Ohio AG shares experience arguing before U.S. Supreme Court

Attorney General details his case to uphold death sentence for the 1982 CSU campus murders

By Mike Borowski

State attorneys general rarely present their own oral arguments before the United States Supreme Court. An infamous example to the contrary came in 1987's South Dakota v. Bole, when South Dakota Attorney General Roger Tellinghuisen presented such an insufficient case that both the majority and dissenting opinion mentioned his arguments. In contrast to Tellinghuisen, Ohio Attorney General Richard Cordray argued the first of his seven total cases before the Supreme Court. Among those seven, the Justice Departments of President George W. Bush and President Bill Clinton each appointed Cordray to two cases. Cordray also worked pro bono on Attorney General Cordray’s Supreme Court experience dates to the 1980s. After he graduated from the University of Chicago Law School in 1986, Cordray clerked twice in the Supreme Court—first for Justice Byron White, and later for Justice Anthony Kennedy. In 1993, then-Attorney General Lee Fisher named Cordray Ohio’s first-ever State Solicitor. As State Solicitor, Cordray drew on a wealth of Supreme Court experience when he presented arguments for reinstating the death sentence of convicted serial killer Frank Spisak. Cordray argued the case, Smith v. Spisak, before the Supreme Court October 13. Just two days later, he analyzed his approach and the Spisak case’s special ties to Cleveland State University, in a crowded lecture in the Cleveland-Marshall Moot Court Room. The C-M student chapter of the American Constitution Society sponsored Cordray’s lecture, with President Lindsay Wasko considering the new branding campaign to be one exciting aspect of her presidency thus far. At the beginning of her term, Dean Mears contacted Wasko regarding the merchandise that the SBA sold to the C-M community. Wasko explained the need for an update on the classic C-M logo. "Dean Mears told me that for some years he has tried to change the C-M image so that our law school could be recognized, although still affiliated, as an independent institution from CSU," Wasko said. With the success of the fund-raising campaign and the hire of a new director of marketing at CSU, the C-M logo has recently received that update. The familiar heather gray and forest green have been traded in for fresher, more modern colors of lime green, black, and white. "The new look accomplishes what the Dean wanted, something edgy and recognizable," said Wasko. "In terms of the shortened the Criminal Law Society as co-sponsor. Attorney General Cordray’s Supreme Court experience dates to the 1980s. After he graduated from the University of Chicago Law School in 1986, Cordray clerked twice in the Supreme Court—first for Justice Byron White, and later for Justice Anthony Kennedy. In 1993, then-Attorney General Lee Fisher named Cordray Ohio’s first-ever State Solicitor. As State Solicitor, Cordray drew on a wealth of Supreme Court experience when he presented arguments for reinstating the death sentence of convicted serial killer Frank Spisak. Cordray argued the case, Smith v. Spisak, before the Supreme Court October 13. Just two days later, he analyzed his approach and the Spisak case’s special ties to Cleveland State University, in a crowded lecture in the Cleveland-Marshall Moot Court Room. The C-M student chapter of the American Constitution Society sponsored Cordray’s lecture, with President Lindsay Wasko considering the new branding campaign to be one exciting aspect of her presidency thus far. At the beginning of her term, Dean Mears contacted Wasko regarding the merchandise that the SBA sold to the C-M community. Wasko explained the need for an update on the classic C-M logo. "Dean Mears told me that for some years he has tried to change the C-M image so that our law school could be recognized, although still affiliated, as an independent institution from CSU,” Wasko said. With the success of the fund-raising campaign and the hire of a new director of marketing at CSU, the C-M logo has recently received that update. The familiar heather gray and forest green have been traded in for fresher, more modern colors of lime green, black, and white. "The new look accomplishes what the Dean wanted, something edgy and recognizable," said Wasko. "In terms of
Dean opens new ‘mark’ on school as a result of fundraising and marketing initiative

In my last column, I indicated that our law school had recently embarked upon a new initiative to improve the reputation of the law school and to enhance our reputation. I would like to give you some more information about the origin and purpose of this initiative.

Since becoming dean more than four years ago, it has become clear to me that this law school is much better than some people perceive. Unfounded and outdated misconceptions impede our ability to attract even more outstanding students and faculty. These misperceptions may inhibit employment opportunities for our graduates. Last year, I worked closely with some of our alumni advisory groups about various ways in which we could make our good law school even better, including those changes which could change these misperceptions.

In response to these discussions, several engaged and generous alumni encouraged me to establish a new fundraising campaign — the Fund for Excellence. The goal of this campaign, which we commenced last fall, is to raise $1 million to improve the law school in ways that are measured. I am pleased to report that, as of June 30, 2009, we have received approximately $350,000 in donations.

One of the first things we did was to document pledges to support this initiative. This past summer, we used some of these funds to engage a marketing firm. One of the projects we asked this firm to assist us with was developing a new mark for the law school. After much deliberation and with a few basic premises, First, we wanted a mark that preserved our historic identity. Second, we wanted a mark that would be distinctive. Third, we wanted a mark that was visually attractive. At the end of the process, we selected a design that captured all of our objectives. It is attractive and distinctive. It also captures the historic origins of our excellent law school.

By Jason Csehi

Students gather in open forum to discuss concerns with Dean

Dean Mearns answers a student question during a Dean’s forum. Photo by Jason Csehi.

Law students have many concerns about their law school careers, but it is clear that they get a sense of being heard from their dean about what’s on their minds.

About a dozen Cleveland-Marshall law students gathered at lunchtime on Oct. 7 for one of two forums with Dean Mearns. The atmosphere was laid-back, something that students might not expect when speaking with someone from the upper echelon of the law school’s administration.

The dean started the dialogue by reporting on student recent developments at the law school. He said that the staff is currently working on expanding the availability of internships as well as improving job placement for students and graduates. In Week of Law, 2009 Pleasure Island and the Cleveland-Marshall College of Law has created new positions for students.

The dean also commented that the administration is actively recruiting new faculty for the new Health Law and Policy Clinic.

Soon, the dialogue turned to increasing tuition. Addressing the topic with deft precision and authority, Dean Mearns said that an increase is “more than likely.”

However, Dean Mearns said that it has been some time since there was a tuition hike at C-M, noting that there was no increase in either the 2007-08 or the 2008-09 school years or the beginning of the current school year. The dean also informed students that The University of Akron School of Law had a 6 percent increase in tuition, and that some law schools in the nation have increased their tuition by 20-percent, according to journals that he has read. Furthermore, he conveyed students by reminding them that tuition at Cleveland-Marshall remains the lowest in the state.

The conversation turned lighter when the dean revealed that he was asked about the public relations campaign currently being undertaken. When questioned as to why the law school would soon be using “CM Law” on recruitment literature and school apparel, he answered that it is a trend that many American law schools have been going with in recent years. “It’s similar to the move universities have been making,” said Mearns. The dean emphasized that the school is establishing a name and image that is easily recognizable both inside and outside academia.

He informed students that signs and merchandise bearing the new moniker and new shades of green and white would be appearing at the law school in the coming days after the forum.

In response to these discussions, several engaged and generous alumni encouraged me to establish a new fundraising campaign — the Fund for Excellence. The goal of this campaign, which we commenced last fall, is to raise $1 million to improve the law school in ways that are measured. I am pleased to report that, as of June 30, 2009, we have received approximately $350,000 in donations.

One of the projects we asked this firm to assist us with was developing a new mark for the law school. After much deliberation and with a few basic premises, First, we wanted a mark that preserved our historic identity. Second, we wanted a mark that would be distinctive. Third, we wanted a mark that was visually attractive.

At the end of the process, we selected a design that captured all of our objectives. It is attractive and distinctive. It also captures the historic origins of our excellent law school.

By Jason Csehi

Students gather in open forum to discuss concerns with Dean

Dean Mearns answers a student question during a Dean’s forum. Photo by Jason Csehi.

Law students have many concerns about their law school careers, but it is clear that they get a sense of being heard from their dean about what’s on their minds.

About a dozen Cleveland-Marshall law students gathered at lunchtime on Oct. 7 for one of two forums with Dean Mearns. The atmosphere was laid-back, something that students might not expect when speaking with someone from the upper echelon of the law school’s administration.

The dean started the dialogue by reporting on student recent developments at the law school. He said that the staff is currently working on expanding the availability of internships as well as improving job placement for students and graduates. In Week of Law, 2009 Pleasure Island and the Cleveland-Marshall College of Law has created new positions for students.

The dean also commented that the administration is actively recruiting new faculty for the new Health Law and Policy Clinic.

Soon, the dialogue turned to increasing tuition. Addressing the topic with deft precision and authority, Dean Mearns said that an increase is “more than likely.”

However, Dean Mearns said that it has been some time since there was a tuition hike at C-M, noting that there was no increase in either the 2007-08 or the 2008-09 school years or the beginning of the current school year. The dean also informed students that The University of Akron School of Law had a 6 percent increase in tuition, and that some law schools in the nation have increased their tuition by 20-percent, according to journals that he has read. Furthermore, he conveyed students by reminding them that tuition at Cleveland-Marshall remains the lowest in the state.

The conversation turned lighter when the dean revealed that he was asked about the public relations campaign currently being undertaken. When questioned as to why the law school would soon be using “CM Law” on recruitment literature and school apparel, he answered that it is a trend that many American law schools have been going with in recent years. “It’s similar to the move universities have been making,” said Mearns. The dean emphasized that the school is establishing a name and image that is easily recognizable both inside and outside academia.

He informed students that signs and merchandise bearing the new moniker and new shades of green and white would be appearing at the law school in the coming days after the forum.
What distinguishes Legal Writing from other types of academic writing?

**Legal Writing**

Legal Writing is a branch of technical writing that requires certain components to be present in a certain order. It is a written representation of logical, mathematical, and linguistic computation that just happens to be written in words and not numbers. It is the written representation of the logical syllogism; thus, it is different from other forms of writing because if one portion is missing or out of order, or there is an extraneous piece in the syllogism, it is necessary to form cogent and accurate legal analysis.

Legal writing also relies on terms of art, and often seems to lack the stylistic flavor of writing that might normally be done in an undergraduate setting. Moreover, it is often not focused on uniting themes, such as explaining narrative structure. However, there are patterns to learn at the onset, but once those patterns are learned, the best “legal” writers produce great results. I have no doubt that judges appreciate that, so long as the actual writing is good or not-so-good except in generalities.

The second article in a six-part series tracking the experiences of an anonymous first-year law student.

**Ask the Law Librarians: Answers to your questions**

**Library offers Thanksgiving hours and other services**

**Legal Research 10K(nowledge) Race**

A research quiz and awards a prize to one of the successful answers. All correct answers for all weeks will be entered into a drawing for the grand prize drawing on Nov. 23. The grand prize is an iPod Shuffle and goodie bag to help you get through the fall semester.

Even though the contest started on Sept. 14, it’s not too late to join. There will be questions for the weeks of Nov. 2, Nov. 9 and Nov. 16. To sign up, sign in to Westlaw, select TGN, and add the Research 10K(nowledge) Race course.
**PRESIDENT CONTINUED FROM PAGE 1**

With strong leadership of its own, Cleveland-Marshall has kept a degree of separation from CSU’s main campus. What level of management do you see yourself having over C-M?

President Berkman: I have to tell you, I feel a greater sense of connectedness, both vis-à-vis the bar and the CIU than CSU than between FIU and its law school. The law school’s position maintains it as an essential part of the university along the Euclid corridor. FIU built their law school at a distant location, making it physically separate. Furthermore, CSU's legal dual degree program with other colleges at CSU, keeping it well connected with the main campus. Besides, a little bit of differentiation is OK since law school is a different animal.

Dean Mears has to be given credit for producing significant change in the law school. My basic management model is to allow a manager to have autonomous authority over his/her units. If they perform then they will be recognized. But we don’t then we should find someone else to do it. I feel no need to micromanage. I don’t see myself involved in that. I expect the governance of the university to come out of the interaction of the faculty, the board, the administration. I have created a fundamentally decentralized management strategy that we should remain deeply involved in the majority of decisions down to those that are closest to the ground. In researching your past successes, I see you focused on increasing bar passage rates at FIU’s law school. Can you share your successful doing the same; even obtaining a percent passage into the nineties for first time takers, to what do you attribute your prior high bar passage rate success at FIU's law school?

President Berkman: I credit FIU’s go good passage rates to an incredible latent demand for public law education. There was no public law school in all of south Florida. The closest one was Florida State University. Even FIU’s AEDPA class had good passage rates because when the demand was not met for a long time you can build a very good quality pool and have a large pool to pull from and no competition. The local private law schools were very costly. College is a very important thing, very good job at cultivating an intellectual hot house at the law school inspiring creativity, diversity, and a good think tank. FIU has been very fortunate to foster the analytic skills needed to pass the bar without teaching to the test.

C-M and FIU share another goal of increasing diversity, FIU ranked highly among law schools for diversity by multiple reviewing entities. Assuming this is a continued goal, how would you continue this success to C-M?

President Berkman: Diversity was very easy thing to achieve in Miami. The metropolitan area is 75 to 80 percent diversity, 65 percent are Hispanic and African American.

ATTORNEY GENERAL CONTINUED FROM PAGE 1

Brown v. Legal Foundation, which upheld the use of lawyer’s IOLTA accounts to fund legal services for the indigent. Understanding the legal questions at issue in Smith v. Spisak requires some detail about the facts involved.

Over the course of several months in 1982, Spisak carried out his plan. He drove in and around the CSU campus, killing three people and shooting but failing to kill two others. The dead included Rev. Horace Rickerson, CSU student Brian Warford and Timothy Sheehan, CSU’s assistant superintendent for buildings and grounds.

In July 1983, a Cuyahoga County jury found Spisak guilty of all charges and Judge James J. Sweeney sentenced him to death. After a series of state court appeals, Ohio Supreme Court upheld Spisak’s sentence in 1988. Later direct federal appeals failed. In 1996, Congress passed the Anti-Terrorism and Effective Death Penalty Act (AEDPA), which tweaked the nation’s federal petitions for writs of habeas corpus. The following year, the U.S. Supreme Court in the case of Smith v. Spisak required some detail about the facts involved.

In 1983, the Supreme Court ordered the case to the Sixth Circuit with instructions on how to properly administer AEDPA. Subsequently, the Circuit Court reached the same result and removed Spisak’s death sentence. On February 23, 1984, the Supreme Court granted the State of Ohio’s second petition for a writ of certiorari, which barred the state’s petition for a writ of certiorari.

The Supreme Court agreed that the Supreme Court considered two issues during oral arguments. First, the Court considered whether trial Judge Sweeney erred by giving a particular jury instruction.

“In this case,” Cordray said, “the jury was instructed that you should weigh the aggravating circumstances against the mitigating factors and you should find unanimously that either it outweighs it, in which case you return the sentence of death; or you unanimously find that it does not outweigh it, in which case you return one of two life sentences. The argument of (Spisak’s counsel) in this case was that this instruction violated Mills v. Maryland.”

In Mills v. Maryland (1989), the U.S. Supreme Court ruled that in the sentencing phase of a trial, each juror must give weight to any mitigating evidence that the juror feels is established in the case. Therefore, a judge’s jury instructions go too far, and limit the jury’s ability to weigh mitigating circumstances, where the instructions require that the jury unanimously find a particular mitigating circumstance prior to weighing it against aggravating circumstances.

“I do think the jury instruction issue is hard,” Cordray said, “because (AEDPA) tells a federal court not to give relief in habeas proceedings in criminal cases unless you can find that the state courts either decided an issue contrary to clearly established law at the time, or that they unreasonably applied clearly established law at the time. This is a difficult issue to be content with how this issue was briefed.”

The second, and more discussed, issue the Court considered was whether defense counsel’s conduct had gone so far in discrediting his own client that it was in fact ineffective assistance of counsel under the Sixth Amendment. Analysis of this issue proceeded from Strickland v. Washington (1984), which set the framework for ineffective assistance of counsel claims. The habeas courts had noted that during the trial, the late Thomas Shaughnessy, Spisak’s trial counsel, went into great detail about the severity of Spisak’s crimes. “He was quite, I suppose what the other side of the case would say, overstated,” Cordray said, somewhat wryly. “He did what lawyers often do: if they sense that the jury is not persuaded that this client is innocent—which (Spisak) clearly was not here—and they sense that the jury is impressed with the horrific nature of the crimes, they themselves—instead of shying away from that and pretending that it doesn’t exist—try to take the sting out by showing the jury that they themselves appreciate how the jury must feel.”

Cordray mentioned the Justice Ruth Bader Ginsburg, Sonia Sotomayor, Kennedy, and Samuel Alito Justices were concerned that Shaughnessy had, in effect, given up on his client. A lot of time went so far as to question Cordray whether he had ever seen a defense summation as derogatory of his own client as this case. To Cordray’s relief, Justice Antonin Scalia characterized the defense summations argument as “brilliant.”

“Obviously any amount of time spent wallowing in the details of (Shaughnessy’s) presentation was not particularly helpful to me,” Cordray said. “I needed to explain that away and then move to other things. Overall, we spent 30 minutes going through just some of the worst passages plucked out of context in his presentation.”

The Attorney General shared that he was confident in his argument supporting the adequacy of defense counsel Shaughnessy’s overall trial performance. Cordray asserted that a thorough reading of the trial transcript clarifies what Shaughnessy tried to do. Attorney General Cordray suggested that though Shaughnessy may not have executed his closing argument perfectly, he still carried-out a reasonable, tactical approach. Cordray recalled the difficulty Spisak’s courtroom behavior presented his defense counsel. Contemporary press coverage of the trial reported that Spisak never displayed remorse for his crimes, professed “neo-Nazi” beliefs, carried a copy of Adolf Hitler’s “Mein Kampf,” and gave jurors a “Heil Hitler” salute.

“It’s a coherent strategy that (Shaughnessy) attempted to effectuate in this case and it’s not easy to see that we would have done differently that would SHEEHAN CONTINUED FROM PAGE 1

his mother eagerly waited for Timothy's 21st birthday, because he was supposed to take the family out to dinner for Brennan’s birthday. But Timothy Sheehan never made it home that night. Earlier that day, he had been found dead in a bathroom on the Cleveland State campus, shot four times in an apparent robbery-homicide. Just 50 years old, Timothy Sheehan left behind his wife and four children.

Police arrested Frank Spisak and charged him with the murders of Timothy Sheehan, Rev. Horace Rickerson, and student Brian Warford. Spisak also faced charges for warranting a fourth person and shooting at a fifth. The accused serial killer was a self-proclaimed neo-Nazi motivated by his desire to be a woman.

The resulting trial devolved into one of the most bizarre incidents in Cleveland legal history and forever continued in that role until his election as a judge last year. When the United States Supreme Court overturned the death sentence in Smith v. Spisak, Donald Nugent and Timothy Sheehan and his family may finally find closure. Regardless of how the court rules, we wage a war for the dead. Life after his father’s murder has served as proof that great things can arise from the most difficult circumstances.

The Gavel
President Berkman.

The National Jurist ranked FIU’s law school at eighth for best value. For most C-M students, value in tuition was a large component of their decision to attend. However, FIU’s ability to keep tuition low and quality of education high? In response to a recent announcement that our tuition is increasing spring semester, what plan do you have for migrating this situation to C-M?

President Berkman: Tuition was low because Florida has the second most affordable tuition in the country. The legislature controls tuition and it was their priority to keep it low. I’ve seen a cycle that begins with higher education getting beat up with tuition hikes, then once in a while there is a mini-renaissance and period of rectification in which improving education quality and reducing costs once again become a priority for politicians. We are going through a correcting period here.

Our tuition increase for spring semester is 3.5 percent. We had authority to increase 3.5 percent for fall but chose to forego it until Spring Semester. We felt it was too late to ask students to come up with it at the last minute. We passed up $3.5 to $4 million in revenue by not increasing tuition this fall. I felt it was too late to ask students to go yet. Last year’s data showed an overall 15-percent minority population for the university already being comfortable to minorities which helps attract other minorities. C-M should use their reputation to recruit more nationally.

The event was co-sponsored by the C-M Democratic Law Organization, the C-M Republican Party, and the Cuyahoga County Young Republicans, the C-M Federalist Society, and the C-M American Constitution Society.

Cuyahoga county reform issues

By Kevin Kowuch, Editor-in-Chief

Unless you have lived out of the region or under a rock for the past year, you are aware of ongoing federal probe into corruption throughout Cuyahoga County government. Legitimized district of county government officials led to a proposed charter, which will allow more voice to be heard. Having one council member allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.

Lindsey Wilber

The Liberal Columnist

“Removing from the voters the power to elect the sheriff, coroner, recorder, and other offices is not reform. At best, it’s rearranging deck chairs on the Titanic. At worst, it’s a power grab further removing government from voter accountability”

Matt Bravely

The Libertarian Contrarian

Support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.

Election Day is Tues., Nov. 3, and the Cleveland mayoral race is one of the biggest races on the ballot. Mayor Frank Jackson, a C-M alumnus, is up for re-election against Bill Patmon, a former member of Cleveland City Council. In the Sept. 8 primary election, Jackson obtained 72-percent of the vote, Patmon trailed in distant second with 11-percent, and barely edged-out Robert Kilo, a political newcomer, by just 425 votes. Fewer than 11-percent of eligible voters in Cleveland cast primary ballots. Patmon has raised less money and trails Jackson in the polls by a significant margin. Much of Patmon’s campaign has focused on the importance of making Cleveland an attractive place for business expansion. He has criticized Jackson for failing to dissuade Eaton Corporation—a Fortune 500 company—from moving its headquarters to the region. Patmon has also proposed to break the Cleveland Metropolitan School District into a few small districts for easier management. Both Jackson and Patmon have conducted positive campaigns, focused on the issues and the state of the economy. Jackson has stated that he would like to expand the city’s recycling program. He also told the audience that “I support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.”

Lindsey Wilber

The Liberal Columnist

“Removing from the voters the power to elect the sheriff, coroner, recorder, and other offices is not reform. At best, it’s rearranging deck chairs on the Titanic. At worst, it’s a power grab further removing government from voter accountability”

Matt Bravely

The Libertarian Contrarian

Support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.

Election Day is Tues., Nov. 3, and the Cleveland mayoral race is one of the biggest races on the ballot. Mayor Frank Jackson, a C-M alumnus, is up for re-election against Bill Patmon, a former member of Cleveland City Council. In the Sept. 8 primary election, Jackson obtained 72-percent of the vote, Patmon trailed in distant second with 11-percent, and barely edged-out Robert Kilo, a political newcomer, by just 425 votes. Fewer than 11-percent of eligible voters in Cleveland cast primary ballots. Patmon has raised less money and trails Jackson in the polls by a significant margin. Much of Patmon’s campaign has focused on the importance of making Cleveland an attractive place for business expansion. He has criticized Jackson for failing to dissuade Eaton Corporation—a Fortune 500 company—from moving its headquarters to the region. Patmon has also proposed to break the Cleveland Metropolitan School District into a few small districts for easier management. Both Jackson and Patmon have conducted positive campaigns, focused on the issues and the state of the economy. Jackson has stated that he would like to expand the city’s recycling program. He also told the audience that “I support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.”

Lindsey Wilber

The Liberal Columnist

“Removing from the voters the power to elect the sheriff, coroner, recorder, and other offices is not reform. At best, it’s rearranging deck chairs on the Titanic. At worst, it’s a power grab further removing government from voter accountability”

Matt Bravely

The Libertarian Contrarian

Support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.

Election Day is Tues., Nov. 3, and the Cleveland mayoral race is one of the biggest races on the ballot. Mayor Frank Jackson, a C-M alumnus, is up for re-election against Bill Patmon, a former member of Cleveland City Council. In the Sept. 8 primary election, Jackson obtained 72-percent of the vote, Patmon trailed in distant second with 11-percent, and barely edged-out Robert Kilo, a political newcomer, by just 425 votes. Fewer than 11-percent of eligible voters in Cleveland cast primary ballots. Patmon has raised less money and trails Jackson in the polls by a significant margin. Much of Patmon’s campaign has focused on the importance of making Cleveland an attractive place for business expansion. He has criticized Jackson for failing to dissuade Eaton Corporation—a Fortune 500 company—from moving its headquarters to the region. Patmon has also proposed to break the Cleveland Metropolitan School District into a few small districts for easier management. Both Jackson and Patmon have conducted positive campaigns, focused on the issues and the state of the economy. Jackson has stated that he would like to expand the city’s recycling program. He also told the audience that “I support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.”

Lindsey Wilber

The Liberal Columnist

“Removing from the voters the power to elect the sheriff, coroner, recorder, and other offices is not reform. At best, it’s rearranging deck chairs on the Titanic. At worst, it’s a power grab further removing government from voter accountability”

Matt Bravely

The Libertarian Contrarian

Support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.

Election Day is Tues., Nov. 3, and the Cleveland mayoral race is one of the biggest races on the ballot. Mayor Frank Jackson, a C-M alumnus, is up for re-election against Bill Patmon, a former member of Cleveland City Council. In the Sept. 8 primary election, Jackson obtained 72-percent of the vote, Patmon trailed in distant second with 11-percent, and barely edged-out Robert Kilo, a political newcomer, by just 425 votes. Fewer than 11-percent of eligible voters in Cleveland cast primary ballots. Patmon has raised less money and trails Jackson in the polls by a significant margin. Much of Patmon’s campaign has focused on the importance of making Cleveland an attractive place for business expansion. He has criticized Jackson for failing to dissuade Eaton Corporation—a Fortune 500 company—from moving its headquarters to the region. Patmon has also proposed to break the Cleveland Metropolitan School District into a few small districts for easier management. Both Jackson and Patmon have conducted positive campaigns, focused on the issues and the state of the economy. Jackson has stated that he would like to expand the city’s recycling program. He also told the audience that “I support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.”

Lindsey Wilber

The Liberal Columnist

“Removing from the voters the power to elect the sheriff, coroner, recorder, and other offices is not reform. At best, it’s rearranging deck chairs on the Titanic. At worst, it’s a power grab further removing government from voter accountability”

Matt Bravely

The Libertarian Contrarian

Support Issue 6. Three (county commissioners) are not enough to decide the fate of such a diverse population. Having 11 council members allows more voices to be heard. Having one executive means that someone can be held to blame. These events support back packing.
**Voting on Issue 3: is it a gamble?**

The Cleveland casino conundrum

By Matthew Heberbrand

We’ve all seen the commercials by now: “$34,000 jobs in issue 3”; “Issue 3 will actually cause Ohio to lose jobs.” Many Ohioans are scratching their heads right now trying to determine which side is right and how their vote on Issue 3 will affect the state’s economy. It seems that every other year Ohioans are asked on whether to allow gambling in the state. But in bad economic times with 258,100 jobs lost in the past year and unemployment at 10.1 percent last month, millions and billions of dollars in deficit in the state’s budget, the stakes this year are higher. After the Ohio Supreme Court struck down a plan to allow lottery terminals in Ohio racetracks, Ohio’s gaming proponents are putting all their efforts into ensuring Issue 3 passes, while many in Columbus are hoping the revenue from four potential casinos in the state will fill up the state government’s dry coffers.

The facts of the constitutional amendment Issue 3 proposes are defined in the table (right).

While what Issue 3 will do is pretty easy to understand, the repercussions of its passage are more difficult to predict. Proponents of Issue 3 claim that 34,000 new jobs will be created, and cite the $200 million the state will get in licensing fees, plus $1 billion in private investment. They estimate $651 million in tax revenue.

Issue 3’s proponents argue that if casinos aren’t built here, people will spend their money on whether to allow casinos in other states. A study done by the Innovation Center concluded that Ohioans took 17.8 million trips to other states to gamble about $1 billion of Ohio money. They predict that if Issue 3 does not pass the number of trips will rise to 18.8 million with $1.5 billion spent out of state by 2013.

Opponents of Issue 3 find several flaws with its proponents’ arguments. They point to language in the amendment that does not require all four casinos to be built or set up a timetable for starting or completing construction. Some analysts have hypothesized that only two casinos will begin construction in the immediate future, including the one in Cleveland, contributing only half of the estimated job growth and state revenue.

A n o t h e r common criticism of Issue 3 is that many of the jobs will go to specially-trained out-of-staters while the jobs that may remain in-state will be low-paid, low-skill level employment.

Another common argument is the harm gambling eventually causes to all communities in the state. Citing statistics from other state after they introduced casinos, particularly Michigan after introducing casinos in Detroit, gambling opponents show how foreclosures and bankruptcies may increase throughout the state while crime will rise in the individual cities hosting the casinos. They also contend that introducing casinos in Ohio will result in a net loss of state revenue, as the growing amount of money spent on social services will negate the taxes drawn in from the casinos.

A n o t h e r argument against Issue 3 is the lack of competitive bidding involved in the generation of these casinos. The 33- percent tax will be the lowest on casinos in the country, compared to 55-per cent in Pennsylvania, which used a competitive bidding process, and the highest being 71-percent in Rhode Island. Some on the left are joining the opponents of Issue 3 on the right, deriding the ballot initiative amendment process used by wealthy businesses to change our constitution to maximize their own profits. They worry about the precedent this might set for the future of Ohio’s constitution. They claim that Issue 3 represents a “sweetheart deal” that will only benefit its principle backers, Penn National Gaming, Inc. and Dan Gilbert, Cavs owner and Quicken Loans founder and chairman.

A recently as 1971, $35 was redeemable for an ounce of gold. Last month, the price of the yellow metal reached a record high of over $1,070. That is a staggering 30-fold increase over a 40-year span. With inflation it was all falling into our laps.

Early in the Nixon administration, due to excessive spending on guns and butter during the Vietnam War and Great Society, the United States began inflating the monetary base in order to meet its ever-increasing financial obligations. At the same time, the western world was under the Bretton Woods monetary system—the last vestige of an international gold standard. While their own currencies were not backed by gold, participating foreign countries pegged their currencies to the U.S. dollar at fixed exchange rates, and could redeem their dollar reserves for gold.

Sensing inflation, foreign central banks began exchanging their dollar reserves for gold, resulting in a de facto run on U.S. gold stockpiles. Rather than allow gold reserves to be stripped bare, President Nixon closed the gold window in 1971, effectively defaulting on U.S. obligations under the Bretton Woods System. This subjugated the world into a new monetary regime in which we’ve been ever since. Although the U.S. dollar continues to serve as the world reserve currency, it no longer has any backing of intrinsic value; its value is derived solely from government fiat and therefore can be created in infinite quantities and denominations.

Particularly, in a fiat currency system, it is critical to define what inflation is and is not. Most modern economists define inflation as a sustained increase in the general price level. This definition is deceptive and misdirects. It is analogous to diagnosing a disease as the symptoms, rather than as the infection by an underlying pathogen. Other economists define inflation as an artificial expansion in the supply of money and credit. Crudely speaking, inflation is money printing; this is our pathogen. As Milton Friedman said, “Inflation is always and everywhere a monetary phenomenon.”

After an inflationary event, prices may rise, fall, or remain unchanged for a litany of reasons, just as a diseased person experiences an incubation period before exhibiting symptoms. Eventually though, the symptoms of inflation will manifest themselves. Inflation warps markets and price signals, causing asset bubbles, malinvestment, and destructive boom-and-bust cycles. In many cases, it has ended in currency destruction. Increasing the supply of money neither creates nor destroys wealth, but rather clandestinely redistributes it. As is true with any counterfeit, the inflationist experiences a wealth accession while the original owner (the state) remains unchanged. As economist John Maynard Keynes explained, “By a continuing process of inflation, government can confiscate, secretly and unobserved, an important part of the wealth of its citizens.”

Without the constraint of a gold standard, from the mid-40s until early 2008, the Federal Reserve slowly but steadily quintupled the monetary base. This significant but relatively constrained inflation was shockingly departed from when the Federal Reserve entered the economic crisis last fall. Over the span of a few weeks, the Fed doubled the monetary base to bail out the banking system. Where it sat at just over $800 billion in early 2008, the adjusted monetary base now sits high atop $1,800 billion! This new money has temporarily papered over the insolvency of the banking system. However, the ability for the Federal Reserve to withdraw this massive amount of liquidity is a virtual impossibility without reigniting the collapse that preceded it. This is the catch-22 the Federal Reserve faces. The appearance that the worst of the financial crisis is behind us is an illusory byproduct of unprecedented inflation. When this tsunami of new money makes its way off bank balance sheets and into the larger financial system, this country will be in the grips of an inflationary pandemic difficult to fathom.

As Austrian School economist Ludwig von Mises plainly stated, “Continued inflation inevitably leads to catastrophe.”

The inflation that produced the run on US gold in 1971 signaled the end of the Bretton Woods monetary system. The inflation that has produced gold’s record price run is signaling the end of the existing fiat dollar-reserve monetary system. The canary in the gold mine is dead. We are on notice.

---

**STUDENT VOICES**

**DO YOU SUPPORT ISSUE 3, WHICH WOULD PLACE CASINOS IN OHIO’S FOUR LARGEST CITIES, INCLUDING A LOCATION BEHIND TOWER CITY IN DOWNTOWN CLEVELAND?**

**photo & quotes from Maryanne Fremion**

*Contributor*

“I think the proposal offered in the Senate, which proposed a county-by-county vote on gambling and the establishment of a state gaming commission sounds more reasonable than a constitutional amendment authored by a special interest group.”

David Lagan, AE

“Yes, I myself have even left Ohio to gamble. I imagine other people also leave the state to gamble.”

Jeff Anthony

“I’m not opposed to gambling in Ohio provided it’s done properly. The argument that it will detract from local business is flawed.”

Neal M戈wan, JD/MBA
Almost immediately upon taking office, President Obama sent 21,000 additional combat troops to Afghanistan, bringing total deployment to 68,000 American soldiers. Full deployment of these new combat forces is expected to occur early this month. In response the up-tick in troop strength, the NATO allies have pledged to send more support troops and financial aid to both Afghanistan and Pakistan.

However, despite the fact that there are now more American troops in Afghanistan than any time during the past eight years, Gen. Stanley McChrystal has requested an additional 40,000 troops for a surge-like strategy, while President Obama has taken this under advisement, he is using this time to reposition the policy for the war. Any increase in the troop levels without a more clearly defined strategy – one with clearly defined exit strategies – will only delay, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.

The President should wait until the results of the November 7 run-off election are certified. The Independent Electoral Commission found overwhelming evidence of election fraud by supporters of President Hamid Karzai in the August 20 presidential elections. This has dropped his percentage of the vote below 50-percenter and triggered a run-off between the two candidates. The ultimate decision to take the presidential election to the people, Karzai must have a plan in place to ensure them the best chance of success. For a successful strategy to take shape, we first have to resolve several factors.
SBA hosted one of its most well-attended events of the year, the Halloween social in downtown Cleveland, on Friday, Oct. 30. There, party-goers met Balloon Boy, Lady Gaga, "the Hot Cops," The Flintstones, Fidel Castro, Captain Planet, a younger Professor Borden, and many more.

Photos by Susanna Ratsavong

41st Annual
Moot Court Night
Appellate Advocacy Seminar and Alumni Recognition – 1.5 free CLE

Thursday, November 12th at 6:00pm
Moot Court Room, Cleveland-Marshall College of Law

The Distinguished Judges
The Honorable Christopher Boyce
United States District Judge, Northern District of Ohio
The Honorable Maureen O’Connor
Judge, Supreme Court of Ohio
The Honorable James Orenstein
United States Magistrate Judge, Eastern District of New York

Counsel for Petitioner
Chelsea Minnick
Chris St. Marie
David Spear

Counsel for Respondent
Jill Lee
Allan Tittle
Andrew Yarger

Hosted by Ethan Skoner

Supreme
### Upcoming Student Events

The Gavel asks student leaders to tell us about their upcoming events.

<table>
<thead>
<tr>
<th>DATE</th>
<th>ORG.</th>
<th>EVENT DESCRIPTION</th>
<th>PLACE</th>
<th>TIME</th>
<th>CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/2/09</td>
<td>BLSA</td>
<td>Outlining for Success</td>
<td>TBA</td>
<td>5:00 p.m.</td>
<td>Aja Brooks, BLSA President, <a href="mailto:abrooks@law.csuohio.edu">abrooks@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/3/09</td>
<td>SBA</td>
<td>Deadline to sign up for graduation photos in the Law Library November 11</td>
<td>Cafeteria and Student Organization Room</td>
<td>Look for SBA Senators</td>
<td>Luisa Taddeo, SBA Vice President of Programming, <a href="mailto:ltaddeo@law.csuohio.edu">ltaddeo@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/4/09</td>
<td>Criminal Law Society</td>
<td>General Body Meeting</td>
<td>TBA</td>
<td>4:30 p.m.</td>
<td>Scott Forsman, <a href="mailto:sforsman@law.csuohio.edu">sforsman@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/5/09</td>
<td>SBA, HLSA, and APILSA</td>
<td>International Food Fair</td>
<td>Cafeteria</td>
<td>10:00 a.m. to 5:00 p.m.</td>
<td>Christine Rocco, HLSA Vice President, <a href="mailto:crocco@law.csuohio.edu">crocco@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/11/09</td>
<td>SBA</td>
<td>General Body Meeting and &quot;Cover Letter and Writing Sample Do's and Don'ts,&quot; expert advice from Cooper &amp; Walinski attorneys; lunch provided</td>
<td>Law Library, Room TBA</td>
<td>Between 10:00 a.m. and 1:00 p.m., and between 2:00 p.m. and 8:00 p.m.</td>
<td>Luisa Taddeo, SBA Vice President of Programming, <a href="mailto:ltaddeo@law.csuohio.edu">ltaddeo@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/11/09</td>
<td>HLSA</td>
<td>General Body Meeting and “Cover Letter and Writing Sample Do’s and Don’ts,” expert advice from Cooper &amp; Walinski attorneys; lunch provided</td>
<td>LB 201</td>
<td>12:15 p.m.</td>
<td>RSVP to <a href="mailto:wkowalczyk@law.csuohio.edu">wkowalczyk@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/11/09</td>
<td>BLSA</td>
<td>Writing for Success</td>
<td>LB 202</td>
<td>5:00 p.m.</td>
<td>Aja Brooks, BLSA President, <a href="mailto:abrooks@law.csuohio.edu">abrooks@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/11/09</td>
<td>BLSA</td>
<td>General Body Meeting</td>
<td>LB 208</td>
<td>5:00 p.m.</td>
<td>Aja Brooks, BLSA President, <a href="mailto:abrooks@law.csuohio.edu">abrooks@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/13/09</td>
<td>BLSA</td>
<td>Art After Hours Night: networking, live music, and beverages; free for WLSA members and $10 for non-members</td>
<td>Cleveland Museum of Art</td>
<td>8:30 p.m.</td>
<td>RSVP to <a href="mailto:sunny.nixon@law.csuohio.edu">sunny.nixon@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/14/09</td>
<td>WLSA</td>
<td>Manna from Heaven: Feed the Homeless</td>
<td>TBA</td>
<td>5:00 p.m. to 7:00 p.m.</td>
<td>Aja Brooks, BLSA President, <a href="mailto:abrooks@law.csuohio.edu">abrooks@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/16/09</td>
<td>SBA</td>
<td>Food Drive</td>
<td>Student Organization Room</td>
<td>all week</td>
<td>Lindsay Wasko, SBA President, <a href="mailto:lwasko@law.csuohio.edu">lwasko@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/16/09</td>
<td>SBA</td>
<td>Coat and Mittens Drive for the Men's and Women's Shelter</td>
<td>TBA</td>
<td>all week</td>
<td>Aja Brooks, BLSA President, <a href="mailto:abrooks@law.csuohio.edu">abrooks@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/18/09</td>
<td>SIPLA</td>
<td>Chris Coburn, leader of all Intellectual Property dealings at the Cleveland Clinic</td>
<td>Moot Court Room</td>
<td>5:00 p.m.</td>
<td>John Stryker, SIPLA President, <a href="mailto:sstryker@law.csuohio.edu">sstryker@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/18/09</td>
<td>BLSA</td>
<td>1L Concerns Committee meeting</td>
<td>TBA</td>
<td>TBA</td>
<td>Aja Brooks, BLSA President, <a href="mailto:abrooks@law.csuohio.edu">abrooks@law.csuohio.edu</a></td>
</tr>
<tr>
<td>11/21/09</td>
<td>SBA</td>
<td>Soup kitchen volunteer opportunity</td>
<td>TBA</td>
<td>TBA</td>
<td>Lindsay Wasko, SBA President, <a href="mailto:lwasko@law.csuohio.edu">lwasko@law.csuohio.edu</a></td>
</tr>
</tbody>
</table>

**WLSA Silent Auction attracts high bidders,**

*Proceeds benefit memorial scholarship fund*

Nicole Lester, President of the Women Law Students Association, offers a bid to William Norman, 2L. The Annual WLSA Silent Auction lasted for three days and had hot ticket items this year, such as Cleveland Cavaliers tickets, various Cleveland Browns tickets and favors, opening night tickets to see Broadway show *Mamma Mia*, dinner with the Dean and other professors as well as a vintage photograph of the Warren Court. The fundraiser supports WLSA’s Tammy Burkhardt scholarship. Photo by Susanna Ratsavong.

---

**Gavel Contest!**

This contest judges how well you read The Gavel. Answer the below questions correctly (write below questions or type). Tear out this box. Bring to Student Services desk to be dated and placed in The Gavel mailbox.

Top 3 winners will receive prize. Must print name/e-mail legibly to receive prize.

**NAME:**
**E-MAIL:**

1. In what case did Ohio Attorney General Richard Cordray present oral arguments before the United States Supreme Court?
2. What percentage of C-M's first-time takers passed the Ohio July 2009 bar exam?
3. From what school did President Ronald Berkman come to CSU?
4. How much money has the SBA allocated from its budget to date?
5. Who is the top American general in Afghanistan?
C-M Allies Symposium evaluates the movement for same-sex marriage and LGBT civil rights

By Kevin Kovach

In 2004, Ohioans passed a state constitutional amendment to ban same-sex marriage, even after the General Assembly’s “Super Defense of Marriage Act (Super DOMA)” took effect the same year. The law provided that Ohio would recognize neither the legal status of rights of same-sex couples. Since 2004, the state has taken a series of steps toward recognizing the civil rights of lesbian, gay, bisexual and transgender Ohioans. On Friday, the Cleveland-Marshall Alliance packed the C-M Moot Court Room with hands of lawyers, advocates, and community members for a symposium to address those steps.

The symposium received support and funding from C-M, the Cleveland State University Office of Diversity and Multicultural Affairs, CSU’s Student Government, the CSU Lesbian, Bisexual and Transgender Student Services, the Ohio American Civil Liberties Union, and several student organizations. Allies divided the event into panels on national, state, and local, and international perspectives.

Prof. Susan Becker opened the national panel by praising C-M’s decision to host the symposium. She then led attendees through a presentation on the history of the movement for LGBT civil rights. Becker noted that during her presentation, Becker showed a photograph of San Francisco activists Phyllis Lyon and Del Martin. In 2004, the couple married in a ceremony that occurred during the period between the California Supreme Court’s decision legalizing same-sex marriage and the passage of California Proposition 8 banning the same. Looking at a photo of the couple, Becker dead-panned, “You can see their life-long plot to undermine marriage law.”

McTigue also noted that the first Ohio case where the law from Ugandan people as a whole, observing that numerous groups have united against the law with the theme that it is “unAfrican to hate.”

Next, a group of panelists including Cleveland City Councilman Joe Cimperman considered state and local LGBT issues. Cimperman sponsored Cleveland’s domestic partner registry and helped lead efforts to bring the 2014 Gay Games to Northeast Ohio. When an audience member questioned the value of the Games, Cimperman suggested the economic impact may open minds.

“I hope that $60 million is something that says to Ohio: ‘Open your heart and it may mean good things for our economy,’” he said. Panelists also discussed the recently-passed Ohio House Bill 176, which would extend civil rights protections to LGBT persons.

Panelists also discussed potential legislation, including the Super Defense of Marriage Act and the Ohio Constitution’s “one shot” to do so. Once the language has been submitted, it cannot be changed. “It boils down to how hyper-technical you’d like to be,” McTigue said, stressing that an attorney must act in his or her client’s best interest.

McTigue also commented on the Ohio Supreme Court’s upcoming decision in McIntyre v. Ohio Elections Commission, a decision in which the Ohio Supreme Court decided that the distribution of anonymous handbills had been constitutional under Ohio’s election law.

A major area of interest was campaign finance. McTigue noted that this is where the “real law of minutiae” is found. “Why lie [about campaign contributions]?” asked an audience member. McTigue replied that contributions are laundered, there are limits on the amount that a person can contribute, and that people use false names. He also noted that treasurers steal money and file false reports about contributions.

McTigue advised campaign workers not to miss ballot application deadlines. He also made it clear that one should never lie on any sort of report concerning campaign suggesting that this is where people think that they can get by with an infrastructure but then are later caught. McTigue also noted that the first case heard in the new term of the U.S. Supreme Court concerned publicity on campaign contributions from corporations. He said observers can in the coming months.

C-M and SBA host first C-M dodgeball tournament

By Tara Chandler

This year the Cleveland-Marshall Student Bar Association decided to add some new events to the school’s social calendar, including an inaugural dodgeball tournament. Supreme Bar Review sponsored the event, in which forty-five students participated in twenty-four teams. The tournament took place Friday, Oct. 9, in the Cleveland State Recreation Center MAC gym.

The Black Law Students Association co-hosted the event with SBA, to coincide with BLSA’s health and fitness week. SBA executives Lindsay Wasko, Latin Taddie, Nicholas Costaras, Samantha Vajskop officiated. Fellow executive Kevin Marchaza also helped officiate when his eventual-winning team was not playing.

Marchaza’s team Cobra Kai emerged from the “losers’ bracket” to claim the title. Other team members included Brandon Paulley, Garrick Soja, Mike Meyer, and Nick Mihalic. The Law School Busters lineup of John Stryker, Anna Brown, Estina Munoz, Goertz, Udoochi Onwubiko and Lynn Boris finished third. Prizes were awarded by event sponsor Supreme Bar Review. Members of the first-place team each received $30. Second-place finishers took home $20 in C-M apparel, while each third-place team member received a t-shirt.

The highlight of the tournament came when Jeremy Samuels spun to literally “dodge” the ball several times before being last as the member of the BLSA team. BLSA president Aja Brooks suffered a broken finger, and SBA President Lindsay Wasko unfairly avoided injury herself when she took a hit while refeereeing a semi-final. Thankfully, she emerged unscathed by the foam dodgeball.
Bar Coordinator Williams ponders July bar results

By Kevin Kovach

Cleveland-Marshall’s Ohio July bar passage rate declined this year. Last July, 89-percent of C-M’s first-time takers passed, and 86-percent of all C-M takers passed the Ohio bar. This year, 86-percent of C-M graduates passed the bar on the first attempt, while just 77-percent passed overall. C-M’s first-time passage rate fell slightly below the statewide average of 87.9-percent, and the school’s overall passage rate fell well short of the statewide rate of 82.4-percent. Prof. Gary Williams, Director of Academic Support and Bar Coordinator, stressed that observers would be unwise to search for some larger trend or reason behind the decline. “It really comes down to the individual student,” Williams said. He continued, “Sometimes, it’s the amount of effort the student puts into studying. Sometimes, it’s the amount of stress the student is going through. Sometimes, it involves something personal that the student is going through. It could be any one of a hundred things.”

Williams stressed that if a graduate preparing for the bar faces an unforeseen circumstance, that detracts from the person’s ability to pass the exam, the student can wait until the next time the test is offered. “You never have to sit for the bar, even if you paid,” Williams advised. “You can go through the first day of the bar and decide it is not for you, and drop out. It will not count for you taking the bar and not passing,” he stated. However, Williams warned that a student who puts-off taking the bar exam after already paying the fee will have to pay to reapply for the exam. “The questions seem pretty much the same to me, going back to 1997. The bar examiners have all said their job is not to fail you, but to test competency,” he noted. The Bar Coordinator shared his advice for passing the rigorous exam. “Hard work, as little drama as possible in your life, not working if you can at all help it, and having a certain level of confidence in yourself,” he said. Trying to glean something from the data he had compiled in the hours after he received C-M’s results, Williams pointed to his MPT workshop, which met once per week beginning in June. “Out of the 18 students who didn’t pass (on the first attempt), 11 of those people did not attend three or more of the MPT workshops. Only three of them attended four of the seven workshops or more,” Williams remarked. “The MPT is worth upwards of 78 of arguably 600 points. I don’t know anyone who has failed the bar by 78 points.”

I know a lot of people who have failed by 10 points or less. Doing well on the MPT is one thing that if you just take two hours a week to do and get feedback, gives you great value for your time,” he stressed.
Our 100% Ohio-based faculty features many of your favorite Cleveland-Marshall professors, including:

- Patricia Falk
  Criminal Law

- Stephen Gard
  Torts
  Commercial Paper

- Stephen Lazarus
  Evidence
  Legal Ethics

- Karin Mika
  MPT Workshop

- Kevin O’Neill
  Constitutional Law

- Adam Thurschwell
  Criminal Law
  Criminal Procedure

WE WANT YOU TO EARN A FREE BAR REVIEW COURSE!

APPLY NOW TO BE A CAMPUS REP

How to enroll:
- Visit us at: www.SupremeBarReview.com
- Call us at: (216) 696-2428
- Stop by our office at Playhouse Square in The Hanna Building (Suite 601).
- Look for your Campus Reps at our info table.

already enrolled with another bar review course that does not have an 100% Ohio-based faculty?
No problem. We will credit any deposit made to another full-service bar review course (up to $100) with proof of payment.

Sign up early to receive the following FREE bonus materials:

First Year Review Outlines for:
- Civil Procedure
- Contracts
- Criminal Law
- Real Property
- Torts

Upper Level Review Outlines for:
- Constitutional Law
- Criminal Procedure
- Evidence

Complete MPRE Review featuring:
- DVD Video Lecture
- Comprehensive Lecture Outline
- Released MPRE Questions with Explanatory Answers

We Turn Law Students Into Lawyers!®

www.SupremeBarReview.com • (216) 696-2428