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C-M Euphoric Over 92% Bar Passage Score
By Evelyn L. Moya
Staff Editor
Cleveland-Marshall graduates hurdled the July 1996 Ohio Bar Exam with aplomb. The exam which required the new and higher requisite score of 385 points showed C-M in impressive colors. The report from Interim Dean Seinglass’ office showed that the 92% score was only 1% less than the 93% pass rate of the State’s leaders, namely: Ohio State University, University of Cincinnati and Capital University. If one more C-M student passed, C-M’s record would be the highest.

The first-time pass rate for Case Western Reserve University was 89%. With repeaters included, the C-M pass rate was 87.4%, which is identical to the state-wide pass rate.

The performance of the C-M repeaters was likewise significantly better than the performance of repeaters from other Ohio law schools. Of the 19 repeaters from Cleveland-Marshall, eight passed, at a pass rate of 42%. The pass rate for repeaters from other Ohio law schools was 26%.

The bar admission ceremonies were held November 12, 1996 at the Ohio Theatre in Columbus and a reception hosted by the Ohio State Bar Association followed. The reception for Cleveland-Marshall was continued on page 11.

Regarding The Parking Issue...
By Michele Berencia
SBA President
On behalf of the SBA, I would like to respond to the article in the last issue of The Gavel regarding the parking rates. At the beginning of the semester, a student brought it to my attention that law students were being charged a higher parking rate than the rest of the students at CSU. This was not apparent because we are charged per semester whereas the rest of the university is charged per quarter. We calculated that we were being charged $1 more per week.

Anthony Parker, the Treasurer of the SBA, contacted John Oden, Manager of the CSU Parking Operations, to file a complaint. Oden explained that the Parking Committee based the rates on a usage basis rather than a weekly privilege basis as we had calculated. The Committee took a sample of how often students of the various colleges used the parking lot and determined that law students used the lots more often than the rest of the students. Therefore, they felt that it was only fair to charge the law students more for their pre-pay passes. We disagreed with their rationale and took the issue a step further to Oden's boss Kent Dohrman, the Director of Auxiliary Services. Anthony Parker, Abby Gardner, and I met with Dohrman and Oden to resolve this dispute. We presented our calculations and expressed our discontent with them for burdening the law students with higher parking rates. They were very receptive to our concerns and were actually unaware of the injustice done by them.

Continued on page 10

All-American Track Team Scholar Is New Assistant Dean For Student Affairs
By Evelyn L. Moya
Staff Editor
Errol Ashby, a 1994 Cleveland-Marshall graduate was recently named Assistant Dean for Student Affairs and Director of Minority Recruitment. Mr. Ashby was chosen by the Selection Committee for his outstanding record and experience with student counseling. Mr. Ashby has both an undergraduate degree and a Master's Degree in Business Administration in Marketing from Cleveland State University. He was an Academic All-American Track Team scholar. After obtaining his JD from Cleveland-Marshall, he worked in Labor Relations at the Rapid Transit Authority (RTA), did private practice law and later worked as a graduate assistant at the Graduate School of CSU.

Speaking in his charming Trinidad accent, Ashby enumerated his plans. He would like to encourage students to seek support while in law school, not just academically, but socially as well. He would like to see a diminished tendency towards the formation of "cliques". He sees his new position as a liaison between faculty and students.

Ashby recognizes that there might be an "image" problem in belonging to an urban law school. Positive thinking and healthy self-promotion are what he would like to encourage among C-M students. He asserts that there have been numerous distinguished C-M alumni and alumnas which few of us acknowledge. He believes that Cleveland State University, to be true to its mission; must address, with urgency, the delicate issue of funding and the status of minority students.

Ashby replaces Melody Stewart who left the position in August.

More Break-Ins At C-M Building
By Jihad Smali
Staff Editor
For the second time this semester, the instructors of the Legal Writing Department have been the victims of one or more burglaries with a fine taste for collectible pieces of art, such as Brian Glassman’s blown glass vases, Beverly Pyle’s artful turtle collection, and Sandra Kerber’s Cleveland Indian’s 1935 World Series tickets.

After the first such break-in, the CSU administration took no steps to change the locks or take preventative measures to allay the concerns of the Legal Writing Department’s instructors.

Of course, burglaries are not shocking events at C-M; remember the TV set that was newly installed and stolen soon thereafter last Christmas?

Today, the potential for more burglaries has significantly increased with the theft of the Law School building master keys, giving the thieves access to almost every locked door. According to "The Washou" incident report, the keys were "kept in an unsecured area in an unsecured desk.

There is no question that the theft of those keys is directly related to the current thefts.

An unidentified Staff member reported that someone accessed the member’s computer, altered its clock, and of course, stole a bottle of wine after leaving some garbage behind; again, no signs of a forced entry. According to "The Washou" incident report, the items were also stolen from separate offices with no signs of forced entry: a desk continued on page 11.

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ALUMNI ADVICE

"OBSERVATION IS ONE OF THE SUREST WAYS TO LEARN..."

By: Judge James J. Sweeney,
Presiding Judge of the Cuyahoga County Court of Common Pleas

The Honorable James J. Sweeney

Editor's Note:
We are very pleased to have Judge Sweeney inaugurate this column. The Honorable James J. Sweeney, Presiding Judge of the Cuyahoga County Court of Common Pleas, is a 1973 graduate of Cleveland-Marshall College of Law. His accomplishments in the legal "public service" profession are quite extensive. He began his career in the money General's office as Assistant Attorney General. In 1981, his election to the Common Pleas Court began his tenure on the bench which has included his current position as Administrative Judge, Common Pleas Court - General Division and Presiding Judge - Common Pleas Court. Judge Sweeney has also served on the Board of Commissioners on Grievances and Discipline of the Judiciary, and as President of the National Conference of Metropolitan Courts. He and his wife, Gloria, along with their six children, reside in Lakewood.

The Gavel and its staff, would like to thank Judge Sweeney for his time and contribution to this newly featured column, and also for the genuine interest he shows in this law school and its students. This column will continue to feature prominent alumni of the law school. Any suggestions for choosing particular individuals is welcomed.

Letters To The Editor

Dear Editors of the Gavel:

I recently read the October issue of The Gavel and was disturbed by two articles. First, the front-page article "Discriminatory Parking Fees Frusttrate Students" contained an inaccuracy about the Student Bar Association (SBA). Reference was made to the SBA having reviewed and endorsed the increased parking changes. This statement is not true. The SBA was investigating the claim of unfair rates being charged to students at the law school, but the SBA did NOT endorse the parking changes. I would strongly encourage The Gavel to speak with the leaders of the SBA before making any representations to the student body.

The second article that disturbed me was "Student Defaults Leave Fund Dry" with regard to the "Judge David C. Meek Assistance Fund." It angers me to think that law students of the past have borrowed monies and not repaid the monies for future student needs. I find it shameful that people preparing for the practice of law, a vocation with a respectable code of professional ethics and standards, do not repay their obligations. In addition, I am disappointed that the administrators of the fund did not oversee the money to ensure the repayment. Why wasn't repayment of the loans a contingency for graduation from Cleveland-Marshall? I recommend that the list of defaulters be posted on the wall of the law school for the public to see. I recommend that the administrators of the fund file Code of Ethics complaints with the Ohio Supreme Court for the repayment of the monies. This is the kind of behavior that gives the legal profession a bad name.

Thank you for the opportunity to bring these items to your attention. I enjoy reading The Gavel and look forward to each issue. The "Upcoming Calendar of Events" and the "Alumni Advice" columns are great ideas and of practical value to all readers.

Sincerely,
W. Spencer Kline
(2nd Year, Evening Student)

Editors Note:
The information concerning the SBA's endorsement of the new parking procedures that the author referred to in the "Discriminatory Parking" article, while controversial, were contained in the the parking department publication The Parking Spot. The Gavel welcomes students, staff, faculty and administrators, to contribute to this publication. The Gavel reserves the right to make all final editorial decisions. The opinions expressed by the contributors do not necessarily reflect the views of the school or the Editors of The Gavel. The Gavel is not responsible for article content including factual matters. We welcome and appreciate differing points of view, and encourage all individuals to voice their opinions.

Letters to the Editor:

"OBSERVATION IS ONE OF THE SUREST WAYS TO LEARN..."

By: Judge James J. Sweeney, Presiding Judge of the Cuyahoga County Court of Common Pleas

The people I met in law school were divided into two groups: the three or four percent who had wanted to be lawyers since they were twelve and the others who went to law school because it delayed any serious consideration of what to do with the rest of their lives. I was in the majority.

When I left law school I had a better idea of what lawyers did than when I entered. But I still had no real knowledge of any of the small details that create the reality of a lawyer's professional life. I had been in a courtroom once -- for a traffic ticket.

My first job after I passed the bar was with the County Prosecutor's Office. A couple of months after I was hired, I saw my first complete jury trial. I sat second chair and assisted, actually observed, a veteran, career prosecutor in the presentation of a very difficult case, the attempted murder of a police officer. The second case I saw was my first trial which I tried alone.

The prosecutor I worked with, I'll call him Henry, was an excellent trial lawyer. He was high strung, intense, and, not quiet, but silent. He answered any question I asked but made it clear that in the great scheme of things, a completed crossword puzzle was certainly more important than my enlightenment. It took me a few years to realize he was probably right. Henry wasted little time in trial. Jury selection, opening statements and the presentation of the state's case were done quickly and succinctly. He brought a kind of nervous energy to his cross-examination and final argument, which made him interesting to watch.

My major assignment was to take the verdict. Henry hated taking a verdict. He claimed that once the judge had charged a jury, he considered the case over. What do I do? I asked.

Nothing, he said. If the judge asks if you want the jury polled, say no. Just write the verdict in the file and date it. The judge will take care of the rest.

A few days later, Henry handed me a file and told me the judge insisted that we begin this case that afternoon.

Don't worry, he said. It looks like a simple case. You pick the jury and I'll contact the witnesses for you.

Pick the jury, I said.

Yeah, you know, voir dire. Henry, I don't know how to pick a jury. What should I ask them?

Oh, it's easy. Just keep asking them if they can be fair and impartial.

I did. The jury was empanelled. The witnesses appeared and testified, a verdict was rendered, and justice, or some semblance of it, was done.

Trial work is probably a small percentage of what the typical lawyer does. But the courtroom is where legal disputes are ultimately settled. I would urge anyone who plans to actually practice law to visit the Justice Center as often as their schedule permits. On a typical day, there are about sixteen (16) jury trials in progress. The courtrooms are public and except in the most unusual circumstances, one can come or go as they wish.

One of the surest ways to learn is to watch and ask questions. Most lawyers are happy to talk about their work and interested, even anxious, to share their experiences. And if you have any real simple questions, come up and see me. I'll be happy to talk to you when I finish my crossword puzzle.
Legal Careers Opportunities Program

- Looking Back and Aiming Forward

By Evelyn Moya
Staff Editor

A Centennial is a classic event reminiscent of the British Empire's pompous Jubilee of plump and formidable Queen Victoria (to commemorate her 75 years) whose rule extended to four continents and a sub-continent. Likewise, Cleveland-Marshall's centennial is a celebration of its past and its continuing achievements.

In 1960 when the United States gifted itself with a president who was an idealistic son of Boston Irish immigrants, the nation found itself imbued with John F. Kennedy's youthful and ambitious dreams (the Peace Corps, Man on the Moon Project, physical fitness, etc.). In a way, these aspirations were expressed in the Kerner Report. The Report suggested that the legal system of the United States would be better served by making it more open to segments of our population than under-represented in the legal profession.

The response from the American Bar Association and many law schools was positive. The Kerner Report was the primary impetus in establishing Cleveland-Marshall's Legal Career Opportunities Program.

In the Spring of 1970, then Dean James Gaynor appointed a Committee to investigate and report on the need to begin a modest locally-funded program to prevent the unintentional reduction of diversity in the law school population. The Committee included Professors Ruben, Sierk (chair), Sutin and Tabac as well as law student Dennis Dowdell. Then Assistant Dean James Flaherty requested the Cleveland State University to make some money available from the Cleveland-Marshall Fund. Professor Ann Aldrich, the first female faculty at Cleveland-Marshall, (and Senior Federal District Judge) actively recruited promising students from the country's disadvantaged South.

The Program was set to admit fifteen students after interviewing each of them. The first class however, had sixteen students. Dr. Elsie Nicholson administered "some diagnostic tests" to evaluate analytical reading and writing skills. Having accomplished this, Sandra Kerber was to "home" those skills into legal education standards.

She emphasized that the Committee sought to discover in the applicant a "potential" for doing law school work and that those admitted were qualified academically. She remembers the challenge of addressing each of the student's needs amid the diversity in background: race, culture, age and gender.

Today, the LCOP Admissions Committee "seeks to admit candidates who have encountered adversity in the pursuit of education or career goals and have a record of accomplishment either academically or professionally."

The Early Days

One of the first students admitted under the Program was Patricia A. Blackmon, now Honorable Judge of the Ohio Court of Appeals (Eighth Appellate District). Judge Blackmon has often recalled in her many speeches at the law school and at Black Law Students Association functions that the program made it possible for her to obtain a legal education, an opportunity that would not have been a reality without Cleveland-Marshall. Without rancor, she also recalls the isolation she felt being black and female in law school.

During the first summer of the Program, each student was assigned a law professor for a week. The law professor essentially taught the law subject individually to each student. Blackmon recalls learning from Aldrich's kitchen table as well as the classroom. Kerber had the immense task of providing academic support. According to Sierk, the Committee decided to continue in the Fall of 1971. The name Legal Career Opportunities Program was actually suggested by William Tabac.

The Ohio Board of Regents and the Admission Test Scores

The Board of Regents has made C-M's relaxed threshold for LSAT (Law School Admission Test) scores as the stinging motivation for diminishing the subsidy for the Law School. The Board of Regents seems to have interpreted the scores as the sole indicator of quality when in fact the LSAT score may not at all be determinative of the performance of a student in law school. The subject of LSAT scores continued on page 10

C-M Externship Program Lauded

By Deborah Caldwell

The Externship Program at Cleveland-Marshall is an excellent way to acquire hands-on skills and experience in various areas of the law. The law school has established externships with the U.S. Attorney's Office, the Federal Public Defender's Office, University Hospitals and Judicial Externships. In addition, a student can fashion his/her own program by submitting a proposal to the Externship Committee. The externship site must be a public entity as opposed to private, and the student must be engaged in meaningful work under the direct supervision of an attorney or judge in Cuyahoga County. All of the students enrolled in the various externships for the semester come together for the seminar sessions which are a required part of the program. These sessions are lead by a faculty member and occasionally members of the legal community are invited as guest speakers. Not only does an externship allow students a unique opportunity to experience the day to day activities of attorneys in a particular setting, but also through the seminars, students are able to share their experiences, impressions and insights with each other.

Participation in an externship program is a veritable "skills workshop" for enhancing legal research and writing skills. Supervising attorneys are very willing to critique and give feedback on the student's work.

Another benefit is that the work product from externships (keeping discretion in mind) serve as excellent writing samples to submit with job applications. These writings certainly bolster one's resume. An externship can be beneficial in other ways as well. It allows the extern to "try out" an area of law which the extern might think is of interest to him or her before substantial investment of time and effort. Like a test drive before a car purchase, the externship time affords the extern the critical period of deciding to go in pursuit of the interest and get a head start in competition or invest in another goal.

Networking with practitioners in the field could also open doors to future employment.

When I planned for my final year in law school, the idea of securing an Independent Externship appealed to me because it afforded the student six credit hours toward graduation and to top it all, no final exam!

I chose an Independent Externship with the Child Protection Unit of the Cuyahoga County Prosecutor's Office. I had read about the Unit in the Plain Dealer and I thought at that time that it would be very interesting work. I contacted Asst. Prosecutor Melody White, the head of the Unit who agreed to sponsor me. I never dreamed I would actually find myself working there!

I am amazed at how much I have learned in such a short period of time. I have seen both excellent and mediocre lawyering and have had an opportunity to observe many of the judges on the bench in the Court of Common Pleas, one of which, is a Cleveland-Marshall graduate with whom I conversed after sitting in on a trial. Over the past few months, I have had an opportunity to attend some of the most high profile trials in Cuyahoga County.

I have been inspired by the many attorneys in the Prosecutor's Office who are so totally dedicated to their work and the profession.

The potential for growth and learning is invaluable and I highly recommend that students take the opportunity to participate in one of the externships before graduation.

Beverly Pyle heads volunteer group for Immigration pro bono services

By Evelyn M. Moya
Staff Editor

Eager to learn and altruistic, five students who are mostly bilingual (English/Spanish) and currently enrolled in Prof. Steve Lazarus' Immigration Law class have signed up to join Legal Writing Instructor Beverly Pyle in her commitment to provide pro bono services to ProBar. Pro Bar is a South Texas and American Bar Association project based in Harlingen, Texas. The students will work on refugee/asylum cases. Yamil Benitez-Tovisco, Lisa Blair, Evelyn Moya, Steve Cogbill, Patrick Yoyo are scheduled to work for a week in January 1997.
Concern has flourished recently over the announcement that the Ohio Board of Regents has considered, amongst other things, cutting back on the funding for the state's law schools. In response to student concerns, I took the opportunity to speak with County Commissioner Mary Boyle to ascertain her opinions and thoughts on the ramifications of the Board's possible implementation of its policy considerations. I chose to speak with Mary Boyle because her opinion is highly respected in Ohio politics and she has exhibited an outstanding record in her public service for this state. One of her greatest accomplishments in attempting to serve Ohio's needs was her bid for the US Senate in 1994, the first such attempt by a woman in the history of the State. Her vigorous campaign came within a mere 1.7% of winning the Democratic nomination. Thus, Commissioner Boyle has displayed her mettle and possesses a voice in politics that can accurately forecast and echo our concerns.

When asked for her thoughts on the matter, Boyle said that her greatest apprehension to the Board's saber rattling was that any such cuts could paradoxically strike at the foundation and long standing tradition of Cleveland-Marshall for the opportunities it extends to non-traditional students. "Cleveland-Marshall has always afforded the working class person with the opportunity for a legal education."

One of the Board's justifications for its plan of cutting back on funding for Ohio law schools is that more resources are needed for two year technical schools and job training programs, a justification, Boyle insists, is without merit. She believes that if technical schools need more funding, "then give them more funding, but this funding should not be siphoned from the money supporting professional schools."

According to Boyle's statistics, the average yearly income for a family headed by persons with a professional degree is $100,000. The average income for a family headed with persons holding a four-year degree adds up to $46,000.

Justice Evelyn L. Stratton, the re-elected Ohio Supreme Court Justice recently spoke to students at Cleveland-Marshall regarding judicial opinion writing in the state's highest court. After a brief explanation of opinion writing at the lower court levels, beginning with the Municipal Courts, Justice Stratton explained the rather complex and time consuming process that goes into a State Supreme Court decision.

Municipal Court opinions, according to Stratton, usually consist of only one or two lines because the types of cases heard at this level do not require any type of lengthy opinion. Common Pleas Courts can be a little different. Opinions vary widely county to county and judge to judge. "At this level the longer the opinion, the greater the possibility that you could be reversed," said Justice Stratton. "Civil cases usually require more writing by the Judge, mostly dealing with motions for discovery," she continued.

At the Appellate level opinion writing becomes much more complete. Judges are required to do more reading of briefs and transcripts because all of the opinions rendered from the Appellate Court are paper generated and not the result of a trial setting. Justice Stratton noted that, as a rule, a Court of Appeals "will not" reverse a decision based upon insufficient evidence, unless all three Judges agree.

When a case reaches the Ohio Supreme Court the opinion writing takes on a whole new life. After all the Justices have read the briefs and oral arguments have taken place, the Justices gather together for a discussion. A question and answer period is followed by each Justice stating their opinion regarding the issue at hand beginning with the Chief Justice and ending with the most recent member of the court. Then, each Justice casts their vote in reverse order so the final vote is cast by the Chief Justice.

Once the votes are tallied, the names of the Justices in the majority are put together and one name is drawn; that Justice writes the opinion. After the majority opinion has been written, the other Justices may write concurring or dissenting opinions depending on their position. When all opinions are on paper, and read, a final vote takes place. "Here is where it can get interesting," said Stratton. "If for some reason the original vote was 4-3 and something in one of the dissents sways one of the Justices, from the majority, the dissent now becomes the majority." So the Justice who originally wrote the majority opinion now changes it to a dissenting opinion, and the Justice who wrote the dissenting opinion now changes it to a majority opinion. Seems complicated but according to Justice Stratton, "it works very well." Additionally, each of the Justices have three law clerks to assist them with research and some of their writing.

After spending many years in private practice and on the bench, where she was nicknamed "the velvet hammer" for her tough stance on crime, Justice Stratton concluded that her time on the Ohio Supreme Court has been the most "challenging and rewarding."
By Barry Saxton
Staff Writer

There's an old joke: New York is a nice place to visit, but I wouldn't want to live there. Mansfield State Prison is not a nice place. It's not a nice place to visit, and you wouldn't want to live there then. There is Death Row at Mansfield. It makes the rest of Davis. Wiley Davis is on Death Row. It makes the prison seem like a spa. It's not there. Then, there is Death Row that doesn't look like a prison. There are gun ramparts. There aren't any gun turrets. The prison looks more like a community college, with long low buildings like those typically built in the 60s, than what it is, the last bastion of society's attempt to protect itself, from itself. As the distance shortens, you see that the chain-link fence which surrounds the property is actually two fences, each topped with coil upon coil of anti-personnel wire and a space of about 30 or 40 feet between them.

I am there with attorney John Parker and we are going to see his new client, Wiley Davis. We park the car near the main entrance and Parker advises me to leave anything of value or anything that might be construed as a weapon in the car. I leave my wallet, my money clip, jewelry, and pen knife under the floor mat. I have been apprehensive, but now my apprehension has turned to something akin to, but not quite panic.

In the past when I was going to meet someone for the first time I would wonder what they were like, what I would say, what they might say. If it was an important meeting, I would rehearse in my mind what might happen. I was prepared. My life experiences had prepared me for most of life's eventualities. I was not prepared to meet Wiley Davis. I had never been to a prison before. I had never met anyone convicted of murder. I had never met anyone sentenced to death. This time I was not prepared, I couldn't be.

The inside of the main reception building looks like any government office, plain and sparse. We signed in at the reception desk and next had to pass through the metal detector. I didn't expect to see the detector off, after all, I had left everything in the car. But I did. I emptied my pockets of what was left: a plastic case for my contact lenses, eye drops, and a pill box with some allergy medication. Nothing there to set a metal detector off. They had me try again. Again I set it off. Next time I removed my shoes. Yes, my shoes. It seems that there is a metalshank in some shoes and this will set the detector off. I set the machine off again. All that was left, besides the zip in my pants was a belt buckle, I took off the belt, grabbed hold of my pants and made it through. Security here is a bit tighter than at the airport. We had our hand stamped with the code of the day in fluorescent ink and then passed through the first of many steel armored doors.

As that first door slammed behind me, I, like Alice had begun my journey in earnest. I found myself locked in a small concrete room about eight by eight with no windows and only two doors, the one I had just passed through and the one ahead. Between the two doors, against one wall, was a small booth made of steel and bulletproof glass. There was a small funnel-like structure in the side of the booth. I slipped in my hand and the person in the booth verified that I had been properly stamped. There was a loud buzzing sound, the clank of a lock, and we opened the second door. We were now on the prison grounds proper. There were several roads leading off in different directions and a small parking lot. We walked over to the lot and wait for our driver to take us to death row.

It's a short drive, even at 5 mph from the main gate to the entrance to death row. It actually took us longer to walk from the entrance to the death row facility to where Wiley Davis is kept. (Where Wiley Davis lives? Where Wiley Davis wants to die?) Our driver stops at another chain-link fence topped with anti-personnel wire and we wait for it to open so that he can drive through. We wait for someone to notice that we are there, as the car's radio is broken.

We drive through the gate and are dropped off. We wait for the car to pass back through the gate and for the gate to close. The guard cannot see, the guard behind the tinted bulletproof glass in the control room waits too. The gate closes and the armored steel door that leads to death row opens. We enter a large entry room about 25 feet by 15 feet. There is one other door, no windows, the walls are concrete and one is concrete and bulletproof plate glass. We wait for the door we came through to close and lock before the second door is opened. We are met on the other side of the second door by a guard who leads us down and through several turns of corridors. No one speaks. The walls are all concrete. There are windows along some of the corridors at about eight foot intervals. The windows are from just above the floor to just below the ceiling. The windows are about four inches wide. We reach another armored steel door and our escort leaves us. The door opens and we walk into a room about 5 feet by 5 feet. There are no windows in this room. There is one other steel door. I am very uncomfortable. I am claustrophobic. The first door closes and just as panic is about to set in, the second door opens. We are met by another guard. The guard asks us who we are and who we are there to see. It was consoling to know that he knew we weren't staying. We waited while he made a phone call. He said nothing more, but merely pointed down a corridor and we marched on to yet another armored steel door. We reached the other door and waited for the now familiar buzzing sound which meant the door was unlocked. We entered another small room just like the last. The door closed behind us and this time we waited for what seemed like forever. The door finally opened and we were met by three guards. One left us without saying a word and he walked down the hall to the cells. Another asked us to follow him and we were led in the opposite direction and into a small room with a conference table and some chairs.

We sat down and waited for Wiley Davis. I'm still not sure what I expected, but I am sure that the man that appeared in that doorway wasn't it. I was expecting a murderer. I don't know, maybe I was expecting Hannibal Lechter, but I wasn't expecting an ordinary man. Wiley Davis looks like any ordinary man. But Wiley Davis is not ordinary. What makes him extraordinary is the fact that I am meeting him in prison that he is on death row that he, in all probability did in fact kill Amy Perkins.

Wiley wore a T-shirt, sweat pants, prison slippers, and handcuffs. The guard who brought him wore a uniform. The only way to tell them apart was by how they were dressed. We spent about two and one half hours with Wiley, during that time it was hard for me not to think about going home, the best that Wiley could think about was to not go anywhere, to stay right where he is.

Under a new Ohio post-conviction law, S.B.4, all inmates, including death row inmates in Ohio prisons were required to file a petition to seek post-conviction relief by September 21, 1996. If petitions were not filed by this deadline, their right to review was forfeit. To help in this effort, the National Association of Criminal Defense Lawyers developed the Summer Post-Conviction Representation Project. For this project law students were teamed up with lawyers representing indigent death row inmates in Ohio.

The state post-conviction review process is the way in which inmates can raise the critical constitutional issues which are at the core of, and test the reliability of decisions which have been made, and the fairness of their trial. Post-conviction review is a process which addresses those issues that are not included in the record of the trial or which have been brought up on appeal. These are issues which have denied these inmates their fundamental rights. Rights which may have been abridged include: perjury by a witness or a juror, ineffective assistance by trial or appellate counsel, or withholding of exculpatory evidence by the police or prosecutor which would have shown the defendant to be innocent.

Wiley Davis' petition for post-conviction relief was filed on September 20, 1996. Wiley Davis was scheduled for execution at midnight October 22. A stay of execution was granted October 21. Wiley Davis remains on death row.
Not just a course...
But a legal Career.

"Your Future is Our Future"
Speak with a campus representative or call
1-888-BAR-EXAM - 1-800-723-PASS (7277)
**UPCOMING CALENDAR OF EVENTS**

**December 11** - Final Exams begin.

**December 20** - Last Day of Finals; Holiday Vacation Begins!!!

**January 9** - Begin endorsing Financial Aid checks at Bursar's Office.

**January 16** - Student Financial Aid check proceeds (previously endorsed) will be available for pick-up at Bursar's Office.

**January 21** - Classes Resume;
- Masters and Associates on campus for interviews (Office of Career Planning).

**January 22** - OCP begins sign-up for mock interviews.

**January 31** - Deadline for students to sign-up for mock interviews.

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**Notice from Office of Career Planning**

The Office of Career Planning has created a database to assist with the tracking of Cleveland-Marshall Students. All students were given an employment questionnaire to complete and return to the OCP. We currently have 419 students entered in the database. We are very pleased with this figure, however, it is our goal that each student completes the questionnaire. If you have not yet done so, please stop by OCP to pick up a copy.

The information you provide us will assist us as we work with you to achieve your particular career objectives. For example, we have already had great success matching students' interests and specific job postings. We do not want you to miss out on any opportunities, so stop by OCP and complete an employment questionnaire.

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**OSBA Law School Student Scholarship Overview**

**First scholarship $1,500**

**Second scholarship $1,000**

**Eligibility**

All associate student members of the Ohio State Bar Association are eligible to submit an application for the OSBA Law School Student Scholarship.

Nonmembers may apply for membership when submitting an entry by including a completed membership application and dues.

**Answer these questions**

"Why do you want to be a lawyer?" and "What does professional responsibility mean to you?" Each essay question must be no longer than two typed, double-spaced pages.

**Rules**

All essays must be the original work of the student. Each essay should be no longer than two typed, double-spaced pages. All entries must be accompanied by a completed entry form or a copy of it.

**For More Information...**

Contact the Ohio State Bar Association Membership Services Department at (800) 382-6556 (in Ohio) or (614) 487-2050.

**Deadline Extended to January 15, 1997**

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**Cuyahoga County Prosecutor Stephanie Tubbs Jones Addresses Students at C-M**

By Andy Nichol
Staff Editor

Cuyahoga County Prosecutor Stephanie Tubbs Jones spoke recently to Cleveland-Marshall students regarding a Prosecutor's journey into justice. Ms. Jones spoke on behalf of The Christian Legal Society and The Criminal Law Society regarding her faith and the role it plays in her life as Prosecutor.

Ms. Jones' achievements are quite extraordinary. After graduating from law school in 1974, she began her career as a trial lawyer, including an Assistant Cuyahoga County Prosecutor's position, as well as, legal counsel for the Cleveland District Office of the EEOC.

Nineteen eighty-one began a decade of service on the bench for Ms. Jones when she was elected to the Cleveland Municipal Court in November of that year. To some that would be enough. But, as is so apparent with this truly remarkable woman, there was more to be accomplished. By the end of the 1980's, she had been elected and re-elected to the Cuyahoga County Court of Common Pleas, and became the first black woman to serve on that court in the state of Ohio.

More recently, her appointment as Cuyahoga County Prosecutor in 1991, and her re-election to that position one year later, not only solidify her support in this community, but also demonstrate the commitment she has to serving the people of Ohio and making the laws work for everyone.

So what did Ms. Jones say? Well, she said plenty. A dynamic speaker with a gift for keeping your attention like a well-written novel. She was not reluctant to address her Christian beliefs, nor her ability to recognize the complexity of prosecutorial duties and personal beliefs. But, most of all she had a strong impact on most of the students in attendance. Here is what some of them had to say: "Ms. Tubbs-Jones helped me to see the importance of spirituality in the practice of law and how it can assist in relieving day to day stress. She also emphasized the necessity of maintaining a sense of humor!"

Bob Garrity IL

"Stephanie Tubbs Jones articulated the importance of family and her career. I was most impressed with her faith and how she stands steadfastly next to it."

Lisa Dills IL

"Stephanie Tubbs Jones' message was both educational and inspirational to me. Her attitude really gave me a fresh outlook of the law."

Catherine Ma 3L

"Stephanie Tubbs Jones' reliance on her spiritual background showed her personal strength. We know the practice of law is stressful. It was impressive to see a professional turn to faith in times of stress. Also, she felt the importance of life changing decisions in criminal law. It is fortunate that she is practicing in Cleveland."

Marlene Jennings 4L

"I found Stephanie Tubbs Jones' speech particularly inspiring. She is a great power of example with regard to balancing professional, personal and spiritual goals in the practice of law. It is so important to come into the practice of law as human beings first and lawyers second, and she is a prime example of how to do that."

Rachel Kabb 2L

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**The Gavel Editors and Staff wish all Students, Faculty and Staff a very happy and safe Holiday Season.**
SBA HALLOWEEN BASH A SUCCESS!!!

And The Winners Are...

Best Costume, Chris Conomy (Pootsie), and Ronnie Huggins, Best SBA Party Planner

Best Couple, Spence and Senta Kline

Scariest Costume, Jim Melone

Funniest Costume, Larry Archie, and Kelly Jackson...or is it Janet?

Best Group Photo, Michelle Simms, Theresa Casserly, (identity unknown), and Laura Courry

Best Pirate President, Michele Bereneci

Best Costume (Tie), Mark Abood

Best Drinkers...for First-Years, Tim Ditchey, Rebecca Kelley, Mark Engling and John Lysenko

Best Throw-backs, Carlos Gomez and Scott Allen
While the income for a family headed by a two-year degree only averages $30,000 a year. According to Boyle, if people stayed in Ohio, the state would regain its investment within twelve years through income taxes. "The state receives an increase in its taxes because of Cleveland-Marshall," she insists, because "Marshall students stay in Ohio more so than all other public schools in Ohio." Therefore, the state’s investment in the legal education of Cleveland-Marshall translates into real dollars, and any such cuts by the Board of Regents "would be self-defeating for the state.” Commissioner Boyle hopes that Cleveland-Marshall will “continue its mission to welcome non-traditional students, and to continue its role in creating better prepared and more skilled attorneys.” She believes that those of us who are concerned with the preservation of Cleveland-Marshall need to communicate to the Board of regents and to the Governor that the impact of such cuts in funding would be devastating to the tradition of this institution.

Join the OSBA and take advantage of many member benefits!
Ohio State Bar Association
Law student membership offers:

- **Up-to-date legal information** through the quarterly student publication Associate News, the weekly Ohio State Bar Association Report (OBAR) and bimonthly Ohio Lawyer.
- **Eligibility to apply for the OSBA Law School Student Scholarship.** Two scholarships will be awarded: One award at $1,500 and one at $1,000.
- **Opportunities to interact and network with practicing attorneys through committee, section and district meetings as well as the OSBA Annual Convention.**
- **By review discount.** West Professional Training Programs, Inc. is offering all law school student members of the OSBA a $300 discount off the full price of the West Ohio Bar Review Course.
- **A job resource for third-year students through the Resume Exchange Program that makes your resume available to firms that have positions available.** OBAR also contains job listings.

Savings through discount programs. The OSBA offers savings through Jos. A. Bank Clothiers, long-distance telephone service, cellular phone service and more!

For more information or to join, contact the Ohio State Bar Association, Membership Services Department, P.O. Box 16662, Columbus, OH 43216-6652 or call (800) 282-6556.

Samuel Gorovitz: Visiting Professor, Ethical And Policy Aspects Of Decision Making In Healthcare

By: Jihad Smalli  
Staff Editor

Cleveland, and especially the Cleveland-Marshall College of Law, are proud to host the first non-attorney to occupy the Visiting Professor Samuel Gorovitz. One does not know where to begin to put into perspective the outstanding lifetime achievements of Dr. Gorovitz; from his distinguished academic background and enlightening publications to his numerous prestigious academic positions numerous testimonies and lectures. Dr. Gorovitz is an important source of knowledge and an exceptional authority. Most importantly, Dr. Gorovitz cares deeply about the plight of contemporary medical issues such as the ethical dilemmas surrounding them; he will not hesitate to explain their complexities and significance if asked.

Dr. Gorovitz was appointed to the Board of Regents and to the Governor that the impact of such cuts in funding would be devastating to the tradition of this institution.

continued on page 10

Dr. Gorovitz has traveled around the world to lecture on ethical and policy aspects of decision making in healthcare and has been invited to testify before the Ethics Advisory Board, The President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, and Subcommittee on Investigations and Oversight (by invitation of then-Congressman Albert Gore), and the Human Fetal Tissue Transplantation Research Panel. Also, Dr. Gorovitz has been a Temporary Advisor to the World Health Organization (European complex and divisive. The Second is serving on the Executive Council of the International Medical Benefits/Risk Foundation in Geneva.

Dr. Gorovitz’ many intriguing publications, too numerous to list, have been influential in molding and developing the contemporary state of bioethics. Some of his book publications include: *Doctor Dilemmas: Moral Problems in Medical Care and Drawing the Line: Life, Death and Ethical Choices In An American Hospital*. Dr. Gorovitz refers to his most recent endeavor as "a highly valuable opportunity in a city with a tremendous and diverse culture. Cleveland has changed significantly over the decades. The city has a much more sophisticated array of restaurants and theaters now, not to mention the riverside reclamation and urban development." Dr. Gorovitz is cautiously optimistic about the city’s future; “Cleveland still has its problems. The public school crisis, the continuing effect of urban decay, and Cleveland’s history of racism—like the nation’s—are all problems of the juxtaposition of affluence and poverty which must be dealt with to secure a brighter future for Cleveland.”

Dr. Gorovitz’ presence at the Cleveland-Marshall College of Law is unique in two respects. First, Dr. Gorovitz is not an attorney, and the first non-attorney to occupy the Baker & Hostetler chair. Second, Assistant Professor of Law LCD Robert is Dr. Gorovitz’ daughter.

As a non-attorney, Dr. Gorovitz brings a unique perspective to the study of law. There are 33 students in Dr. Gorovitz’ medical ethics course; it will be interesting to continued on page 11
Candidates Announced for Law Dean Search

By Michele Berencsi, SBA President
And Student Representative On The Dean Search Committee

The Dean Search Committee conducted screening interviews of selected applicants and narrowed the field to four candidates. Each candidate will visit the campus for a two day interview. The candidates are: Interim Dean Steven Steinglass from Cleveland-Marshall; Professor C. Peter Goplerud III from The University of Oklahoma; Associate Dean and Professor of Law, Michael B. Lang of the University of Maine; and Professor John Gedid from Widener University.

The formal interviews are scheduled for November 26-27, December 2-4, and December 9-12. The candidates will meet with students, faculty, staff, administration, professional staff, alumni, the Visiting Committee, Provost Harold Affron, and President Claire VanUmmersen. The student sessions will be from 5-6 p.m. on selected days. Anyone interested in attending these sessions is welcome. The student body will be notified of the exact dates. Additionally, any student may review the resumes of these candidates in the SBA office.

I will contact students from the candidates’ respective law schools in order to find out their perceptions on the applicants. Out of respect for the candidates and the integrity of this process, please do not make these types of calls on your own without notifying me first. I am open to any input you may have and/or any contacts you are aware of who might have information on these candidates. Please feel free to discuss any of your comments or concerns with me. It is very important that students get involved in this process because the Dean will play an integral part in the future success of our law school. We want and deserve the very best candidate for the job!

County Commissioner

In concluding our meeting, I asked Commissioner Boyle if she had thought about running for the U.S. Senate again. She responded with a pleasant smile, and told me that she would like to run for the senate again, and that if John Glenn’s seat became available, she just might do it. If ever this availability comes to pass, I hope that the Cleveland-Marshall community and the state would respond in kind and place Mary Boyle in the Senate where she can safeguard our schools.

Parking Issue

When the committee determined the rates for this year, they felt that the formula used was fair. They were not intending to discriminate against law students. A former senator of the SBA, Wendy Zohar, attended some parking committee meetings last year, but at no time did the SBA approve the rates imposed on us this semester. The parking Committee was under the impression that we were aware of the formulas used and that is why they indicated our approval in the publication that the previous Gavel article published. This was a misunderstanding between the Parking Committee and the SBA. The SBA never approved the unequal rates. As a result of our meeting, Oden, Doorman, and Parker made a proposal to the Parking Committee that our pre-paid parking pass rates be decreased to equal the rate charged to the rest of CSU students. The Committee approved. Therefore, the price for a pre-paid parking pass next semester will be $93 instead of $119 which was charged this semester. Many thanks is owed to Anthony Parker for his efforts in this battle.

I appreciate that Tom Forum, the author of the previous Gavel article which criticized the parking situation, was so astute to notice the injustice perpetrated against law students. I think it is important for students to take active stances on such issues. I would however appreciate it if anyone else has a complaint which involves the SBA that they bring the problem to our attention before printing it in The Gavel. In this situation, some of Fourmas’ information was incorrect and the problem had already been addressed and practically resolved before his article was even printed. Had I known of his intentions, we could have worked together to print something more positive and avoided a lot of unnecessary anxiety. Thank you.

The Gavel regrets omitting Beverly Pyle’s name as the author of the excerpts from “My Texas Journey” published in the October issue.

Faculty News

Returns Next Issue
ATTENTION FIRST YEAR STUDENTS:

Only $25 Deposit To Enroll

Sign up for the Ohio BAR/BRI First Year Review Program for only $25.00 and receive all of the following:

Concise outlines for:
- Civil Procedure
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BAR/BRI Study Smart Computer Software for Contracts, Criminal Law, Real Property, Torts and Evidence.

One hundred dollar ($100) discount off Ohio BAR/BRI Bar Review tuition.

Lock in current price for bar review tuition, instead of price when you graduate.

PLUS . . .

Trade in any other first year program materials and receive a full BAR/BRI First Year Program, plus we will credit any deposit paid toward your BAR/BRI Bar Review tuition.

To enroll, call:
(216) 696-1326 in Cleveland or
(800) WE-PASS-U elsewhere in Ohio.