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C-M implements safety measures around building

By Margan Keramati

Three new safety measures will be implemented at C-M as a result of a university-wide safety audit headed by the University Police. The most pressing safety concern with the law building are the number of entrances, the number of personal property thefts, and safety concerns for staff in the Dean’s suite, the library circulation desk, and the student services center, according to Michael Slinger, Associate Dean and Director of the Law Library.

Slinger is working with David Genzen, Director of Technology Operations, and Victoria Plaza, Director of Budget and Administration, to implement new technology to combat these problems.

Dean Slinger said the audit revealed that the entrance on the corner of East 18th Street and Euclid Avenue is the most dangerous entry into the university.

“As a result, the entrance is going to be temporarily converted into an emergency exit until building renovations begin, at which point that entrance will no longer exist. “I’ve talked to a lot of students who have concerns about the safety of that entrance, and most of the thefts that I know about are in that area and in the law library,” Slinger said.

In addition, 16 safety cameras are going to be installed, primarily by exits, and situated in a way to record the identity of a perpetrator before they exit the building.

The relatively great number of building entrances is a concern because people who do not have

Spring 2007 schedule to be changed

By Adam Davis

STAFF WRITER

Cleveland-Marshall College of Law students will now be returning to school one week earlier after winter break than in past years.

C-M faculty recently voted in favor of the change to begin classes in the 2007 spring term one week earlier than classes began this year, moving the starting date to January 8, 2007 from January 15.

In addition to the faculty vote, the change was passed by a majority in the SBA Senate with only one student in opposition.

The senate’s vote reflected the preference of the majority of the C-M student body. Of the 230 students who responded to an e-mail survey regarding the change, 125 supported the proposed change while 105 were in opposition.

The twofold rationale behind

Crotcker, Falk to become deans

By Tiffany Elmore

C-M faculty members and an administrator have been appointed to deanships and will make the transition into their new positions as soon as this summer.

Professor Phyllis Crocker will replace Associate Dean Linda Ammons, who will be leaving after this academic year, and Professor Patricia Falk will become the associate dean for Faculty Development and Student Achievement, a newly created position.

Associate Dean Linda Ammons will be leaving C-M to assume her position as the dean of Widener Law School. She has been a member of the C-M faculty since 1991 and has contributed to the law school’s development and growth as both a professor and as the associate dean of Student Services in the past three years.

Ammons said she has enjoyed her tenure reflecting on highlights such as first-year students experiencing their first week of school, later graduating, and then watching graduates fulfill their dreams. In her absence, her successor will have many responsibilities including planning First Night, First Week (formally “Orientation”) and focusing on the bar passage rate.

When asked how her experiences at C-M have prepared her for her new position, Ammons said that working at the largest law school in Ohio is very helpful in her transition to Widener, which operates on two campuses and is at least twice the size of C-M.

Additionally, she said that her time at C-M as a faculty member and her role in administration have both provided an experience base that has exposed her to resolving many issues contributing to the development of C-M.

Ammons offered words of guidance to C-M students as to how to achieve their goals in law school and their careers.

“Never give up. Do the best you can do and pace yourself,” said Ammons. “There are so many opportunities for C-M grad’s as well as other law students in terms of being able to put to great use this law degree.”

A history of Mideast strife

With the Hamas electoral victory, tensions are as high as ever in the Middle East. The Gavel looks at the history of the Israeli/Palestinian conflict.

LAW, PAGE 3

A new generation of networking

New Web sites facilitate networking among professionals. The Gavel looks at different options and uses of these new means of communication.

OPINION, PAGE 7

C-M students traveled to The Big Easy for spring break to help with the Katrina relief effort. The trip was funded by SBA, DLO, SPILO, WLSA and the C-M administration.

C-M students to New Orleans working with legal and community organizations.

New legislation in South Dakota makes abortion illegal. The Gavel’s columnists weigh the effects that this will have on their respective positions.

BROADSIDE, PAGE 5

New challenge to Roe v. Wade

With the Hamas electoral victory, tensions are as high as ever in the Middle East. The Gavel looks at the history of the Israeli/Palestinian conflict.

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THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW
C-M exceeds Dean’s high expectations

By Geoffrey Mearns

During this first year as the Dean of the law school, I have frequently been asked whether this new job has been what I had expected it to be. The short answer to that question is “yes – and no.” Permit me to explain.

I had expected that the members of the faculty would be devoted teachers and accomplished scholars.

My colleagues here have met that expectation. Indeed, I have found the faculty to be highly motivated and very creative – and dedicated to your education and professional development.

I had expected that our graduates and friends would be loyal and supportive. They have met that expectation. Indeed, their generosity – their willingness to give their time, their talents, and their money – continues to be a solid foundation upon which this law school will build its future. And I had expected that you, our students, would be bright, industrious, and ambitious. You have met that expectation. Indeed, I have found my interactions with you to be professionally rewarding and personally invigorating.

In short, I had high hopes, and the experience has exceeded those expectations.

But there is one aspect of the experience that I did not anticipate. I did not anticipate the depth and intensity of the passionate commitment all of the members of the C-M community feel for this institution and its mission.

For our faculty, this law school is not merely a place to teach and write. It is a place where they come each day to seek and impart knowledge – and to inspire the next generation of lawyers and leaders.

For our staff, this law school is not merely a place to work. It is a place where they come to support and assist our students and faculty. They recognize that service others is a calling – not a job.

For our alumni and friends, this institution is not just a place where one can obtain a law degree. This law school is a community whose members share common values: a commitment to excellence, a commitment to service, and a commitment to justice for all.

And for you, this law school is not merely a place to study law. It is a place where you come each day to be challenged by your professors and your classmates – and to challenge yourselves.

From my observations, you embrace these challenges because you believe doing so will unlock your great potential.

When I was asked to be the Dean of this law school, I was grateful for this special opportunity.

Now, I am quite proud to be a member of this special community.

ISLA hosts first C-M poker game

By Daniel Thiel

The chips have fallen, and C-M now has its first Texas Hold’em Champion, Greg Condra.

The International Law Student Association held their first Texas Holdem style poker tournament on March 23, 2006 in the Garden Room.

About 25 students and faculty members attended the event or participated in the raffle.

Most everyone came early and had to leave at some point to either go to a class or a meeting, and then returned at some point. The tournament saw a lot of action.

Appointment: new role for Professors

Continued from page 1--

“C-M is a good school and it has a fine tradition, and I want to continue its tradition of being open to all kinds of people, all kinds of students from various walks of life because that’s what makes this law school and that’s what makes this community a richer place,” Ammons added.

Dean Ammons is to be succeeded by Professor Phyllis Crocker on July 1.

A member of the C-M faculty since 1984, Crocker obtained tenure in 1999 and currently teaches criminal procedure I and II, capital punishment, civil procedure I and II and criminal law.

Crocker said she decided to make the transition to Dean after learning more about the law school and the university in the context of the search for the new dean and working on the self-study. The study is conducted by the law school as part of the accreditation process that assesses attributes and deficiencies of the law school.

Crocker said she wants to work with students, faculty and staff to make the best legal education available to students.

One initiative she would like to take is forming a new role for Professors Falk has been appointed as the associate dean for Faculty Development and Student Achievement.

Another professor making the transition from the classroom to administration is Professor Falk who has been appointed as the associate dean for Faculty Development and Student Achievement.

Falk has been a member of the C-M faculty since 1991 and her teaching areas include criminal law, evidence, white collar crime, social science and law, psychology of the courtroom, family law, and women and the criminal justice system.

Falk is entering a newly created position. One of the main responsibilities of the position is to address issues related to the performance of C-M students on the Ohio Bar Exam.

She will be working closely with Dean Gary Williams and the Bar Passage Committee in overseeing these matters. She will also continue to teach two courses: white collar crime in the fall and criminal law in the spring.

Falk said the transitioning into this position is a public service.

“Some of us who really care about C-M have to be willing to devote the time and energy to looking at things that could be improved,” Falk said.

In the last few years, she has served as chair of the Faculty Committee on Bar Passage and is familiar with bar-related issues.

This position will be a continuation of her work and experience with the committee.

According to Falk, her goal for faculty development is to make sure that the faculty has the resources they need to do their jobs effectively. Her primary focus for students is on the bar exam, but she will look at other ways to recognize student achievement at the law school.

“We have the award ceremony and graduation duties, but I want to make sure that we recognize student achievement in all of its forms,” Falk said.

Appointment: new role for Professors

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By Shawn Romer

Many people know that something is going on in Israel/Palestine. People need to be aware of the conflict every day in the newspaper with or without a basic understanding of how the issue has developed.

Do these people just inherently hate each other? Are they arguing over religion? Why do they keep killing each other anyway? While the predilection that the conflict has gone on for a long time is correct, it is not inherently about religion. Rather, the history of the Arab/Israeli conflict has a history of land struggles.

Some time between 1800 and 1500 B.C.E., a Semitic people called Hebrews migrated from an ancient Mesopotamia to Canaan near present-day Israel. According to Biblical history, the Israelites under Joshua conquered the Canaan city states, and King David took Jerusalem around 1000 B.C.E. The area would pass from empire to empire, with many Jews leaving, the land being overtaken voluntarily, in 61 B.C.E., Roman troops sacked Jerusalem and named the area Palestine. Many of the former Jewish inhabitants converted, were exiled, or voluntarily left during these periods. Muslims started to convert to Islam in the 7th century, Muslims in the 7th century, Muslims from the Arabian peninsula began conquering and spreading their religion to much of the Middle East and North Africa, conquering Jerusalem around 638 C.E. Many inhabitants converted to Islam, though some who did not were allowed to maintain their religion. Jerusalem became the home of revered religious cites for Muslims as well as Jews and Christians.

This area was subjected to the Crusades in the middle ages and eventually became part of the Ottoman Empire when they assumed control of the Muslims during World War II. The Ottomans maintained control until World War I. Following the Treaty of Versailles, the British assumed control over the area. In the late 19th century, Theodor Herzl wrote The Jewish State, which highlighted the tenets of the Zionist movement aimed at establishing a Jewish homeland. Many Jews began immigrating into the area their ancestors once held. As the Jewish population increased, so did tensions with the native Arab Palestinians. Exodus from pre-Nazi controlled Europe increased tensions and some small-scale fighting broke out. Following World War II, and the revelations of the Holocaust, the Jews of Palestine declared Israel an independent state from Palestine on May 14, 1948.

Armees from various Arab countries by Syria and Egypt attacked Israel which were eventually defeated. In retaliation, Israel took 78 percent of the area west of the Jordan River, well more than allotted via U.N. resolution.

Approximately three million Palestinians fled during this time to neighboring Arab countries, creating the Palestinian diaspora. Arab countries again attacked Israel in 1967, which Israel successfully defended and in the process acquired the Egyptian Sinai and Syrian Golan Heights. Arab armies again attacked in 1973 on Yom Kippur, the holiest of Jewish holidays.

Taking the Israelis by surprise, Arab armies came closer to victory during this war than they ever had but again were ultimately defeated by the heavily American-supported Israelis. America’s support for Israel prompted the Arab Oil Embargo that heavily inflated gas prices in the U.S. and other countries.

In 1979, Jimmy Carter brokered the Camp David Peace Accords in which Arab leaders promised the Arab Oil Embargo that would heavily inflate gas prices in the U.S. and other countries. In 1987, the first intifada (Arabic for “uprising”) began in Israeli occupied West Bank and Gaza Strip.

In 1993 and 1995, the Palestinian Liberation Organization (the acting governing body) and Israel signed the Oslo Peace Accords in an attempt to effectuate U.N. resolutions and turn over the West Bank and Gaza Strip to Palestine. However, during this time and before, many Israelis began to venture into areas of the West Bank, claiming it as their historical and religious right. The peace process mostly stalled.

In 2000, Ariel Sharon visited the Temple Mount in Jerusalem, which is also the site of the Al-Aqsa mosque, one of the holiest sights in Islam. False rumors spread that he entered the mosque, helping to incite the second Palestinian intifada, which for many long stretches brought at least one suicide bombing a day.

In December of 2000, U.S. President Bill Clinton attempted to broker a peace at Camp David II that failed. In 2002, the Arab League of States adopted the Beirut Declaration in which they offered a formalized peace to Israel in exchange for full annexation of the West Bank and Gaza Strip. However, as was the case in previous peace negotiations, the right of return of exiled Palestinians to proper, the fate of Israeli settlements, and control of Jerusalem proved sticking points to the peace process.

In 2003, Israel began erecting a security barrier around certain settlements in the West Bank aimed at keeping Palestinian militants out. Erection divided the West Bank into enclaves that made it difficult if not impossible for some Palestinians to commute to work or access other services, such as hospitals. The International Court of Justice declared the barrier illegal though the U.S. and several E.U. countries rejected the ruling. Israel argued the fence effectively kept their people safe.

In 2004, former Palestinian leader Yasir Arafat died. Many considered him an uncompromising leader who sought to achieve peace with the Palestinians. Many respected him as a leader who fought tirelessly for his people’s cause. The moderate and respected Mahmoud Abbas was elected in his stead and many thought he was forthright for the peace process.

In 2005, Prime Minister Ariel Sharon initiated the unilateral Israeli withdrawal from Gaza. At that time, approximately 1.2 million Palestinians and five thousand Israelis lived there.

In 2006, Palestinians conducted parliamentary elections, electing representatives affiliated with Hamas (the Islamic Resistance Movement) to the majority.

Hamas is listed by the U.S. State Department as a terrorist organization and their official policy advocates the destruction of the Israeli state. However, Hamas also provides a variety of social programs, such as education and food services in areas where official governments are often afraid to venture.

Many believe Hamas’ election will be detrimental to the peace process. Alternatively, some argue that being placed in formal power will force them to legitimate their interests to an extent.

In addition, some contend that the only reason Ariel Sharon was able to initiate the primitive withdrawal from Gaza was because he had the hard-line legitimacy to survive criticisms of capitulation and retreat. Perhaps the same is required on the Palestinian side to make progress from their end, Hamas being the perfect candidate.

Success not determined by first-year job procurement

By Karen Mika
LEGAL WRITING PROFESSOR

When is the best time for a first-year student to begin looking for jobs? Most of the people in my study group have been looking for jobs all semester. I’m starting to get nervous, but I would like to concentrate on finals.

I think one of the primary mistakes that first-year students make is trying to decide whether they’re ultimately going to be during the first week in school. Sometimes you lock yourself into people and situations that prove to be the worst of all possible decisions in the long run.

The same goes for that first summer job. I won’t say don’t keep your eyes open, but I will say, don’t jump too quickly at the first thing that you see because you fear you won’t get anything else.

From my perspective, the economy’s not that bad that every law clerk job (or every ‘good’ one) will be taken by the time the end of the school year hits.

I advise, take your time and see what’s out there, but don’t make the mistake that you truly want to do, check back again a little later to see if there is something more suitable. Also, put all of that on hold if and when you begin your studies.

While the placement director will kill me if I say establishing early employment is overrated, I will say that a poor decision as to where you will be employed could be as bad as not being employed at all.

I will say that sometimes the benefits of a non-legal situation outweigh the benefits that you will derive from a clerking position.

I was involved in two memorable situations where I believe my counter-grain advice worked out for the best. (Remember, this is my column, so I don’t have to discuss where my advice didn’t work out so well.)

The first situation involved a student who was torn between landing her first clerking job and attending a non-legal graduate class in London, England. I suggested England (who wouldn’t?) and it turned out to be the best experience of her life. She is now happily employed in the legal field.

The second situation involved one of our active alumna, Susan Yarb-Peterson, who (during her first year) contemplated doing an enormous amount of future litigation to develop the Constitutional law and high-lighted that fact as an invaluable opportunity for law students in the future.

C-M does not currently have an international program but Professor Paul Williams said, “C-M does offer international options next year.”

C-M expands international options

By Jamie Kerlee
C-M’S LAW SCHOOL

Many C-M students are keenly interested in working out on valuable networking and enriching opportunities.

For example, on March 21, the Greater Cleveland International Lawyers Group presented a luncheon at the Cleveland City Club. For $10, C-M students in attendance enjoyed a complete lunch and benefited from the networking opportunity.

Attendance for this month’s meeting was unusually high as several law students from Case Western Reserve University conga- mingled with C-M students, local law and business practitioners, and guest speaker, Paul Williams.

The topic for discussion held by the GCILG was based on the question: will Iraq survive the transition to democracy?

Williams, a professor at American Uni- versity, 2005 Nobel Peace Prize nominee, and experienced former legal advisor for the Department of State with an expertise in international law addressed the captive audience. He recounted his experience as a pro-bono advisor to the Iraqi’s throughout the drafting of their Constitution.

As Williams explained, Iraq is com- posed of several different political groups which contributed to the many difficulties.

Since Iraq does not have career politicians, the framers of the Iraqi Constitution are a diverse group of “clique professionals” that are donating their time. But Williams noted that conflict is generated by the competing interests brought to the table by the many different political groups.

As the framers worked to put the Constitution together, insurgents continued their efforts to counteract any efforts to unify Iraq as one country.

The repetitive daily theme used to regroup and focus the framers during the convention was to create a government that is composed of Iraqis serving the Iraqis. Iraqis place a great deal of emphasis on their desire to implement a system of government without foreign interference or control.

By Karen Mika
LEGAL WRITING PROFESSOR

The solution to the continued insurgent conflict and resistance to democracy has not yet to emerge.

Williams chucked during the GCILG presentation when he reminisced about the simplistic solution that was promoted by one expert in Iraq’s Constitution.

Expecting more detail, Williams re- members asking if that was it, or if the solution on the slide was just that: Constitu- tion. To Williams’ amusement, the expert suggested that they quickly get to work on the Constitution.

After an articulate and engaging pre- sentation, Williams opened the floor to questions to stimulate thought provoking dialogue. He addressed concerns regarding oil revenues, women’s rights, and the Sab- dam Hussein trial’s impact on the current state of affairs.

Perhaps the most common question on the minds of the audience was finally posed towards the end of the discussion. Is it possible that it will come down to a Civil War in Iraq?

Based on his legal expertise, the out- come of conflicts in the former Yugoslavia and Kosovo, and the broad range of mat- rial Williams authored and co-authored over the past few years, Williams offered a knowledgeable opinion that a Civil War is a very real possibility which could potentially threaten the efforts deployed to frame the Constitution.

But in the meantime, Williams predicts an enormous amount of future litigation to develop the Constitutional law and high- lighted the fact that as an invaluable opportunity for law students in the future.

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But in the meantime, Williams predicts an enormous amount of future litigation to develop the Constitutional law and high- lighted the fact that it is an invaluable opportunity for law students in the future.

C-M does not currently have an interna- tional law concentration available to students. But Professor Mark Sundahl who has become actively involved in promoting international law and associated opportuni- ties at C-M said, ”C-M does offer interna- tional law courses on a regular basis.”

“the law school recognizes the im- portance of including international law in our curriculum and is in the process of expanding our international offerings,” Sundahl said.

This faculty members with interests in international law will double the interna- tional offerings next year.

The new courses will be Public Interna- tional Law and Constitutional Law. As Sundahl noted, the availability of Judaic Law, Islamic Law, and Ancient Athenian Law are also courses that provide students with the opportunity to examine foreign and exotic legal systems.

Despite the fact that C-M does not have an international concentration, the school has achieved great success with the St. Petersburg summer program.

In addition to increased interest and enrollment by M-C students, employment in the program of students across the country has also gone up.

As Sundahl explained, the summer program in Russia gives students the op- portunity to take four condensed courses in international and comparative law during one month, while being submersed in an inspirational environment.

“Taking all of this together, C-M will soon have an international and comparative law program that will certainly compare with that found at Case,” Sundahl said.

It is up to the students to take advantage of the increased international law offerings. Doing so will help to increase the momen- tum of the bidding program.

Sundahl encourages students to take at least one international law course during their law school years because international issues appear in virtually every type of legal practice today.

For students with either an interest in international law or who know nothing about international law, they should check their e-mail for the monthly invitations to the GCILG luncheons that are held the third Tuesday of every month during the academic year.

Not only is it a great way to network with the many active local international law practitioners, but it also signals the students’ interest in developing a competi- tive and reputable international law program at C-M.

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South Dakota legislature criminalizes abortion

**Question:** Will this law be able to overturn Roe or will it strengthen current precedent?

**By Bradley Hull**  
*CNSAVER Gavel Columnist*

The timing of South Dakota's ban on all abortions except those medically necessary to preserve a pregnant woman's life strikes many observers as doomed to fail, given the current makeup of the U.S. Supreme Court. Chief Justice John Roberts and Justice Samuel Alito only create a four-member minority (together with Justices Antonin Scalia and Clarence Thomas) to overturn Roe v. Wade (1973) and supporting decision Casey v. Planned Parenthood (1992), even if they are inclined to disregard those cases as controlling precedent.

The law is certain to be overruled by the current U.S. Supreme Court, thus potentially dealing the movement to overturn Roe a black eye in re-affirming the decision, should South Dakota choose to appeal it that far. However, often overlooked in the abortion debate is the limited role Casey created for the states in defining the existence of the right as "fundamental" and thus protected by the federal Constitution.

It is within this context that the South Dakota law (and other pending bans and restrictions) is a strategic success for the Republican Party in its effort to have Roe overturned, and the issue returned to the states.

Roe held that 14th Amendment "liberty... [which cannot be] deprived without the process of law" includes an unmentioned right of "privacy" which encompasses a woman's decision to terminate her pregnancy pre-fetal viability. Casey silently rejected the "privacy" right, but re-affirmed the central holding of Roe.

Significantly, the Casey joint opinion listed people's reliance on the availability of abortion in organizing intimate relationships, as a "prudential and pragmatic consideration" counseling against the overrule of Roe.

However, by enacting bans and restrictions, the people are thus rejecting abortion in organizing their relationships, undercutting this tenet upon which Roe sits, and providing an easy ground for a later reviewing court to overturn that part of Casey.

It can be freely conceded that a ban on abortion which excepts only those necessary to save a pregnant woman's life is not supported by a majority of Americans (only 17 percent, according to a January 5-8, 2006 CBS News Poll) and will likely marginalize South Dakota's pro-life movement.

However, other proposed bans (such as Louisiana's), which would except abortions in cases of rape and incest in addition to those medically necessary, would be met with greater public support (only 42 percent of Americans would allow abortion beyond these exceptions, according to the same poll).

South Dakota and Louisiana are not alone: states enacted 52 measures restricting access to abortion in 2005 (The Guttmacher Institute), and 29 states received a "D"-range or "F" grades from NARAL Pro-Choice America in its 2006 "Status Report of Reproductive Rights in the United States" for enacting legislation to restrict access to abortion. Further, one can expect many more restrictions in the future, given that only four states currently claim a pro-choice governor and legislative majority.

The Republican Party can only win the "war" to overturn Roe and Casey at the Supreme Court appointment-and-nomination level. However, significant "battles" can be won in state and municipal legislative sessions. Moral disagreements aside, it is an oversimplification to dismiss South Dakota's ban as unwise before the state chooses to appeal it to the U.S. Supreme Court. Republicans cannot be certain when they will have the opportunity to appoint enough justices to the Supreme Court to overturn Roe and Casey.

In the same way that opponents of also-wrongly-decided Plessy v. Ferguson (1896) brought continual legal challenges to weaken the decision until its eventual overturn 58 years later in Brown v. Board of Education, opponents of Roe and Casey must continue to chip away at the foundations of both decisions.

**Liberal rebuttal...**

Do you really think Plessy was decided wrongly because the court interpreted the constitution "wrongly"? Do you actually think it was an objective legal decision, having nothing to do with the racist context of U.S. society at that time?

As historian Howard Zinn has said, the Supreme Court does not define our rights. We define our rights. Do you think that all the legal revolutions of the 1920's Progressive Movement, the New Deal in the 1930's, and the Civil Rights Movement of the 1960's happened because the Supreme Court suddenly started reading the constitution "correctly"?

The majority of historic legal changes in this country were spurred by public pressure. THAT is why the overruling of Plessy is not your touchstone—because the majority of the people support access to abortion.

Why don't you Republicans try giving a damn about the millions of children already in the world that don't have food or shelter or medical care? You want to "protect" an EMBRYO or STEM CELLS - but you'll cut food stamps, Medicaid, student loans, and financially strangle every other public program that actually helps CHILDREN in this country – so you can pay for your corporate tax cuts and a war that is killing thousands of Americans and Iraqi CHILDREN.

How do you sleep at night?

**By Paul Shipp**  
*Liberals Gavel Columnist*

House Bill 1215 makes all abortions illegal with no exception for cases of rape or incest. The only exception is to save the life of the mother.

The majority of Americans think that abortion should be legal. This is a cold, hard, irrefutable fact. As soon as South Dakota governor Mike Rounds signed the bill, several national polls were taken and all reached the same conclusion.

A Pew Research poll was conducted March 8-12 asking 1,400 adults if they would favor a law like South Dakota's in their own state. Fifty-eight percent said no, 34 percent said yes, and eight percent were unsure.

An Associated Press–Ipsos poll conducted February 28 to March 2 asked 1,001 adults their opinion of the legality of abortion. From those polled, 51 percent said abortion should be legal in most cases, while 41 percent said it should be illegal in most cases.

Even a Fox News poll came out in favor of keeping abortion legal. The Fox poll was conducted March 28 to March 1 asking 900 registered voters nationwide whether they would favor the South Dakota law in their state. The results showed that 59 percent would oppose this law in their state, with only 35 percent supporting it.

Now that it is clear we are dealing with a minority viewpoint on abortion, let's look at the legal strategy (or lack thereof). This bill is unconstitutional on its face and the lower courts are bound to apply Supreme Court precedent (Roe and Casey). If the lower courts apply the existing law (as they must), the plaintiffs will likely move for judgment on the pleadings via FRCP 12(c). That should not take long, since the Governor's signing statement admits that this bill is a direct challenge to Roe v. Wade and is thus admittedly unconstitutional. If this case takes longer than a year to go through the courts, you can be sure it is due to a sympathetic trial judge or appellate court stalling the case. Perhaps Governor Rounds, like extremist hate-monger Allegier, will hope to poison Justice Stevens before the case gets there.

The real fun comes when the Supreme Court votes on whether to grant certiorari. There are still 5 pro-Cassey Justices on the Court: Souter, Ginsburg, Kennedy, Stevens, and Breyer. So the court could vote to grant certiorari to reaffirm Casey or just deny certiorari altogether.

Some have pointed to Justice Kennedy's recent vote to allow the partial birth abortion ban as a possible swing vote, but this is a far cry from overturning Casey altogether.

The conservative push to ban abortion for everyone is just another example of the incredible hypocrisy of Republicans in general. Republicans always complain about too much regulation, and push to "get big government out of our lives?" Except of course when it comes to the most personal decisions of our lives, like abortion, contraception, sexual preference, and end-of-life decisions. Then Republicans want the government to tell everybody what to do (see Terry Schiavo). Hey! Why not let the market solve these problems too? Big corporations can profit from abortions just like they do with tobacco, alcohol, pornography, slave labor, environmental pollution, war, and assault weapons! Brilliant!

There is even a push now to ban contraception. Groups like "No Room For Contraception" are lobbying Congress to pass the Health Insurance Marketplace Modernization and Affordability Act, which would allow insurers to ignore state laws mandating contraceptive coverage. Soon, they will outlaw male masturbation – for the wasteful destruction of so many potential lives.

If you oppose abortion personally or because of your faith, then don't have an abortion. That is your personal choice. But where do you get off taking that same choice away from every woman in this country?

**Conservative rebuttal...**

I will rebut your seven sentences actually relevant to our issue with just two of my own. It is too easy to tell how far South Dakota would defend its ban in the legal system, especially given the current Supreme Court makeup. But the strategic benefit for pro-lifers comes from the sheer existence of this ban (and others pending), not from any notion that the Supreme Court would ever uphold it.

Your polls are relevant only to demonstrate PR problems for South Dakota, and not as to constitutional strategy to overturn or uphold Roe. But since we're on the topic, here are the numbers: you missed respondents to a recent AP-Ipsos poll were 50 percent Democrats and 38 percent Republicans. 61 percent of Americans feel abortion should be illegal when the woman cannot afford to raise the child (CNN January 2003), 51 percent of women think abortion is an act of murder (same), and 61 percent of Americans feel abortion should not be legal. 51 percent of Americans feel abortion should not be legal in most cases, while 16 percent (a Statehouse poll) feel abortion should be legal in most cases. 42 percent of Republicans oppose abortion-on-demand standard.

Your more "colorable" arguments are off-topic. Also, might I recommend a biology refresher course?

Vote Blackwell 2006.
By Kurt Favver

SBA President

Dear Students,

As the semester draws to a close, I would like to inform you of all of some of the great things the Student Bar Association is doing to benefit the student body and the law school.

I am pleased to announce that your SBA donated $25,000 to the Wolstein Scholarship fund on behalf of the student body.

As some of you may know, Mrs. Iris Wolstein will match, up to $1.25 million dollars, all money donated. Therefore, our contribution will result in $50,000 worth in scholarships for C-M students. We thank Mrs. Wolstein for her generosity and commitment to the student body.

I would also like to thank the entire Student Bar Association Senate for approving this gift, as well as the Wolstein Scholarship Committee, composed of Nadine Ezzie, Scott Kuboff, Mandy Schraeder, Greg Condra, Matt Mishak and Eric Allain for their time and effort.

I am extremely confident that this gift will inspire others in the C-M community to donate to the scholarship fund.

In addition, your SBA unanimously approved a resolution to support national wide efforts to formulate Loan Repayment Assistance Programs (LRAP). These programs exist to provide financial assistance to lawyers pursuing careers in public service.

Though C-M already has an LRAP program, the American Bar Association Law Student Division has asked SBA's throughout the country to pass similar resolutions to encourage all law schools to formulate such programs.

I am proud that we will be lending our support and voice to such a worthy cause.

Furthermore, the Student Bar Association has formally created an award in honor of Professor Werber, who will be retiring after 36 years of service.

The award is entitled the “Stephen J. Werber Collegial Integrity Award,” and will be given to one student who has demonstrated high character, integrity, and an outstanding commitment to C-M and/or the surrounding community.

I would like to personally thank Matt Mishak and Eric Allain for their hard work in developing this award.

Finally, your SBA approved an amendment to our constitution that creates a “Part-time Student Committee.” This standing committee was established to ensure that C-M's part-time students are given a stronger voice in the Student Bar Association.

I would like to personally thank Scott Kuboff for drafting this amendment and proposing it to the Senate.

As always, if you have any questions, please feel free to contact me.

By Kurt Favver

SBA President

April 2006

Could this policy compromise C-M’s dedication to providing opportunity?

C-M to begin class size reduction

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

It’s hard to believe that the “worst year” of law school is almost over. We only have a little over a month and a half before we’re off of passage out of the 1L Life.

I don’t know if it is better or worse. After this semester we are expected to be responsible and become serious about our career choices (which basically means we have to look for real jobs).

Life has finally broken it’s pesky eight months. These past eight months have taken us right back to high school except that now we’re allowed into bars. Admittedly some of us have been thrown out, or rather fallen out of one this past semester.

Life as a 1L has its moments. Since we’re not allowed to work, what better way to spend our precious free time then to win our friends loan money at the Wednesday poker games. The 1L life also ensures that at least three intra-section romances will keep you busy, especially when the time comes to pick your date for Barriers.

Overall, we have got to have the best class to ever go through the doors at C-M. What other class has had higher credentials and credits, and at the same time organized so much extracurricular fun. Jello anyone? Tackle football in Lakeview? Christmas Ale lunch? Trips to New Orlean’s? No way.

“The 1L life also ensures that at least three intra-section romances will keep you busy, especially when the time comes to pick your date for Barriers.”

The administration maintains that any such fears are unfounded.

They cite the Legal Career Opportunity Program (LCOP) as C-M’s true source of opportunity for marginalized students.

The LCOP is “an admissions program for applicants who have encountered adversity which negatively impacted their traditional academic indicators (i.e. LSAT scores and/or undergraduate grades) but whose background and experience warrant additional consideration.”

This is an exceptional program with commendable humanitarian goals. Approximately 10 percent of every first-year class is admitted through the LCOP. The administration does not anticipate any decrease in that percentage.

With standard admissions numbers having decreased, more applicants may try the LCOP route as a backdoor into C-M.

This could lead to a crowded LCOP pool in which many deserving students who would have been previously admitted are now turned away in favor of less deserving students with only marginally higher GPAs and LSAT scores.

No matter, Dean Geoffrey Mearns remains optimistic about the changes. “For over 100 years, this law school has been both a law school of opportunity and a law school of excellence,” said Mearns. “The plan to raise admissions standards will simply ensure that this law school embodies both of these attributes in the future.”

Whether Dean Mearns’ confidence is well founded remains to be seen. Only one thing is certain: over the next several years, C-M is going to get a lot smaller, for better or for worse.
Students aid in Katrina relief effort

By Chris Tibaldi
GAVEL CONTRIBUTOR
The C-M group arrived about 1 p.m., New Orleans time on Sunday, March 11. We were exhausted from a 17 hour car trip through the night, but anxious to see the city and any improvements that had been made (OK - we really went to Bourbon Street and had a Hurricane - yes they still have a drink called that on Bourbon Street!). We had to go to a meeting organized by the Student Hurricane Network at some fancy law firm downtown. After eating the food, having a drink and meeting a few people from other law schools, we finally got down to business.

The gist of it was this: many people were still sitting in a jail cell six months later, for misdemeanors or petty crimes because the legal system was so disorganized that no one had figured out a way to get them out. We assumed these are the poorest citizens in New Orleans.

On Monday, we broke into two groups: one was to do legal work, hopefully helping some of the people still stuck in jail cells; the other was to work for Acorn, a group similar to Habitat for Humanity, only instead of building houses, we would be gutting them. I was to be in the group doing the gutting work. We finally found the office and our group leader for the week. He took us to a house in the Ninth Ward, a poor area of town, and unfortunately, the hardest hit by Katrina. Sitting in the van, we could see run-down, small homes that were devastated by Katrina. We first saw a volunteer in his full body suit walking by us with a dead rat in his hand. We donned our new uniforms for the week: suit, gloves and mask. Inside the house it was dark, dirty and almost gutted. One of our guides pulled nails out of his hand.

All of the sudden we were off to another house. The next house we got to was in a middle class neighborhood. We got into the work, and at the end of the afternoon it occurred to us that there was very little action around the city. Where were the contractors? Where were the government workers? Where was the clean up? After 6 months, is this it? One deserted area after another. The legal work also had its share of frustrations. The first day there was a lot of talk and little action.

The volunteers were finally starting to do some data entry by Tuesday afternoon. They were to create a new database of people enshrined in the system. Although the Sheriff supposedly had this info, he would not share it with the legal community, and they had to do a lot of paper work.

Some of the girls felt like this work would be helpful, but I couldn’t help but get the feeling that it really lacked a hands-on feeling, and it was unorganized, which left some with the feeling that some of the work the may not be used to help anybody. So, really, what’s going on there? Well, how can words describe a place that encompasses disaster, poverty and desertion?

The people of New Orleans are raw with sadness and anger. Maybe some of it is misplaced, because really, no one could stop Katrina. This catastrophic event has almost become an obsession for the citizens of New Orleans. Everyday on my trip I read their paper, and each and every page was filled with articles about Katrina in some way. It made one feel helpless. Although we did help as much as we could in a week, gutting one house really did feel like it was just a drop in the bucket.

Did we help? Is it hopeless? Congress is still debating how much money to disperse to victims of Katrina. In the meantime, nothing much is getting done. If you’d like to e-mail your representative to urge them to quickly rebuild this historic city, here are the addresses: www.congress. com/write.html and for senators, www.voinovich.senate.gov/ contract/index.htm and www.dewine.senate. gov/
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