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## 2006 Vol. 55 No. 2

Cleveland-Marshall College of Law

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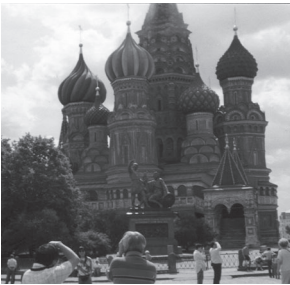
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Student view: Russia v. U.S.



C-M second-year student Chuck Northcutt spent last summer studying at the St. Petersburg Law Institute. He contrasts the personal liberties in Russia with those in the United States.

OPINION, PAGE 10

Ohio votes on minimum wage

Issue 2 proposes to raise the minimum wage from \$5.15 to \$6.85. The Gavel columnists debate whether this issue will be good for the State of Ohio.

BROADSIDE, PAGE 7



Changes in C-M law clinic

The former Community Advocacy Clinic is now called the Urban Development Law Clinic. The Gavel discusses the reasons for the name change and student work in the clinic.

LAW, PAGE 4



THE GAVEL

VOLUME 55, ISSUE 2 NOVEMBER 2006 THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

C-M prepares for building renovations

**By Joanna Evans**  
STAFF WRITER

In a few months, C-M will begin a major renovation and expansion project to create new facilities, large open spaces, and more accessibility. The total budget for the project is approximately \$8.8 million.

Completion of the renovation and expansion project is scheduled to take 9 to 12 months. Construction is set to begin right after the first of the year and end around the same time next year.

“The major construction in terms of knocking down walls or digging foundations probably will be in the March or April time-frame,” said Cleveland-Marshall College of Law Dean Geoffrey S. Mearns.

The largest and most visible aspect of the project includes extending the law school building

See **RENOVATION**, page 3



First-year law students celebrate at the Halloween social held at Panini's Gateway on October 27, 2006.

The annual Halloween social was sponsored by the Student Bar Association and Barbri. Prizes were awarded for Scariest, Funniest, Saggiest and Best Overall costumes.

C-M students oppose “cocaine” energy drink

**By Tiffany Elmore**  
STAFF WRITER

“Cocaine” is making headlines – the energy drink, that is.

Cocaine is the newest arrival to the energy drink market and has been greeted with public scrutiny since its introduction last month. Cocaine, manufactured by Redux Beverages in Las Vegas, is marketed as “the legal alternative” to the illegal drug, according to its Web site, drinkcocaine.com.

In a September 18, 2006, ABC online article, James Kirby, founder of Redux Beverages, stated that he thought of the name during a late-night brainstorming session and admits the name “is fun.”

The name has generated public concern, particularly among the C-M community. On Oct. 10, Professor Michael Davis and five students filed a Notice of Opposition with the U.S. Trademark

Trial and Appeal Board against the trademark request for the name “Cocaine.”

Professor Davis and C-M students filed the Opposition on behalf of the Progressive Intellectual Property Law Association, PIPLA, and Americans for Drug Free Youth, Inc., AFDFY.

The Opposition states that the name, “glorifies and normalizes the illegal drug cocaine in direct opposition with [the] battle against drug use.”

It further states, “The registration of the [Cocaine trademark] for a consumable product ignores the prohibition of registering a [trademark] that consists of immoral or scandalous matter.”

Kirby filed a request for the trademark this past March and received preliminary approval by the U.S. Patent and Trade Office, according to a Oct. 11, 2006, article

See **COCAINE**, page 3



C-M's July 2006 Bar Passage Rates

	2005		2006	
	First Time	Overall	First Time	Overall
Capital:	79%	68%	87%	76%
CWRU	85%	81%	86%	82%
CSU:	72%	60%	84%	75%
Ohio Northern:	84%	70%	81%	70%
OSU:	90%	90%	84%	83%
Akron:	83%	76%	83%	74%
Cincinnati:	88%	83%	93%	92%
Dayton:	81%	78%	78%	74%
Toledo:	81%	76%	93%	84%

Ohio votes on smoking issues

**By Ben Wiborg**  
STAFF WRITER

On the Nov. 7 ballot, Ohioans will have the opportunity to vote on two smoking-related laws, Issue 4 and Issue 5.

Issue 4 is known as “Smoke Less Ohio.” It is a constitutional amendment that will allow smoking in restaurants, bars, bowling alleys, bingo halls, and many other buildings where minors are not present.

Issue 5 is entitled “Smoke-FreeOhio.” SmokeFreeOhio is a proposed statewide law that will prohibit smoking in most public places including restaurants, bars, bowling alleys, and bingo halls.

SmokeFreeOhio is supported by 562 organizations including the American Cancer Society, American Lung Association, League

of Women Voters of Ohio, Ohio Asthma Coalition, and the Ohio United Way.

Smoke Less Ohio’s major supporters are R.J. Reynolds Tobacco Company, Cigar Association of America, Ohio Council of Retail Merchants, Ohio Restaurant Association, and the Ohio Licensed Beverage Association.

Smoke Less Ohio is a constitutional amendment. If both proposals are passed the amendment will preempt SmokeFreeOhio. If Smoke Less Ohio is passed it will overturn around 20 local smoking prohibitions.

Succinctly, Issue 4 mostly allows smoking in public places, and Issue 5 mostly prohibits it. Proponents of either SmokeFreeOhio or Smoke Less Ohio have made strong arguments in support of

their side.

Supporters of SmokeFreeOhio argue that any amount of secondhand smoke is dangerous. According to a comprehensive report on the effects of secondhand smoke issued by U.S. Surgeon General Richard H. Carmona, the health effects of secondhand smoke exposure are more pervasive than was previously thought.

“The scientific evidence is now indisputable: secondhand smoke is not a mere annoyance. It is a serious health hazard that can lead to disease and premature death in children and nonsmoking adults,” the report stated.

According to a newsletter released by SmokeFreeOhio, Tracy Sabetta, co-chair of SmokeFreeOhio, believes that the U.S. Surgeon

See **SMOKING**, page 2



## Dean urges attendance at speaker series

By Geoffrey Mearns

Here at C-M, there are many ways to enrich your educational experience. There are lots of courses and seminars from which to choose. There are several clinics, which enable you to gain valuable practical experience. And there are many externships, which offer you a chance to learn about the practice of law in the “real” world.



The Dean's Column

But there is another resource available to you, our students: the public lectures that we offer here. From my personal observations, I don't think enough of our students take advantage of these educational opportunities. So, I am devoting this column to a brief description of these offerings in the hope that it will prompt you to come listen, ask questions, and learn.

Each year, our Visiting Scholar Program offers our students and the legal community an opportunity to meet and hear some of the world's most distinguished legal scholars—men and women whose scholarship expand our knowledge of the law and refine our notion of justice.

Past speakers have included U.S. Supreme Court Justices, civil rights leaders, legal historians, legal philosophers, and distinguished practitioners.

For example, we have hosted Justices Blackmun and Scalia, former U.S. Attorney General Archibald Cox, linguist and political commentator Noam Chomsky, novelist and death-penalty abolitionist Scott Turow, and civil rights leaders Derrick Bell and Emma Coleman Jordan.

There have been conferences and lectures on the three trials of Dr. Sam Shepard, on gender and victim rights, on global human rights, on the “death tax,” and on a variety of employment rights issues.

In 1999, six years before I became dean, I participated in a symposium on high-profile criminal cases. The panel discussion focused on the trial of Terry Nichols, one of the two men convicted for bombing the federal building in Oklahoma City. I was one of the prosecutors in that case. Professor Adam Thurschwell, who organized and participated on the panel, was one of the lawyers who represented Nichols. That experience was my introduction to this community of students and scholars.

This year, you have already had a chance to hear one of the country's foremost forensic psychiatrists, Dr. Philip Resnick. And I hope you heard Professor Gerald Torres discuss the role that social movements have played in making American democracy the representative government it was meant to be.

There are still many more lectures this academic year:

**November 14, 2006** – Professor Toni Williams, who is a criminal law scholar at Osgoode Hall, will speak about disparities in the sentencing of indigenous peoples and other minority populations in Canada; this lecture is the second of three in the annual Criminal Justice Forum.

**February 15, 2007** – Ronald J. James, the country's first Chief Human Capital Officer in the Department of Homeland Security, will discuss how the attacks of

## Speaker advises 2Ls on bar application

Margan Keramati  
Co-EDITOR-IN-CHIEF

Lee Ann Ward, Admissions Manager at the Supreme Court of Ohio, spoke to C-M students on Oct. 5, about the two-step process necessary to sit for Ohio's Bar Exam, specifically about “character and fitness,” which is the most complex portion of the application.

To be admitted to Ohio's bar, an applicant must be twenty-one years of age, hold a B.A. from an accredited college, have a J.D. from an ABA law school, be approved of character and fitness, pass the MPRE, pass the bar exam, and take an oath of office.

The bar exam is offered twice a year in July and February.

The deadline for the character and fitness portion of the bar application is Nov. 15 of an applicant's second calendar year of law school. This portion of the application can be filed later, but a student will incur substantial late fees, Ward said.

If filed on time, an applicant must send a \$60 check to the Supreme Court of Ohio and a \$150

check to the National Council of Bar Examiners, creators of the multi-state portion of the bar.

The Supreme Court requires an additional \$150 for applications sent after Nov. 15, and NCBE charges an additional \$50.

To take a July exam, a student must be registered by the preceding Jan. 15, and to take a Feb. exam, the student must register by the preceding Aug. 15.

A character and fitness application is considered “on time” as long as each component of the application is received by the Supreme Court of Ohio by Nov. 15, not postmarked by Nov. 15, Ward stressed.

The packet that needs to be sent to Columbus includes the character questionnaire, signed and notarized, a certified copy of an applicant's college transcript, a certificate from a C-M dean confirming the applicant's start of law school, a signed release, a finger print card, and the processing fees.

Once a character and fitness application is considered complete, a law admissions special-

ist begins to process it.

“An application has to have major errors with it for it to be returned to an applicant,” said Ward. “If you make those major mistakes, then you don't meet the filing deadline.”

Processing by the bar admissions office takes about a month, Ward said. Afterwards, an application is forwarded to NCBE for verification, background investigation, and reference checks that can take between two and four months.

NCBE's report is returned to an applicant's local bar association admission committee. The admissions committee contacts applicants for personal interviews.

The interviews are conducted by at least two members of the admission committee.

After the interview is completed, an applicant will either be approved, approved with qualifications, or disapproved.

According to Ward, an application is approved with qualifications in situations where someone has substance or alcohol abuse problems, is seeking treatment, but has only been in

treatment for a short time.

Supreme Court of Ohio Justices become involved in the application process only when an application is recommended for disapproval or when the applicant is a convicted felon. The vast majority of applicants are approved, Ward said.

Students' most common questions concern the detailed information requested in the character questionnaire.

“We realize we are asking for detailed information, but we ask you to make an attempt to find the information,” said Ward. “If there are things you can't find, we ask you to tell us you can't find it because if you leave gaps or blanks, we don't know if you forgot to fill in the information, or you can't get the information.”

“The character and fitness process can be quite lengthy,” said Ward. “The second-year deadline gives sufficient time for thoughtful review of an application before the bar exam.”

Information about the character and fitness application is available at [www.sconet.state.oh.us](http://www.sconet.state.oh.us).

## Smoking: Ohio debates smoking bans

Continued from page 1--

General's report confirms the dangers of secondhand smoke, “[The report] also reinforces that the best way to offer protection from secondhand smoke is with a statewide law that applies equally to all businesses. SmokeFreeOhio is eager to give Ohio voters the opportunity to vote to protect their right to breathe clean indoor air this November,” the newsletter added.

Smoke Less Ohio supporters argue that Issue 5 will have a negative affect on restaurant and bar owners, according to a press release issued on Oct. 5, 2006.

“I worry about the effects of a statewide ban could have on our economy and my business. That's why I support the reasonable policy of Smoke Less Ohio,” said Patricia Bowler of Pat Dee's Pub and Eatery in the press release.

In support of their claim, proponents of Smoke Less Ohio allege that bars and restaurants in Columbus, Ohio, suffered a drop in business as a result of a citywide smoking ban.

SmokeFreeOhio supporters responded by saying that the smokers have gone to suburban bars where smoking is allowed. Those in favor of SmokeFreeOhio say that a statewide smoking ban would level the planning field and the smokers would return to the city

bars and no loss of business would occur.

Those in favor of Smoke Less Ohio say that they are concerned about the health aspects of smoking, but they are also worried about the loss of individual freedom of business owners and patrons that would result from an over the line smoking ban.

SmokeFreeOhio supporters say that it would be good public policy to allow business owners to decide whether or not smoking should be permitted.

Supporters of SmokeFreeOhio argue that Issue 4, Smoke Less Ohio, is very deceiving. They state that Smoke Less Ohio does not limit smoking but would rather support and encourage smoking by permanently allowing it in public places. SmokeFreeOhio supporters argue that Issue 4 is a big tobacco initiative aimed at ensuring smoking for the foreseeable future.

Issue 5 supporters argue that the Smoke Less Ohio television advertisements are deceiving because the ads give the impression that Issue 4 is doing a good thing by banning smoking in 90 percent of public places. But in reality they are prohibiting smoking in places that already do not allow smoking such as schools, grocery stores, airports, and museums. Issue 5 supporters state that the advertisements forget to tell you that smoking will be allowed in bars and restaurants if Issue 4 is passed.

September 11<sup>th</sup> have transformed public sector employment; this lecture is the second of three in the annual Employment and Labor Law Speakers Series.

**March 6, 2007** – Professor Thomas Carbonneau, a law professor at Penn State University, will be here as the 84th Cleveland-Marshall Fund Visiting Scholar; he will speak about the role of judicial doctrine in arbitration; this lecture is being underwritten by BBP Partners, a boutique consulting and accounting firm.

**March 22, 2007** – Professor Susan Bandes, a law professor from DePaul University, will discuss crimes that are so horrible that the accused may not be able to

receive a fair trial.

**March 29, 2007** – Professor Kimberly Yuracko, a law professor from Northwestern University, will discuss “trait discrimination” and its affect on Title VII of the Civil Rights Law; this lecture is sponsored by Duvin, Cahn & Hutton, a prominent labor and employment law firm.

Many practicing attorneys attend our lectures, which are free and open to the public. But you – our students – are the audience that our speakers prize the most. So, I encourage you to join us for these presentations.

I also encourage you to attend the C-M Faculty Speakers Series. These lectures are

held approximately three times each semester in the Student Services Center. These presentations showcase to our students the scholarly and professional interests of our faculty. These presentations are designed to foster a sense of community and to answer a question that students often ask: what do our professors write and think about?

Each one of these lectures is like a short course – but without the anxiety of an exam or a grade. Indeed, these lectures provide you with an opportunity to critique the faculty.

In short, take full advantage of these many and varied opportunities. You will be glad that you did.

# Visiting Scholar Gerald Torres shares philosophy

**By Paul Deegan**  
STAFF WRITER

On Oct. 10, Professor Gerald Torres gave a presentation entitled *Social Movements and Law Making* as part of the 83<sup>rd</sup> C-M Fund Visiting Scholar series for both students and local attorneys.

Torres’ lecture dealt with the interconnectedness between law making, legal change, and meaning making.

As a nation, some of our laws do not accurately represent the actual meanings people attribute to things within our culture, but Torres attempts to bridge that gap with new ideas to create a more effective democracy.

“My ambition is to jumpstart a broader and more interdisciplinary conversation among legal scholars, social scientists, and historians about the process through which popular mobilization makes meanings that are then codified in law,” Torres said.



Professor Gerald Torres lectures during his presentation as part of the C-M Fund Visiting Scholar series.

Torres and his colleague, Lani Guinier, have brought up this conversation to develop a new field of study, which Torres and Guinier have coined *Demosprudence*. Torres is the first to admit the ugly word belies its true meaning.

Torres and Guinier define *Demospru-*

continued Torres. Ordinary people create an initial rule shift and change the baseline understanding, not the courts and legislatures.

Torres does not believe the law should be the exclusive domain of lawyers who practice law. Many people can “do” law

dence as “a philosophy, a methodology, and a practice that views lawmaking from the perspective of informal democratic mobilizations and disruptive social movements that serve to make formal institutions, including those that regulate legal culture, more democratic.”

Torres posits that it is ordinary people not just judges and legislatures, who create law.

As a philosophy, “The law belongs to all of us, it is too important to have it in the hands of the elite,” Torres said.

“Legislatures and courts change rules, but there is no real meaning until the culture changes to incorporate those rules,”

by participating in social movements, Torres said.

Social movements may be failures when they occur, but they contribute to the creation of new meanings that are the foundation of new laws.

People ought to have a way to engage institutions of power. Large groups of people are powerful, but effective participation is the key.

Groups of people have a “linked fate” to other groups. Once the “linked fate” is recognized, the groups can merge to become even more powerful, Torres said.

Torres gave a few examples of this phenomenon in his lecture.

He described how groups of people, diverse in heritage, came together to stand up against forces that hoped to turn their park into an industrial area.

They came together for mutual benefit and their influence overcame the industrial interest. Torres said that this type of effective participation is important to an effective democracy.

Professor Torres did not offer a conclusion at the end of his lecture. Instead, he said he is motivated by his audience and hopes to stimulate questions and debate.

“I learn more from my audience than my audience does from me,” Torres said.

Professor Gerald Torres is the Bryant Smith chair in law at The University of Texas Austin and is a visiting professor at Harvard Law School this academic year.

C-M is hosting another Visiting Scholar event on Nov. 14.

## Correction

- On page 3 of the September 2006 issue, The Gavel incorrectly identified the author of the Justin Vanderburg article as Techa Foster. The correct name of the author should be Tesha Parker.

## Cocaine: trademark class challenges name

Continued from page 1--

in *The Plain Dealer*. After a trademark request has been published, the public has thirty days to file an opposition. If no one files an opposition, then the trademark request is approved, stated the article.

Kirby and Redux Beverages have 40 days to answer C-M’s Opposition.

Cocaine’s Web site indicated that several retailers in New York, Florida, and California began selling the energy drink.

New York lawmakers have called for a boycott on the sale of the beverage, according to an Oct. 3, 2006, article in *The New York Times*. Many believe that the energy drink will act as a catalyst to illegal drug abuse, especially in today’s youth. They argue that the mere promotion of the product name will induce more drug use and combat national drug prevention efforts.

“I can think of no other product except real cocaine that could have that effect on the public,” said Kirby to the *New York Post* in a Sep. 17, 2006, article.

The energy drink comes in an 8.4 fluid ounce can and contains 280 milligrams of caffeine, states Cocaine’s Web site. Cocaine will give a person a “high” feeling that is followed 15 minutes later by a caffeine boost that will last five to six hours.

The company claims Cocaine is “350 percent stronger than Red Bull” and uses simple sugars and vitamin B12 so drinkers will get the full energy buzz without experiencing the sugar-crash associated with other energy drink, according to its Web site.

Redux also added a secret ingredient in the beverage that produces a numbing sensation in the throat similar to the effects of the illegal drug, according to the ABC online article. The company offers a number of Cocaine and alcohol recipe combinations on its Web site with names like “Liquid Cocaine” and “Cocaine Snort. “ The company, however, goes on to state that it does not advocate drug use.

Currently, the product is advertised on myspace.com with significant adolescent and teen exposure and may eventually include other national markets like Amazon.com and E-Bay. The company plans to extend its distribution in clubs and retail stores nationwide by the end of the year.

## Renovations: construction to be complete by spring semester 2008

Continued from page 1--

and creating a new entrance. The new entrance, made entirely of glass and small steel support, will be located at the corner of E. 18<sup>th</sup> and Euclid Ave.

“Because the whole entrance is going to be glass and small steel support, there is going to be a lot of natural light streaming into the area,” Mearns said. To the right and the left of the new entrance will be a lounge and gathering space surrounded by landscaping.

A new conference room with two glass walls will be constructed on the first floor of the extended portion of the C-M building. On the second floor, there will be a large gathering space for students with tables and chairs.

The upcoming construction project also includes interior renovations for the garden terrace room located in the building’s basement.

In this space, there will be three new seminar rooms, a faculty presentation room, a new student organization suite, and a larger law clinic.

Some student organizations

will be displaced during the renovations, but they will be temporarily relocated to LB 120 in the library.

Student organizations moved to the library will only have access to their respective offices during library hours.

Student Bar Association President Scott Kuboff thinks that temporary displacement of student organizations in the library will give those student organizations an idea of how their offices will be set up after renovations are complete.

“In some sense, we are going to get to have an idea of what the new student organization suite is going to be like because it is going to be an open work space for the student organizations and the SBA will have its office off to the side,” Kuboff said.

To help address questions, complaints and concerns related to the renovation project, SBA is putting together a “building renovation task force,” Kuboff said.

“The Task Force will be used as a general liaison between students and the administration regarding student concerns,” said Kuboff. “So if there are any safety concerns or complaints, we will take them and move them forward

to the appropriate persons.”

If construction is going on during the exam period, it will not take place in areas that will affect students who are taking exams, Mearns said.

However, should complaints arise that construction is disruptive, contingency plans will be developed, Mearns added.

Other interior renovations include making the well of the moot court room handicapped accessible and rebuilding the four law school heating, ventilation and air conditioning (HVAC) units with the goal of optimum functioning and improved airflow.

Since rebuilding these systems means that there will be periods of time when there will be no HVAC in the law school, rebuilding will take place during the summer of 2007.

Summer semester classes will be relocated to other CSU buildings.

“I believe students are going to be extremely pleased with the changes in the building,” said Kuboff. “It is going to be an open and inviting space that is going to be perfect for unwinding after class, meeting with friends, and even just reading a book here and there.”



## Outlining advice for first years

By Karen Mika

LEGAL WRITING PROFESSOR

*People keep telling me I should be outlining all throughout the semester, but I hardly know what's going on to be able to outline it. Is it best to put things together as you go along, or at the end of the semester when you have a chance to concentrate outside of the day-to-day preparation of class?*

Different people have different learning styles and are able to “master” information in varying increments.

One of the misapprehensions about law school, and maybe about learning in general, is that an outline is this thing with definitive rules and that once you write it down on paper it's permanent and unchangeable – even if it's later discovered to be incorrect.

An outline is no more than a processing of information that

### Legal Writing

enables each individual to put some organization to what he/she has learned.

It is a tool to organize an individual's thoughts rather than this creation (looking something like Gilbert's) that has every conceivable correct answer to a test question.

To that end, the answer to your question is that it's best to do both – every once in a while, take a step back and organize what you think you've learned, even if it doesn't seem to be a whole lot, and then when the semester is over, try to organize the larger picture of the full semester's material.

Additionally, there's nothing wrong with organizing your material in conjunction with a commercial publication, such as a Hornbook or Gilbert's outline, just so long as you use the materials only to clear up what you might be confused about rather than to eliminate the work involved in creating your own outline.

I might note that I have seen a variety of ways that students have used in preparing for exams.

I, personally, had only a sketchy one-page outline of each course that jogged my memory about a case or lecture.

I also had friends who learned by writing and re-writing text from lectures, supplements, and other materials winding up with outlines well over 200 pages per class.

I also had friends who tested successfully using no written outlines whatsoever.

However, keep in mind that these latter people did not actually skip outlining. They merely processed and parceled the knowledge as it came in and constructed their outlines mentally.

It all comes down to the same thing – organizing information in a way that is best for you the individual to access in an exam setting.

## Journal forum discusses drug plan

By Margo Moore

GAVEL CONTRIBUTOR

C-M Journal of Law and Health kicked off its annual lecture series Sept. 29 with a dynamic and well-attended Medicare roundtable.

The Journal's *The New Medicare Drug Plan: Puzzle or Prescription for Health?* provided a unique opportunity for insurance, medical, and legal experts to come together and inform the community about the complexities of the new Medicare prescription drug benefit, Medicare Part D.

Medicare Part D is the new federal program created to aid Medicare recipients, mostly seniors, with skyrocketing prescription drug costs.

“The speakers provided a lively debate amongst themselves and involved the audi-

ence in the discussion,” Priya Krishna, the Journal's Co-Editor-in-Chief, said.

The new plan went into effect January 1 of this year, but many Medicare beneficiaries still have not signed up to receive prescription drugs benefits. Part D has several plans to choose from, and some argue that the information available to consumers can be baffling.

At the first Journal lecture of the year, a group of four panelists brought a unique perspective on the daunting Medicare plan and then answered questions.

Speakers included Douglas Anderson from the Ohio Department of Insurance Executive Counsel; Alice Palmer, M.S.W., from the Cleveland Clinic Department of Social Work and Child Life; Stanley Ballou, M.D., from the MetroHealth

Department of Rheumatology; and Elizabeth Thames, a representative form Congressman Sherrod Brown's office.

The forum was provided at no cost to the public, and three free hours of CLE credit were available. The speakers offered their own perspectives on the current law, as well as their opinions on the positive and negative aspects of Medicare Plan D.

“This event was also a good start to the Journal's annual Speaker Series, which includes two more events in the spring,” Austin McGuan, the Journal's other Co-Editor-in-Chief, said.

The *Journal of Law and Health* sponsors speaker events throughout the academic year. The series continues this spring with two prominent presenters.

On Tuesday, Feb. 20, 2007, the *Journal* will welcome back

Joseph R. Lex, M.D., and Director of the Department of Emergency Medicine at Temple University Hospital.

Dr. Lex will present *The FDA: A Watchdog that Doesn't Bite and Has No Incentive to Bark*. Dr. Lex lectures around the world and has published numerous articles. Last year, Dr. Lex spoke about the physician-pharmaceutical industry relationship. That lecture is available in Volume 18; Issue 2 of the *Journal* (18 J.L. & Health 323). Also, the *Journal* welcomes back professor Deborah W. Denno, J.D., Ph. D.

Professor Denno will introduce *Legal Implications of Research on Genetics and Crime*. Professor Denno is from Fordham University School of Law and is a distinguished Arthur A. Givney Professor of Law.

## Law clinic offers experience for students

By Emily Honsa

GAVEL CONTRIBUTOR

The innocuous phrase “2-5 years experience required,” haunts many law students in their job search as first-time attorneys.

For C-M students, one answer to this hurdle is the Urban Development Law Clinic (UDLC), also known by its former name, the Community Advocacy Clinic.

The name change is part of the clinic's efforts to “indicate more clearly the nature of the Clinic's practice,” according to a press release issued by the UDLC.

UDLC started as an offshoot of the Law and Public Policy Clinic to serve the legal needs of local non-profit organizations.

The director of the clinic is a planning law expert, Professor Alan Weinstein. Kermit Lind, primary staff attorney, supervises students. Pamela Daiker-Middaugh, director of C-M's pro bono program and Carole O. Heyward also supervise as staff attorneys.

The majority of the clinic's work for clients is in the realm of urban development issues and real property law.

Some of the clinic's practice areas include non-profit corporate governance, affordable housing, community development, code enforcement and nuisance abatement.

Students are required to be in good standing, have completed at least half of the credits required to graduate, submit an application form, and sit for an interview conducted by one of the clinic's attorneys.

First-semester students are responsible for research and participating in training activities.

“First semester, the purpose is to break students in to learning about neighborhood issues in Cleveland and especially those that specifically affect our clients,” said second-semester student Brad Hull.

He and other second-semester students prepared a tour of a Cleveland neighborhood for first-semester students.

Second-semester students are left primarily to do their own work with the assistance of other students.

Review is available by the supervising attorneys, but the participants are largely

responsible for their own client service.

Irina Vinogradsky, a second-semester student, decided to participate after interviewing with a law firm where it was made clear that first-year associates are responsible for billing an impressive amount of hours. She wanted to arm herself with practical work experience to compete on such a scale, Vinogradsky said.

The clinic gives students the opportunity to actually practice law, learn how to seek clients, and learn to do billing, Vinogradsky added.

The clinic's former participants have found employment with firms such as Squire, Sanders & Dempsey, L.L.P and Dinn, Hochman & Potter, L.L.C.

More information about UDLC can be found at <http://www.law.csuohio.edu/comadvocacyclinic/index.htm>

*The clinic gives students the opportunity to actually practice law, learn how to seek clients, and learn to do billing...*

### THE GAVEL

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# C-M student political organizations participate in campaign activities

**By Brian Gnandt**  
C-M DEMOCRATIC LAW ORGANIZATION

The Democratic Law Organization (DLO) at C-M has developed a two-pronged strategy of supplying volunteers to campaigns and participating in election protection efforts.

DLO members have been volunteering what time they have at local campaign offices. As a result of Ted Strickland’s significant lead over Kenneth Blackwell, many DLO members have been concentrating their efforts on Sherrod Brown’s bid to unseat Mike DeWine in the U.S. Senate, Jennifer Brunner in her bid for Secretary of State, Barbara Sykes in her bid for Auditor, Richard Cordray in his bid for Treasurer and Marc Dann in his bid for Attorney General.

Judicial candidates receiving campaign support include William O’Neal and C-M’s very own Melody Stewart.

On Election Day, we expect an unprecedented volunteer effort to help the campaigns in transporting voters to the polls and to urge people to wait in the long lines.

While grass-roots work is not sexy, it is the bread-n-butter of what it takes to win in close elections. If you would like to get involved with these efforts, please call Doug

Tayek at 216-221-9244 or contact Brian Gnandt at bgnandt@lawschooldems.org.

Because we want to ensure that all votes are counted, we are also involved in election protection efforts. DLO members are working in conjunction with the Democratic National Committee (DNC), Ohio Democratic Party (ODP), and the National Democratic Law Students Council (NDLSC) to recruit, train and place poll observers throughout Northeast Ohio.

Democratic poll observers will ensure that laws are being upheld and will also report logistical problems to off-site locations for quick resolution. If you would like to get involved in this effort please call Tom Powell Bullock at 440-554-7203 or 216-696-2006.

We expect many people will either attend their own election night parties or will simply attend to their normal Tuesday night routine.

Therefore, the DLO has decided to celebrate our hard work by hosting a DLO pub crawl in Mid-November. Please stay tuned to our listserv for more specifics on the pub crawl.

If you would like to be added to our listserv please email DLO President Jack Mills at jmills@law.csuohio.edu.

**By Chuck Northcutt**  
C-M REPUBLICANS

The C-M Republicans are very actively participating in this year’s elections throughout Northeast Ohio. A couple of our officers are involved in local campaigns. These same officers have actively recruited volunteers for these campaigns at club meetings. For an example of the activism of the CM GOP officers, C-M Republicans President Arthur Brumett is in contact with the Cuyahoga Common Pleas judicial campaign of Judge Joan Synenberg.

Likewise, C-M GOP Treasurer Chuck Northcutt is actively campaigning with Mayor of Lorain Craig Foltin’s bid for the 13<sup>th</sup> congressional seat. C-M Republicans Secretary Jennifer MacDowell, in turn, constantly notifies group members through our email lists of the opportunities to volunteer on the various local campaigns. Furthermore, C-M Republicans are invited to attend the Summit County Republican’s Octoberfest Rally on November 1<sup>st</sup> to show support for all of the area Republican candidates.

In addition to getting our members involved in local campaigns, the C-M Republicans are bringing local Republican politicians to C-M. While this is not meant

to be an actual campaigning event, it is a great way for law students to meet local politicians and even get involved in their campaigns if they like what the candidates have to say.

Recently, the C-M Republicans invited State Senator Kevin Coughlin to come out to speak to our club about the inner-workings of the state legislature, which was an extremely informative and exciting event for those who attended. An equally exciting speaker, Josh Mandel, a Lyndhurst City councilmen and current candidate for the Ohio State House, also came to C-M to speak. Finally, Brumett is arranging to bring Judge Synenberg to speak at our law school the final week before the election.

With the C-M GOP officers working on local campaigns, recruiting club members for volunteers, and the C-M Republicans inviting local officials to come and speak to law students at C-M, we are doing our part to make sure that our students are an effective force in the 2006 elections.

To show that we are always on the look out for more student involvement, anyone reading this who is interested in helping a local Republican campaign is invited to contact Northcutt at cnorthcutt@law.csuohio.edu

## CSU offers advice on how to stay healthy

**By CSU HEALTH & WELLNESS SERVICES**

Cold and flu season is rapidly approaching. Every year, about 5 to 20 percent of the population gets the flu.

Symptoms of the flu include: (usually high) fever, headache, extreme tiredness, dry cough, sore throat, runny or stuffy nose, & muscle aches. Complications of the flu can include bacterial pneumonia, ear infections, sinus infections, dehydration, worsening of chronic medical conditions, or death.

You may ask “what can I do to protect myself?” That’s not so easy to answer!

First, look at your hands. Your hands transmit germs, especially cold and flu germs. We were all taught to cover our mouths when we cough – right? But what do people do with that coughed on hand that now has all those germs on it? They touch something.

Those germs are quite hardy and can live on whatever surface they are on for a while. When someone else touches that surface and puts their hand to their face, they give themselves a large dose of germs.

The most important thing you can do is to keep your hands away from your face and wash them frequently with soap and warm water for at least 15-20 seconds! Avoid touching your eyes, nose, or mouth. And if you have to cough, cough into your shoulder, not your hand. When you sneeze or blow your nose into a tissue, throw it away and then wash your hands.

You can also get a flu shot or FluMist at CSU Health & Wellness Services by calling x3649. The flu vaccine is the best way to prevent and control the flu.

Shots may also be obtained at your doctor’s office or at one of the drug stores which is offering them. Likewise, pneumonia shots are available at Health & Wellness Services. Anyone who is over 50 or who has a chronic illness should be immunized against Pneumonia.

Close contact with people who are sick should also be avoided, but that is easier said than done. If someone has the flu or a fever, they should stay home and not come to work or class. This way other people won’t be exposed to their germs.

Other things we can do to stay healthier are to get enough sleep, exercise, manage your stress, and eat a well balanced diet. (That does not mean cookies in either hand!) That means fruits, vegetables and low fat fish, poultry and dairy products! Our body is like a machine and if we don’t take care of it, it won’t run well.

We weren’t designed to be couch potatoes – if we were, we would look like them at birth! So, get moving, walk more & take the stairs instead of the elevators. Here’s to your health!

“Health Care on Campus”

A Division of Student Affairs

## Gubernatorial candidates discuss views on economy

Democrat: Ted Strickland

Question for Candidates for Governor: *What will you do as Governor to improve the economy of Ohio? Specifically, to attract new business to Ohio and to keep college graduates from leaving the state.*

The Strickland/Fisher Turnaround Ohio plan will create and keep jobs in Ohio by investing in Ohio’s strengths, such as energy production and entrepreneurship, while bringing to Ohio the jobs of the future by making sure that we have the most educated workforce possible.

We know that healthy, happy children are able to learn; that good learners in effective schools become educated students ready to contribute as workers; that able workers stay where there are worthy opportunities.

We know that when good jobs are performed well, for fair pay, we start a cycle of success that builds its own momentum, creating opportunities for new investment, a growing tax base, and stable families -- everything Ohio has been losing for almost two decades.

You can learn more about the specific proposals in the Strickland/Fisher Turnaround Ohio plan at tedstrickland.com.

Republican: J. Kenneth Blackwell

Question for the Candidates for Governor: *What will you do as Governor to improve the economy of Ohio? Specifically, to attract new business to Ohio and to keep college graduates from leaving the state?*

As Ohio’s next Governor, my top priority is to rebuild our economy and create new jobs by: (1) making our tax code friendlier towards job creation, (2) reforming our regulatory system, (3) finishing the job on tort reform, (4) improving performance in our public schools and (5) providing affordable health care options for all Ohioans.

We cannot tax our way into economic recovery. We must control spending and cut taxes to be competitive. I will spur economic growth and job creation through a lease of the Ohio Turnpike. This will provide new dollars to invest in infrastructure projects vital to job growth, without new taxes.

We will improve our education system by requiring more of every education dollar be spent on in-classroom expenditures.

If we improve our tax structure and educational system, we make a strong case for young professionals to work, live and raise a family in Ohio.

Green Party: Bob Fitrakis

Question for Candidates for Governor: *What will you do as Governor to improve the economy of Ohio? Specifically, to attract new business to Ohio and to keep college graduates from leaving the state?*



## Alumna runs for Cuyahoga county judge

By Kevin Shannon  
STAFF WRITER

Arguably the most talked about judicial race in Cuyahoga County this year has been the Cuyahoga Common Pleas Court race between Cleveland Municipal Judge Joan Synenberg and local attorney Christine Agnello Russo.

The race to replace current Judge Ann Mannen has gotten a great deal of local media attention.

*The Gavel* recently sat down with Judge Joan Synenberg to discuss her campaign, experience, and qualifications for the bench.

After earning a law degree from C-M, Judge Synenberg worked as a social worker for a few years.

She then became a criminal defense attorney, practicing for 16 years and representing plenty of high profile clients.

Her former clients include Tom Coyne, the former mayor of Brook Park, and Jamaal Harris, the former Cleveland State University basketball star accused of robbing Cleveland Indians pitcher C.C. Sabathia.



Although she is a registered Republican, Synenberg describes herself as “apolitical,” and notes that on the ballot, the judges’ party affiliations are not listed.

Governor Bob Taft appointed her to the Cleveland Municipal Court in 2005, and she won the following election. Synenberg joined this current race in August after the previous Republican candidate dropped out. Eschewing the typical Republican mantra of being tough on crime, Synenberg prefers to be labeled “fair on crime,” she said.

She stated that it is her fairness and compassion and former occupation as a social worker that allow her to treat each individual with respect in trying to find the good in each person before her in court.

Just the other day, she was excited to receive a letter from a woman who stated that the Judge was the first person who had ever believed in her.

Synenberg believes that “people are inherently good,” and she seeks to look beyond the crime and figure out the underlying issue in the person’s life, Synenberg said.

According to Synenberg, the most challenging aspect of being a municipal court judge is the large volume of cases often 60-100 per day. However, she enjoys performing weddings and has performed thousands of them during her relatively short tenure, Synenberg said.

Judge Synenberg stated that she is a “big fan” of Dean Mearns and the rest of

the faculty at C-M. She believes her education at C-M left her extremely well prepared for her legal career, and this opinion is held throughout the Cleveland legal community, according to Synenberg.

She describes herself as very active in the community and is particularly proud at her efforts in expungement education, she said. She mentioned her participation with 2005 C-M alumni Benjamin Zober’s production of “Expungement: the Movie” that sought to educate citizens about the process of having past convictions expunged.

Synenberg also values her work on behalf of pro se civil litigants. Although the Constitution ensures each criminal defendant the right to a lawyer, the same does not hold true for civil defendants. The Judge noted that poorer defendants who appear before her did not always realize the rules of civil procedure and were at risk of having their cases dismissed for failing to file certain motions.

To combat this unfair disadvantage, Synenberg is a member of the Volunteer lawyers assistance program, which seeks to educate pro se civil litigants about the rules of civil procedure, she said.

When asked which endorsement she was most proud of, Judge Synenberg pointed to her perfect 4.0 rating by the independent non-partisan Judge4Yourself organization. She received unanimous ratings of “excellent” from each of the local bar associations participating in the survey.

Some controversy surrounds Judge Synenberg’s opponent, Christine Agnello Russo, who has been the subject of intense media scrutiny.

Ms. Russo has been a lawyer for 17 years, first with the Cuyahoga County Prosecutors Office and most recently as a family relations attorney.

Much of the media attention has focused on an incident occurring on April 23, 1994, in which Cleveland and Berea police found a bag of marijuana in Ms. Russo’s freezer after raiding her home.

Soon after the incident, Ms. Russo resigned from the prosecutor’s office.

*The Call & Post* have endorsed Ms. Russo.

The election takes place on Tuesday, Nov. 7, and *The Gavel* encourages all C-M students to contact their local elections board to determine their proper polling place.

## Bad grades didn’t stop my path to fulfillment

Alumna discusses successful career despite struggles in law school

By Lisa Gold Scott  
ALUMNA 1994 C-M GRADUATE

Throughout law school and for a few years after, I was plagued with self-doubt and anxiety about the choices I made during those three years of hell.

My grades were horrible. I didn’t participate in law review, moot court, clinics, or externships. I felt I could never compete with all my friends who would make such wonderful lawyers.

My interview for bar admission didn’t exactly build my self-confidence, either.

I met with three respected partners at well-established firms in town. Interestingly, they didn’t question me on issues directly related to my character and fitness, like those high school suspensions on my record.

Instead, they grilled me on my grades. One of them asked how I expected to find employment with grades like mine.

These attitudes fed into a vicious practice- measuring my self-worth by my less-than-stellar academic performance. I believed

that bad grades necessarily meant I’d be a bad lawyer.

Despite everyone’s concerns, I landed a job immediately after graduation with a nonprofit fair housing organization, doing mainly transactional and legal support work.

As part of my duties, I had the opportunity to work with The Housing Advocates, a public interest law firm in Cleveland that represents individuals and organizations in fair housing litigation, so I applied for a position with the firm.

The Housing Advocates took a chance on me without asking to see my transcripts.

I quickly gained experience with The Housing Advocates that my smarter friends “drooled” over. I had two trials in federal court in less than two years.

I conducted depositions, engaged in motion practice, and entered into settlement negotiations on behalf of our clients with some impressive opposing counsel.

Eventually, I left the Housing Advocates to become fair hous-

ing administrator for the city of Cleveland.

I longed for the courtroom and the opportunity to help individuals directly, so I returned to The Housing Advocates, where I work as a lawyer today.

When I ran into a high school friend and updated her on my professional life, she pointed out that I was doing just what I always said I’d do- represent the underdog and try to save the world.

In that moment, I breathed a huge sign of relief as those feelings of inadequacy and incompetence flowed out of me.

In 2002, I gave birth to my first child. That event, perhaps more than anything else, put things into perspective. Although your GPA may seem to dominate ever decision you make at this point, keep focused.

Remember why you went to law school. Know there are many paths to help you arrive at your destination.

Once you arrive, you’ll realize it’s only a stopping point to the next destination.

## Senate candidates discuss healthcare

Republican: Mike DeWine

Question for Candidates for U.S. Senate: *What measures will you support to cope with rising costs of Medicare and Medicaid? Would any of these measures involve shifting additional costs to the states?*

Medicare and Medicaid are a vital health care provider for millions of Ohioans. As a United States Senator I have voted to protect and improve both programs because I understand their importance to seniors, the disabled, women and children. Last year (2005) I voted against the federal budget. One of the primary reasons I did do was because it cut Medicaid. Last year I also supported protecting seniors from steep increases in their Medicare premiums. In 2003, when many states, including Ohio, were having budget problems I voted for giving states more money for Medicaid so they did not have to cut services. I believe that the federal government must help states when it can so cuts to this vital program can be avoided.

I have and will continue to work on providing quality care at the most affordable cost to those served by Medicare and Medicaid.

Democrat: Sherrod Brown

Question for Candidates for U.S. Senate: *What measures will you support to cope with rising costs of Medicare and Medicaid? Would any of these measures involve shifting additional costs to the states?*

The first step is structural. All care for the elderly, including long-term care, should be incorporated into Medicare. This would relieve the states of the largest component of Medicaid spending and encourage cost-efficient integration of health and long-term care services for Medicare beneficiaries. I will continue to support legislation that would authorize the federal government to negotiate reasonable prescription drug prices for the Medicare program, as the VA does today. This could result in price reductions of 50 percent or greater. I will also support aggressive research and interventions aimed at reducing the incidence and severity of chronic disease, which is a major factor in the rising cost of Medicare and Medicaid. And I will support efforts to identify best practices in health care, which improve the quality of care and combat excess spending. Noon of these measures would shift additional costs to the states.

Information provided by League of Women Voters

# The Political Broadside

## Effect of minimum wage increase debated

*Issue: Should Ohio voters pass a constitutional amendment to raise the minimum wage?*



**By Bradley Hull**  
CONSERVATIVE GAVEL COLUMNIST

Vote no on Issue 2. Though emotionally compelling, a 33 percent increase of Ohio’s minimum wage would hurt the poor and subsidize Wal-Mart.

The world’s most highly-respected economists oppose minimum wage increases. This list includes former Federal Reserve Chairman Alan Greenspan, Nobel Prize winning economists Edmund Phelps (2006), Gary Becker (1992), and the “godfather of modern economics,” Milton Friedman (1976).

Contrary to common perception, in 1996 Congress’ Joint Economic Committee Report found that “all credible research [demonstrates that]...raising the minimum wage hurts the poor.” The Heritage Foundation’s Tim Kane noted in 2005 that wage hikes keep “the poorest of the poor...out of the labor market.”

If Issue 2 passes, low-income workers would absorb most of the forecast economic damage. A February 2006 Employment Policies Institute (EPI) study found that the mandated increase would cost roughly 12,000 Ohio jobs, with \$106 million in lost worker wages and \$202.6 million in increased labor costs.

Individuals earning less than \$25,000 annually would suffer 32 percent of the job losses. Almost 80 percent of the benefits of the wage increase would go to middle-class or upper-class families. This is because, albeit counterintuitively, the average family income of affected Ohio employees is \$52,000 annually, and less than 10 percent of minimum wage workers are the sole earner for a family with children. Finally, families with incomes below \$15,000 would experience only a \$63 increase in annual income.

The 1996-97 federal minimum wage hike caused similar job loss. The Federal Reserve Bank of San Francisco estimated that as many as 457,000 teenage jobs were eliminated as a result. An Ohio minimum wage increase would negatively affect both education and wages. In 2003, Professor David Neumark and Federal Reserve researcher William Wascher concluded that wage hikes motivate some students to leave school and start working. Thus, a 10 percent wage increase caused school enrollment to decrease by 2 percent. In 2004, Neumark found that minimum wage hikes reduced the incomes of workers exposed to them over a decade later. This results from less initial employer training, to counteract the resultant rising labor costs. Thus, Neumark and Wascher concluded in 2002 that wage hikes redistribute income among low-income families, not to low-income families.

Small businesses would be disproportionately harmed by a wage hike. The Small Business Administration found that they employ two-thirds of minimum wage earners. Thus young and low-skill workers would find entering the workplace more difficult. A 1979-2004 EPI study found that a legally-mandated 10 percent wage hike reduced small business employment 1.2 percent overall and 9 percent for teenagers. Internationally-renowned economist Bruce Bartlett noted that “with so many [small businesses] close to the edge...it does not take much to [bankrupt] them...[and] the minimum wage is like a tax on [them].” Unsurprisingly, Wal-Mart supports raising the minimum wage.

The few major studies demonstrating that wage hikes cause positive economic impact have been discredited. Becker concluded that studies by Princeton professors Card and Krueger “are flawed” and wage hikes substantially reduce employment. EPI noted this May that an FPI study was “based on faulty statistical methods” and presents an inaccurate picture of state-level wage increases.

According to government statistics, 90 percent of entry-level workers hired at the minimum wage earn more one year later. Thus, Bartlett notes that eliminating these jobs through wage hikes “keeps youngsters from gaining a first foot on the economic ladder to success.”

The St. Louis F.R.B. notes that wage hikes hurt entrepreneurial activity. Already viewed as corporate-hostile, Ohio cannot afford this.

These Chambers of Commerce oppose the wage increase: Ohio, Cincinnati, Columbus, Dayton, Toledo, and Youngstown/Warren. NFIB, the largest U.S. small business lobbying organization, also opposes it. Wal-Mart strongly supports it. You decide.

## Liberal rebuttal...

Kenneth Arrow, Lawrence Klein, and Robert Solow advocate raising the minimum wage, and they are all nobel laureates and past presidents of the American Economics Association. Aren’t they highly respected?

Stop feeding us extremist drivel. If Tim Kane had his way, Congress would repeal the FLSA and allow business to exploit labor with impunity.

I may be mistaken, but I thought our society rejected unbridled worker exploitation back in 1938.

You hang your hat on the Macpherson EPI study. That’s courageous of you.

EPI is controlled by Rick Berman, the big business lobbyist who stays rich by keeping the minimum wage low. EPI is about as non-partisan as Ken Blackwell is tolerant of gays.

Of course EPI is going to question the Fiscal Policy Institute’s methodology. Fighting wage increases is EPI’s raison d’etre.

So who should we really believe here? As my opponent says, “you decide”. EPI is an anti-wage advocacy group controlled by a big-business lobbyist, and FPI is a non-partisan research center.

Who led the attack against the famous neutral Card-Krueger study? Our old friend Rick Berman. Who supports Neumark and Wascher? Our old friend Rick Berman.

Learn the difference between partisan posturing and actual science. Facts matter.

**By Joseph Dunson**  
LIBERAL GAVEL COLUMNIST

This November all C-M law students should vote “yes” on Issue 2. For too long Ohio’s Legislature has failed hundreds of thousands of Ohioans by not ensuring them a living wage in exchange for their labor.

It is time that we, the voters, right the wrongs of our elected officials.

At \$5.15 per hour, an Ohioan working a full-time minimum wage job makes roughly \$10,700 per year. As the cost of living increases it devalues the minimum wage, which is now worth less than it was in 1950 and causes minimum wage earners to fall further into poverty.

Critics of Issue 2 first argue that a minimum wage hike will both result in layoffs and stultify business expansion, especially among small businesses.

These arguments fail according to an April 2004 non-partisan Fiscal Policy Institute study which found that “[t]he number of small businesses across the economy with fewer than 50 employees grew by 5.4 percent from 1998 to 2003 in the higher minimum wage states, compared to a 4.2 percent increase for the balance of the states.”

Further, “[i]n the higher minimum wage states as a group, small businesses had faster growth (6.7 percent vs. 5.3 percent for the other states combined).”

In short, minimum wage hikes result in increased entrepreneurship and small business growth.

In 1990, 1,000 U.S. economists were asked whether a minimum wage hike would negatively impact the job market. 63 percent of the respondents found that it would.

A year 2000 follow-up to the same survey found that only 45 percent of those originally surveyed still believed that a minimum wage hike would negatively affect the market.

Why the shift among the experts? Perhaps evidence gathered by 2000 from states with higher minimum wage levels convinced 18 percent of the 1990 respondents that minimum wage hikes are not ‘bad for business.’

Some Issue 2 critics argue that by tying periodic minimum wage hikes to the inflation rate businesses may be forced to raise wages substantially in the event of an economic downturn.

Such a provision is justified when one weighs the relative interests of businesses and wage earners.

By linking the wage level to the Consumer Price Index, Issue 2 rightly mandates that wages will be automatically adjusted to respond to increased burdens in the cost of living without revisiting the arduous political process every year.

Critics lastly claim that the Ohio Constitution is not the proper venue for a minimum wage hike, which they believe would be better addressed by statute. These critics rightly claim that Constitutions should be comprised of principles that guide societies throughout the generations.

However, they fail to appreciate the evolution of minimum wage law in American jurisprudence and culture. Since Congress enacted the Fair Labor Standards Act in 1938, the concept of a ‘minimum wage’ has evolved from a simple check on employers into the benchmark for employment standards.

Minimum wage law is the legal and cultural institution by which we judge our nation’s treatment of its lowest level workers. Because it has become and will remain a guiding principle of labor law, ‘minimum wage’ rightly belongs in Ohio’s Constitution.

As my opponent says, facts matter.

From January 1998 to January 2006 the Fiscal Policy Institute found that “aggregate employment in the higher minimum wage states (plus D.C.) increased by 9.7 percent,” which is almost 30 percent higher than the combined 7.5 percent job growth rate of the other 39 states.

Vote “yes” on Issue 2 to help Ohio’s minimum wage earners feed their families, heat their homes, and put gas in their cars. Vote “yes” on Issue 2 to stimulate overall job growth and small business development across Ohio.

## Conservative rebuttal...

Facts matter, part two. Yours are wholly inaccurate.

Both FPI “studies” have been discredited. The EPI noted in May that neither “study” presented any explicit test for statistically significant differences in employment. Unsurprisingly, FPI’s “aggregate economic benefit” finding is refuted by economists named Greenspan, Phelps, Becker and Friedman. NFIB opposes wage hikes because they negatively affect small businesses. The 1979-2004 EPI study, which spanned a longer timeframe and avoided FPI’s egregious methodological errors, provides corroboration.

In fourth quarter 2005, five of six New England states had minimum wages exceeding the federal level, but no mountain region states did. By nearly eight times, the latter’s job growth exceeded the former’s (BLS data). Coincidence?

You misinterpreted the Fuller/Stevenson survey. It found that, by nearly a two to one ratio, economists currently believe any minimum wage increases unemployment among young and low-skill workers.

The Democratic Leadership Council noted that only 20 percent of minimum wage workers are impoverished. A wage hike will eliminate many low-income workers’ jobs. The expected \$63 increase will not elevate the others from poverty.

“Legal...institution by which we judge our nation’s treatment of its lowest level workers”? This wage hike really translates to “Pad Wal-Mart’s profits and take jobs from the poor”.





Cleveland-Marshall College of Law  
Moot Court Board of Governors presents:

*38th Annual*  
**Moot Court Night**  
*and 6th Annual Alumni Recognition Night*

Wednesday, November 8, 2006  
Moot Court Room at 7:00 P.M.  
Appellate Advocacy, Awards & Reception

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**The Honorable Donald C. Nugent**  
United States District Judge for the Northern District of Ohio

**The Honorable Kathleen M. O'Malley**  
United States District Judge for the Northern District of Ohio

**Lindsay C. Jenkins, Esq.**  
Associate, Jones Day

**Petitioners Argument By:**

Chan Carlson  
Scott Kuboff  
Dipali Parikh

**Respondents Argument By:**

Gregory Jolivet  
Kelly Means  
Karen Swanson

*May it Please the Court...*

For More Information Contact: [Gregory.Jolivet@law.csuohio.edu](mailto:Gregory.Jolivet@law.csuohio.edu)

# Opinion

## Vote Dann for Attorney General

By Kathleen Locke

Co-Editor-in-Chief

It's time for change in Ohio. After almost eight years under a governor whose approval rating hit a well-deserved 6.5 percent (Zogby) and was named one of the three worst governors by Time Magazine, the state has little to cheer about.

Along with our economic and social decline, our state has been plagued by political corruption and scandal giving our state national attention due to our elected leader's astounding lack of ethical principles.

And what has happened in Ohio is not unusual. With money and power feeding the political process, it is often deemed to be less politically damaging for an official to look the other way when a "friend" is making questionable or even illegal ventures.

Who are these friends? They are the well-funded lobbyists, campaign contributors and similarly situated politicians all with their own agenda. The effect that money, namely campaign contributions, has on a

candidate's future actions as an elected official is out of control. And, it is not limited to the legislature.

In an article recently published in *The New York Times*, the reporter described just how neutral and detached the Supreme Court of Ohio actually is. *The New York Times* reported that Justice Terrance O'Donnell voted in favor of his campaign contributors 91 percent of the time.

It is now not surprising that Ohioans are ready for a change, and they are ready to hold the party under which this decline took place responsible. Ted Strickland is trouncing Ken Blackwell, and Sen. Mike DeWine is falling further behind Sherrod Brown.

While the Republicans seem to be on the way out, one candidate continues to remain in the public's favor, an honor that she does not deserve. This candidate is our current state auditor Betty Montgomery.

Betty Montgomery is running against State Senator Marc Dann for attorney general. It is under Montgomery's tenure as state auditor that the scandal now known as "Coingate"

took place.

Tom Noe, who has been referred to as the go-to guy for GOP funding, is now on trial for allegedly stealing from a \$50 million state investment fund. Noe's former personal assistant recently testified that Noe referred to the state's investment fund as his personal ATM.

How did Betty Montgomery respond to charges that she, as state auditor, should have been aware of the misappropriation of these funds? She stated that if she is guilty of doing anything, she's guilty of doing nothing. While this statement is less than compelling for someone who is running for attorney general, it exemplifies the need for our elected officials to be held accountable.

Marc Dann has acted to ensure accountability by working to uncover documents related to the Coingate scandal. Dann has also proven his commitment to the public by introducing several state bills designed to protect Ohio families and not just special interest. Ohioans are ready for a change, and Betty Montgomery is more of the same.

The  
Gavel  
*Editorial  
Opinion*

## Vote for Gray: consider third parties

By Kurt Fawver

Gavel Columnist

Blue and red are the new black and white. Democrat or Republican: these are the sum of your choices in this year's and practically every year's election.

You're one or the other - blue or red, black or white - and there is no room in the world or in the election system for gray.

In national and state elections, Democrats and Republicans rule. Third parties seem to have no place. They are actively shunned as pointless and powerless alternatives to the two political behemoths.

Yet third parties express a far wider range of ideas and beliefs than the Democratic Party or the Republican Party. They are as varied as the citizenry itself. In this sense, third parties are the true voice of the people.

This voice, however, is all but drowned in the unintelligible siren of a bipartisan government.

Many Americans can only understand through dichotomy. Good or evil, Democrat or Republican, Coke or Pepsi: these are the choices that most Americans can wrap their heads around. They represent supposedly clear-cut values. They don't involve serious deliberation.

Moral ambiguity, Libertarians, and RC Cola, however: these things step outside an easy definition. They muddy the water and make choice a bit more difficult.

Americans don't like difficult choices and the major political parties play to that characteristic.

Democrats and Republicans tell citizens that the coin is two-sided, even if what they are describing doesn't remotely resemble a coin.

However, the real issues confronting society occur in gray areas with undefined moral borders. They are far from two-sided.

Terrorism, unemployment and poverty, and the war in Iraq are all beyond easy classification or solution. They do not fit neatly into "right" or "wrong." There is no absolute "good" or "bad" way to deal with these problems. Issues as multifaceted as these cannot be solved through simple bright line tests, yet the American electorate is expected to believe that they can.

As a voter, you must choose solution A or solution B and forget that C through Z even exist.

For the majority of Americans, this system works

beautifully. They don't have to think, they don't have to put effort into choosing; they simply have to pick one or the other and the Democrats win another Senate seat or the Republicans win another gubernatorial race.

With that, the same old ideas, the same old agendas are back in power again. Nothing is accomplished but the maintenance of old guard incompetence.

Ignorance is rewarded with stability and the dance of American politics goes on.

For the rest of the United States - far left and right wingers, true progressives, and, most importantly, those simply fed up with the current state of American politics - third parties beckon.

Third parties offer a multitude of viewpoints and dogmatic frameworks. They exemplify the diversity of the United States. Unlike the Democratic Party and the GOP, these parties do not follow the conventions of safe politicking, nor do they choose their candidates based solely on image.

Third parties are fueled by ideas and a desire for the evolution of American government. Some may be radical, some may even be entirely nonsensical, but they are all founded on spirited principles. Virtually all candidates who run under third party banners strongly believe in one thing: the improvement of society. This improvement may take different shapes and sizes, depending on the third party, but the common thread remains.

America needs leaders with stimulating platforms and an ambition for progress. Most elected Democrats and Republicans lack either of these qualities. They are far too preoccupied with appealing to the widest possible audience by towing ridiculously moderate lines.

For decades, the two major parties have governed the nation into a cesspool of voter apathy. Today, great actions and ideas are not expected from our leaders. Mediocrity is accepted.

The keys to resuscitating this stale political system withering from indifference lie firmly in the hands of third parties.

This November, vote for the candidates you believe will guide society in the right direction. Vote for candidates with beliefs and plans you can get behind.

But also remember that your choices are far wider than Democrat or Republican, liberal or conservative. Through third parties, your voice, no matter how divergent or unique it may be can be heard.

## Attack ad season is here again, pass the cheetos

By John Rose

Gavel Columnist

Very recently I was at a party watching a college football game when one of those campaign ads came on. The announcer, in a grave and scolding voice, told the audience for the umpteenth time that "Sherrod Brown let us down."

A number of friends there, Republicans and Democrats alike, were lamenting on the nature of these negative advertisements. The consensus was that attack ads were bad for the country and that we deserve better. They were so sincere in their collective belief that the whole attack culture of political discourse was what was wrong with politics.

Now, far be it from me to go against the mainstream, but I think my friends got it wrong. It seems to me that attack ads, and the whole negative culture of political discourse in this country, represent the triumph of the free market.

Whatever else you may think of the folks who design these campaigns, you have to concede they are smart people. Campaign strategists run attack ads because they work. The reason they work is because we the voters respond to them.

Whether or not you believe John Kerry would have been a good president, you can't deny that the "Swift Boat" lies campaign, and Kerry's effete and ineffectual response, played a role in his defeat. Don't even think of trying to characterize the "Swifties" as anything but an attack campaign. A high schooler with an open mind and a computer could destroy their claims within an hour. But the main point is that some people voted against Kerry because of those ads. They worked.

It seems to me that we should stop resisting and start embracing attack ads. Come on, you love them. You know you do.

In fact, if I had my way, we would eliminate all rules requiring honesty or forbidding obscenity in political ads. Let the candidates say what they really think - or at least what they really think you want to hear. Then just get a cold drink and a bag of Cheetos and let the fun begin.

I mean, just think of the ads that candidates could run. We could see one suggesting that Mike DeWine is an android programmed by Karl Rove: "don't be fooled by his life-like appearance!" Maybe Jerry Falwell could tell us how christians hate Hillary Clinton more than Satan... nah, not even Jerry would say something that stupid.

Maybe the Democrats would actually find somebody who could run a good attack ad instead of the oh-so-sensitive stuff they run on TV these days. No wonder people think they're wimps. Personally I'd love to see one that tells all about spreading the frothy mix that's come to be known as Santorum.

Now I don't mean to belittle those who think that attack ads are bad for the polity. Really I don't. If you truly believe that attack ads should not be a part of politics, I would offer this humble suggestion. Don't reward them.

It would work like this: you could make a pledge to vote against the candidate who runs the first attack ad you see. Republican or Democrat - doesn't matter. The first one to "go negative" loses your vote. If it's the other guy who runs the ad, then it's easy. You weren't going to vote for him anyway. But if it's your candidate that runs that first attack ad, then the promise is a little harder to keep.

Of course, part of the problem is that nobody wants to admit that their candidate has gone negative. When your own candidate runs an ad that kicks his opponent in the nether regions, it's not an attack ad. It's "hard-hitting." Only when the other side says something bad against our party or candidate do we call it negative. So this promise would take some integrity. But, if you really hate the attack ads, you'll keep the pledge.

Given the commitment that this would take, I just don't see it happening. I think to paraphrase *Dr. Strangelove*, we just have to stop worrying and learn to love campaign sleaze. And I'm ready to do my part.

In fact, I've got to rush home right now. Ken Blackwell is unveiling his new attack ad. I hear he's going to talk about Ted Strickland's erotic fixation with turtles. I hope I have Cheetos at the apartment.

Respectfully  
dissenting



SBA creates task forces for student concerns

By Scott Kuboff  
SBA PRESIDENT

On behalf of my fellow SBA officers – Meredith Danch, Chan Carlson, Nick Hanna, and Jaime Umerley – I am pleased to inform you that your SBA remains committed to placing C-M students in the best position to excel in the classroom.

Nick Hanna, SBA treasurer, drafted Resolution 10222006-A, which urges the faculty and administration to amend our exam policy to allow students to reschedule an exam if they have more than one exam within a 24-hour period. The SBA unanimously passed this resolution on October 22, 2006.

Another issue your SBA plans to address is the quality of food service here at the law school. Many of you have commented on the quality of service and food selection provided by AVI.

To address your concerns, we have re-established the “food service task force,” chaired by Rae Lynn Wargo, to work with the University and AVI to remedy these problems.

Already, this task force has been in contact with University officials to address your concerns.

As many of you are aware, the law school will be undertaking major renovations next semester.

While we anxiously await the improvements, your SBA realizes that there will be minor inconveniences to students and student organizations.

To this end, we are creating the “building renovation task force,” which will act as a liaison between the students and administration.

Through this task force, your SBA will ensure a smooth transition for displaced student organizations and will address general student concerns throughout the construction process.

Your SBA has been working with Case’s SBA to coordinate the second annual C-M versus Case charity-football tournament.

While plans are still being finalized, this year the tournament will take place on the Case Western Reserve University’s campus.

Last year, over \$1000 was donated to the Susan G. Komen Foundation. We would like to thank Jeff Stupp for his hard work in making this fun event possible.

Finally, we’d like to thank BarBri for their participation in this year’s SBA-BarBri Halloween costume party and for their continued support of the SBA and C-M students.

Reflections on Russian freedoms

By Chuck Northcutt  
GAVEL CONTRIBUTOR  
(C-M second year student Chuck Northcutt reflects on his experience in Russia this summer as a participant in the C-M co-sponsored St. Petersburg Summer Law Institute.)

For the past year or two, I have heard a lot of criticism on Russia and more so on it’s President, Vladimir Putin, for curtailing freedoms in the Russian Federation.

Through the St. Petersburg Summer Law Institute, comparing my “American Freedoms” to the Russian’s lack of “American Freedoms,” all I have to say is that all of the critics are right!!

Now, I’m not talking about the crackdown of the freedom of the press; here the critics were actually wrong.

I’ve read papers in both St. Petersburg and Moscow (they come in both Russian and English editions) that freely criticize their government.

The news in Russia also openly ridiculed President Putin for kissing the tummy of a boy in a line of tourists outside the Kremlin. In class, Russians are also allowed to openly debate their government’s policies as well.

The freedoms of speech and press are perfectly in full effect in

Russia, so these aren’t the Freedoms I’m talking about.

As an American, however, I was greatly offended to see other important freedoms and rights denied. Seemingly, the Russian government has too much influence on the private lives of individuals.

Case in point, as an American in Russia, I have lost my right to not be allowed to walk the streets with an open container of alcohol and consume it! Imagine the horror!

I felt compelled to walk the Russian streets drinking beer, because, of all things, it’s NOT AGAINST THE LAW!!

By the way, my new favorite beer is Baltika Beer; sorry Budweiser! Speaking of drinking, I also lost my American right to get kicked out of the bars at 2:30 in the morning, because “it’s the state law.”

Russian bars seem to stay open all night long!

Additionally, as an American in Russia, I also lost my right to not legally be allowed to gamble in a legal casino on every street

corner of a major city, such as St. Petersburg and Moscow, without having to travel all of the way to Las Vegas or Atlantic City.

As someone who loves to gamble, what ever will I do without my American right of the state governments (especially my home state Ohio) denying me legalized gambling?!?!

By the way, I left Russia up almost 2500 Russian Rubles; clearly I was a victim of this lost of my right, somebody quickly call the UN; please!!

Let’s see, what else was I denied, oh yeah, perhaps one of the most important American rights ... I clearly lost my right to not be allowed to purchase and smoke Cuban Cigars! Terrible! Terrible! Terrible!

You can actually buy Cuban Cigars and Cigarettes at the local supermarkets; and, coincidentally, I enjoyed smoking mine most when I was playing Blackjack in the Casino up the street from where I stayed!

I was also denied my right to pay a sales tax on anything I bought in Russia. That’s right, for some strange reason the Russians

don’t charge sales taxes!! In the subject of smoking and taxes, I was also sadly denied my freedom to pay \$4 for a pack of Marlboro Reds.

Instead, I was forced to pay a mere \$1 for the same pack in Russia and only \$2 for a pack of Cuban tobacco cigarettes (I guess I was also denied my right to pay outrageous taxes if I chose to smoke.) Talk about major rights violations!!!

I just couldn’t wait to get out of there and get back to the land of the free and intrusive big government where I have rights and freedoms to not be allowed any of these vices!!

I just didn’t know how much longer I could manage without my right to have Big Government tell me what to do!!

Yeah, right! For any American who wants to sample these lack of freedoms and see if you enjoy them as much as I have, I can only tell you to go there quick (before the Russian government starts imposing these same rights that we have in America on the Russian people!!)

Either way, before we start criticizing other countries for their lack of freedoms, maybe we should take a good look at our own situation first.

1L ponders issues confronting students

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

Sweet mother of sin, you’re back for another round of the anonymous 1L. So, either you are incredibly in love with my column, or your professor is starting to sound more like Jabba the Hut by the day.

Honestly, I find my eyes pulling a Dunkin’ Donuts routine and glazing over fairly regularly. Despite my best efforts, which constitute draining energy drinks, my eyes still seem to close on their own.

Now, it’s time for a mind-numbing venture into the informative zone and a talk about commercial outlines in all their glory.

My advice should not be used as a measuring stick or be relied upon if you fail miserably at the end of the semester. If you don’t, and you actually succeed at something besides reading my column, then it was all me, and I will break out a T.O. end zone dance.

I personally recommend either Gilbert’s or Emmanuel’s. Either one is good and will probably help clear some of this perpetual fog the professors seem to blanket us with. At times it’s like I’m up in the club (minus the hotties), and there is a fog machine going

full bore from the front of the room. Then, I realize I’m just in class bored out of my skull surfing the web (please, like that’s not you too at some point.)

On an off note, I highly recommend against even *considering* fooling around, let alone doing so, with your fellow classmates. Not only could they potentially taste bad, which could really ruin the mood, but - BONUS!! - you get to see them the next day (and a lot more after that in case you were wondering).

Let me tell you, that is not something you ever wish to incur upon yourself.

As the 2L’s recommended the School of Business’ coffee, so they should have recommended branching out into the undergrad campus for a little fishing if you know what I mean (big smile).

On to bigger and better things like where to eat lunch. The options are enough to keep one occupied. At the moment, I would recommend Becky’s if you wish to escape your fellow colleagues (I know - why on earth would you want to do a silly thing like that. I mean, it’s not like we see each other 24/7 or anything).

Subway is good if you want to eat something that resembles fresh (beat’s the hell out of our “cafeteria” dining option).

Or, perhaps you would prefer a little jaunt

down to the University Center to mingle with our undergrad counterparts

Of course, if you have the stomach, the cafeteria definitely provides the opportunity to endorse any of your lingering 90210 fantasies by sitting around and listening and perhaps participating in the conversations that transpire.

It is positively frightening at times how much it’s like high school. I would hope at that point that any sane person would walk away.

Oh well, we all tossed our sanity out with the trash when we started law school, so I recommend going out for yet another round of Cuervo at your local bar of choice.

I happen to have several myself, and yes, they are starting to get to know me on a first name basis. Not that I go out much or anything (crazy like that). I’m too busy studying like you!

If you are trying to be responsible and looking for other ways to divert your attention, a little thing called the NFL is in full swing and will allow you to spend away many a precious productive hour.

So, sit back, have a beer, and take in your favorite football team. In the next column, I will continue to tackle more of life’s profound mysteries with truly deep answers pulled right from the bottom of my cherub-like mind.

1L  
First year  
life  
Part II

# LETTERS TO THE EDITOR

## Judicial Candidate responds to Gavel article on opponent

LETTER TO THE EDITOR:

My name is Brian Moriarty. I read with great interest the recent article written by Kevin Shannon in *The Gavel* regarding the race for the Eighth Appellate District in the September 2006 issue.

Although I have not been asked for an interview or to provide any information for the article, I think this publication owes its readers a more complete and accurate picture.

As a fellow Cleveland- Marshall alumnus, I would like to give a different perspective on some of the issues raised.

The appellate court is an extremely important position within our legal system and community. To fellow Cleveland-Marshall alumni and for students working towards their law degree, I urge you to learn as much as you can about the candidates involved: view both of our Web sites, match and compare our backgrounds and experience.

Take the names out of the picture *and the politics* involved and the choice is clear.

That Ms. Stewart stated in the article a “[l]ack of trial court experience can be seen as positive” is of great concern to me, and it should be to you. As a practicing attorney for 12 years I know that experience does matter when it comes to the procedural and substantive issues raised before an appellate court.

How could having absolutely no civil or criminal trial experience be viewed as a positive quality when the primary purpose of the Court of Appeals is to review trial court decisions?

The “diversity” that is required for an appellate judge is not simple “intellectual

curiosity” as certain publications would have you believe. Unlike my opponent, the cornerstone of my practice has been appellate work.

Including five years as law clerk for appellate judges, David Matia and Michael Corrigan, I have been involved with over 1000 civil and criminal appeals throughout the State of Ohio.

Additionally, I have represented the Cleveland Police Patrolmen’s Association and its members for 12 years and have litigated numerous criminal, civil and administrative matters. I am Acting Judge and Magistrate for the Rocky River Municipal Court, and I am the Prosecuting Attorney for the City of North Ridgeville.

It is this type of legal diversity that is a “positive” quality for an appellate judge.

The article quotes my opponent as saying “[v]oters should choose her over her opponent because she has been an attorney longer than her opponent.”

Simply having a law degree and practicing law are two separate things. The true fact is that Melody Stewart has had a license for 18 years but has not actively practiced law for the past 12 years yet she conveniently and continuously fails to state as much.

If being an assistant dean for admissions and financial aid is such a positive factor for the role of appellate judge, why not talk about it?

In fact, her hope to bring a “different perspective” to issues only highlights the fact that as a direct result of her lack of experience, she does not understand the role of the appellate court or an appellate judge.

An appellate court’s duty is to interpret case law and statutory law as it is written and apply it in a consistent manner. The court is simply too important to our legal system and community to figure this out while on the job.

My opponent also stated that “[v]oters should be concerned with how Moriarty will handle complex legal arguments if he has difficulty following clear directions for filling out a ballot application.”

Initially, I would note that unlike my opponent, I have been involved in complex labor/business litigation including, but not limited to, employment discrimination, breach of contract, anti-trust, and patent infringement cases.

Concerning the Board of Election’s issue, to set the record straight the primary reason for the Writ of Mandamus I filed was the Board’s refusal to abide by their prior written and oral authorization to use the name “Brian Moriarty.”

The petition calls for one’s legal name and, not having run a number of times in the past, I wrote my legal name “Robert Brian Moriarty.”

Within one week of filing the petition I asked if it was possible to simply use the name “Brian Moriarty” since that is the name I am known by.

Since the proposed change was made in an effort to avoid voter confusion and not made for purposes of political advantage, the Board agreed as it has in the past, i.e., James/Jim Petro.

As instructed, we went to the Board and were provided written and verbal authorization. The Board’s Web site was changed to

reflect “Brian Moriarty.”

We subsequently used the name “Brian Moriarty” in all of my campaign literature. The Board issued a notarized Certificate of Candidacy using the name “Brian Moriarty.”

In July, the Board informed me that since they had mistakenly used “Robert” in the primary, they would have to use it in the general election.

Moreover, they told me I may have to change all of my campaign literature. It was at that point we went to the Court and that is why the Court ordered the Board to use the name “Brian Moriarty” as it had previously agreed.

Unfortunately, the newspaper articles covering this story did not report these facts. Without knowing, asking for, or reviewing the facts as set forth in the public documents, it is no wonder Ms. Stewart was “surprised” by the judges ruling.

Being careless with the facts and reckless with an opinion are dangerous qualities for a position that demands so much more.

Again, the appellate court plays a vital role in our legal system and community. Experience in the legal system is absolutely vital towards understanding the role of the court and the role as an appellate judge.

I appreciate the opportunity to address some of what I considered to be unfair remarks by my opponent.

More importantly, I urge everyone to get informed and get involved.

Sincerely,  
Brian Moriarty

## Journal Editorial Board rejects faculty assessment

To The Editor:

Before completing his deanship, Dean Steinglass appointed an ad hoc faculty committee to look into certain concerns surrounding L860, Independent Legal Research.

In particular, the Committee’s charge was to address two questions: (1) whether the current criteria associated with the student Journal note is sufficient to meet the L860 paper requirements; and (2) how to best curb the current trend in which students on C-M publications disproportionately request their first-year professors to supervise their L860 papers.

In making its assessment, the committee attempted to analyze similar practices at other Ohio Law Schools.

The committee’s published proposal, which was released earlier this semester, recommends that all members of a student publication wishing to receive Upper Level Writing Requirement be required to complete Scholarly Writing in the Fall Semester of their second year.

In the following Spring Semes-

ter, those students would then need to take a Law Review/Journal note course as a substitute for L860.

In completing this new course, students would be *assigned* by the faculty to either a tenured, tenure-track, or legal writing professor, whose responsibilities would include critiquing a draft of the student’s note and evaluating the note’s final composition.

Under this proposal, no faculty member would be appointed to supervise more than two students, and students would receive a total of six credit hours for Law Review/Journal related work – two for Scholarly Writing, two for their Law Review/Journal Note, and two for their editor obligations during their final year in law school.

Students currently have the option of receiving seven credit hours for Law Review/Journal related work – two for Scholarly Writing, three for L860, and two for their editor obligations during their final year in law school.

In response to this, the Journal of Law and Health formed its own committee to solicit feedback from

its members regarding the faculty committee’s proposals.

The response was overwhelmingly negative, due in large part to the belief that the data comparing C-M’s practices with other Ohio law schools remains inconsistent.

As such, more information is necessary at this time to determine whether or not other law schools mandate a third semester writing course, which note-related credits are graded at other universities, and the note length requirements in place at Ohio’s various other legal institutions.

In addition, the Journal does not agree with the faculty committee’s recommendations. For one, the Journal does not believe that Scholarly Writing should become a required course.

More importantly, however, the Journal is extremely troubled by the possibility that students may no longer retain any control over the selection of their faculty advisor.

A student’s Journal note often represents the most important piece of work that a student completes during their law school

career.

Thus, it would be callous for the university to force them to work with an individual they may be uncomfortable associating with. The paper’s quality may suffer as a result, and the assigned faculty advisor may lack the requisite knowledge to assist the student with their paper.

Although these changes will not affect the current members of C-M’s publications, it will have a drastic impact on its future

contributors.

Hence, the *Journal of Law and Health* is opposed to the current faculty committee’s L860 proposal.

To see a full copy of the findings that the Journal submitted to the faculty committee, visit the Journal’s webpage at <http://www.law.csuohio.edu/students/JLH/index.html>.

Sincerely,  
The Journal of Law and Health’s Editorial Board

# THE GAVEL

**We are always accepting submissions.  
If you are interested in contributing to the Gavel,  
e-mail the editors at  
[gavel@law.csuohio.edu](mailto:gavel@law.csuohio.edu).**

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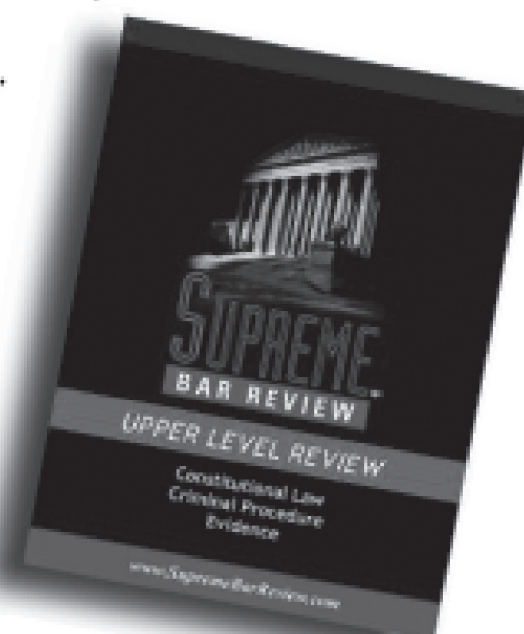
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