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Cleveland-Marshall College of Law

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# The GAVEL

Cleveland-Marshall College of Law

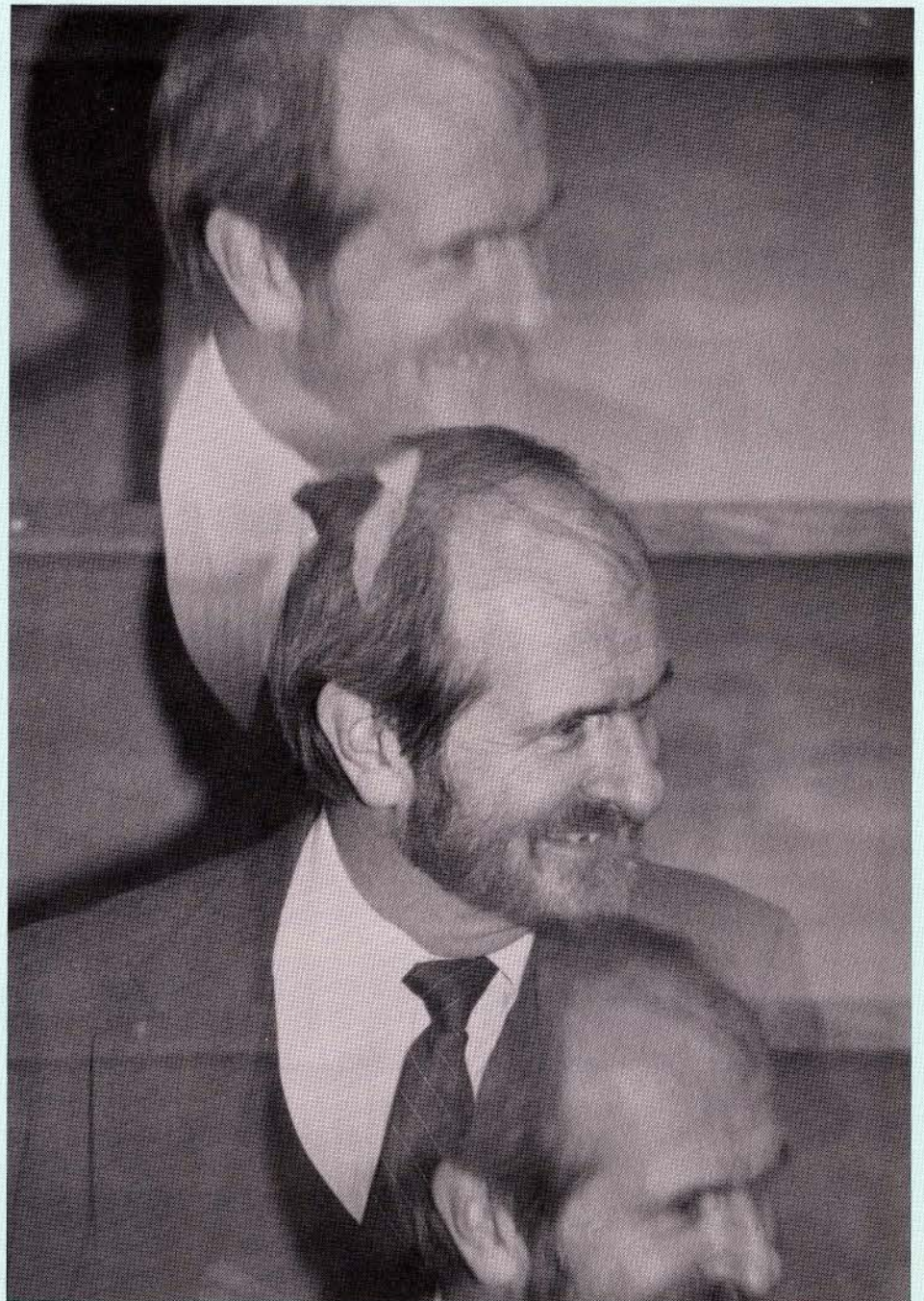
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*Demjanjuk attorney  
discusses evidence  
issues, prejudices,  
trial tactics during  
talk at Cleveland-  
Marshall*



*Photo by R.T. Reminger, Jr.*

## Editor's note

*"It is incredible the way this preposterous assumption has become completely imbedded in graduate education in the United States. Examinations have become the beginning and the end of education."*

-Carl Rogers, from **Freedom to Learn (1974)**

Somewhere in law school a good idea got lost. The law school grade has become the major obstacle to the law school education.

It seems odd that the very thing which a legal education rotates around can hinder the process. But it is this rotation which causes the problem.

From the student's very first day in legal education he realizes the emphasis put on grades. Those with the highest marks get the best rewards: sought after jobs in a tight market, honors, law review, recognition and even an improved sense of personal worth.

However, in a grades-orientated atmosphere competition breeds. Each student wants his or her grades to be the best. The student becomes more selfish and less able to participate in the free flow of ideas outside the classroom. Even unified projects, such as study groups and law review, are utilized more for individual purposes than for the collective good.

Education is not a process which takes place only in the classroom. It happens in the interactions between the students, in the lunchroom, in study groups, and over a cup of coffee. The system limits these interactions.

While this system might provide some motivation to study, it injures the student's ability to work with others. When this injury is carried into practice the attorney will not be skilled at dealing with other attorneys and their own valuable clients.

The problem runs deeper than the law school. It goes to society. The emphasis on how much money an individual can make and how many material goods he or she can acquire was not born in a law school, but it need not be perpetuated there.

Grades should be used as a learning tool and not a measuring stick. It is possible to give feedback more often or at least in a way that will help the student in the learning process. Some scholars have suggested even a pass-fail system for the first-year and many of the best schools do not use grades at all.

None of the answers are simple, but the problem is real and needs to be addressed. Education should exist as a solution not a problem.

## The GAVEL

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Any interested students, including first-year students, are encouraged to become involved. The Gavel office is located in room 23, near classroom 12. Stop by, someone is usually in the office. Or put a note in the envelope on the door. We'll get in touch with you.

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# Learning to teach lawyers

## Faculty column

By Assistant Professor Lynne Henderson



*Ed. Note—The Faculty Forum is a new feature column in The Gavel. The purpose of The Faculty Forum is to provide faculty perspectives on issues of interest to the Cleveland-Marshall com-*

*munity. Writings on any topic of the writer's choice may be submitted. Participation and contributions from C-M faculty are welcomed and encouraged.*

When The GAVEL first suggested the idea of a column for professors, I thought—and said—what a great idea! When The GAVEL approached me to write what was to be the inaugural column, I thought—and said—what an honor! I'd be delighted. Since that time, however, I have been struggling with the problem of what should I write about? What would students find interesting? What do they want to know about faculty (if anything)? What can I write that isn't self-laudatory, misleading, or trite? Well, rather than guess at what you all may or may not want to know or worry about whether I come across as insufferably pompous, I thought I would just say something about why I initially went into teaching, what goals I have in my teaching, and what I like about teaching.

One reason, I am sure, that I became an academic, is that I grew up in a university town and thought that this is what grown-ups did. But aside from whatever initial shaping influenced me, I started thinking about teaching law when I was in law school. The reasons were several: I found law fascinating and wanted the time to explore legal issues in depth; I admired many of my professors; and, as many of you have probably done, I developed some definite opinions about legal education. After practicing law for a few years, I was anxious to have the time to think and write about legal problems from a broader perspective than I could under the constraints of serving clients, and I longed for something that would give me, personally, a feeling of making a positive contribution to the legal profession.

I decided to try my hand at teaching,

first as a teaching fellow working with first year students on research and writing. I found the work rewarding, and decided to become a law professor. Although I feel an occasional twinge when I remember working on a particular case in practice, or a particular trial, I have found the rewards of teaching and scholarship to be far more important to me.

As I mentioned, I had some definite ideas about legal education when I started teaching; since then, I have made other decisions about what I want to accomplish and what I think the value of a legal education is. One concern that has remained with me is that law school, with its large classes and its emphasis on a particular form of reasoning, can appear to be inhuman and alienating. I started out with the notion that alienation was entirely the fault of professors, and the idea that I certainly would never be guilty of perpetuating it. I've found that the causes of alienation are somewhat more complicated than I'd first assumed. But to the extent I can combat it by being human, available, and enthusiastic about the enterprise, I hope that alienation can be diminished. I try to convey the care and concern I have for students while at the same time communicating high expectations and making demands that I believe are necessary to training good lawyers.

A complaint that is not uncommon in law school, and one that certainly has been applied to me, is that professors are "too theoretical" and are unwilling or unable to deal with the reality of practice or teach what the law is. My response to this concern is that, given the courses I teach, there is a definite method to my madness. Law school is not only the place to develop professional skills, but also the place in which future lawyers have the time to learn about and explore the social, political, and philosophical issues permeating the law and the profession. The importance of "theory"—law and economics, law and morality, domination and hierarchy, freedom of ideas—cannot be overemphasized: On a purely pragmatic level, knowing where tensions exist or influences originate is extremely handy for mastering and using a body of law and for representing clients as well as you can. On a more existential level, thinking about the issues that permeate law while you are in law school helps you to choose what is important to you in your professional

(cont. to page 12)

## Letter:

### Law schools need practical courses

Editors:

The focus of legal education today must be redirected toward the fundamentals: legal researching, legal writing, and legal citing. This letter strives to indict the "system" rather than any school in particular. Cleveland-Marshall is certainly not the only legal institution in the nation that fails to instruct its students adequately in these basics. In fact, few, if any, law schools adequately stress these necessary skills.

As a summer associate at one of the larger Cleveland law firms this summer, I found myself struggling to research effectively, write concisely and coherently, and cite correctly. My first two years of law school taught me how to read, brief, and recite cases written by lofty judges presiding in courts throughout this country as well as England, New Zealand, and Australia. This form of education may be ideal if I wanted to be a judge in New Zealand. I don't, and neither do most of my colleagues.

As I approach my final semester at law school, I sadly realize that while I may know the Rule Against Perpetuities and the "Social Significance of Large Law Firm Practice" (Law and Society — one of the Perspective Electives), I do not know where, when, or how to file a brief and/or motion. While I do not advocate that law schools be turned into trade schools, I would ask that more practical courses—geared to the reality of legal practice—be offered. Theory alone may suffice at an Ivy League law school where its name alone will secure enviable jobs for its students. Unfortunately, teaching theory alone ignores the hiring reality faced by many of Cleveland-Marshall's graduates.

Robert Rosenberg

## Park: A dirty word at C.S.U.

Editor:

Park. How appropriate, in light of the problems of recent weeks, that "park" is a four-letter word. In truth, it has let to the utterance of many other four-letter words that are inappropriate for this letter.

The parking problem is nothing new to veterans of the Cleveland State community wars. It is bemoaned, complained about, and generally condemned by all. Despite such a widespread hue and cry, the situation is unimproved. The parking lot that had been closest and most convenient to those of us that make our daily drive into Cleveland-Marshall has been demolished for the convenience of the university at large. As a feeble attempt to compensate for this loss, the powers-that-be have opened a new lot on E.18th Street, behind the College of Urban Affairs. The number of spaces available in this new lot is quite a bit less than those that were destroyed.

The next nearest lot to the law school is the infamous Cleveland State Parking Garage. Anyone unfortunate enough to have been caught in this monument to traffic congestion and the fruitless search for the magical "empty space" know the horrors of this mausoleum.

From the parking garage we move across Chester Avenue to the warren of gravel pits that the CSU parking barons have honored with the title of parking lots. These turn into urban demolition derbies by nine o'clock most mornings. Woe betide the unwary traveller who makes the mistake of turning into "someone else's" space. Dents, fender benders, and accordion-like hoods are grim warnings to those who enter these mazes of destruction.

One of the main attractions of Cleveland State University is its convenience as a commuter school. With the exception of Viking Hall (read, "We got a Holiday Inn on the cheap and since it wasn't in the way of the Convocation Center . . . what the hell, let's make it a residence hall.) Cleveland State is bereft of on-campus housing. One would presume, then, that several thousand students per day drive to school and need a place to park. How is that the priests of parking cannot provide enough parking for their paying customers? Daily, their acolytes, armed with paper-spitting little boxes, pass through the rows of cars handing out ten dollar tickets to those unlucky souls who were unable to find a legitimate space. Where does the revenue from these tickets go?

As self-appointed representative of all the people who regularly spend twenty minutes every morning searching in vain for a place to park, I implore student and university organizations to turn their attention to this need before they have so many buildings that nobody can park within four blocks of the university that forgot the commuter.

James J. Drake

## Bar admission interview is personal experience

By Terence Taips

Under Supreme Court of Ohio Rules for the government of the Bar of Ohio, applicants seeking admission to the Ohio Bar must be interviewed by two members of the local bar association of the county where the applicant has permanent residence.

In Cuyahoga County, a Joint Committee appointed by the Supreme Court from members of the Cleveland Bar Association and the Cuyahoga County Bar Association interview applicants.

I had just completed and submitted the Supreme Court's Applicant's Questionnaire in August. With surprising speed, in mid-September, I received a letter informing me that I was to be interviewed Oct. 5 by attorneys in the Standard Building. Had they found something disturbing in my work experience or references? Perhaps, the process was more efficient than I had imagined. I scrutinized the form letter for clues where there were none. Other than noting that the interviewers, serving on a pro bono basis, were to investigate my character and that I should confirm the appointment by telephone, only the last sentence caught my attention: "You have the burden to establish your present state of moral fitness to practice law in Ohio."

Interview day arrived. Wearing a conservative suit and feeling some trepidation, I went downtown. Would I face an interrogation or an interview, a friendly chat, a mere formality, or something in-between?

Carefully arriving ten minutes early, I tried to project an air of nonchalance to the secretary in the reception area. When an attorney approached, I was acutely aware of my slightly sweaty palm (which I had inobtrusively tried to wipe on my pant leg when I arose) as I shook his hand and followed him into his office where another was already seated.

During our half-hour meeting, the attorneys were friendly and polite. They asked me several questions including: What are your duties in your current employment? Had anything changed on the completed application they had before them? It was indicated that they had noticed nothing unusual in my application which would require intensive questioning.

Following a short general discussion,

## C-M students are not limited

By Karren Brower

There is no good reason why a Cleveland-Marshall student must settle for working in Cleveland. Many C-M students do remain in Cleveland upon graduation to begin their legal careers. However, if the desires of most do not appeal to you, you can opt to seek employment elsewhere and thereby exercise control over your future endeavors.

To begin, you need to plan your target areas in which you will interview. Ask yourself, "What cities would I like to practice in and why?" I suggest sitting down with an atlas or map to plot out various possibilities. Next, you must consider what type of law firms and what areas of practice you are interested in. Typical decisions will focus on whether you desire to work for a large or a medium size firm, or whether you want to work for a general practice firm or one that specializes in certain areas. Once these decisions are narrowed, you are ready to begin your research.

Your two most helpful tools will be the NALP guide and the Martindale-Hubbell directory of lawyers. Now that you have your target cities and types of firms in mind, you can access these manuals, writing down the firm's address and general areas of practice.

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# Political Ethics:

## Quayle's law school education comes under fire

By Max J. Brown

The recent lapse in ethical conduct by high ranking officials, both in government and business, can best be illustrated by the recent controversy surrounding the admission of Dan Quayle into the Indiana University School of Law. Although Quayle is obviously not the only person "guilty" of unethical practice with regard to gaining career advantages through family and friends, his example is both timely and relevant.

Quayle's admission through the school's minority, affirmative action program borders on the unethical. This event has raised some serious issues concerning the system which allows persons to be admitted into law school. Furthermore, this case, and its predecessors, illustrate the prospects for others to gain entrance into school through more legitimate, ethical means.

It is unfortunate that certain members of society are judged by a less than objective standard. Quayle, and others, have used influence in varying degrees to assist in his or her entrance into law school. However, persons who strive for success or excellence in whatever endeavor should all be evaluated by an equal standard. Clearly, the Quayle episode presents a situation in which this was not the case.

Not only was Quayle admitted through an affirmative action program originally designed to aid minorities, circumspect in and of itself, but his family used their influence as a publishing, power to assist Quayle in gaining entrance to assist Quayle in gaining admittance to law school.

Quayle was not evaluated solely, or even predominantly, on his own achievements and merits as others are judged. While Quayle may very well have been qualified for law school, his admission seems to have been incumbent upon large donations by his family to Indiana University.

While conceding that the latter mode of entry into law school is not that uncommon, i.e., entry through the influence of family or friends, the extent to which that assistance played a role in admittance is a key issue. If outside help, assistance other than by one's own hard work and diligence, plays a major role in the determination of one's qualifications, then the system by which persons are accepted into law school, and other professional schools, needs to be reassessed.



# Presidential teams analyzed; choices abound

By Christina M. Janice

The Republican presidential ticket of Vice-President George Bush and Senator J. Danforth Quayle seeks to take up the supply-side expansion of the Reagan Administration, while making some adjustments and additions to the Republican platforms of previous years. Along with the traditional planks of strong defense and entrepreneurial activity, the Bush-Quayle team are emphasizing the role of research and development in the next term. Despite this view to the future, the Republican ticket continues to expound traditionally conservative views on the moral issues.

### Abortion.

Bush-Quayle opposes federal funding for abortion, and opposes the decision of *Roe v. Wade* (1973), which protected states' right to regulate abortion though prohibiting states from banning abortions altogether. Bush would allow abortion only in cases of rape, incest or danger to the life of the mother.

### Agriculture.

Bush-Quayle supports phasing out farm subsidies in light of a recovering farm

market.

### AIDS.

Bush-Quayle supports increased spending on research and education. Groups targeted for mandatory testing include the military, prisoners, immigrants and the Foreign Service.

### Civil Rights.

Bush-Quayle opposes the Equal Rights Amendment (ERA), opposes federal registration of firearms and restrictions on sales, and supports a Constitutional Amendment allowing school prayer.

### Defense.

Bush-Quayle supports deployment of the Strategic Defense Initiative (SDI), research and development of the MX missile, the Midgetman missile, the Stealth and B-1 bombers, and chemical weaponry. The ticket supports requiring allies to assist in paying for their defenses, and opposes a nuclear freeze.

### Drugs and Law Enforcement.

Bush-Quayle proposes placing the Vice-President in charge of program against drugs, and advocates using the armed services

to intercept the illegal importation of drugs. Bush promises to make mandatory the testing of transportation workers, and calls for eviction from federal housing and rescission of driver's licenses for those convicted of selling drugs. Advocating the death penalty, Bush-Quayle calls for the use of the death penalty for those dealers convicted of violent, drug related crimes.

### Economy.

Bush-Quayle proposes a "flexible freeze", allowing many budgetary programs to keep pace with inflation. The ticket also calls for the line-item veto, and a Constitutional amendment to balance the federal budget.

### Education.

Bush-Quayle proposes "college bonds", tax free savings bonds for families to use toward saving for their children's college education.

### Environment.

Bush-Quayle sets 1991 as target year for the cessation of ocean dumping. Bush supports President Reagan's veto of the Clean Water Act. (cont. to page 13)

## C-M copiers don't get the job done

By David Gornik

You know the scene. It is a all too familiar one. There you are with an hour to kill between classes. You fight off the urge to indulge the hour in mindless socializing in the cafeteria or potatoing-out in the TV lounge. Conquering the mid-day inertia, you defy all odds and find yourself entering the law library determined to get some work done.

Quickly, before your motivation fades, you decide to locate those eight or ten cases you need for legal writing, moot court, upper level writing requirements, law review or the independent study course registered as an "incomplete" on you report card from last semester. Now the cerebral juices are beginning to flow nicely. You locate all the cases in a matter of minutes and head over to the copy machine.

As you approach the copier, your mouth drops open and your chin hits the floor. The copy machine is not being utilized and is presently available for your exclusive use. Not believing this unusual opportunity, you insert your vendacard into the slot and are prepared to commence with reproduction.

Your hopes for a quick copy are dashed when you notice the LED display on the copy-counter flashing a red unintelligible message indicating that your vendacard must be recharged or re-validated.

You race to the circulation desk for re-validation. The friendly librarian places your card in a black box and informs you that you only have 14 copies left on the card. You ask to purchase more copies and place a five dollar bill on the counter. The librarian politely informs you that the library can only accept a check. Your check book is in the car in a conveniently located parking space — five blocks away.

Determined not to let these minor distractions deter you from your quest, you dash down to the cafeteria so the change machine can transform your fin into two pounds of dimes, nickels and quarters. You've still got a half hour left before class which is plenty of time to make the copies.

You return, jingling, to the copy machine only to find that now you are third in line. The person operating the machine has a vendacard with 485 copies registered on the LED display.

"How long do you think you'll be?" you ask with a courteous, but urgent tone in your voice.

"What time does the library close?" he answers.

No problem, the other copier is vacant. Further inspection reveals this is due to the "Out of Order" sign taped to the lid. Your only hope is the other two machines, one located in the basement and the other upstairs. You lug the massive pile of casebooks up the narrow steps only to find three people waiting to have the copier re-stocked with paper.

Realizing that tough cases make bad law but not really knowing why it is so, you plunge, undeterred to the basement with the precariously piled load of bound wisdom in tow. What luck! The basement copier is available, in working order and fully stocked with paper. Deftly, you rattle off the 14 copies left on the vendacard. One case is already copied so you



*A typical scene in the law library.*

*Photo by R.T. Reminger, Jr.*

attempt to continue copying with your pocket full of change. However, this machine does not take money — only vendacards.

By now, you have got to leave the library. It's time for your next class. You are frustrated, tired, tense, and even a little angry because you know you will have to come back later to finish the job. You got one case copied in one hour. You begin to experience pangs of regret and self-doubt. "I don't know why I wanted to be a lawyer anyway. I'll probably never make it."

Don't give up. These thoughts are the classic symptoms of a common C-M ailment called the Joseph W. Bartunek III Law Library Copier Blues (The syndrome gained national popularity through a Bob Dillan tune of the same name). Although a search for a vaccine to the malady was futile, cure has been found.

The library will take bids for new copiers in March or April according to Scott Finet, Interim Director of the library. When asked why the copy machine situation has been so notoriously bad over the past few years, Finet said, "I agree the situation is terrible, the copy machines are almost five years old."

Finet, who inherited the situation when he became interim director one year ago, says the source of the problem can be traced to a decision made by the library staff five years ago. They purchased the machines rather than simply bidding-out the service to a company in the copy business. Back then it was felt the 600,000 copies per year at eight cents per copy would be a good source of income for the library. However, along with ownership comes the responsibility to maintain the machines including stocking the paper and making repairs. The library deals with the maintenance problem by contracting with CMC Corp., an office equipment company, for a service charge of 1.5 cents per copy.

Finet recognizes the seriousness of the problem, not only for students and faculty, but also for its impact on the library collection as well. When the capability to copy is not available or is not competitively priced, the temptation to steal and rip pages out of books is increased. The Interim Director is hoping to solve the problem early next year by making some or all of the following changes.

- Lower the copy prices to compete with other vendors
- Bid out the copier contract on a percentage fee, so the library will no longer be in the copy business
- Sell vendacards in a self-serve vending machine that takes cash

If you have any ideas that will improve the library copy service, Finet said now is a good time for suggestions because of the transition this spring.

## FBI Squanders taxpayers'\$

By Doug Davis

Forty years of surveillance of Frank Wilkinson cost U.S. taxpayers more than 17 million dollars. As a result of this and a lawsuit, the Federal Bureau of Investigation may no longer "tail" Wilkinson and Wilkinson may use force to resist surveillance.

Wilkinson shared these surprising facts with students and faculty recently while at Cleveland-Marshall, speaking on behalf of the National Lawyers Guild.

Wilkinson is a civil liberties organizer, now 74 years old. After leaving the Methodist ministry and its "hypocrisy," Wilkinson started advocating civil rights and racial equality in the Watts section of Los Angeles shortly before WWII. Wilkinson had been working with a prominent priest during the late 1930s, trying to clean up the slum conditions in Watts. When he was named director of the housing projects in Watts, the FBI started its file.

Never suspecting he was a target of FBI surveillance, it was not until his house in Los Angeles was burglarized that he was pointed in the FBI's direction. Wilkinson thought maybe the Watergate burglars had broken into his home. However, Archibald Cox suggested he ask the FBI what happened. Two FBI agents came to his house and Wilkinson asked them if they had broken into his home on a certain date. "They sat there, looked at each other, and then said, 'What date was that?'" Wilkinson said.

As a consequence of this, Wilkinson filed a Freedom of Information Act request with the FBI to find out what files were kept on him. After receiving much of the information, Wilkinson learned he was the victim of counter intelligence programs run by the FBI, designed to hamper Wilkinson's activities.

FBI activities partially were responsible for Wilkinson's blacklisting in 1952 which forced him out of a high-paying job. Wilkinson was later jailed in 1958 for refusing to answer questions while testifying before a subcommittee of the House Unamerican Activities Committee. Wilkinson spent a year in a South Carolina federal penitentiary, a place he described as the only integrated community in South Carolina. See *Wilkinson v. United States*, 365 U.S. 399 (1961).

While at C-M, Wilkinson urged listeners to sign a petition to Congress asking it to "[E]nact legislation that will prevent the FBI and other federal criminal law enforcement agencies from undertaking investigations that threaten the exercise of First Amendment rights."

"The FBI doesn't have a charter," Wilkinson said. Guidelines adopted by President Reagan in 1981 have apparently allowed the FBI to engage in the same surveillance tactics it used when under the control of J. Edgar Hoover. No one is sure exactly what the guidelines are since Reagan classified them as soon as he signed them. This was a reversal from former-President Ford's guidelines which ended political investigations in 1976. From 1976 through 1981, anyone could see what information the FBI kept on anyone, if a Freedom of Information Act request was made. Wilkinson was quick to point out that every President, since the FBI was formed, has misused the agency; Democrats and Republicans. Even former-Chief Justice Earl Warren used the FBI to check the background on a man dating his daughter, Wilkinson said.

Wilkinson argues the FBI surveillance and investigation should be limited to criminal acts violating federal criminal laws. The FBI should not be allowed to engage in political investigations, he said. An example of FBI abuse is that during the 1960s, the FBI had 5,145 paid political informers in Chicago costing \$2.5 million each year. At the same time, 1,000 syndicated murders occurred in Chicago, yet the FBI convicted no one.

Another frightening fact revealed by Wilkinson is that between 1936 and 1976, every board of bar examiners in this country had a secret liaison with the FBI. Every student who took

(cont. to page 14)

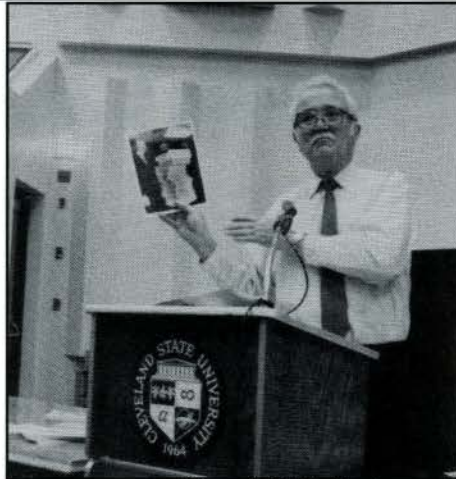


Photo by R.T. Reminger, Jr.  
Frank Wilkinson



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Photo by R.T. Reminger, Jr.

John J. Gill

# Gill states his case at C.S.U.

By Tom Glassman

John J. Gill, a 1962 Cleveland-Marshall graduate and former chief trial counsel of accused Nazi death camp guard John Demjanjuk discussed evidence issues and court prejudices encountered during the trial, recently, before a large crowd in the Moot Court Room.

Gill's lecture, "Comments from Inside the Astonishing Demjanjuk Case," was sponsored by Delta Theta Phi, of which Gill is an alumnus.

Demjanjuk, a retired Seven Hills autoworker was convicted of being "Ivan the Terrible," a sadistic guard at the Nazi concentration camp of Treblinka. Demjanjuk also was accused of being at Sobibor, Gill said. Demjanjuk was extradited to Israel in 1986 after District Court Judge Battisti found Demjanjuk had made material misrepresentations of fact when immigrating to the United States. *United States v. Demjanjuk*, 518 F.Supp. 1362 (N.D. Ohio 1981). Official proceedings started against Demjanjuk in 1977. The case is being appealed in Israel, where he was convicted several months ago. Gill is not participating in the appeal.

Gill's lecture addressed the difficulties involved in being an international lawyer. These difficulties include travel time and jet lag, certification processes, being away from his family. The lecture focused on evidence problems. At the start of the trial, Gill had doubts whether Demjanjuk could receive a fair trial due to the emotional nature of the charges. "In order to prevail in Israel, we had to prove him innocent; a level of proof beyond a reasonable doubt would not be acceptable," Gill said. Evidence for the prosecution was more readily admitted than evidence presented for the defense, he said.

An identification card from a Nazi

(cont. to page 15)

# C-M grad shares insight

By Greg Foliano

The secret of success in law is to be prepared to really work, according to John J. Gill, a 1962 Cleveland-Marshall graduate and recently the chief trial counsel in the John Demjanjuk case.

Gill returned to C-M to lecture on behalf of Delta Theta Phi. Gill is an alumnus of the fraternity.

"When you are involved in a case," Gill said, "you have to work long and hard. If you do you will be able to live with yourself."

For a young lawyer the first five to ten years are what Gill terms "the hardest." "With the number of young attorneys out there now it is tough," he said. "The best thing for a new graduate to do is become associated with an established firm."

Gill grew up on the lower west side of Cleveland and attended Saint Ignatius High School. After Gill's graduation from C-M, he began to practice in Cleveland doing normally criminal and personal injury work. He aquired an expertise in document authenticity and because of this skill was asked on the Demjanjuk case. He later became chief trial counsel.

The case recieved national attention. "At first I thought you can waste an awful lot of time with the media," Gill said. However, later he became the spokesman for the defendant because the trial was televised was on television daily.

"We would become so engrossed in the trial, we would not even notice the cameras," Gill said. During the trial counsel had to wear black robes. Because Gill, who is taller than six foot, was not aware of this custom until

he arrived in Israel, a female member of the prosecution lent him hers. "The media had some fun with my short robe," Gill said.

The trial continued for 14 months and caused some problems in Gill's professional life. His Cleveland practice evaporated.

"When people need a lawyer, they need one quick," Gill said. "If you're not there, they'll find someone else."

Gill, who has decided not to work on the appeal of Demjanjuk, will return to practice, and plans on taking fewer but more difficult and demanding cases.



John Gill converses with students

Photo by R.T. Reminger, Jr.

# Law schools under criticism

By Cathie Chancellor

Thirty years ago, Arthur T. Vanderbilt, late Chief Justice of the State of New Jersey, observed in a writing on legal education that more and more we are being made aware of the gap between law in books and the vastly different law in action that inevitably arises in a changing society. While this broadly-based view has been expanded from the cornerstone position of legal jurisprudence, modern day proponents of fusing neutral principles into the legal process, social science and law, law and economics, and the iconoclastic critical legal studies movement, it has also become the sinew for those concerned with enhancing lawyer competency.

Criticisms of law school curricula, summarily narrowed to a single focus, are, simply, that law schools fail to adequately prepare students for tasks they will need to perform in practice, this being the primary cause behind instances of lawyer incompetency.

Opponents of the Socratic method and the case method of study specifically argue that programs emphasizing case study are time consuming, frustrating, and lacking in educational returns to the student. Others, according to a study on legal education conducted by the Harvard Law School, feel that such programs are lacking in perspective as to the scope and implications of law, and as to the problems a lawyer must solve in practice; that they fail to provide a synthesis of the law and of law and related disciplines; and that they neglect training in the areas of practical lawyering skills.

On the other hand, there is general agreement among members of the bench, bar, and legal educators that case study is an indispensable part of legal education. The consensus is that cases in a casebook are purposely placed in a juxtaposition that serves to provoke students into a self-motivated intellectual thought process. Acknowledging that the case method provides a foundation that will be of use, not only in the early years of practice, but also in the later years of practice, Dean Steven Smith notes that law school curricula should be structured so as to reach and maintain a balance between theoretically-oriented and practically-oriented courses. "Medical school programs," by comparison, "can be too clinical, even though the nature of the study of medicine demands a mechanistic [and ironically] physical approach to learning" upon the prospective

physician.

Considering that the goal of American law students is to prepare students for the spontaneous, analytical reconciliation of a myriad of "discrepancies," the task of attaining some balance is a difficult one. One noted legal disciplinarian stated that "law is a very different kind of discipline: It stands at the hub of a kind of wheel; it touches all the main human social interests . . . corporations, elections, administrative agencies, every professional practice. Just about everything you can think of touches the law somewhere."

In light of this view, the importance of studying the diversity of circumstances and problems presented by a casebook becomes clear.

Nevertheless, the recent Competence movement has resulted in an effort by the legal profession to implement strategies aimed at countering criticisms of lawyer training during and after law school. For instance, one highlight of the 1980 draft of the Model Rules of Professional Conduct was the prominence given to competence as a professional standard. In Ohio, the Supreme Court very recently adopted a new rule requiring every licensed attorney to acquire at least 24 credits in continuing legal education every two years.

Required coursework in legal profession and ethics, and variations thereof, have become part of law school curricula. The American Bar Association in

1987 reported in a study entitled "Contemporary Law School Curricula" that the number of semester credit hours available in elective courses listed in law school catalogues between 1984 and 1986 have increased nearly 25% over the past decade. Legal clinics aimed at exposing students to the lawyering process by assuming professional roles have become predominant among schools as well. Unfortunately, budgetary constraints in the circumstances of a number of schools render these and similar programs short lived. Thus, the impetus has been to provide elective courses as a means of teaching the "practice" of law.

"In many instances, simulated teaching is a more efficient means of teaching [what lawyers do], since there is a controlled environment," said Dean Smith. "Although sometimes less exciting than the 'real world,' such clinically-oriented classes provide better skills training because the student can stop, ask questions, and be advised" as to what to do next.

(cont. to page 11)



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# Initial SBA budget vetoed by Spero

By Doug Davis

Budgeting processes always hold the potential for controversy, and this year's Student Bar Association's allocations to student groups proved no differently.

The initial appropriation Senate meeting, Oct. 2, raised tempers and questions of legitimacy of student organizations. Though the Senate eventually passed the recommended budget, SBA President Scott Spero vetoed the budget a few days later because some of the student organizations were not recognized by Cleveland State University. Spero was informed by CSU's department of Student Life Oct. 6 that most C-M student groups were not officially recognized.

Becoming a recognized organization is an administrative exercise that involves meeting with CSU Associate Dean Laura Webb and filling out paperwork. Spero said he vetoed the budget to allow the student groups time to be recognized by CSU. Allocating money to student groups not recognized by CSU could result in legal action. Since money allocated by the SBA is considered "public funds," it must be allocated and spent according to state regula-

## Outside employment

(cont. from page 4)

Once your list is compiled, you will want to draft a cover letter and resume. Your cover letter, which will be addressed plainly to the recruiting coordinator, should express your desire to be either a summer associate or a first-year associate. Discuss your attributes, which will include your personality, along with your academic and/or employment achievements. State that you would like to meet with the coordinator and that you could be in their city at a mutually convenient time. The printing can be performed easily and inexpensively on a computer, whereby the inside address can readily be changed for each letter. Of course, not all of your responses will be positive due to the particular needs of the firm. However, you should receive at least a 5 percent positive response from firms inviting you to interview with them. Make sure you immediately contact the firm by phone or letter to follow-up on their invitation.

With your flights booked and your suit pressed, be prepared to sell yourself in the interview. Inevitably, you will be asked why you chose that particular firm and that city, so be prepared to explain yourself. Know general background information about C-M also.

tions and procedures, he said.

"It is not my responsibility to make sure the student groups complete the paper work. It is up to the executive officers of each group to file the reports in the Department of Student Life," Spero said.

So, the Senate met again Oct. 14 to reconsider the recommended budgets. Budgets for each of the student groups were passed as recommended except for the International Law Society's.

The International Law Society's budget was cut by the Senate from \$2,150 to \$736. Outgoing ILS VP Mark Herron read a statement indicating \$736 was the lowest

amount needed to keep the organization alive and not penalize the Model United Nations conference which it cosponsors each winter.

Problems arose with the ILS because an unauthorized member submitted ILS's budget to the SBA. In addition, money was spent without the signatures of SBA officers. Some Senators said ILS's funding should have been cut completely in light of the improprieties. Third-year day Senator Kevin Spellacy analogized defunding ILS to college sports teams being sanctioned by the NCAA.

Altogether, the Senate allocated \$10,473 to student organizations while retaining about \$7,000 to pay for past and future events.

ORGANIZATION	1987-88 BUDGET (amt.spent)	1988-89 BUDGET
Phi Alpha Delta	\$2,000.00 (1,897.00)	\$1,881.00
Delta Theta Phi	\$1,100.00 (175.20)	\$1,226.00
NBA-LSD	\$2,705.90 (2,138.88)	\$2,357.00
Women's Law Caucus	\$1,785.00 (1,191.00)	\$1,501.00
Law Rev./Mt Court	\$ 600.00 (571.55)	\$ 575.00
Jour. L & H	\$ 200.00 (159.20)	\$ 175.00
Tau Epsilon Rho	\$ inactive	\$1,056.00
Int. Law Soc.	\$3,177.55 (2,379.32)	\$ 736.00
Nat. Lawyers Gld.	\$ 790.00 (104.23)	\$ 966.00
SBA	\$7,000.00 (app.)	\$7,000.00

## Legal education criticized

(cont. from page 9)

Internships present yet another opportunity for students to gain practical experience while still enrolled in school.

If you have an interest in learning the "law in action" during your years of study at Cleveland-Marshall, by checking your bulletin you will find that C-M offers a wide range of electives, including agency internships and an employment discrimination clinic. Also, watch for special offerings.

As Smith suggests, however, teaching and learning the true practice of law begins with the basics.

First, the student-faculty ratio at law schools should proportionally be reduced. "The average medical school class has a student-faculty ratio of 1:2, versus 1:25 at the average law school. A ratio of 1:10 at C-M would be ideal to facilitate increasing lawyering skills."

Second, the emphasis on "greater faculty scholarship and research, as well as more attractive salaries, would ensure retention of quality faculty."

Third, library support is critical. "Improving services and increasing materials is essential to student learning. "A larger, separate facility at C-M is needed."

Finally, the process of teaching, per se, must include "creativity." "Students must gain an understanding of the parallels and interrelationships between law and other disciplines," notes the Dean. The greater the appreciation of how law affects and is affected by the economy, public policy, the media, and much more, the more creative the lawyer will ultimately become in the practice of law."

## Dean forum: legal education

By David J. Przeracki

A student forum, billed as "Tenure & Academic Freedom" was hosted by Dean Steven Smith Oct. 18 in the Moot Court Room. From Smith's perspective, "academic freedom is essential, yet difficult to define." According to Smith, academic freedom includes the right of a faculty member to publish relevant matters without fear of being fired. Publications of opinion must be protected, as well as publications of controversial or unpopular opinions. Smith believes that new knowledge is founded in these areas.

If it is accepted that academic freedom is essential, it is Smith's belief that the best protection of this freedom is academic tenure. Law school faculty are currently awarded lifetime tenure after three to four years of teaching experience. According to Associate Dean John Makdisi, who was attending the forum, Cleveland-Marshall is moving to increase the required teaching time to seven-eight years.

The tenure decision making process is lengthy, complicated, and very expensive. A faculty committee is first assigned to review the tenure candidate. Upon that committee's recommendation, the whole faculty votes. Other scholars review the work of the tenure candidate, usually in the form of publications, and the candidate is reviewed during classroom visitations. A recommendation is sent to the University for final review.

Do students have any voice in the tenure decision making process? Very little. Currently, student evaluations are reviewed and "considered" during the process. For this reason, strict and serious attention must be placed by students in completing classroom evaluations. They're our only input. Makdisi interjected that the evaluations are very helpful, with few exceptions, to the reviewed professor. Smith supported this statement, adding that "there is not much other feedback in teaching."

Several questions were posed to the Dean concerning the problems connected with post-tenure review of professors, with particular concern focussed on the 25-year "dead wood" teachers. He replied the incentive to be a good teacher "is internal with the faculty. To be a good teacher requires a love of teaching; law professors need approval from their students and their peers." On a more pragmatic level, Dean Smith mentioned that tenured faculty are reviewed annually for salary purposes, and such review is merit based. Post-tenure dismissal is rare, and the justifications for it are limited: incompetency; failure to perform in one's job; and "unethical" conduct. Makdisi indicated that pressure from students and faculty have resulted in faculty resignations in the past. He added that among the major problems in this issue is the lack of clear guidelines and goals for professors. Another is the low salaries for C-M professors.

The Student Forum is the brainchild of Smith. It is his desire, to open and maintain communications with students. On Oct. 18, only eight students showed up. There was some discussion of changing the meeting time for future meetings to encourage student participation.

## Learning to teach *(cont. from page 3)*

life. Believe me, there is not much time to muse on such things once you begin to practice. And to use examples from my own experience, knowing the tensions in the law of the exclusionary rule and the conflicts between the desire for crime control and the concern for individual security in a liberal society enabled me to prepare responses to search and seizure motions more effectively as a prosecutor. Knowing the main arguments for and against the criminal sanction, the arguments over the role of the defense lawyer and the meaning of the Bill of Rights better enabled me to reach my own conclusions about my choice to be a criminal defense lawyer. I could always fine-tune doctrinal and factual issues through legal research and keeping up with the advance sheets, but I would not have known where to begin without a good grounding in principles, theories, and issues of law and society.

What I like most about teaching is that it is fun. Helping students and seeing them grow intellectually and professionally is the most rewarding life imaginable to me. It is tremendously exhilarating to have a class take off, engaging and challenging and talking. I spend a great deal of time preparing for and thinking about classes, and when things work, it can be absolute magic. (Of course, alternatively, when I've done a bad job, I am miserable) I enjoy getting to know students and being of assistance, and I have noticed that I have grown tremendously fond of each class I have had. Over the course of a semester or a year, each new group brings something special. There have been times when it has been downright painful to say goodbye to a class; it has always been difficult for me, because each class creates a kind of special relationship that is hard to lose.



Photo by R.T. Reminger, Jr.  
Angie Mitchell is all smiles as she serves the coffee and donuts.

## Angie best menu item

By Pat Corrigan

To those who frequent the coffee shop at Cleveland-Marshall, the cheerful face of Angie Mitchell is often the best item on the menu. She is regarded with much affection by the students, and the feeling is apparently mutual.

Starting at three o'clock every day, Angie greets the haggard and tired community with a smile and delicious coffee. Angie works full-time for Service America. The first half of her day is spent at the University Center cafeteria in the main campus area. Monday through Thursday, she can be found purveying tasty goods from three until six at C-M. On Fridays, she opens the shop at eight and closes at two-thirty.

Angie admitted that she prefers the law students to the undergraduate crowd. "I like being around them because they are real nice..." Without a doubt, Angie inspires her customers to be kind. Many have given her their praise.

Thomas Mayernick, a third year student, describes Angie as "Lovely, charming, exquisite, splendorous, joyful, and very happy." Obviously, Tom is one of Angie's greatest fans. He pointed out that if you are having a bad day, it is wise to stop in and see Angie because "she will pick your mood up right away." Joanie D'Emilia joined in reminiscing how often Angie has brightened the

*(cont. to page 14)*

## University continues to raise money for C-M

By Sue Gluntz

The commencement of the school year found members of the Cleveland State University Annual Sustaining Fund hard at work in their effort to raise money for the benefit of the University. This program contacts members of the community, foundations, corporations, alumni, and friends to raise unrestricted money.

Louise P. Dempsey, Assistant Dean for External Affairs at Cleveland-Marshall, said, "Our goal is to raise as much unrestricted money as possible because this money can most directly benefit the students." According to Dempsey, there are no projected goals for this year. Last year \$42,500 was raised. This money was placed in the Dean's

Discretionary Fund and was used for various purposes, including scholarships.

Currently, the Annual Fund Drive consists of three phases. The first phase is the phonathon. A consultant firm contacts people first by mail, then by phone. This phase was first initiated by C-M four years ago. Last year was the first year that the phonathon was utilized by the entire school. Dempsey said, "We usually are the leaders."

The second phase of the fund drive is The Peer Solicitation Program. Graduates from the law school will receive personal visits from other graduates. Dempsey commented, "The graduates really like to do

(cont. to page 14)

## Candidates compared, contrasted, criticized

(cont. from page 5)

### Foreign Policy.

Bush-Quayle supports aid to the Nicaraguan Contras and the policy of "constructive engagement" with South Africa. The ticket opposes the formation of a Palestinian state and favors pre-emptive strikes against terrorists.

### Health Care.

Bush-Quayle advocates catastrophic health care coverage for children and Medicaid for welfare mothers entering the workforce.

### Housing.

Bush-Quayle proposes vouchers for federal housing assistance.

### Taxation.

Bush-Quayle supports a reduction of the capital gains tax to fifteen percent, and refuses income tax increases as a measure to decrease the federal deficit.

The Democratic Presidential ticket of Governor Michael Dukakis and Senator Lloyd Bentsen calls for an end to supply-side economics, and instead proposes several new domestic programs designed to assist those not materially benefited by the economic recovery of the 1980s. While advocating government assistance to the individual, Dukakis-Bentsen also supports individualistic positions on moral issues.

### Abortion.

Dukakis-Bentsen supports *Roe v. Wade* and endorses self-determination of women on this issue. The Democratic ticket also favors Medicaid funding of abortions for women in poverty.

### Agriculture.

Dukakis-Bentsen supports subsidizing small farmers, and encourages diversification of crops.

### AIDS.

Dukakis-Bentsen supports an in-

crease of research and education, and would permit testing of prisoners, military and immigrants.

### Civil Rights.

Dukakis-Bentsen supports the Equal Rights Amendment (ERA), federal controls on the possession of firearms, and the Civil Rights Restoration Act; and opposes school prayer.

### Defense.

Dukakis-Bentsen proposes a Conventional Defense Initiative (CDI), which emphasizes strategic bombers, land-based ICBM's, and submarine-based SLBM's. Dukakis-Bentsen supports only limited research and development of SDI, and supports a nuclear freeze.

### Drugs and Law Enforcement.

Dukakis-Bentsen proposes a National Alliance Against Drugs, headed by an appointed "Czar", and promises to increase the number of drug enforcement agents. Dukakis states that he reserves the right to determine whether to use the military in drug raids, and will not support the death penalty for any crime.

### Economy.

Dukakis-Bentsen opposes the balanced budget amendment, and favors a program to collect unpaid taxes as a means of lowering the deficit. The ticket supports private and public sector cooperative efforts at retooling industry and retraining workers.

### Education.

Dukakis-Bentsen proposes the Student Tuition And Repayment System (STARS), which would allow students to receive government loans, repayable through federal withholding of a percentage of the students' future paychecks. The ticket also proposes a National Teaching Excellence Fund to recruit and train teachers, and a Vol-

untary Literacy Corps to act as a pressure group for the allocation of state grants.

### Environment.

Dukakis-Bentsen supports the Clean Water Act and advocates national standards for the reduction of toxic emissions (acid rain). The Democratic ticket also advocates reduction and recycling of material waste, rather than burying it.

### Foreign Policy.

Dukakis-Bentsen opposes aid to the Nicaraguan Contras and calls for total divestment from South Africa. The ticket opposes the formation of a Palestinian state and, like the Republican ticket, refuses to negotiate with the Palestinian Liberation Organization (PLO) until that group renounces violence. The Dukakis-Bentsen ticket pledges to subordinate U.S. interests to the international interests of the United Nations.

### Health Care.

Dukakis-Bentsen proposes catastrophic health care coverage for all citizens, and supports the Kennedy plan for universal health care as provided by employers. The ticket advocates requiring Medicare to subsidize home health care expenses for its recipients.

### Housing.

Dukakis-Bentsen proposes the National Partnership for Affordable Housing, a private and public sector cooperative effort to provide low-rent housing to those below the poverty level.

### Taxation.

Dukakis-Bentsen states that if higher personal income taxes are deemed necessary to reduce the deficit, then the team will raise income taxes in a manner graded heavier toward those individuals on the wealthier end of the income scale.



*1987-1988 GAVEL editors, Richard Loiseau and Doug Davis, show off awards. The magazine won first and third place national honors.*

## Bar interview experience *(cont. from page 4)*

one of the attorneys asked if I had any questions concerning the application process for Ohio Bar admission or the legal profession in general. The following information and opinions were given in response to my queries.

How many attorneys were involved in interviewing applicants in Cuyahoga County? How many had they interviewed? Sixty-five attorneys are involved in interviewing applicants through their membership on the joint admissions committee. Both attorneys indicated that they had interviewed from 15-20 applicants each year for the past several years. They did so not only out of a sense of obligation and a desire to be of service to the local bar association and legal community, but also because they found meeting applicants interesting.

Was there any particular area they concentrated on or looked at when reviewing questionnaires and interviewing applicants? Both attorneys stated they simply reviewed each application on its merits and tried to spot any areas of potential interest. One noted that if-for example-the applicant indicated that he was involved in substantial amounts of litigation, that area would be explored. He stressed that interviewing attorneys could only make a recommendation to the admissions committee (or suggest areas needing additional information) and could not make any final decision.

In their opinion, are the Ohio Supreme Court's proposed rule changes regarding bar admission-particularly the laundry list of specific factors to be considered in determining moral fitness and character-an attempt to restrict the number of attorneys entering practice in Ohio? Both interviewers quickly responded that "by no means was it an attempt to limit" the number of attorneys entering practice. They felt the proposed rule changes were simply an effort to respond to bar admission committee members' complaints that the current guidelines are too subjective and open to interpretation.

## F.B.I. squanders money *(cont. from page 7)*

the bar examination was cleared through the FBI, he said. No one is certain whether these liaisons have been reestablished since 1981.

Wilkinson said most of this information was revealed in a report issued by the Senate Select Committee to Study Governmental Operations with respect to Intelligence, chaired by Senator Frank Church, now deceased, in 1976. See 1976 CIS S-963-3, for the full text of the report.

## Raising money

*(cont. from page 13)*

this because it helps the students and it is gratifying to themselves." The National Chairperson of the Alumni/Friends Annual Appeal is the President & Chief Executive Officer of TRANSOHIO Savings Bank, Myron Filarski.

In an effort to build up relationships between the local business community and the University, a third phase has been added to the fund drive. This phase pairs a dean from each college with a trustee from the CSU Development Foundation. The two-person teams visit more than 100 top companies in Cleveland. These teams are not asking for money; rather, their goal is to build up relationships between the corporations and C-M.

Although the primary goal of this fund drive is to raise money, Dempsey believes "another very important goal is to make the community aware of the College and to let them know about things that are going on."

## Angie *(cont. from page 12)*

days for others.

Satisfying the clientele with edible goods is a big concern of Angie. She attests that she "drinks the coffee and eats the food - you have to just to make sure its good!" A small band of loyal customers has made it a habit to dine at Angie's shop on a nightly basis. Greg Foliano and Tom Goodwin, part of the group, find her soups to be of the highest quality. In fact, Angie herself claims that the clam chowder is her favorite soup. When asked what her favorite restaurant was, Angie cited York Steak House near Randall Park Mall. Then, followed by one of her endearing rounds of laughter, she quipped that she "should have said Service of America!"

Angie gained her joyful outlook on life from her family life as a young girl. She is the second youngest child of twelve, and she credits her parents with teaching her how to love life and others. "We didn't have anything," she said, "but we were happy." She came to Cleveland in 1964 from a small town, Dawson, Georgia. She has three children in Cleveland, and misses the time that could be spent with them during the dinner hour.

When asked her opinion about the new dean, Angie admits that she likes "his face. . . . The new dean's got it!" Finally, she intimated that she wouldn't mind having her picture taken with him."

## Philip Jones comes to America

By Kathleen M. Kirt

The British are Coming! The British are Coming!

On August 11, 1988, America the Beautiful opened her arms to embrace yet another newcomer to her shores — Philip G. Jones, Visiting Assistant Professor of Law, Cleveland-Marshall's 1988-89 faculty exchange member from Polytechnic Central, London, England. Professor Jones and C-M's Professor Stephan Landsman have exchanged offices and teaching responsibilities as part of a continuing faculty exchange program begun in 1976. The

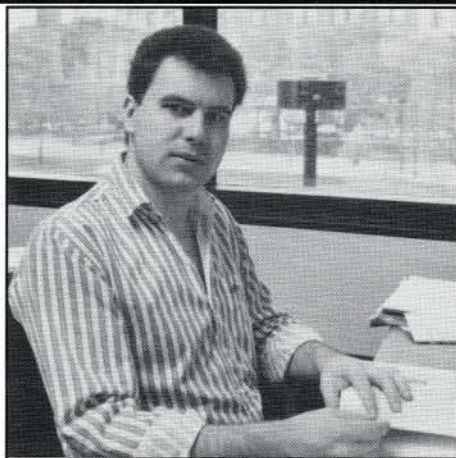


Photo by R.T. Reminger, Jr.  
Visiting Professor Philip G. Jones

program got its start largely through the collaborative efforts of former Deans Christensen and Professor Hyman Cohen and Associate Professor Earl Curry. It has been successful and will continue as an established C-M tradition.

One of the more obvious differences between the educational systems of the United States and that of Britian, Jones says, is that British students study the law as undergraduates, whereas in the United States, law is a graduate program. He believes that the age difference plays a significant part in the increased dedication of our first year students.

The Professor's teaching style is somewhat different from the Socratic method. At the beginning of class, he lectures briefly on the topic of the day. During the second half of class, the Professor and students engage in a lively discussion of assigned torts cases.

When he is not in torts class, Jones kicks back three miles of hard pavement a day, skis, and plays squash and soccer, the national sport of England. He enjoys old movies, new jazz, and dislikes any food labeled "nouvelle." The twenty-six year old Liverpool native has spent the better part of his adult life in London. Of Irish and Welsh descent, his lilting brogue is coupled with a warm smile, a quick wit, and a decided drop or two of blarney.

In addition to his sports pursuits, Jones is busy preparing manuscripts for several books in the areas of torts, employment law and orientation for first year law students. He is also a closet fiction writer, with two novels awaiting an editor's scrutiny.

With the start of the spring semester, Professor Jones will be teaching an upper level course in Comparative Employment Law, a course which he musingly called "HARD."

## Gill speaks at C.SU. (cont. from page 6)

training camp at Trawniki, Poland, allegedly belonging to Demjanjuk was a chief focus for the prosecution. Document examiners from both sides disagreed on the authenticity of Demjanjuk's signature on the card. Gill criticized the prosecution's examiner who was not qualified to testify in Israeli courts until after the trial began.

Gill also claims the court used a double standard to evaluate witness testimony. Finding Nazi witnesses credible when favoring the prosecution and unfavorable when favoring the defense. Eyewitness testimony, more than 40 years old, also was admitted and found credible. Gill attributes this to the emotions surrounding the crimes and the case. Photo spreads were highly suggestive, Gill said. In the United States, the photo spreads would not have been admissible, he added.

Gill reaffirmed his belief in Demjanjuk's total innocence despite his failure to substantiate Demjanjuk's alibi. Demjanjuk claims he was a German POW during WWII. He blamed the difficulty in substantiating the alibi on several factors: many of Demjanjuk's fellow POWs did not survive the war; many survivors are now dead, inaccessible in 'Iron Curtain' countries, or fearful of testifying; men in POW camps often did not know each other.

Gill did not become involved in Demjanjuk's defense until after the extradition. A significant factor in his joining the defense was his expertise in document analysis. At the time Demjanjuk's defense was headed by Mark O'Connor, an attorney who Gill has criticized. Gill said O'Connor had "no serious trial experience" before assuming Demjanjuk's defense. Gill found this both surprising and ethically troubling. Working with O'Connor also was difficult for Gill. Eventually, Demjanjuk's family fired O'Connor and Gill became lead counsel.

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