. We have figured out which classmate will always have a joke and which professors never will.

We have learned to prioritize during the tough days to make time for happy hour on the tougher days. We have found out no matter how much sugar or milk, the law school coffee will never get better.

We have also learned that no amount of homework is worth keeping us away from the buckeyes or the browns on the weekends.

At the end of the day, whether spent in the library with empathetic students, in class with intolerant professors, or at Becky’s with White Russians we will all inevitably ask the same question: why are we here, putting ourselves through this.

The answer is simple. The alternative means getting a real job. And most of all it is because we exactly where we want to be.
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