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Editor's Note

As this is the final issue of our fortieth anniversary year, we have decided to reprint a number of stories and pictures from editions gone by. Reading over them prompted us to comment that while some of the names have changed, the thoughts, ideas, successes and failures of students and faculty alike have stayed constant. As the song by The Talking Heads goes, "same as it ever was." True.

Two of us are graduating, and/or being run out of town on a rail. We’ve taken some shots at ole’ C-M, but only because we knew she could handle them. We’ve tried to make this year’s Gavel an interesting diversion to the rigors and boredom of law school. We’ve tried to entertain as well as inform. We hope we succeeded in our endeavor. Judging by the letters to the Editor we’ve received, at least we know some of you are reading it before you wrap your fish and coffee grounds.

It’s been a fun year, but thank God it’s over. We’ll leave you with one last quote by Theodore Roosevelt, “Far better it is to dare mighty things, to win great triumphs, even though checkered by failure, than to rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows neither victory nor defeat.” See ya.

Next GAUEL
Deadline ...

... is Next
Fall
Letters:

To the Editors of The Gavel:

Yo Tom, I was there. I read your letter to the editor in the last issue of The Gavel, and was fairly shocked to learn of your assessment of our collective business and common sense. Maybe if my pappy was a successful business person and a trustee to boot, I could pontificate when my school-mates displayed their common birth.

Nowhere was the purpose of the meeting at which we displayed our lack of common sense and equally disturbing business sense noted. I remember seeing something about an "open forum", but my lack of business experience prohibits me from defining such complex terms.

Tom, you mentioned that the meeting was attended by about twenty students ("including an officer of the SBA"). Come on, man, there were three officers of the SBA at the meeting. I guess good business and common sense do not necessarily include the ability to count.

You noted that most, if not all, of the questions asked raised valid concerns about our law school.

Thanks Tom. Next, you pointed out that "common sense" should have told us that the best possible picture should have been presented to the ABA visitors. I don't know about the rest of the students here, son, but my working class parents gave me the "good sense" to tell the truth and present an honest picture when talking to important visitors.

Your last point was that towards the end of the meeting, when an ABA committee member asked us if we thought the school should lose its accreditation, you believed that it was his way of telling us that we should have better evaluated our situation before the questions were raised. Tom, stop and consider that when the learned gentleman asked us if we thought the school should lose its accreditation, maybe he meant exactly what he said. Again, I don't claim to be a savvy business person, but I bet that even with the few funds that I possess, I make enough sense for the chairperson of an ABA accreditation team to speak his mind when asking me a question.

To the Editors of The Gavel:

I write in response to Scott Billman's column which appeared in the last edition of The Gavel.

Mr. Billman's column is both troubling as well as puzzling. It would seem that Mr. Billman's personal feeling is that John Demanjuk is being unjustly kept in prison and should therefore not be put to death. If this is indeed Mr. Billman's position he conveyed it in an extremely insensitive and callous fashion. His attempt to broach a provocative topic by the use of "witty" references and "clever allusions" trivializes the very topic he attempts to address.

The loss of human life should never be trivialized. To the point, Mr. Billman trivializes the Holocaust. The Holocaust embodies an anomaly in world history. Never have such an "educated" and "enlightened" people attempted to eradicate the existence of another people. The term genocide is defined as the willful killing of a whole race or nation. This definition does not capture the horrors that beset the Jewish People during the Holocaust. Jews were tortured, brutalized, and de-humanized for committing the misdeed of being Jewish. Over six million Jewish people from all across the European Continent were killed. Over one million children under the age of ten were murdered. The Holocaust is replete with gruesome statistics. I, however, have a profound difficulty discussing the Holocaust in terms of numbers and statistics. Invariably, it never captures the inhumanity and horror which befall the Jewish People.

Elie Wiesel, the Nobel Laureate put it most succinctly: "... All victims of the Holocaust were not Jews, but all Jews were victims..."

The perpetrators, with varying degrees of culpability, included the German government, German soldiers, the German people, non-German collaborators, and a silent world.

If John Demanjuk is Ivan the Terrible, one of the infamous operators of the gas chambers at Treblinka concentration camp, then surely all would agree he should be punished. If he is not, he should be set free. Mr. Billman implies, however, that it is a forgone conclusion that John Demanjuk is not Ivan the Terrible and that he will, nonetheless, be executed in Israel.

John Demanjuk, was found to be Ivan the Terrible, and was sentenced to death in 1988. Demanjuk was convicted and sentenced under the 1950 Nazi and Nazi collaborators law. This law is the exception to the Israeli legal system; for it is a system that does not have capital punishment. And in fact, only Adolf Eichman, one of the chief architects of the "final solution," has been executed under this law. If it was Israel's intention to turn a blind eye to justice, then why has Demanjuk's execution been stayed pending appeal. From the Israeli perspective it makes no sense to facilitate a long investigation and to allow appeal after appeal if justice were no concern. The Israeli legal system is one of the most advanced and progressive in the world and its supreme court is among the world's leaders in jurisprudential thought.

Mr. Billman's column evinces a lack of sensitivity towards the victims and survivors of the Holocaust and ultimately a lack of sensitivity for the concerns of the Jewish people. The Holocaust is an event which should be understood and commemorated, not an event to be trivialized and humorized. Mr. Billman's conclusion that no justice could possibly come to John Demanjuk displays a true lack of understanding of the Israeli legal system as well as the facts in the Demanjuk case. And finally, I have problems with the overtones of the column. No, I do not believe that to argue the facts of the case in favor of John Demanjuk proves a person is anti-semitic. But, to characterize John Demanjuk as an old, drowning victim being swept under by a wave of blind, vengeful, and manipulative Jews is contextual anti-semitism.

By Mike Pasternak
The GAVEL

More Letters

To the Editors of the Gavel:

I, and others, take vehement exception to the characterization of Professor Dena Davis contained in Mr. Ranyak's letter to the editor in the February/March 1992 issue of The Gavel.

Professor Davis offered to the spring 1991 “Church and State” class a wealth of knowledge and experience during the course of a challenging and stimulating semester, focusing on the Establishment and Free Exercise Clauses of the Constitution. She provided a penetrating look into these clauses, which are generally accorded an insignificant amount of time in the Constitutional Law survey classes. I submit the pending Supreme Court case of Lee v. Weisman, which may overturn years of Church-State jurisprudence based on Lemon v. Kurtzman, 403 U.S. 602 (1971), as evidence to rebut Mr. Ranyak's assertion that this class was “worthless”.

Professor Davis stands shoulder to shoulder with the professors on this faculty who have manifested a striving toward academic excellence and a sincere interest in their students' growth and development.

Christopher B. Janezie  
Michael F. O'Brien  
Lori Sanborn

To the Editors of the Gavel:

The Gavel issue of February/March 1992 made me smile ruefully. C-M's tone is still the same as it was when I retired from its faculty in 1978, as it was when I joined its faculty in 1956 - when it was a cramped loft space on the second floor above a grimy printing plant on Ontario Street.

C-M and CWRU people still bemoan their belief that they are not as happy and cozy as they imagine people to be in Yale and Harvard. The Yale/Harvard people still look with envy at Oxford and Cambridge. The “Oxbridgers” yearn for the mythic joys of pukka sahibs of “The empire” that was.

As an old friend, I again urge you all to “accentuate the positive, etc...” Public Square people, in fact, are happier than those of Trafalgar or Tianamen Squares. You are far happier than your ancestors from the sweatshops of Gyldenia and the cotton fields of Mississippi. The world always has been harsh and difficult for almost everyone; not only for you.

Cheer up, people of C-M. Do the American thing: make the world better than what it was for you. The trying and the doing will make you happier. Gripe and strive; that's the best way.

By Howard L. Oleck  
Professor of Law, Emeritus

Dear Joe,

In the purely egocentric interests of self-preservation, I have, in the past, tended not to respond too much to criticisms of the legal writing program; however, in your article, “First Years Scrooged Out of Their Holiday Break,” I happened upon something I cannot help but to comment upon.

Your quote was this: “Although there are certain people affiliated with the program who do an extraordinary job with the few resources allotted, the program is none-the-less weak.”

In reading this, I was slightly amused as I wasn’t sure whether this was some type of backhanded compliment for the quality advancements you know are being made by the department collectively, or whether it was a personal concession to me since most of the times you've encountered me have been when I was hurrying to head off a potential crisis, or returning from an attempt to fix one that already occurred.

Legal writing “bashing” is one of the more fashionable things to be done at Cleveland-Marshall, and this occurs for a variety of reasons. Legal writing is not only a class that requires an extraordinary amount of work, but it is also the class where the first year student gets his/her first opportunity to be informed by the “villainous” legal writing instructor that his/her undergraduate education might have been a bit deficient when it came to employing rules of grammar and the like. Moreover, as the class where students have the most contact with their instructors, legal writing as a whole becomes a cauldron for everything that is wrong with law school—too much work, too indefinite explanations, insufficient reaffirmance, the pressure of competition, an overall frustration, and the grade of a “C” on top of it all.

That's not to say that some gripes have not been, and are not now legitimate (especially with respect to timely grading), but I sincerely hope that the days of the “absentee” instructors are long gone (barring one), as are the days of lack of organization, lack of cohesiveness, lack of utility, and an overall lack of direction.

But I really don’t want to get into that—I merely want to point out that it is the rare occasion that someone with a good experience ever goes back to express thanks to a particular instructor, or to hold a meeting specifically designed to alert the administration of the positive aspects of anything at all, let alone the legal writing program. As my father so articulately put it, “My job was not to praise you, but to correct you,” and that, like it or not, is merely an attribute of human nature. But as far as the legal writing program is concerned, that “attribute" seems to go one step further where even when an ounce of praise is deserved, it is quickly overshadowed by someone pointing out that two years ago, Kevin Lister decided to stop showing up for his legal writing classes.

When the accreditation team came to the school, for the most part they stayed away from Deborah Klein and me. They never asked either of us what we perceived our strengths and weaknesses to be (and I will be quite candid with anyone who asks me this), nor did they inquire as to what we perceived would be the logical and pragmatic solutions to our problems. They did, however, seem to know very well that two years ago, Kevin Lister decided to stop showing up for his legal writing classes. Based in large part on this, and without further consultation and/or confirmation, they then made suggestions as to the appropriate methods for “fixing” the legal writing program.

I am quite amenable to any suggestions geared towards improvement, and in the past have wholeheartedly implemented suggestions when pragmatic and/or economically feasible, but I suppose I don't appreciate either blanket assessments or criticisms when an individual really hasn't looked at the full picture of what the program was, what it is now, and what we perceive that it can and will be, apart from any increase at all in our admittedly few resources.

Is, as you say, the program “none-the-less weak”? I'm not sure. How is strength measured? By our bar exam passage rate, by how many of our graduates wind up working at large law firms, or by whether everyone is content? Because as far as quality of work is concerned, I (and no doubt the other instructors) have seen writing this year that is only remarkable insofar as it goes beyond being described as superlative. I have had students hand in research memos that not only have deserved high grades, but probably ought to be published somewhere. Whether this is an attestation to the students' individual abilities or to the program that induces such performance.

See Letter, p. 21
Gavel Staffer Chilled by Ed Mayer?

...you be the judge

By Joe Paulozzi

Here's a fun little free speech quiz for all of you First Amendment fans out there. Can a state university legally terminate the employment of one its employees who works in its law department for writing articles for the campus newspaper? What do you think?

Unfortunately, this little vignette is based in reality, and has its genesis in a story that a Cauldron and Gavel staffer wrote concerning the Legionnaires' Disease scare which took place at the law school. This is what happened: A few months back, when the Legionnaire's scare was in full bloom here at Marshall, a staff writer for The Gavel and The Cauldron attempted to interview Ed Mayer, the Director of Public Relations here at Cleveland State to get his thoughts on the issue. Mayer found out that this writer was also an employee of the C.S.U. Law Department. He immediately told Nancy Buckley, the head of the law department, that this reporter was to be given an ultimatum: either quit writing for the newspapers or be fired from her job as a clerk in the law department. When a story was soon after printed in the Cauldron concerning the Legionnaires' Disease scare at the law school authored by this reporter, her employment with the law department was immediately terminated.

Now, traditional First Amendment analysis reveals that when a public employee is fired for his or her expression, the legality of the termination is to be examined through a balancing test enumerated in the seminal case of Pickering v. Board of Education, 391 U.S. 563 (1968). In Pickering, the Supreme Court held that a public employee's right to comment upon matters of public concern is to be weighed against a state employer's right to freely and effectively administrate. This test was later incorporated into the first prong of a three-prong test in Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977), in which a causation analysis was included in prongs two and three. The Court in Connick v. Meyers, 461 U.S. 138 (1983), also explained that to determine whether the employee's expression constituted a matter of public concern, the content, form, and context of the speech was to be examined. This is the threshold question.

For purposes of the instant matter, it is not difficult to establish that the substance of the article which the reporter was writing about was a matter of public concern. Many people were concerned about the possibility of the law school building harboring the deadly Legionella bacteria. It is also not difficult to satisfy the causation prongs of the Mt. Healthy test, as the reporter was told specifically by Ed Mayer through Nancy Buckley that her employment would be terminated if she did not stop writing for The Gavel and The Cauldron.

We are therefore left to balance the interests of this reporter to write about a matter of public concern, against the interests of the C.S.U. Law Department to freely and effectively administrate, pursuant to the Pickering Balancing Test. Not much needs to be said about the importance and public interest surrounding the Legionnaire's Scare here at Cleveland-Marshall. This was an issue that needed to be openly examined in a public forum. A few months ago, The Plain Dealer ran a couple of stories about how two professors at Marshall had possibly contracted Legionnaire's Disease. The law school neither acknowledged nor denied the stories. Peoples' fears multiplied in the vacuum of information, as the administration was slow to address the rising concern on the campus. This only exacerbated the distrust and confusion which many people felt. Consequently, there was a strong public interest in the dissemination of information concerning what many believed to be a serious health threat.

The university, however, believed that allowing the reporter to continue working in the law department while writing for the school newspapers would, in effect, constitute an implied breach of lawyer/client confidentiality, as the university is the law department's client. Nancy Buckley, the head of the law department, stated that just as any lawyer is prohibited by the Code of Ethics from commenting upon matters dealing with their client, the law department and its employees were prohibited from commenting upon matters dealing with the university. An employee who had free access to law files and was privy to confidential legal information could inadvertently absorb this information and write about it without really even meaning to breach a confidence.

The continued employment of the reporter at the very least would constitute the appearance of an impropriety.

Now, to this writer, when one balances these two interests, the right to expression is tantamount and outweighs the university's interest. I do believe that Ms. Buckley makes a compelling argument for safeguarding against an implied or even inadvertent breach of confidentiality. However, the risk that concerns Ms. Buckley and Ed Mayer is simply too attenuated and remote to outweigh the significant free speech interests of the reporter. The termination of this student sets a precedent which is inconsistent with established First Amendment principles. It is unfortunate for the fired reporter that this article is not merely a First Amendment quiz in a Constitutional Law class, but in fact is a reality with which she must now deal.

...* * *

A newspaper
is more than a doormat

David Douglas

"A free press is the unsleeping guardian
of every other right that free men prize..."

Sir Winston Churchill
I Have to Walk a Mile for a Camel

By Mark S. Nemeth

Well, they finally turned the heat on in the new smoking lounge that the law school established for those of us who smoke. Throughout much of March and the first half of April the administration must not have paid their heating bill because it was "freezing" out there. One day I could have sworn it snowed in the lounge. I know it has definitely rained in the "lounge" on a number of occasions.

Within the last two years that I have been at this school, the administration, in my opinion, has been very fair in almost all they've done that affects the student body. However, I cannot agree that the establishment of a no smoking policy (or as it is worded on the notices - a "smoke-free building") was decided upon in any "fair" manner.

The posted notices claim that a committee of faculty, staff, and students was established to study the issue of second-hand smoke which bothered "some" of the students. The resulting faculty vote then created the smoke-free building. To my knowledge, there were no meetings open to the public to discuss this issue. Maybe there was a meeting to gauge the feeling of interested parties, but notices of the meeting were not very well promulgated.

My perception of the law school population is that many, if not a majority, of the students either do not smoke or do not care if they are in the presence of a smoker. If someone is offended by me smoking in their proximity I am more than willing to move away as far as possible. In the warm weather I enjoy being outdoors to smoke. The winter months which last sometimes 6 months in Cleveland are different.

If the school is to have such a policy, I believe that the entire population, smokers and non-smokers, should be involved in the decision, through well-publicized meetings and/or some kind of referendum. I don't appreciate the way in which the policy was hoisted upon all. Somewhere in the law school curriculum I heard something about fairness (?) and due process (?). I'm not sure where, but these seem to be missing with regard to the new policy.

If it is not possible to rescind the policy, which may or may not be what a majority wish, I propose that another faculty, staff, and student committee be convened to establish an alternative lounge where the smokers may go without having to be rained and snowed upon. This would be fair.

Dean Canonized by Non-smokers ... presidency to follow?

By William LaMarca, Concerned Law Student

The smoking policy at Cleveland-Marshall has become a sensitive issue. Several weeks ago the smoking policy was changed to "No Smoking" at all. The decision was the result of months of investigation and argument.

The Dean was faced with a difficult situation. He knew it was necessary to take some type of action and that no matter what type of action he took it would be unpopular. He was put in a difficult spot. First the Dean appointed a smoking committee to investigate and study the problem. The committee, after an investigation and study, returned with a proposal to ban smoking in the building. The Dean took this proposal and submitted it to the faculty/staff/SBA for a vote. Based on the results of the study and committee report, the vote indicated that smoking should be banned in the building. The Dean was then faced with responsibility of implementing the new policy, knowing that many would be unhappy with his decision. But the Dean did his job. No matter how unpopular it seemed, he implemented the new policy, "No Smoking".

The Dean did a difficult thing. He acted as a leader. A leadership role is not always easy and not always popular. If leaders are to be effective they must realize that everyone will not always like what they do. But they must act in the best way they know how, even in the face of criticism. Many times the right decision is not always the most popular. It takes a strong individual to act in the face of adverse criticism and to not allow themselves to be manipulated.

The Dean proved to me that he possesses the qualities of a leader, and I wish our country had more like him. To the Dean I take off my hat. You have earned my respect today. You acted when it was difficult and unpopular, but you performed to the best of your ability. That's all I or anyone can ask of you. Keep up the good work.
Home is Where the Harm Is

By Rosalina Fini and Ruth Tkacz

Women are dying. Women have been warned to protect themselves against the violent streets. What is often overlooked, however, is the violence women confront in their own home. According to the Center for the Prevention of Domestic Violence (CPDV), over 4,000 women are killed each year by their male partners. Ninety-five percent of domestic attacks are committed by men against women. United States Surgeon General Antonia Novello concluded last Fall that battering is the single LARGEST cause of injury to women in the United States, with over six million women battered by husbands and boyfriends each year. Domestic violence causes more injury to women than car accidents, muggings and rapes combined. These shocking statistics pose the question: to what extent has the legal community responded to this crisis? One need not look beyond the life of Tracy Thurman to discover how the legal system is failing women.

It almost took the sacrifice of Tracy Thurman's life to force the legal system to acknowledge the legitimate threat of domestic violence. Despite Tracy's efforts to protect herself from her estranged husband with restraining orders and calls to the police, Charles Thurman repeatedly stabbed and kicked her during the twenty-five minutes the police took to respond to the domestic violence call. Upon their arrival, the police failed to restrain Charles, which allowed him to continue assaulting Tracy. Tracy suffered multiple stab wounds to her face, neck and chest. A fractured cervical vertebra left her with permanent partial paralysis. Although Tracy followed the prescribed legal measures prior to the attack, she nonetheless was brutally victimized at the hands of her ex-husband.

Tracy brought an action against the City of Torrington and the Torrington, Connecticut Police Department, asserting that the city failed to provide her with the protection she deserved as a person in danger. The court in Thurman v. City of Torrington, 595 F. Supp. 1521 (D.C. Conn. 1984) held that women in domestic relationships are entitled to the same protection against violence as women who are abused by strangers. Much to the detriment of battered women, not all jurisdictions have adopted this interpretation of the Fourteenth Amendment. Federal District Judge Robert M. Takasugi granted the defendant's motion to dismiss in Navarro v. County of Los Angeles, No. 90-3679-RWH (C.D. Cal. filed May 17, 1991), on the basis that "defendants have a rational basis for providing less emergency assistance to victims of domestic violence than to members of other classifications." Id. at 6. The court further stated that "the severity of (domestic) violence is far less than other emergency requests received by 911." Id. at 7.

The court used this astounding reasoning despite the fact that Maria Navarro and three of her family members were murdered by Maria's husband after her requests for help were denied by 911.

These cases illustrate the seriousness of the abuse and violence women in this country suffer every 18 seconds (F.B.I. statistic). Congress has attempted to address battered women's needs with the Violence Against Women Act of 1991. Ambitious legal reforms and financial assistance are proposed in this national legislation. Not surprising, but no less disturbing, the Act has been languishing in the same committees for over a year, with the hope of passage growing more optimistic.

The legal community, and we as future attorneys, need to sensitize ourselves to the inadequacies and obstacles battered women face as they become victims again in the legal system. How many women must die before the legal system effectively responds to this criminal act?

Prosecutor's Office evolves under Jones

By Andrea F. Rocco

The County Prosecutor's Office is undergoing a face lift--both externally and internally. Physical renovations and office automation are giving the office a fresh new look. Stephanie Tubbs Jones has been Chief County Prosecutor for a little over a year. In this short time she has instrumented many changes to the (as she refers to it) "county's largest public law firm". With the aid of a one time grant awarded by the County Commissioners, physical renovations and office automation are in the process of being implemented. But this is just the tip of the iceberg. The Prosecutor's Office employs 229 people, of which approximately 140 are attorneys. The office has several divisions: civil, criminal appellate, major trial, general courtroom, juvenile, child-support enforcement, drug enforcement, special assignment, child protection, and grand jury. When Mrs. Jones took office she named new supervisors to some of these areas. Attempting to bring diversity to the office based upon, but not limited to, sex, race, or religion, Mrs. Jones' personnel additions are diverse in prior work experience. She explains that it is important to her that the County Prosecutor's Office has a group of career prosecutors to keep the continuity of the office going as well as prosecutors who add "new life, new ideas, and new experiences."

Initiatives activated by Mrs. Jones include: support for an integrated judicial information system, which will allow for more efficient communication between the Prosecutor's Office, the Common Pleas Court, the Sheriff's Office, and the County Clerk's Office; in depth pre-screening of cases prior to grand jury presentment; the drafting of the Cuyahoga County Child Protection Coalition; and citizen accessibility to the Office of the Prosecutor.

"What I try to get across to my staff is my vision for this office. That vision is that this will be the best public law firm in the County." With the intent to alleviate the public's perception that the Prosecutor's Office is an inner sanctum and an unfamiliar institution, she has made a concerted effort to meet with county residents. Her public speaking engagements include church and civic groups, schools, and other agencies.

Along with discussing the changes she is making at the office, Mrs. Jones mentions that she is in no way criticizing its past leadership. But she feels there is room for improvement. In November there will be a general election and she is actively campaigning for the position. When asked about future personal goals, Mrs. Jones responded, "This past year has been the most challenging of my career. I am committed to this job, and I feel it is important to the public that I spend an adequate amount of time here."
**GRADING GUIDELINES PREJUDICE C-M GRADS**

By Miles A. Camp

We being the people who proclaim to speak for the wishes of Cleveland-Marshall Law School, wish to be competitive with the other law school in Cleveland. We, the students, know that marketing yourself with a C average from a state law school is impossible against someone with a B from a private school. Is that as one SBA presidential candidate contends because our entrance requirements are lower and we actually have a lower quality of students than the other law school and there should be more Cs? I would think not. Aside from having David Goshien to make sure the average mid term grade is a D, we have grading guidelines and a 4.0 scale. The other school has neither. What both of these wonderful things do for us is to make our average grade a C. At the other school it is a B. Their grade scale is a 4.3, the highest grade being an A+. That, I am told, is the norm for law schools and even grad schools in general.

Then there are our wonderful grading guidelines, which nontenured professors enforce as rules, not guidelines. This, we are told, is for our protection, so that a professor cannot fail half his class. This does not accomplish its goals, for a tenured professor ignores it and fails half his class anyway.

The problem is on the positive end; there are fewer high grades. Look at the grade dispersion of legal writing. We have students with a 90.1 average getting Cs. At one point in my class, the grade range between the highest and lowest B was .5.

This is not an attack on the school or even the faculty. I think the school is doing a good job in teaching us what we need to know. The problem is that prospective employers look at a B from a private school and a C from a state school and hire the B, even though they may be the same student. This does not make the school more competitive. If anything it weakens the reputation of the school and alumni.

In most grad schools if you get a C you are recognized as not performing at the graduate level. To get a C here you are doing well. I know of few third year students and fewer alumni who can boast of an A. Is it really that we are not doing A work? I remind you it is not possible in this school to do A+ work.

Our grading scale has a lower ceiling. Coupled with the grading guidelines, a policy many on the faculty find offensive, this makes sure that we though we may be better students, graduate without any proof of having performed well while receiving a very fine legal education.

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**Finals Shuffle**

By P. Kohl Schneider

I would like to address something that has been bothering me since the second semester of my first year here at Cleveland-Marshall. The annoying practice to which I refer is what I shall label the “Finals Shuffle.” In a nutshell, the “Finals Shuffle” is the apparently standard practice which commences about six weeks before the end of the term, in which a small fraction of students start raising the issue of scheduling conflicts in their final exam schedules.

Why does this continue to occur? Why do professors continually try to accommodate these conflicts by shuffling the times and dates of their exams? Why can’t someone shoot these people and be absolved of all criminal liability?

Every semester, the administration makes available to all students the schedule for the following two semesters. In addition, a schedule of final exam times and dates is also furnished. Now I would like to go way out on a limb and emphasize what I always thought was so terribly self-evident: since law school grades are determined exclusively by the results of a single final examination at the end of the semester, only a complete fool would choose classes without consulting the final exam schedule!

I have to believe, at least for the sake of my sanity and my sincere, yet still unproven hope, that the overwhelming majority of students actually do take the final exam schedule into account when making course selections. But from the very depths of my soul, I cannot understand why professors and students alike continue to tolerate the few who suddenly realize that their shortsighted, ten minute scheduling deliberations result in unfavorable and inconvenient exam schedules.

Until the administration puts its foot down, when people do not use the resources available concerning final exams the resulting problem is two-fold: First, those people who accommodate their schedules to optimize the pressures and time constraints of finals week watch their thoughtful and well planned academic strategy minimized; Second, the “shufflers” are afforded the privilege of circumventing established and well publicized agendas, allowing them to maximize their ignorance.

I would like to offer a few suggestions to eliminate this practice of “Finals Shuffling” once and for all. If one has two or more finals in a twenty-four hour period...TOUGH LUCK! If one ends up with two or more finals on one day...TOUGH LUCK, YOU FOOL! If one schedules two or more finals at the same time on the same day...GOOD LUCK!
A.B.A. /L.S.D. Meets

By Michelle Joseph

On March 13, 1992, the Sixth Circuit of the American Bar Association-Law Student Division (ABA/LSD) hosted its annual spring meeting at the Radisson Hotel in downtown Cleveland. Over 60 law students representing 13 ABA accredited law schools in Ohio, Michigan, and Kentucky attended. The purpose of this meeting was to discuss pending legal issues in the ABA/LSD, to interview students for ABA/LSD liaison positions, and to elect a new Sixth Circuit Governor. Several Cleveland-Marshall students attended. A good time was had by all.

Many of you may be wondering, "How does this meeting affect me?" Thousands of law students belong to the ABA/LSD yet are unaware of its function, purpose, or benefits. The ABA/LSD is an organization for law students on a national level. It is oriented toward their concerns and problems. The organization is divided into several sections such as litigation, business law, international law, and sports law, etc., for those students who wish to learn about and get involved in a specific area of law.

By mailing an application and a $15 membership fee, a law student becomes a member of the ABA/LSD, and is entitled to several benefits. One of the most useful is the free one year subscription to the ABA/LSD Law Journal. This monthly publication focuses on the important, modern issues that confront law students. In addition, the student receives discounts on MCI, hotel and car rentals, and opportunities for MasterCards and health insurance through the ABA. Third year law students can also receive a discount on PMBR bar review classes.

N.B.A. Awards Banquet

The National Bar Association-Law Student Division held its Annual Scholarship and Awards Banquet in April. The theme of this year's banquet was "Academic Excellence." The banquet was well attended by students, faculty, and local attorneys. Cuyahoga County Prosecutor, Stephanie Tubbs Jones, delivered the keynote address, which gave students a perspective on "Academic Excellence" and practicing law. The NBA-LSD honored Sheryl King Benford as the year's outstanding member of the legal community. Ms. Benford's unwavering commitment to the students of Cleveland-Marshall has been a source of constant support and motivation for achieving academic excellence.

The focus of the evening, however, was to recognize minority students who have received academic accolades in their legal studies. Students who received academic scholarships and awards were honored. Graduating students were also recognized. The evening climaxed when Vanessa Malone, a first year student, was awarded a $500 scholarship for writing the best essay on future minority scholars. Congratulations Vanessa!

Overall the evening was a resounding success. The NBA-LSD sincerely thanks everyone who made the evening possible.

Hispanic Bar Assoc.

By Paul Ruiz-Bueno

On April 11, 1992, the Hispanic National Bar Association-Law School Division, held its second Endowment Fundraiser Banquet. The endowment was started three years ago with the intention of being able to help future students who wish to pursue a legal career and are in need of financial assistance. This year's theme "United To Continue Legal Excellence For Our Heritage," was reflected throughout the night. One focus was on the unity of this year's members and officers that established a new "life" for the organization. Another was the unity displayed between the Ohio Hispanic Bar Association and HNBA-LSD. Many of the officers and members of the OHBA are graduates of Cleveland-Marshall who had offered assistance in preparing this fundraiser.

The evening started with a cocktail hour and was followed by a greeting from Judge Jose Villanueva. After dinner, the HNBA-LSD presented an award to Juan Adorno, Vice President of the Ohio Hispanic Bar Association, in recognition of the OHBA's support to the school and community. Next, Anita Ramos, representing Ohio Attorney General Lee Fisher, presented the HNBA-LSD with an award recognizing their support in establishing the endowment. After the awards, the music of Impacto Nuevo transformed the mood into an evening of relaxation and dancing. For those that could not attend this year, there is always the next year!
By Charley Seitz

If you are graduating in May and have been feeling more than a little bit anxious about the job market, I have two words that can secure your future: Fashion Law. You wouldn’t know much about this exciting, recession-proof area of the law based on the course offerings at our otherwise fine law school, but Fashion Law is happening. The Uniform (no pun intended) Model Fashion Code (“UMFC”) has been enthusiastically adopted in a number of states, and similar legislation is pending in Ohio. The UMFC is a mother lode of profitable potential litigation for any lawyer willing to fight for a client’s right to express individually through clothing combinations that dare to affront the deadly dull monotony of the rigid dress code of professional life.

We’ve all heard of the Fashion Police. They never wear uniforms, and they cleverly disguise themselves as friends, relatives, and colleagues. You never know that the fashion cops are watching you until you’ve been busted. And if you dress like a typical law student or professor, YOU WILL BE BUSTED! That, of course, is the beauty of Fashion Law; there are always clients. Some recent cases, as excerpted in the Fashion Law Reporter, will give you a taste of the action:

State v. Landrover, 18 F.Law Rptr. 435 (1991 Fla.). Professor accused of wearing the same tie for an entire semester in violation of FC 2525.03 (tortious lack of imagination). Defendant offered into evidence a dozen nearly identical, but perceptively distinct bow ties. Offered expert witness “Bow” Jackson (Bow knows bow ties) to explain subtle differences between the ties. Fashion Court directed a verdict for the defendant and awarded ATTORNEY FEES for defendant, who reportedly reacted by saying, “He said NOT GUILTY! All-I-I-I Rightee!!”

State v. Guard, 18 F.Law Rptr. 672 (1991 Ind.) Defendant, a/k/a “Sole Man” because of his habit of displaying the bottoms of his shoes to his students while lecturing, was accused of wearing a Herb Tarlick-class plaid sport coat without comic intent (FC 3232.10). Bootstrapped was a count of wearing black socks with running shoes (FC 1010.02), (undoubtedly an effort by Fashion Prosecutor to leverage plea bargaining). The Fashion Court rejected defendant’s constitutional argument, (with Holmes, F.J., bellowing, “Three generations of black socks are enough!”), but undertook de novo review of the evidence, sua sponte, and reduced the main charge to wearing a Gib Shanley-class sport coat (a lesser included fashion tort under FC 3232.21), after balancing the gravity of the plaid against the likelihood of an immediate and continuing distraction.

Faculty v. Buckley, 19 F.Law Rptr. 45 (1992 NY). Law professor accused of wearing excessively fine clothing; class action brought by colleagues. Defendant’s 12(b)(6) motion granted and ATTORNEY FEES awarded. Fashion Court noted that plaintiffs lacked standing (FC 1050.01).

State ex rel Save the Wildlife Foundation v. Fortay, 19 F.Law Rptr. 745 (1991 N.D.) Action brought on behalf of fur bearing animals against man sporting fur hat that, according to the complaint, “had enough fur to weigh 40 pounds.” Fashion Court reluctantly dismissed because of lack of jurisdiction, but noted that “a well pleaded complaint that alleged, e.g., that defendant was wearing the hat in warm weather, or with a clashing fur coat, would have withstood defendant’s motion to dismiss.”

As the aforementioned cases show, there’s plenty of lawyering to be done in Fashion Law, and the Fashion Court appreciates a good argument. So don’t be glum about your employment prospects. Just dress sharp and go for it. Oh, and by the way, did you notice how eerily familiar some of the names of the defendants in those cases are? THAT, of course, is a COINCIDENCE. I’m just grateful that all Cleveland-Marshall professors are good humored, well dressed, intelligent PUBLIC FIGURES WHO RECOGNIZE A LACK OF ACTUAL MALICE when they see it.

Fashion guru Charley Seitz and part of his entourage do Bash in exquisite style.
Summer Studies Abroad

By Kim Lloyd

Congratulations 1st years! You've almost completed possibly one of the most demanding years of your life. Now, if your grueling search for a summer clerkship has proven fruitless, or you just don't know what to do with yourself this summer, you may want to consider studying law abroad. By studying in other nations, American students are afforded the opportunity to compare and to consequently better understand the American legal system. Last summer another Cleveland-Marshall student, Julie Loesch and I myself attended a program in Salzburg, Austria. In Salzburg, we were taught by the Honorable Justice Kennedy. The course, comparing European constitutional law with American law is one of the richest cities in Europe. Students this program is worth looking into. More importantly, we learned something about the world's most productive women. Three fourths of the class were women. Justice Kennedy was with his students. We even enjoyed a beer with Justice Kennedy at a local beer garden. (Imagine how fun that would be this year, asking him about the most recent appointee on the court). Our class was also visited by Justice Scalia. Need I say more?

For those of you who haven't been there, Salzburg is enchanting (the hills are alive), and is one of the richest cities in Europe. Students took advantage of the weekends by traveling to Germany, Poland, and Czechoslovakia. However, those students who registered for two classes in Salzburg found they didn't have much time to travel or sightsee. This is a consideration, since studying abroad seems futile if one does not take the time to appreciate the culture.

If spending a summer abroad appeals to you, this program is worth looking into. More information regarding how to apply, etc. can be obtained in the Office of Career Planning.

Moot Court Team Victorious

By Mark J. Bartolotta

This past February, Cleveland-Marshall sent a team of students to the Frederick Douglass Moot Court Competition for the Midwest Region in Little Rock, Arkansas. Lillian Earl (3rd year day) and Carla Elliott (3rd year evening) represented C-M in grand fashion, winning the following categories: Best Respondent's Brief, Best Overall Brief, and Overall First Place Team.

The competition is held annually and is sponsored by the National Black Law Students Association. Team advisor, Assistant Dean Melody Stewart, stated that “[i]t’he last time a team from our school went to this competition was many years ago. The victory was a great re-entry back into the competition.”

The Midwest Region is comprised of law schools from Arkansas, Ohio, Michigan, Indiana, Illinois, Minnesota, Iowa, Wisconsin, North Dakota, and Missouri. Cleveland-Marshall’s brief and oral advocacy prevailed over William Mitchell College of Law and Detroit College of Law in the preliminary rounds, over Case Western Reserve University in the octa-finals, over Drake in the quarter finals, over William Mitchell again in the semi-finals, and over the University of Michigan in the final round.

Our Cleveland-Marshall team and the runner-up team from Michigan represented the Midwest Region in the National Competition held in New York in March. In the nationals, the C-M team was narrowly defeated (by eight one hundredths of a point) by the team from Georgetown University, which eventually won the entire competition.

Congratulations to Lillian, Carla, and Assistant Dean Stewart!
Gavels Past: 1976

96% PASS BAR

Ninety-six percent of the recent Cleveland-Marshall graduates who took the Ohio State Bar Examination last July 24, 25 and 26 passed the test, setting a new record for the College. The 149 successful bar candidates were honored by the Cleveland-Marshall Law Alumni Association at a reception held at the law school October 24. Of the total 1,070 candidates who took the exam statewide, 1,033 were successful.


Dismissed Former Student Sues College

BY LARRY SKOLNIK

With the words "Welcome, fellow defendants," Interim Dean Cohen opened the February 20th faculty meeting and formally advised them that they had been named in a complaint filed in Federal District Court here.

Service of the complaints by the U.S. Marshall was on February 18th.

Former law student Harry Marin is suing the law school for readmission. He is asking for $50,000 in compensatory damages and $100,000 in punitive damages.

The complaint names as defendants the University, the College, the president, the dean and assistant deans, five members of the Academic Standards Committee, nine trustees, twenty-eight faculty members and two students.

"Upon this sand I will build My church."

Harry Marin, admitted in September, 1975, was on academic probation during the 1974-75 school year. In July, 1975 he was dismissed because his average was below a 2.0. He was attending summer school when his spring grades were received in July, so that action for readmission was deferred pending his summer grades.

The course that put Marin below requirements for readmission was a business corporations class taught originally by Professor Frank Emerson and then a succession of four other instructors.

According to secret faculty minutes of December 12th, Marin needed a 2.45 average in order to bring his average at graduation to a 2.0. The faculty's consensus was that since Harry had never attained a 2.45 in any of his previous quarters, he was a bad risk.

The complaint states that the decision of the faculty is not supported by the evidence; that the evidence was insufficient to support the belief that he could not function as a law student and attain the 2.0 required for graduation.

Dean Cohen being served with Marin complaint by U.S. Marshall. (The University was recently informed that construction of the new law school is coming along well. Contractors are now four weeks behind, the delay being due to foundation changes made necessary by unanticipated sand compaction.)
### Trustees Weigh $100 Tuition Hike

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Faculty trashes guidelines

by Jack Kilroy

The Cleveland-Marshall faculty voted, by an overwhelming majority, to abolish all grading guidelines at their September 30 meeting. According to informed sources, the decision was reached after little debate and practically no opposition, except from the non-voting student observers.

The grading guideline committee was charged with the responsibility of studying grading guidelines and making a recommendation to the faculty. The committee—chaired by Professor Sonenfield and including Professors Leiser, Browne, Landsman, and Howells as well as student representatives Keith Duboff and Sheri Schoenberg—presented three views to the faculty.

The prevailing view which was articulated by Professor Sonenfield, (Professor Leiser concurring) recommended abolishing all guidelines.

Sonenfield's position stated in part, "My own observations of the workings of the guidelines leads me to the conclusion that as to some students they have caused the assignment of a grade of C or D when any impartial appraisal of the merit of that student's performance indicates a D or F; less often I have had an experience of having to lower a grade in order to bring the entire class into compliance. The former result is dangerous, the latter unfair. In substantial part I attribute our repeated poor showings on the bar examinations to our failure to weed out the incompetents."

Professors Landsman and continued on 7

Guidelines gone

Browne favored restoring the guidelines which were in effect in the 1975-76 school year—that is to be applicable to all students. In a joint statement they said, "Our conclusion is bottomed on the belief that a structure applicable only to first year students is inequitable and that some communally articulated grading standard is appropriate.

Although we recognize both the individualized nature of the grading process and the issues of academic freedom implicit in any set of grading constraints we firmly believe that the flexible grading guidelines utilized in 1975-76 serve the best interests of both students and faculty."

The student statement, written by Ms. Schoenberg, advocated retention of the guidelines only for first year students. "In the initial law school experience," it stated, "students are exposed to new methods of learning, and thus, should have the reassurance of a structured grading practice.

Additionally, first year students have no choice of instructors or courses, and at the very least, should have some advance knowledge of the type of class grade span to be anticipated."

Professor Howells did not submit a recommendation. A motion to table the matter for further discussion was defeated.

The reaction from the student body is not yet apparent but is not expected to be favorable.

The J. Patrick Browne Memorial Book Exchange

It occupies but three shelves in the browsing section of the library. In fact, if it wasn't for the gaudy decorative tape which effectively showcases its contents, it's doubtful that anyone would have taken notice of it. But the J. Patrick Browne Memorial Book Exchange has been in business since the beginning of the Fall Quarter, and it shows signs of life.

The Exchange is located in the common area on the main floor of the library, just east of the box seats which overlook the faculty parking lot.

Mortimer Adler has not yet expressed interest in the current collection of the Exchange, but that should not discourage anyone. Admittedly, these are not "Great Books," but they are delightfully devoid of law.

And that is the purpose of the Exchange, according to its namesake, Professor Browne. "The idea is not that the books should have any content," said Browne. "You just get tired of reading Torts and Contracts."

Browne, himself, is an avid reader of materials non-legal. He claims to read two or three novels a week. "I'd go home in the evening and couldn't stand the thought of reading more law." And thus was the idea for the Book Exchange conceived.

The Exchange is an opportunity for anyone interested to partake of the offerings of Browne or others who have already participated. "It's not even an honor system," said Browne. "The idea is to take a book, read it, bring it back, and maybe contribute something else.

Browne's interest is the mystery novel. He has stoked a few of these. Other tastes seem to be much more diverse. Among the selections currently available are the following: Doris Day, Her Own Story; Ellery Queen Anthology; Till the End of Time (standard Harlequin novel fare); and a Reader's Digest Condensed Book (1969 vintage).

There are also a few of higher quality. Among them: Three Days of the Condor; Postern of Fate (Agatha Christie); and a little ditty with an intriguing title Murder At the ABA.

One more thing needs to be mentioned. The "Memorial" designation has led to some confusion. Browne borrowed a line from Twain in the hope of clarifying things. "The rumor of my death has been greatly exaggerated," he said.

by Lawrence G. Sheehe
He-Manifesto of Post-Mortem Legal Feminism
--An Offensive Parody Done in Poor Taste

By Mark S. Nemeth

On April 4, 1991, at around 8:30 p.m., just over one year ago, Law Professor Mary Joe Frug was murdered. She was brutally stabbed to death two blocks from her Cambridge home while on her way to a nearby grocery store. The police described the incident, stating that at least two of the wounds were fatal. They sliced through the left side of her chest, with two other powerful upward thrusts cutting high on her inner thighs. The weapon used was a military-style 7-inch long blade. After a year of investigation, the police still have been unable to discover the murderer. Now a $25,000 reward is offered for any information leading to the arrest and conviction of the person responsible for her death.

Mary Joe Frug was a well-respected professor at the New England School of Law. She left behind her husband, Harvard Law Professor Gerald Frug, her son, Stephen, and her 10-year-old daughter, Emily. 49 years old, she was a noted feminist and legal scholar who had fought for women's rights with a somewhat controversial philosophy. An essay that she had written before her death about violence committed against women, entitled, "A Post-Modern Feminist Manifesto", was published by the Harvard Law Review in March of this year.

On the anniversary of her murder, the law review printed its parody of her article, the "He-Manifesto of Post-Mortem Legal Feminism". Her death was a tragic and sad reminder of the level of violence against women in our society today. Even worse perhaps is that one of our great institutions would make a mockery of her work and her memory.

While freedom of speech is a constitutionally protected fundamental right, the poor taste demonstrated by the Harvard Law Review staff should not be commended and justified as a necessary by-product of that freedom. The parody touched on a painfully sensitive area and was denounced by both students and administration. There is no justifiable excuse of the lack of responsibility shown by the editors. But why was the offensive article written in the first place?

Perhaps most disturbing is the demonstration of a lack of compassion shown by those involved in the writing of the article. That those attending such a prestigious institution, the advantaged elite and gifted individuals of our society, would not know better is merely a poignant demonstration and frightening reflection on our society's failure to instill concern, respect, and consideration for one another.

Humor has its place. This wasn't it. The U.S. Constitution gives the Harvard Law Review the freedom and the right to express their ideas and ideas free of censorship. However, such a tactless act is intolerable. A tragic events such as her death should not be a source of humor. Here, the parody was nothing more than a sick joke.

What should be done? One of our duties as individuals in a functioning democracy is to be cognizant of the world around us; to be aware of others beliefs and values, whether we share in them or disagree with them. It takes time and effort to investigate the issues and to become knowledgeable about views different than our own. Censorship? No. The government, while representative of our society's values an beliefs, is bounded by the Constitution not to enter into this field of endeavor. We as a society should not have to rely upon a governmental or quasi-governmental agency or group to tell us what is in bad taste.

As individuals we should be aware of what is around us and should be willing to rebut those ideas and values that we find personally disagreeable. If anything, society should be able to censor itself. Making a tragedy such as this into a source of humor was an irresponsible act which reflects an underlying attitude that should be discouraged. Hopefully the criticism shown by the Harvard community will work to that end.

The only joke here was the cruel one played on Harvard Law School, on our sensibilities and on the memory of Mary Joe Frug.

Fetal Tissue Debate Continues

By Kim Lloyd and Karen Visone

If you've ever encountered anyone with Parkinson's disease, you know what a sad and destructive illness it is. The most horrible aspect of the disease is that those afflicted with it have to endure the loss of their motor skills and sometimes even the ability to talk and walk, while their intelligence remains intact.

Scientists may have found a cure for Parkinson's disease, which is caused by the loss of a cell that produces dopamine, but their research has been severely restricted. This is because the Bush administration has placed a moratorium on any research relating to this particular study. The research is based on the transplanting of fetal cells. Apparently, these cells are like miracle cells that reproduce so rapidly that they have cured some patients inflicted with Parkinson's disease and Alzheimer's disease. Experiments with fetal cell implants have also helped diabetic patients.

In Congress, Senators such as Strom Thurmond, in an attempt to encourage further use of fetal tissue cells to attempt to cure these diseases, have argued that the issue of fetal implants should be considered separately and apart from abortion. The focus, rather, should be on the many lives such research has and will continue to save. Others argue that the research may persuade a female already on the verge of having an abortion to go through with it because it is much easier to justify doing so. In response to such an argument, many females feel that this is far too tenuous an assertion and underestimates the decision making ability of women who elect to undergo an abortion.

Without delving into all of the moral and ethical dilemmas regarding abortion, in States where abortion is legal, shouldn't fetal tissue be put to the use of saving other lives rather than be simply discarded?

If Congress is able to effectively separate the issue of abortion from fetal tissue research and implants and all the moral implications arising therefrom, than perhaps fetal tissue research can be viewed more objectively and thus more easily resolved. But it is this very inability to separate and objectively view the two issues that makes the issue of fetal tissue research so volatile.

* * * * *
Entrance sans winos. This dismal sign greeted first year students in 1976.

By Ken Reinhard, Steve LaTourette, David Douglass, Jeff Winton and Lee Kravitz.

Students entering law school at Cleveland State didn’t always have all the luxuries we have come to take for granted in our new building. The quaint three-story Chester Building was formerly the home of our law school and it remains full of warm memories for this year’s graduating class.

The compilers of the following pictorial essay recently revisited the scene of their first year conquests, and found that while time marches on, some things never change. The Chester Building has been taken over by the First College and the Engineering Society but this article is intended to give Gavel readers another glimpse of their “roots.”

Killer Ants
Purge Library

photo by Lee Kravitz

-Re-enactment of familiar first year pose following student’s failure to adequately distinguish Wagon Mound I and II.

-Bathroom in Chester Library. This picture was taken 15 minutes before Prof. Hardly Liable’s Torts exam.

-Killer Ants trek across library

“I’m no lover of CEI but at what point does your fight for the future [of Muny Light] become a detriment to the people of this city.”

-Michael R. White
24th Ward Councilman
Gentle Winter Reminders

By Jonathan Politi

Spring is upon us. The sun is out, the warm breezes blow in off of Lake Erie. And yet there are still gentle reminders of the winter season here at Cleveland Marshall. Secluded in small pockets about the law school, you can still spot these throwbacks to the colder months, when there was nothing better to do save stay inside the school. Below is provided a brief description of the various signs you may see.

- Galagites: (Alias Vidiots) Can be found frequenting the student cafeteria by the infamous "Galaga" machine. Behavior: Marked by congregation around the machine, their ritualized procrastination breaks are sometimes accompanied by the uttering of guttural phrases such as "Ooh!" and "Yeah, baby!"

- Spread-n-Readies: Normally indigenous to the library, these students can also be located in classrooms and in other locales that maintain large, flat surface areas. Behavior: Territorial in nature, they move to a table and quickly dominate the entire piece of furniture with all their worldly possessions, right down to the briefcase.

- Reploglovites: Most easily spotted by the computer terminals, they attempt to access the law information services, awaiting instructions from the "Goddess of Lexis" on their current legal dilemma. Behavior: Appearing confused, they are best noted for the scratching of foreheads that are accompanied by both repeated beeping sounds from their computer terminal and muttered expletives from their vocabulary.

- Yaks: Also indigenous to the library, these students make their homes in places of absolute silence conducive to studying. Behavior: Being gregarious, they gather in packs of three or more in a central location, passing their time (and everyone else's within earshot) conversing in loud tones.

- Chair Masters: Found exclusively in the law school atrium, they are best identified by the designated chairs and couches formed to the shape of their buttocks. Behavior: These students spend years carefully training and honing their soft bodies for the tortuous task of creating the perfect curvature of the spine for the act of "slumping". If away from their thrones, they can be easily spotted by the curvature of their spines and bewildered expressions.

- Lounge Scrounge: Can be located in the law school atrium following any event where free food was being served. Behavior: Scavengers by nature, they lay in wait sizing up their prey, moving quickly to swoop in on any possible stray crackers, cheese chunks, or Vienna snack wienies.

WARNING: If you do happen to spot one of the many "winter" students, approach cautiously. Carefully take him or her by the hand and escort them to a nearby door or window and point, explaining to them, "Look! Sun! Trees! Grass! With your help and gentle coaxing, they should realize that, yes, there is life beyond the law school.

Bus Stop ... can't share my umbrella

By Frank Krajenke Jr.

The impetus for this article comes from two sources. The first was an unpleasant experience I had at a bus stop, the second was from an interview with Justice Bruce M. Wright of the New York Supreme Court. The article entitled "Unequal Justice" appeared in the November 1991 issue of Essence magazine. Although the circumstances at the bus stop in East Cleveland and the conditions of court rooms in New York state are distinctive, they evince a common facet of human behavior towards other humans. Specifically, anyone can have stereotypes and act intolerantly based on those misconceptions, regardless of race or class.

The Bus stop. As I awaited the bus on my way home, several youths lingered on the corner. I had been at this stop a dozen times before and had never seen them there. In the course of our limited dialogue, they asked me if I was "vice," a vice-squad police officer. I replied that I never held such a position in an official or unofficial capacity. I then directed their attention to the bus sign over head, and informed the group of my intention to meet the bus.

I was white and they were black. Shortly thereafter, another young man joined our company. He was different from all of us, as we did not have bats. Mr. Bat sported a pulled down Kangol cap, black Nike tennis shoes, and a Malcolm X t-shirt. He sauntered up to me and repeated the question apparently on everyone's mind, "you vice?" Again I responded with a "no," but began doubting myself due to the intense questioning. Maybe I was vice? Mr. Bat interrupted my introspective focus when he told the others that he was going to split my head open. At this point I decided to retreat.

As I got up, a man came up to me and suggested I move on, while asking for 50 cents. He and I walked away together. I heard a wooooosh and then a shattering sound. Mr. Bat threw a bottle which fell between me and the 50 cent man.

I have found an answer for this behavior sufficient for my understanding in Justice Wright's description of how white judges treat black Defendants. Les Payne of Essence asked Wright, "So why do white judges allow race to influence their assumption of innocence and sentencing?"

"A chemical reaction is set up when they see a black face before them. This black face is alien to their way of life," Wright replied.

Wright says the difference in socio-economic status, coupled with ethnicity, causes white judges to feel uneasy, therefore they sentence more harshly.

"Again it is race and class because these conservative, middle class white males see us as a threat," he said.

I believe the principle Justice Wright espouses applies to judges on the bench, and kids on the street. When someone looks and acts differently, some people can feel threatened, and act rashly. This explains Mr. Bat's unfriendly behavior towards me. How do we not feel threatened by those different from us? Until we find substantive ways to answer this question, gavels will clang unfairly, and projectiles will be volleyed unnecessarily in two directions.
"Mr. Finer, if you could extricate yourself from memory lane and the days of your 'work' with Dr. Timothy Leary, we can continue." (Ted Dunn, Dave Meyerson, Susan Stephanoff, Mike Wypasek)
Law School Competition Scrutinized

By Kim Lloyd

Recently, I was reading one of those Law magazines (either The Journal or Student Lawyer) when something caught my eye. It was a seminar being conducted by an attorney to discuss and combat the problem of competitiveness in the legal profession.

Competition, of course, is healthy. However, if you're going about it in the wrong way, it's simply destructive. Last year I was confronted by another 1st year student in my section who would slam his contracts outline down in front of me daily with the comment: "Here's my outline. It's all done. Is yours done yet?" It took every ounce of self control for me not to jump up and choke him. The other day I witnessed three 1st years pounce on one poor guy saying: "Gee, you never study. When do you study?" etc. etc. etc.... I'm guessing they were under the mistaken impression that this was an interesting topic of conversation. What it was was vicious. It's surprising that these particular law students don't just chuck this whole law school thing and start their own think tank. Did it ever occur to them that maybe he doesn't have to study as much as they do? Even if that's not the case, the truly fascinating question is why do they care?

The other night, the song "O.P.P." was playing at one of our favorite establishments. A particular law student (hereinafter LawStar) began replacing the lyric "O.P.P." with "M.P.C." and "U.C.C." LawStar began doing this immediately after making a pejorative statement about an athlete in the establishment, brushing this athlete off as if he were subhuman. How ironic since this athlete just happened to be very successful in his sport and an accomplished engineering major. That same athlete could have (and rightfully so) looked down his nose at poor, pathetic LawStar as he screamed out the acronyms for the Model Penal Code and the Uniform Commercial Code to a popular song in a public place.

Last year a 3rd year told me that his biggest problem with law students was that they thought that upon being admitted to law school, they knew everything. One theory offered in explanation of this is the old "building effect." The law building effect must bless some people with omniscience and it seems as a result of this omniscience, everyone else around them suddenly becomes inferior, regardless of whether the person is a layman or another law student who doesn't study enough. Everyone's not quite good enough for this small elitist group of LawStars. These LawStars are the unhealthy competitors.

Common sense dictates that once we're finished with law school we'll have to work together. Of course, being a successful lawyer means that you will vigorously represent your client. But don't forget, it is a political world out there.

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Common sense dictates that once we're finished with law school we'll have to work together. Of course, being a successful lawyer means that you will vigorously represent your client. But don't forget, it is a political world out there. Word gets around quickly if you have that omnipresent problem and look as if your success depends on the demise of another. Most of us probably came here for noble reasons, like seeking truth and justice and protecting the rights of others. Law schools should be breeding people who don't lose sight of these ideals.

After all, if we're ruthlessly competitive with others, and feel the need to put everyone down who isn't a LawStar, this will carry over into our relationships with everyone. Maybe this lousy attitude is attributable to the lousy reputation we presently have with the general public.

In the last issue of The Gavel I commented on law students not losing their personality while here. We give up so much for law school. Let's not allow it to make us give up our souls.

"One L" a Little Wiser

By Michael J. Spisak

I have learned a great deal this year, both through my own experiences and from the experiences of others that I have observed. I have learned not only about the rules and precedents that all law students must learn and apply, but I have also learned about, and acquired some modicum of wisdom. Anyone can learn and apply rules, but very few people are forced to gain wisdom in order to survive their day to day routine. Law students are a select group. Our discipline not only encourages wisdom, it mandates that we respond to our challenge with alacrity, yet not so much that we appear conclusory or short sighted. Sound confusing? Good. Then you are a normal law student. Below is a list of several tidbits of wisdom that I have gained this year.

I feel that wisdom is:

- Learning when to, and when NOT to answer.
- Learning how to couch one's answer in terms that show both sides of an issue without appearing indecisive. (I think!)
- Reading the assignments BEFORE class. (unlike college)
- Waking up early in order to get an extra hour of studying in before class. (okay, waking up early to get a parking space.)
- Learning how to sleep for fifteen minutes in the library and convince your body that that REALLY IS all the sleep you need for the day.
- Accepting the fact that you cannot "outsmart" the CSU Parking Department.
- Accepting the fact that jobs are not plentiful.
- Coming to Contracts PREPARED.
- Writing outlines E-A-R-L-Y!
- Learning how to have fun without feeling guilty for not studying. (still haven't mastered this one.)
- Going to a bar with other law students and NOT talking about school.
- Accepting the fact that the end is not yet near. (The end is never near, as soon as it arrives another challenge presents itself, i.e. two more years of learning and two more years of wisdom to gain before graduation...and then the job hunt!)
The flood

by Laura Fallon

On Monday, October 25, 1982, Bartunek Law Library took its place among the annals of American law libraries. According to the Library of Congress, Department of Conservation, ours was the first library, to their knowledge, to have a sanitary sewer rain down on the books. A dubious distinction!

Early on that morning the sewer pipe from the first and second floor lavatories ruptured in the basement of the library. It was 10 a.m. before the flow of sewage stopped.

When the disaster struck, Prof. Pope immediately began to gather suggestions and facts as to how this situation should best be handled and how to save the books that could be saved. He called the Library of Congress, Department of Conservation and learned precisely how to handle the catastrophe. The temperature was turned down to fifty-eight degrees and the humidity kept at 30%, in order to dry the room and to retard the growth of potentially harmful fungus and bacteria.

Prof. Pope also spoke with NASA-Lewis Space Center and made arrangements to use their centrifuge to dry the books. Luckily, he never had to resort to that inaccessible service, at a cost of thirty thousand dollars.

The affected books were reshelved in the appropriate places in four weeks.

And, all the books were reshelved in the appropriate places in four weeks.”

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The Night Before Goshien’s Midterm

'Twas the night before midterm
And all through the land,
First-year students were contemplating
the morrow's exam.
With coffee-laced breath
Each offered a prayer
that during the test
a Juristic Muse would be there
To tackle detrimental reliance
in its Procrustean Bed
when visions of promisory estoppel
danced in their heads;
And that Goshien with his knowledge
and the students with their lack
Would have a meeting of the minds
to keep the grades
up.

We were all so anxious
that in the end,
the final exam wasn’t
because didn’t
And that to an A,
Cardozo was almo
But then,
appear
But Mr. Jr.
and his rule
Architecture
but they wer
so business agent Kent and
were booted out the door,
And then it was in Drennon
that Traynor paved the way
to prevent subs from revoking it.

You Can’t Hurry Grades

“You can’t hurry grades, No
You'll just have to wait, he said
Grades don’t come quickly
It’s a joke how long it takes...”
(Sung at several time and speeds by
Spanky Margulis, Kim Konkol,
and JoAnn Menster)

C-M faults discovered. What will this building look like on its 5th birthday this fall?
must great minds think alike?

By Stuart Reich

A classmate/fellow-torturee/co-masochist (choose one) begins to speak as he looks thoughtfully into the ceiling of the now smoke-free downstairs lounge: “You know, we really must see to it that [insert one side of a controversial and polarizing issue of your choice].”

“And why is that?” I answer with all the suspicion and cynicism of a baby seal being offered a quality control position in a baseball bat factory. I know what’s coming. His mouth drops halfway open at the perception that I might not agree with him. It happens with both students and professors. This assumption might not be quite so out of place in some other context, such as a concert or convet or cabinet meeting. But in the naturally contentious atmosphere of a law school, the tendency to assume agreement did surprise me a bit.

The idea that one’s own beliefs are universal usually, but not always, takes the form of a sort of rebuttable presumption of liberality. I’m not necessarily complaining, mind you. This is not a gripe article. I’m just marveling at how this assumption can be so pervasive when the majority of the population appears to be politically moderate. Personally, I hold some extreme left and some extreme right views. I kind of average out to moderate. Depending on the issue involved, it might be perfectly safe to assume my agreement. However, it might be the rough equivalent of offering the president of the United Auto Workers a good deal on a used Toyota.

The only way I can explain the whole thing is as such: that among a population, both the student body and the faculty, so obsessed with justice, perhaps there comes a feeling of intellectual compatriotism. A vision of us all collectively sitting in big, overstuffed chairs discussing life, philosophy, and truth around a brick fireplace with a raging yet cozy fire inside. Better make that a stone fireplace.

West Virginia Game Regulations
--Hunting and Harvesting of Lawyers

372.01 Any person with a valid state rodent hunting license may also harvest attorneys.

372.02 Taking attorneys with traps or deadfalls is permitted. The use of United States currency as bait, however, is prohibited.

372.03 The willful killing of attorneys with a motor vehicle is prohibited unless such vehicle is an ambulance being driven in reverse. If an attorney is accidentally struck by a motor vehicle, the dead attorney should be moved to the side of the road and the vehicle should proceed to the nearest car wash.

372.04 It is unlawful to shout “Whiplash!”, “Ambulance!”, or “Free scotch!” for the purpose of trapping attorneys.

372.05 It is unlawful to hunt attorneys within 100 yards of BMW, Porsche, or Mercedes dealerships, except on Wednesday afternoons.

372.06 If an attorney gains an elected office, it is not necessary to have a license to hunt, trap, or possess same.

372.07 It is unlawful for a hunter to wear a disguise as a reporter, accident victim, physician, chiropractor, or tax accountant for the purpose of hunting attorneys.

372.08 Bag Limits:

Yellow Bellied Sidewinders .......... 2
Two-faced Tortfeasors ............... 1
Back-stabbing Divorcers ............ 3
Horn-rimmed Cutthroats ............ 2

Letter

Continued from p. 4

I do not know; however, I do know that something, somewhere is, unquestionably, going right.

And so I apologize—for perceived inequities among writing instructors, for the level of stress, for the lack of a winter break, for the grading guidelines, for the short reading week, for bricks cascading from the buildings, for rooms too hot, for rooms too cold, for there being no bathrooms in the library, and for CSU constructing the Music Building on top of our parking lot. Most importantly, however, I want to apologize for Kevin Lister’s decision to stop showing up for legal writing two years ago... But Joe, Kevin Lister doesn’t work here anymore, nor do many others of that same basic genre, and before any assessments are made as to the overall quality of the program and the competence of its instructors, I only ask that you find out exactly who those instructors are and just what it is that they may or may not be accomplishing.

By Karin Mika

Ed. Note: First, the compliment directed at you, Karin, and Deborah Klein was sincere. Second, Kevin Lister was not the name of the teacher who consistently failed to show up for class this year. Third, that was not the main thrust of the story.

It should also be noted that another response to the article was submitted by Professor Deborah Geier. The sole content of her four page, single-spaced letter was a detailed critique of grammatical and punctuation errors in the article. Due to the singular nature of this letter and the limited space in the newsmagazine, The Gavel was unable to reprint it. However, we invite anyone interested to stop by our office, LB 23, to read Professor Geier’s letter at your leisure.
The difference between life and death for 6,600 Haitian refugees is a handful of government forms. At the moment, 6,600 Haitians have been granted permission by the U.S. Govt. to apply for political asylum. They are people who have fled the brutal military regime that ousted the first freely elected government of Haiti. They are not illegal immigrants.

Processing each application involves a three to five hour interview. The interviewer must be trained in the general principles of immigration law and the political asylum process. A Creole-speaking translator is essential, as most Haitians do not speak English. Government policy requires that each Haitian’s application must be filed within ninety days of his or her arrival in Miami.

The Haitian Refugee Center (HRC), located in Miami, Florida, is a non-profit, non-governmental organization handling the processing of the political asylum claims. With only two attorneys out of a staff of twelve, the HRC cannot complete the application process in the time to help even half of the Haitians before the ninety day grace period expires.

The National Lawyers Guild members from Case Western Reserve University School of Law and the International Law Society here at Cleveland-Marshall are cooperating to form a Summer Project to gather support from law schools and lawyers and to bring attention to the needs of the resource-strained HRC.

The Project grew out of volunteer work done by the Cleveland students at the HRC over this past spring break. It was featured on ABC World News Tonight, CNN segments, and an Associated Press wire story. Law students from C-M and CWRU, as well as the University of Pittsburgh, Boston College, the University of Kentucky, Louisiana State University, and Western New England School of Law are coordinating the Project.

It is estimated that forty-two legal-worker volunteers and translators are needed each of the twelve weeks of summer to complete the outstanding asylum applications. This adds up to a need for over 500 individuals donating one week to the HRC. It will cost $300 per student per week for basic living costs.

Your donation of time, computer equipment, and money will make the difference to the Project -- and to the lives of thousands of Haitians.

For more information, please contact Ann Fisher at the International Law Society office here in LB 25, 687-2344.
Here's why over 20,000 lawyers admitted in Ohio since 1966 have been students of Ohio Bar Review and Bar/Bri...

- OBR is the only full-service bar review course based in Ohio.
- Each student receives four separate volumes of material:
  1. an Ohio Volume containing twelve subjects, including summary outlines for each topic
  2. a Multistate Volume with detailed coverage of the six MBE areas
  3. a Multistate Mini Review Volume for last minute study
  4. a Multistate Testing Volume containing official questions released by ETS with detailed explanations prepared by the staff.
- You receive the longest, most intensive course available . . . 7 weeks, 24 sessions, 100+ hours.
- You will develop skills in answering multiple choice and essay questions.
- You are provided with a simulated bar examination covering BOTH essay and multiple choice questions.
- You are guided by a professional staff of 12 professors and practicing attorneys. (See back cover.)
- You receive personalized attention as needed and requested.
- The course is available to you in four forms:
  1. Live, in Cleveland, Columbus, Cincinnati and Toledo.
  2. Instruction by hi-fidelity tape to groups in major Ohio cities.
  3. Special cassette home study course.

27TH CONSECUTIVE YEAR
The smokers felt like outcasts from the law school until the S.B.A. installed the new NICOPATCH™ vending machine in the student cafeteria.