2-2000

2000 Vol. 48 No. 4

Cleveland-Marshall College of Law

The high road

Richard Koblentz '75, one of Ohio's most prominent defenders of lawyers in ethics cases, spells it out clearly: integrity pays in this job. **CAREER, PAGE 6**

Drink martinis ...

and other things lawyers do all day. Read the winning essays from our 5th-grade contest. **SIDEBAR, PAGE 10**

On the horizon

From the accused wearing shades at trial to Judge Judy presiding in the buff, Michael Cheselka on how the "X" fad could change law. **OPINION, PAGE 8**

THE GAVEL

VOLUME 48, ISSUE 4 ■ FEBRUARY 2000

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Fitzpatrick's death-penalty lecture bright but confusing

By Eileen Sutker and Ann Vaughn
GAVEL STAFF

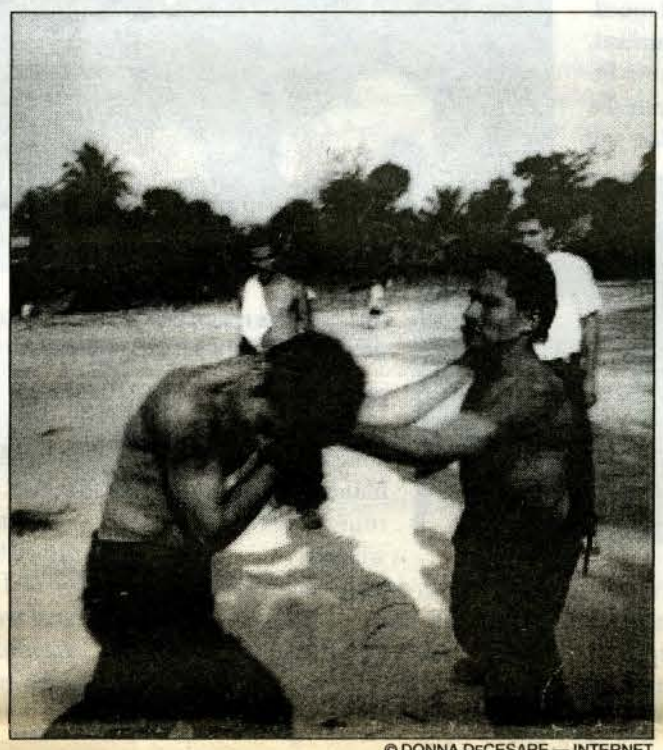
Visiting professor Peter Fitzpatrick, of the Queen Mary and Westfield College Faculty of Laws, gave the Joseph C. Hostetler –Baker & Hostetler lecture on Feb. 9 in the moot court room.

Analysis

His academically toned speech, titled "Life, Death and the Law — and Why Capital Punishment is Legally Unsupportable," surprised audience members who anticipated a more popular or easily accessible speech.

Fitzpatrick views law as an ongoing human endeavor that flows between the two poles of fixed determinism and responsive change. The death penalty is a unique challenge to this system because its outcome is always final. Consequently, arguments against the death penalty

See **FITZPATRICK,** page 3



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Gang members in El Salvador show why thousands seek U.S. asylum each year. In January C-M students helped several battle the INS.

Students take Texas asylum cases

By Linda Griffin
STAFF EDITOR

"Your application for asylum and for withholding of removal is denied. You are not eligible, and an order of removal is required."

These were the words of the immigration judge, presiding over removal proceedings in Harlingen, Texas. Before the court seeking political asylum was Julio Baños, a 14-year-old street child fearing persecution from a notorious juvenile gang in El Salvador, known widely as the Mara Salvatrucha, who rule the streets in San Salvador's

See **ASYLUM,** page 6

Police stops unjustified

Cole hurls a salvo of stats showing unnecessary racism in police work

By Kevin Butler
STAFF EDITOR

Police are stopping black motorists and pedestrians at a rate disproportionately high compared with their demographics, according to an expert on racial profiling in police work.

DAN POPE

David Cole

The uneven rate of traffic and personal stops is leading to a national resentment of officers, viewed as overly aggressive in many urban communities, said David Cole, a Georgetown law professor and the author of "No Equal Justice: Race and Class in the American Criminal Justice System."

Cole spoke at Cleveland-Marshall on Feb. 17, using an array of statistics to show that race-based police stops are leading to overly high conviction and incarceration rates for blacks.

One recent study showed an estimated 17 percent of drivers and speeders on Maryland highways were black, yet blacks represented 72 percent of drivers stopped for speeding over a one-year period.

Cole said that because the Supreme Court liberally upholds pretextual stops — where police officers hoping to search a vehicle use tenuous traffic violations and checkpoints to stop motorists — police are able to stop virtually anyone, for any reason.

"Blacks are incarcerated at a rate eight times greater than whites," Cole said, pointing to statistics that show blacks represent only 14 percent of the nation's drug users, yet 76 percent of those ar-

See **COLE,** page 2

Recent art donations add visual impact to law school's hallways

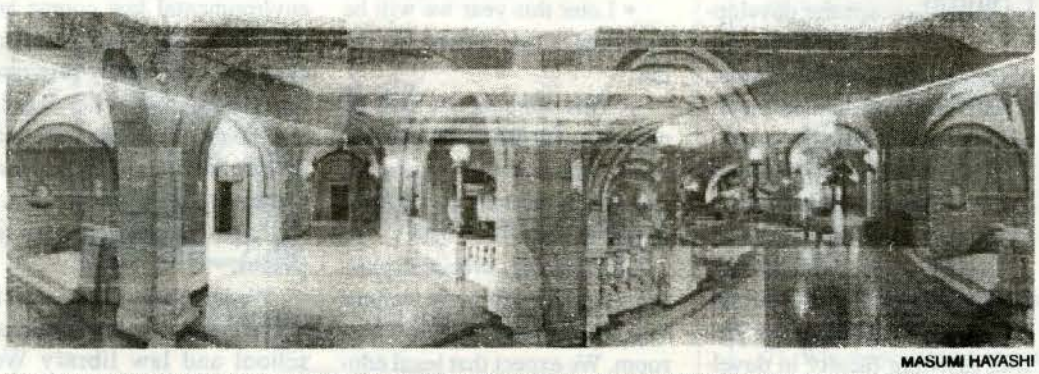
Collage by Hayashi, stills by Ammons lead overhaul of law walls

By Ann Vaughn
STAFF WRITER

Five new artworks were added to Cleveland-Marshall's building on Dec. 9, using donations from about 45 faculty and staff.

Improving the aesthetic quality of the law school began with grassroots efforts of the C-M art committee, led by professor Patricia Falk and administrator Louise Mooney in the spring of 1999.

The visually stunning "Cuyahoga County Courthouse II" by Masumi Hayashi is displayed in front of Room 237.



MASUMI HAYASHI

"Cuyahoga County Courthouse II," by CSU's Masumi Hayashi, was a recent gift of the faculty to the school.

This collage of courthouse photographs is in the style of M.C. Escher. Hayashi is a Cleveland State art professor and artist.

The office of admissions now hosts the completed four-panel mural, "A Voice Interpreted" by Jose Santiago. The vivid mural encompasses images of people whose lives impacted on C-M, including Judge Mary Grossman '12; Judge Jean Murell Capers '45 (who still is occasionally spotted doing research in the law library); Deanne Dominguez, a 1L who died in an automobile accident last spring; 2L Eva Xu; and the artist's self portrait. The portraits are juxtaposed with images of the old courthouse, the early home of the John Marshall School of Law, and a scene depicting the landmark case *LeFleur v. Cleveland Board of Education.*

A quilted piece by Barbara Lind, "Upholding the Law," was anonymously donated and

See **ARTWORK,** page 3

Lounge update nearly finished

GAVEL STAFF

Using an $11,000 grant from the university, on Feb. 24 the Student Bar Association ordered more than 100 pieces of furniture to replace decrepid student lounge pieces, SBA President Matthew Hite told the *Gavel.*

"We haven't had the lounge refurbished in nearly 15 years," he said.

Students have complained of having clothing torn by the split chairs and of wobbling study tables for years, Hite said.

SBA senators Tony Caporale, Roklyn DePerro and Greg Gleine researched pricing before Hite made the orders.

Most of the furniture is expected by the end of March, Hite said. Some may arrive within two weeks.

THE GAVEL Law

February 2000

Faculty make major changes to curriculum

By Kevin Butler
STAFF EDITOR

After negotiating for months, Cleveland-Marshall's faculty voted Feb. 24 to overhaul the mandatory curriculum for full-time students. Major changes are outlined below:

- An additional semester of legal writing, to be taken in the second year, will now be required as a core class. Students will be able to select from a "menu of [legal writing] courses," according to Associate Dean Jack Guttenberg, a primary proponent of the changes.

Requiring more legal writing reflects the faculty's concern that the school was graduating students whose writing skills were substandard, Guttenberg said.

"Law students come in weakest in writing," Guttenberg said. "We saw some opportunitites to create more rigor, more intense learning of the basic skills."

- First-year students will now have one fewer class on their schedules, though their in-class time will stay the same. The faculty reduced the number of first-year courses to five a semester, but increased the credit hours for torts, contracts and property to three per semester, up from 2.5.

The fourth course on the year-long schedule remains legal writing. Criminal law will be the fifth course in the fall semester, while the first half of civil procedure will be the fifth course in the spring (the second half to be taken in the second year).

"The faculty felt more attention needed to be paid to the basics," Guttenberg said. He said faculty will now have more time to give students feedback.

- The faculty raised the number of credit hours needed to graduate from 87 to 90, reflecting the credit-hour increase in the three first-year law courses.

Guttenberg said similar changes for the evening program are in the works, but are not yet finalized. No current students will be affected by the new requirements.

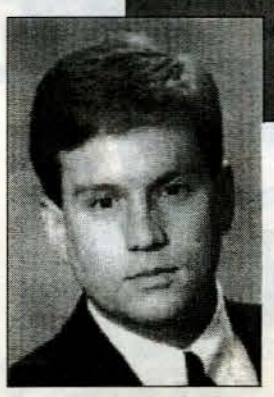
Fete, moot court rule Nova

In rare occurrence, C-M duos face off for championship

GAVEL STAFF

The Cleveland-Marshall moot court team of Marvin T. Fete and Matthew Senra won the Nova Southeastern University Round Robin National Moot Court Competition after meeting the C-M team of Jon Pinney and Carrie Saylor in the final round.

Nova Professor Michael Richmond, who directs the annual competition in Ft. Lauderdale, Fla., said that this was only the first or second time in 14 years that one school placed both of its teams in the final round.



COURTESY MARVIN T. FETE (2)

Fete (left) was named best oralist at the Nova tourney, where the top two teams were from C-M. The winners, from left to right: Pinney, Saylor, Senra and Fete.

"I was nervous to argue against the other schools," Fete said, "but I was scared to argue against the other C-M team."

"Any one of my teammates deserved to be named best advocate," he said. "If anything made me better, it was having to compete with three of the best advocates I've ever met."

The topic concerned wrongful discharge and defamation in a fictional state. The fictitional plaintiff was discharged for being a whistleblower and lost job opportunitites due to that label in his recommendations.

More than 25 teams competed in the four preliminary rounds, and seven rounds determined the winners.

"You don't really get to have much fun until it's all over — then we went to the beach," said Fete.

"Writing the brief was challenging, and John Pinney did a marvelous job for our team," Saylor said.

The teams were advised by the professorial duo of Stephen Werber and Sandra Kerber.

"This is the fifth first-place award earned by our students since the fall semester of 1998," Werber said. "Our students have won 50 percent of the competitions attended in this time frame and have placed in the quarterfinals or better in the remaining competitions."

Technology improving to meet needs

By Steven H. Steinglass

I am pleased to bring you up to date on some exciting developments that I believe will improve the computing infrastructure for our students in the law school.

The Dean's Column

Last summer I asked the Cleveland-Marshall Law Library director, Associate Dean and professor Michael Slinger, to oversee the development of the use of technology in the law school. Dean Slinger assembled a technology team of Eric Domanski, Dan Maynard, Bobby Rothrock and law librarians Mark Gooch, Laura Ray and Ellen Quinn.

> We expect that legal education in the 21st century will increasingly utilize technology in both research and instruction, and we will be making every effort to ensure our students are able to take advantage of these innovations.

Among the goals of the "Technology Team" are the continuing development of our Web site, assisting faculty in developing technology for use in the classroom, and improving our technology equipment and infrastructure.

In improving our technology equipment and infrastructure, we paid particular attention to offering our students the best possible PC lab. We are making some significant progress in transforming a very good lab into an even better one. For example:

- The lab has replaced its dot matrix printers with laser printers.
- Later this year we will be installing a new server for the lab.
- This summer we will be upgrading all lab PCs to significantly improve their operating speed from the current 166 MHz to 400 MHz.

Additionally, we are exploring ways to bring more technological capacity to the classroom. We expect that legal education in the 21st century will increasingly utilize technology in both research and instruction, and we will be making every effort to ensure our students are able to take advantage of these innovations.

In the last year we have seen a substantial increase by our faculty in using technology as part of their courses. We currently have a dozen courses that utilize electronic course pages. Of particular note are the electronic case book created by professor Heidi Robertson for use in her environmental law course and the extensive online drafting exercises utilized by professor Linda Ammons in her legislation course. In fact, more than 25 courses are using e-mail listservs to supplement their instruction or administrative activities.

We have also taken significant actions to improve our law school and law library Web pages. We see the Web pages as playing an increasingly important part in providing information about our law school and its activities to our own community and the world at large. In many ways, the Web page is serving as a virtual town meeting board for us all.

I am also pleased that our web pages have been increasingly valuable as research tools. For example, you might want to check out our links to the Sam Sheppard murder case or to other important cases. I am pleased that the quality of our Web page has not gone unnoticed nationally. A forthcoming article in *Law Library Journal* includes a study that ranks our library's page as the 12th-most linked-to site in the country among all law school libraries. Our law library page has also been cited for excellence in articles that have appeared in both the *New York Times* and the *Washington Post*.

Our goal in making these considerable efforts and investments is to provide C-M students with the technological tools to be comfortable and successful in what promises to be a period of great change in legal practice over the course of their careers.

I look forward to sharing news with you about many other exciting developments in the future. Both Dean Slinger and I welcome your suggestions on how we can continue to improve your use of technology in the law school.

I wish you all a semester filled with learning and success.

Steinglass is dean of C-M College of Law.

COLE: Race-based policing

Continued from page 1 —

rested for drug use.

Cole acknowledged the high court is unlikely to change.

"The Supreme Court has said that the kind of statistics I've regaled you with are irrelevant," Cole said. "It's hard to prove race as a motivation."

Cole said he would argue instead that police should shift away from "quality of life policing," which is characterized by roving police units stopping and frisking anyone who looks suspicious, in order to restore blacks' faith in the system.

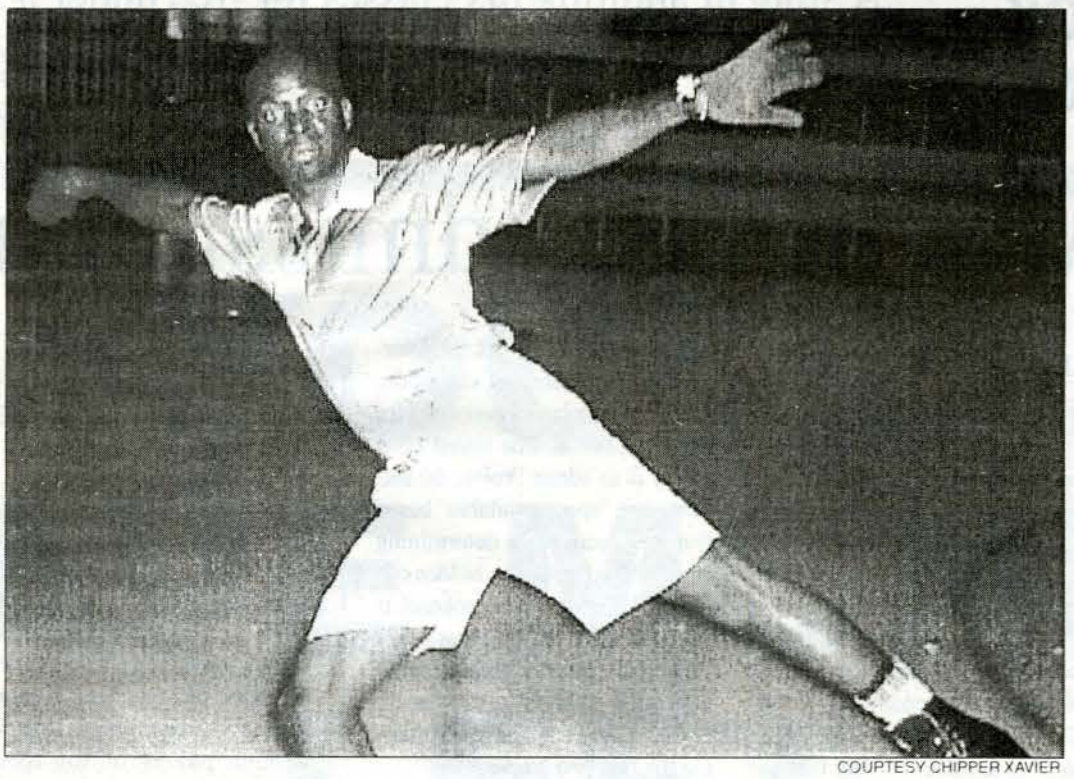
Skating through law school another way

By Chipper F. Xavier
CONTRIBUTING WRITER

This is the time of the year when figure skating becomes a popular and profitable sport. The National Figure Skating Championships were held earlier this year at Cleveland's Gund Arena, with practices at Lakewood's Winterhurst Ice Skating Rink.

Publicity surrounding the competitions was fast and furious, as America's best and brightest competed for the chance to become the top-seeded figure skater.

Most people who watch figure skating on television marvel at the jumps, the spins, the costumes and the hype. Ever since Tanya Harding was implicated in the attack on Nancy Kerrigan, the sport has been elevated to a new arena of glitz, grandeur and media attention.



COURTESY CHIPPER XAVIER

Competitively or not, figure skating is gaining ground as a glitzy sport. Xavier, above, is no exception.

But would you be surprised to know that there are also figure skaters at Cleveland-Marshall College of Law? There are. One of our adjunct professors is actually part of an ice dancing couple. One of our current students competed at the national level, and even carved the ice a few years ago at the gala opening of the Public Square ice rink, and another student who graduated last year makes her living as a figure skating instructor. I should know — she trained me.

I first started figure skating at Cleveland Heights Pavilion. There, I learned the difference between an inside and an outside edge, a three turn and a Mohawk, a flip and a Lutz. As I pondered the distinctions between libel and slander, I landed my first Salchow. As I plowed endlessly through the dormant commerce clause, I toiled at centering my scratch spin. As I bombed my commercial law final, so too did I tumble to the ice in a grand, bloody mess while practicing my flip jump.

Now that I am nearly ready to graduate this spring, I seem to have finally taken the bull by the horns. My properly centered scratch spin has graduated into a back spin, a change foot spin, a sit spin and a back sit spin. My flip jump and my Salchow have both turned into doubles. It seems as though I'm ready to take on the world. All this, and I still haven't managed to break into Law Review.

ARTWORK: local artists' work now on display here designed to 'take us away for a minute'

Continued from page 1 —

will hang outside the faculty office corridor on the atrium level when it is properly framed. The work depicts Cleveland's skyline with a biplane overhead and includes the C-M logo from a t-shirt. The "Monopoly"-style border represents property law principles.

"I wanted to create a light piece — something to make people smile," Lind said. "People are so focused at the law school. I just wanted something that would make people look up and take them away for a minute."

Lind was inspired by her background in community organizing to improve the quality of life in local neighborhoods. Her husband, Kermit Lind, is the director of the community advocacy clinic.

Professor Linda Ammons donated her photographic work, "Once Upon a Time — Goree Island, Senegal" which hangs outside Room 208. Goree Island was the point of departure for many African slaves transported to the Americas. The photograph includes a local tour guide next to a chart detailing the continuing historic importance of the area.

"I captured a moment in time which pulls together in one photograph so many diverse areas, from art, history and law to politics and religion. This photograph reminds us that under God, all people are one and one should not enslave another."

Former C-M adjunct professor Jeffrey Coryell is creating a painting titled "Path," which will hang outside Room 202 when completed. He wants to convey the metaphor of law as a path and journey, yet he chose an existing location for his inspiration.

"The scene is from an actual path in the Les Cheneaux Islands which was originally homesteaded by my grandfather," Coryell said. "It is a path I have often seen and walked."

Professor Falk hopes to return to the atrium a mobile that was displayed until it was damaged during an impromptu football game.

"Future plans of the art committee include bringing more art to the law school campus," Mooney said.

Added Coryell: "Anything done to enrich and beautify the environment of the law school is a terrific thing for all the students, as well as faculty."

FITZPATRICK: In speech to C-M, says sympathy for death penalty growing, though justification for it still flawed

Continued from page 1 —

inherently contain contradictions that can be used to support capital punishment.

He discussed two aspects that exemplify this situation: racial discrimination and the narrowing use of the writ of habeus corpus.

A cultural anthropology approach highlights the extreme positions various societies have used to confront the death penalty, but this does not resolve the U.S. problem of racial discrimination influencing the death penalty decision. Trying to counter such racial discrimination is counterproductive because it denies equal protection and has the incongruous effect of "killing off" the group previously *not* discriminated against.

Lately, use of the writ of habeus corpus to reverse, modify or challenge the legality of any detention has been narrowed both judiciously and legislatively so more people wait on death row, he said.

Although the questions ranged from state policies to the Sam Sheppard case, Fitzpatrick continually reinterated his theme that no one gets out of this world alive — the law's ultimate punishment shows how unresponsive law can be toward the human condition.

"Though there is still overwhelming support for the death penalty, people are becoming less sure of capital punishment," Fitzpatrick said after his speech. "It is interesting that the death penalty isn't an issue in current election campaigns."

"The general feeling is that one shouldn't push the death penalty. But it is too soon to see if there is a trend [despite Governor Ryan's] moratorium on the death penalty in Illinois," he said.

Fitzpatrick was asked about any incongruence between academic discourse and ease of communication.

"I want to make my lecture as accessible as possible to all who come, but this lecture had to be an academic lecture primarily," he said. "I have to assume though that overall, my talk will make sense."

The sensibility of Fitzpatrick's ideas was not the issue, but making sense to the everyday audience member may have been.

Interested in writing?

The next deadline for articles is March 15. Please see an editor for ideas, or call 687-4533.

DAN POPE FOR THE GAVEL

Snyder shows the difference between trial by fire and trial by combat.

Snyder pulls odd old tales from common-law crypt

By Daniel Pope
CONTRIBUTING WRITER

"Trial by fire"? How did this phrase come into use?

In a Feb. 15 speech, professor David Snyder cleared that up, along with several other odd but entertaining areas of common law. His presentation on the evolution of common law through the past millennium continued the faculty speaker series at Cleveland-Marshall.

Trial by fire consisted of the defendant being forced to hold a piece of red hot iron, Snyder said. The wound was then bound for three days. Upon inspection for festering infection the judge decided whether the defendant was innocent or guilty. If no infection was present the defendant had the favor of God on his side and thus could not be guilty.

If the wound showed infection or poor healing the defendant was deemed guilty and then punished, Snyder said. Both the innocent and the guilty suffered.

Punishment for guilt could be far worse than the trial. Castration and other forms of mutilation were used when a sentence of death was not warranted.

The ingenious legal cure for the crime of fornication was a contract of marriage. When the possibility of fornication arose, the couple was forced into a contract of marriage which contained the condition precedent of fornication, Snyder said. Thereafter, in the eyes of the law, at the instant of fornication the two were married and no fornication was possible.

This legal fiction gave rise to an equally bright defense. A defendant argued not only that fornication had not happened, but that he was too close a relation to the woman to legally marry anyway.

SPECIAL SECTION

Face Off: Project 60

A student auditing his classes for free under a state law is closed out of a course and brings suit against the school. An insult? Or does he have a valid claim? Read on.

Point: I was denied admission unfairly

Project 60 students like me face an uphill struggle registering for classes

By Donald Lesiak
CONTRIBUTING WRITER

In August 1998 I tried to register for classes. Assistant Dean Jean Lifter denied me admission to the Civil Rights Seminar taught by Judge Nathaniel R. Jones, 6th U.S. Circuit Court of Appeals, so ultimately I filed a discrimination lawsuit against Cleveland State. In a study of my case the Department of Education's Office of Civil Rights concluded, "There is insufficient evidence to support a violation of Title VI and the Age Discrimination Act" in December 1999, but before it is forgotten, I'd like to air my story.

I've been a Project 60 student for about 12 semesters at Cleveland-Marshall. CSU says it admits Project 60 students when classroom space is available and the admission is approved by the instructor. After the first session, I asked Jones to approve my attendance on an enrollment form that was clearly notated by Lifter as "no/course closed." I asked him to sign the form with no explanation and then realized it — and said to him, "Sir, you just overrode the [assistant] dean." Despite this, I was blocked from attending subsequent class sessions because "he didn't like my attitude." I deny that any deception was involved here. Policing the class because of "attitude" is as egregious as restricting admissions because of political beliefs. If admissions and registration departments select who attends classes based on hidden criteria, then they aren't upholding this country's standards of fairness.

Meanwhile, the first-day class had a black female Project 60 student enrolled despite a waiting list of younger, for-credit tuition paying students. How did she get admitted when I was not? The Office of Civil Rights requires each university to issue rules for determining availability of classroom space and other rules necessary for implementation. The stated CSU policy is to admit Project 60 students on a "space available" basis. But they seem to be determining "availability" based on hidden criteria. The underlying problem is the registration scheme that keeps Project 60 students in limbo until well after classes have started. How can you catch up after missing the first two weeks?

Every student hates to be bumped from classes. Imagine how difficult planning can be when you never know when you'll get bounced — even after you've attended the first class! Why should someone be turned away when they are ready to attend class just so students who aren't even sure if they want to sit through a class can waffle their way through school?

Complaining was my way to hold CSU to stated policies, to provide sunshine to hidden enrollment policies and to document and publicize CSU's behavior.

Attend law school for free? Project 60 is the thing to do

GAVEL STAFF

Programs created by Section 3345.27 of the Ohio Revised Code permit Ohio residents over 60 years old to attend higher education classes for audit credit without paying tuition fees. Cleveland State University's Project 60 is open for senior citizens to attend law school on a space-available basis.

"Generally, these students are registered the Friday before classes start to ensure all paying students have an opportunity to register," said Thomas Collins, a coordinator in the university studies advising center who handles Project 60 and post-secondary enrollment programs.

Within the law school, Assistant Dean Jean Lifter said, most law courses are open to Project 60 students but approval is given only if a class has seats open after enrollment by tuition-paying law students.

"Enrollment is generally discouraged in courses like legal writing, trial advocacy and other courses where a student is unlikely to get much out of the course unless he or she is participating and receiving feedback from the instructor," Lifter said.

Enrollment is rising as the program becomes more well known. In the fall of 1998, 10 students attended; in the spring of 1999, 12 were enrolled. This past fall, 12 students took classes; 14 currently are enrolled.

Project 60 participants also can use the computer labs, physical education facilities and the career services center.

Counterpoint: Epitome of ingratitude is to be granted education handouts, then complain

By Matthew Lombardy
CONTRIBUTING WRITER

Are you aware of Project 60? Apparently, those on high in their divine wisdom decided to allow senior citizens to obtain a legal education at no cost — well actually, at our cost. Now, of course, no good deed ever goes unpunished. So as a demonstration of gratitude one of our local elders decided to sue the school because this person was booted from a class in favor of a dues-paying student. Fortunately, there is still some sanity and the case was summarily dismissed.

Let us review this from a legal standpoint. Naturally there would be no case in contract. This person never paid a dime to attend the classes the rest of us second-class citizens pay thousands of dollars to attend. This person goes to a state school at the state's expense, that is, *our expense*. No consideration was exchanged between the parties involved. This does not make a valid contract.

Thus we are left with age discrimination. I suppose an argument could be made, albeit a very, very, very weak argument. By booting a local elder from the halls of legal education in favor of one of us *dues-paying* whipper-snappers, favoritism toward youth is taking place. Last time I checked this age discrimination thing, I found that there must be a disparate impact. To have a disparate impact you must have two similarly situated individuals where one is treated differently than the other merely because they are in a protected class. In the age discrimination case, that class is the over-40 bunch. Then the party charged with the discriminatory practice must demonstrate a non-discriminatory reason for the action. When they manage to do so, the elder must prove this excuse is mere pretense designed to disguise a deeper discriminatory motive.

> Hand something to someone and they have no idea of what it takes to earn it.

The local elder would claim that the university acted in a discriminatory manner by not allowing him to use the system at the expense of dues-paying, albeit younger, students. The university would defend this decision by stating that they are already allowing him to use the system free of charge. Admittedly, there was a disparate impact, but that was *because he wasn't paying*! It is already unfair to the rest of us second-class citizens that age gets you free tuition. (A little reverse discrimination anyone? Alotta that goin' 'round these days!) Our hero is now rendered speechless. Even the most avid proponents of loused up liberal ideas falter at the feet of the terrifying force of common sense.

I believe it is the epitome of ingratitude for someone to be granted a handout, especially one as valuable as a legal education, and then dare to complain when the handout is not exactly to the recipient's liking. Further, to whine when the effectiveness of that handout does not supercede the rights purchased by the dues-paying student adds insult to injury. Especially when it is exactly that dues-paying student who foots the bill of the handout the recipient seems intent on abusing. This is the essence of the failures of the welfare state in particular and liberalism in general. If you hand something to someone they have no concept of what it takes to earn it. Rather they are content with squandering the gift. Such people are absolutely intent on taking that yard after they have been given that inch. In conservative parlance, we call this being a *spoiled brat*! The fact is you have no legal right to the gift *we* are conferring upon you. You have no moral right either!

God bless you all and God bless America.

Lombardy can be reached at MYCOLUMNS@AOL.COM.

THE GAVEL Career

February 2000

Shrewd lawyers take the high road

INTERNET

Any way you look at it, the deceitful attorneys always lose to the honest ones in the end. By Richard S. Koblentz

Alumni Advice

WHEN YOU COMplete your studies, exhibit your current character and fitness to practice law (a not necessarily simple procedure which could be the topic of a number of articles) and successfully pass the bar examination, you will have the opportunity and honor to represent your fellow citizens as their counsel.

You will want to represent your client zealously within our adversary system. You will want your representation to be effective, which will provide the most beneficial service to your client. But you cannot go about your practice of law in an unbridled fashion; you must abide by the Code of Professional Responsibility and comport yourself in an ethical manner.

While our system contemplates the lawyer acting as the client's "champion," failure to conduct your representation eithcally and with integrity not only may result in your being charged with professional misconduct, but also will not appropriately serve your client.

One of the greatest assets a lawyer can bring to the table is his or her reputation for honesty and integrity with the judiciary, opposing counsel and the community in general. Conducting your law practice on the "high road" will allow you to be far more effective in your representation.

Your reputation for honesty and integrity will result in a high degree of credibility with judicial officers. The judge and other court personnel do not know your client and oftentimes will look to you for insight into the operative facts that form the gravamen of the matter. Experience has taught me that counsel's credibility with the court goes a long way toward helping the client. For example, if you are representing a client in a criminal case at the sentencing stage, your representation to the court about your client's efforts to rehabilitate may very well make the difference between a penitentiary sentence and probation, if your track record with the court has led the judge to trust you.

Likewise, your effectiveness on your client's behalf is greatly enhanced when opposing counsel has learned, through experience, that you are trustworthy. When you are viewed as trustworthy, your opponent may very well share information relative to the case that he or she would not give to a lawyer who is viewed as sneaky or underhanded. I have learned that, in the practice of law, knowledge is power; the more you know, the more effective your representation of your client will be.

You should realize that long after a particular case is concluded, the court and your fellow lawyers will still be dealing with you. This doesn't mean you shouldn't fight vigorously for all your clients; judges and fellow lawyers respect a zealous, hard-fighting advocate who honestly and ethically advocates his or her client's cause. But misrepresentation, deceit or dishonesty in an effort to aid your client's cause will not only cost you in the long run within the system, it really will hurt your client as well.

I have always remembered a statement to the protagonist-lawyer in the film "Justice for All," which has stood me in good stead: "If you're not honest, you're nothing."

▪ About Richard S. Koblentz: Koblentz, a 1975 graduate of Cleveland-Marshall and partner at Koblentz & Koblentz downtown, is one of the state's most prominent defense lawyers in the area of legal ethics and discipline. He is a past president of the C-M Law Alumni Association and the current president of the Cleveland Baseball Federation, which brings the sport to underprivileged youth.

ASYLUM: Defending illegal aliens at border 'a roller coaster of emotions,' says one 2L

Continued from page 1 —

slums. The gang is a direct result of the 12-year civil war that ravaged the country in the 1980s.

As the judge announced his ruling, Julio's hope to remain in the United States vanished. Later he sobbed uncontrollably as legal representatives attempted to comfort him and explain, through Spanish interpretation, the reasons for the judge's decision that would eventually send him back to the streets if the appeal was unsuccessful.

Don Amirault, a 2L from Cleveland-Marshall, represented Julio in the hearing for asylum. Sitting second chair at counsel table was Beverly Blair, a C-M legal writing instructor.

In 1997 Blair took her first group of C-M students to assist political asylum applicants as part of the South Texas Pro Bono Asylum Representation Project (ProBar). In January of this year, Blair, Amirault, 2L Ann Vaughn, 3L Oscar Rodriguez and I joined ProBar for a week.

"It was a roller coaster of emotions," said Amirault. "On day one we didn't think we had much of a case. Then we began the preparation and believed we could win. We hit the bottom of the hill, when after all diligence, the judge denied our client's asylum."

Beverly Blair

ProBar is a project of the American Bar Association, the State Bar of Texas and the American Immigration Lawyers Association. The ABA contributes funding, which enables a full-time attorney to oversee and coordinate the efforts of volunteer attorneys and law students. Volunteers provide representation and counseling to asylum applicants and immigrants detained by the Immigration and Naturalization Service at the Texas borders.

Political asylum applicants usually cannot afford adequate legal representation, and most of the immigrants deplete their entire savings fleeing to the United States.

ProBar offers legal rights presentations and individual counseling every afternoon to the detained immigrant population at the Port Isabel Service Processing Center, providing students with rich client contact experiences. According to an INS fiscal-year 1997 report, issued in July1999, 122,741 applicants filed for refugee status. Volunteer attorneys and law students are a tremendous asset assisting clients in the asylum application process.

"I was able to put my first year and a half's work of legal training to use for the good of others," Vaughn said.

Vaughn interviewed a Russian couple seeking asylum from ethnic and racial persecution and worked with refugees from Pakistan. Amirault and Blair prepared for the merits hearing and met daily with Julio and Adela, an energetic 77-year old Spanish interpreter.

Rodriguez worked with a teenaged Honduran orphan and I spent the majority of my time in the prison-like detention center with a Columbian who feared persecution from the paramilitary and guerillas. Often duties overlapped.

"It truly was a pleasure working with such dedicated C-M students," Blair said. "As we worked 10- and 12-hour days, the students consistently demonstrated professionalism and compassion in assisting clients in preparation of their asylum claims."

Poor exam-takers will find practicing tests works best

By Karin Mika

▪ I spend all my time studying, know the material and always do mediocre on tests. Is there any way to improve my test-taking?

Legal Writing

If I told you that in order to ride a bicycle you need to first get on top of the apparatus, then balance while steering and engaging in forward motion, would you then be able to ride a bike?

The same goes for exam-taking. The world can tell you repeatedly that you must be responsive to a question, state a clear rule of law, and then explain its application to the facts, but you will not then be able to automatically write a good exam answer. There is only one way to get better at writing exam answers and that is to write exam answers – and lots of them.

My method for preparing for exams going all the way back to high school was not so much to memorize the material, but rather to guess the exam questions and then, of course, answer them. To a certain extent, outlining is overrated because it doesn't often do too much more than transfer a piece of information from one sheet of paper to another sheet of paper. If each law student did a single one-hour test question for each substantive class at least once per week (5-6 hours), that would be somewhere near 75 questions done prior to an exam. What could possibly be asked that wasn't covered?

Also, it doesn't help to simply look at the questions and say, "Okay, if this were an exam I'd talk about negligence here, and battery there." You must go through the exercise as if it were a dress rehearsal for the real thing. It's no different than any other task or profession. I suspect you wouldn't want a surgeon whose only experience with real surgery was sitting around hypothesizing what he or she might do in a given situation.

Mika is the assistant director of legal writing at C-M.

Wong: immigration policies weakening

Pioneering lawyer recounts own story as an immigrant

By Frank Scialdone
STAFF WRITER

Contrary to recent news reports, U.S. immigration policies generally are now less restrictive than in the past, according to one internationally renowned immigration lawyer.

However, aliens with criminal histories now face stricter regulations. Since 1988, one criminal conviction can lead to deportation, said Margaret W. Wong of Cleveland-based Margaret W. Wong & Assoc. Co., LPA.

On Feb. 14, Wong discussed immigration law and her experiences as an immigrant at Cleveland-Marshall. The presentation was part of a weeklong cultural celebration sponsored by the Chinese Arts and Culture program.

Immigration today generally is easier, especially for highly educated people and those with special talents, she said.

"Our firm has a lot of athletes — golf, tennis — and entertainers. These are people by nature that don't need an employer," Wong said. "If they are distinguished, then they can self-petition. All that is needed is a job offer to get a green card."

Wong said it was much more difficult to get a green card when she immigrated from Hong Kong in the late '60s.

After fleeing China with her family during the Communist takeover, Wong immigrated from Hong Kong to the United States. She came on a student visa with her sister and "$187 and two suitcases." Eventually she was able to bring her family to the United States.


Margaret Wong

Wong was one of the first generation of foreign-born people allowed to practice law in Ohio. She started Margaret W. Wong & Associates as a solo practitioner and developed it into a 40-employee firm, which specializes in immigration and naturalization law.

Wong has been honored with numerous accolades, and in 1998 received the Ellis Island Medal of Honor for her contributions to the United States.

Wong's firm each month serves 400 to 800 clients ranging from American business people to foreign-born individuals, many with unique stories and cultures.

"It is not just important to know the law in my work; it is important to know the cultural mindset behind the person," she said. "That's why my job is so much fun, because there are so many profiles of different cultures."

Law students in clinics carry card to handle real cases

GAVEL STAFF

The thrill of doing anything a lawyer can do — under supervision — is pretty short-lived. Being a legal intern used to be a required step toward becoming a lawyer. Now it's a privilege for those who do pro bono work through the legal clinics while in law school.

The card says they're admitted to practice under supervision, but this status lasts only until the results of the bar exam after their graduation date are announced. Nevertheless, imagine getting academic credit through the clinic to take depositions, examine witnesses in court, and participate in pretrial conferences while still in law school.

Currently 3Ls Anjanette Arabian, Heather Taylor and Thomas Trefether are legal interns in the community advocacy and employment law clinics working in the public nuisance abatement niche that the clinics address.

"The best part was when my friends took trial advocacy and were impressed with their level of expertise," Taylor told the *Gavel*. "I told them by comparison, trial ad was fake, because when you take the clinic you get to be the attorney of record for a *real* case with *real* witnesses and *real* clients."

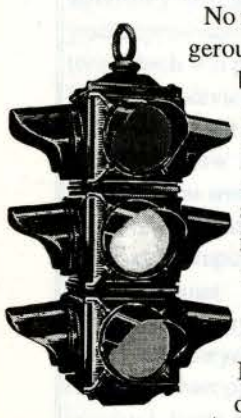
When Taylor went to register with the Cleveland Municipal Clerk of Courts, they were unaware of their own local rule which requires student interns to register.

"Since I was the first person, they had to create a special binder and form," she said. "I'll forever be the first in their book. More paperwork — what an accomplishment."

The paperwork is available from Kay Benjamin and the registration material must be notarized. It requires the dean to attest to your character, and students must have completed 56 hours of course work before applying. Applying costs $20.

For blind pedestrians, streets must become safer

A sighted person can glance with a fair amount of ease at a pedestrian signal and cross the street. Even so, sighted persons subject themselves to a certain quantum of peril. "On a per mile basis," says the Service Transportation Pedestrian Project, "walking is more dangerous than [any other mode of travel]."



No matter how dangerous walking may be for a sighted pedestrian, it is clearly more dangerous for a sight-impaired individual to cross the street. The American Council of the Blind, a lobbyist organization that produced the *Pedestrian Handbook,* notes that a person struck by a vehicle traveling at 35 mph has almost a 40 percent chance of dying from the impact, and that the risk of death rises to over 80 percent at 44 mph. Additionally, computerized traffic flow increases the hazards for the sight-impaired because their traditional listening skills cannot be relied upon. At the very least, sighted people can use the traffic signal itself to assess their level of safety.

Gary Norman

Failure to provide a pedestrian signal program accessible to the sight impaired denies them full enjoyment of public services. This violates the letter and spirit of the Americans with Disabilities Act and restricts a sight impaired individual's fundamental right to travel under the 14th Amendment.

Sight impaired pedestrians are asking municipalities to install adaptive pedestrian signals. These vocalize in some manner the "walk/don't walk" message currently conveyed in inaudible lights. The downtown Atlanta, Ga., business district uses a series of beeps to communicate when it is safe to cross the street.

State and national legislation would be a more cost efficient way to achieve equal access to the streets rather than waiting for a trickle of lawsuits to bleed city coffers dry. But this may be necessary because the blind remain invisible to mainstream America. Massive lawsuits to achieve the vindication of civil rights are one technique to provide for the common good, but a better social policy is to make our streets safe for everyone now.

Norman is a 3L.

Everything new is old again

Judge Cornelius always liked to enter the courtroom on his 'rad' board.

INTERNET

'X' sells: First the X-Games, now the XFL. What happens if the 'X' craze sweeps over law next?

Michael Cheselka

The Weak in Review

HIERARCHY AND history compel conformity in the law. Law students learn to wield precision instruments of words to operate in a popular culture that resembles a trauma center of utter chaos.

We learn to paint by number to become pointillists in a spin-art world. We learn a systematic method to approach the law. In contrast, society constantly raises the bar or reinvents what is new and acceptable. This conflict is the plight of those who seek to articulate values to a world filled with advertising circulars that are "chock-full-of-values."

Before you change a car's tire, you stop and plan. A peanut butter and jelly sandwich gets built with a plan. To perform brain surgery, you need a serious plan. Putting a man on the moon takes a nearly miraculous plan. Planning determines our professional and personal lives, but society seems to happen by accident. So people are baffled when the tires of life get stuffed between two pieces of bread. Consider the following attempts to discern life's meaning:

Critics decry the increased incidents of reported lawlessness within the National Football League, yet at the same time Vince McMahon of the World Wrestling Foundation announced his intention to create a competitive "XFL." The "X" stands for extreme. To some, the NFL is too meek and tame. This concept justified the creation of the "X-Games" as a new breed of Olympics for a generation that needs more of the "X-factor" to feel relevant. What was good enough last year becomes the target in tomorrow's crosshairs. It is no national secret that "X" sells. It's even advertised. How else can you explain a grieving family horrified by a loser kid who drops the coffin because he didn't eat the right candy bar? "X" is the market's latest attempt to give the people what they want us to want.

Will we have the opportunity to practice "X-Law"? Defendant enters the courtroom in orange spandex and designer shades while courthouse speakers blare, "He did a bad, bad thing." In-house pyrotechnics accompany the bailiff's "Please rise." Counsel's objections are overruled with a taser-gun shot. Jury members discuss what they've chosen to wear from a runway to the jury box. Closing arguments are punctuated by a chorus of dancing back-up singers. Convicts host duel-to-the-death encounters on the Maximum Security Channel. The railing before the spectators is festooned with NASCAR-like banners that scream "Lexis gets you in a Lexus" and "Armani: Anything else is a non-suit." Tort reform is fully emboldened when litigants give up their day in court for a chance to appear on "Wheel of Misfortune." When ratings slip, Judge Judy will show up in *just* her lace collar.

Nowadays, attorneys and politicians rank near the top of any list of society's most distrusted people. I'm convinced of the reason behind that ranking: attorneys and politicians know what everyone else is up to.

As future attorneys we will carry the mantle of our profession's pedigree deep into this new century. Will the language and the legacy stay relevant? Already "X" has infiltrated politics; late-night campaign appearances on M-TV are innocuous signs of the times. Sometime, soon, a candidate will respond to an opponent's argument by publically saying, "F— you." Exit polls will show that 43.27 percent will appreciate the candor and lack of pretension.

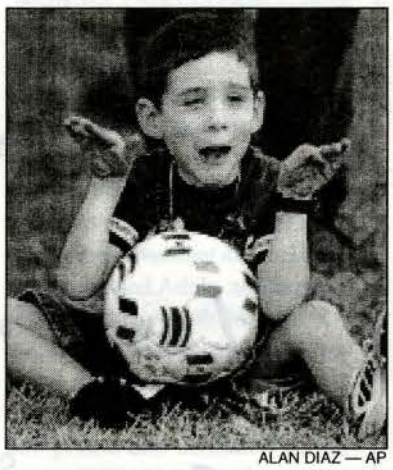
What are we to X-pect? Stay tuned. As David Bowie once said, "The future belongs to those of us who hear it coming."

Cheselka, a 1L, is a political consultant in Cleveland.

The sad reality: Elián needs to go home

By Katie Archer
CONTRIBUTING WRITER

A six-year-old boy is at the center of a highly publicized international custody battle. Everyone has an opinion on what the fate of Elián González should be, but my main concern is that the United States and Cuba are guilty of treating young Elián as a possession and not as a child.



ALAN DIAZ — AP

Guarded always, Elián jokes with pals.

Elián has endured quite a bit lately. He lost his mother and had to grasp onto life in a foreign land. Reporters and cameras are stuck in his face day after day. He is fought over and trapped in a tug-of-war battle between two warring nations.

Elián did not choose to be at the center of this latest media frenzy. He probably does not understand what is the big deal. Poor Elián does not realize that he likely will become the poster child for family organizations, for fathers fighting for parental rights and for pro-American organizations everywhere.

My head and heart tell me two different stories. My heart wants this child to stay in America. His mother's ordeal in search of a better life is something very few should know or experience. My heart feels Elián's mother never imagined her son would be in such a heated battle.

My head tells me Elián should return to Cuba because his father is available to provide him with love and support. No child should be taken away from a natural parent if that parent is able and willing to provide for a productive life.

Together, my head and heart say that no child should be the center of two country's differences. It is not fair for young Elián because he is only a victim of the United States and Cuba's problems. I hope Elián's future is decided before it is ruined.

Archer is a 1L.

THE GAVEL
Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-4533

Staff Editors Kevin Butler, Linda Griffin, Eileen Sutker

Staff Writers Roger Bundy Jr., Monica Clardy, Jen Cunningham, Kelly R. Johnson, Sonja Lechowick, Ross Matlack, Michele McKee, Gary Norman, Frank Scialdone, Ann Vaughn

Photos Daniel Pope

Advisor Thomas Buckley

Connecticut shoots but misses badly

Mail Pail

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

I AM NOT A MEMBER OF THE National Rifle Association or any other gun lobby. I don't read survivalist literature. I don't pretend to understand the modern militia movement. I don't wish to lump these groups together any more than I want to be lumped together with any of them.

I do own guns. So Connecticut Senate Bill 1167, which passed in May 1999, caught my attention.

Section 9 of the bill allows a warrant for the search of a person, place or thing with the purpose of seizing firearms. All that is needed is the complaint of a state's attorney or two credible people that a person poses a risk of injury to himself or another, and that person is believed to possess firearms.

On its face it is an attractive idea: protect society from the possibility of a disturbed gun-wielding killer. Who can argue with that? George Orwell. Big Brother is looking out for you in Connecticut. This law addresses no crime other than thought crime. Rash words in the wrong company and your property could be seized. Substitute any other property that could be used as a weapon and the law loses its appeal. You would have little left but children's scissors. Under the Second Amendment it is not a crime merely to possess a gun.

The Constitutional framers' debate over the Second Amendment was not whether individuals had the right to bear arms but whether such an intrinsic right of individuals need be mentioned at all. The amendment owes its heritage to an oppressive royal government which instilled a fear of government tyranny. State militia was a means of dissuading oppressive and arbitrary federal governance.

> Using my gun in self-defense is a last resort but one I wish preserved. Connecticut's new law permitting special searches for firearms would destroy that right.

Parse it however you like. The Second Amendment enumerates an existing right to insure the means to an end rather than granting a right to provide the means to reach an end. The framers knew how to distinguish between individual persons and militia. Look to the First, Fifth, Ninth and 10th amendments and *United States v. Verdugo-Urquides,* decided in the Supreme Court in 1990. The Bill of Rights would be very confused if "the people" meant one thing at the beginning and another at the end.

The real question is whether the Second Amendment is relevant today. Current revelations of corruption in the Los Angeles police force bring the fears of oppressive government to the present. Couldn't happen in Cleveland? Last August, 12 Cleveland-area police officers were indicted for providing protection to drug dealers. While they were a few bad apples among a group that is generally underpaid and under appreciated for the good work they do, my faith in the police *always* having my personal safety at heart is weakened.

The Second Amendment guarantees I need not rely completely on the police for my personal security. The responsibility is my own. The consequences of using a gun against another, even in self-defense, are dire. It is a last resort but one I wish preserved. In the heat of providing a cure, reactionary statutes like Connecticut's trample individual rights. The potential for abuse is vast. This statute is likely to fall to a Fourth Amendment challenge rather than one based on the Second, but it is clear the aim was the erosion of the latter.

Daniel Pope
Pope is a 3L.

Agree?

Do you take issue with an opinion in this edition? Do you have a special perspective that would help shed light on the subject? Let us know. Drop off your hard copy and disk at our office door, LB 23, or write to LINDA.GRIFFIN@LAW.CSUOHIO.EDU. Submissions must be signed. We reserve the right to edit for clarity.

Law, creative writing; what's the difference?

Jennifer Cunningham

After my normally adoring readership told me my columns have lost touch with the spirit of the average Cleveland-Marshall students, *Gavel* editors threatened to turn me into (gasp!) *a legitimate news reporter* if I don't shape up and write something funny.

So in an attempt to get my creative juices flowing again — and also as a convenient excuse to avoid yet another law course this semester — I recently tried to pass myself off as an English department graduate student. I enrolled in a fiction writing course at the main university, that vast stretch of unexplored territory beyond the confines of the law building.

At the first class, the professor smelled something fishy and asked what kind of fiction-writing experience I had. I told her I was a law student and I wrote for the *Gavel.*

"Okay, so you're a journalist," she said. "But have you ever written any *fiction*?"

What kind of question is that? I thought to myself. I'm a law student. I specialize in "fiction" writing. After all, isn't fiction nothing more than writing stuff that isn't true, exaggerating the details and distorting the facts to serve one's purposes?

Lawyers are supposed to exaggerate the facts every time they concoct a complaint. It makes for good advocacy ... errrr, journalism ... errrr, *comedy.* As for dramatic character development, well, I survived two semesters of legal research and writing which taught me, if nothing else, that a fabulous twisting of the facts can make even a frivolous lawsuit read like pulp fiction. Furthermore, one look at my con law exam bluebook reveals a real flair for creative interpretation. The professor now holds it as an example of how *not* to defend the First Amendment on commerce clause grounds.

Of course I didn't really say any of this. Maybe I should have.

The English professor diplomatically informed me that if I stayed in the class without any previous formal fiction-writing instruction, I would quickly become "hopelessly lost."

I calmly stated that as a third-year law student, feeling "hopelessly lost" is a familiar, comfortable state of mind with which I am perfectly at ease.

She stared at me incredulously and handed me a drop slip.

As I retreated toward the law building, she called after me, "If you still want to take a writing course, why not check out the journalism department? I've heard they accept law students there."

"Maybe some other time," I mused. "Right now I have some facts to fudge, torts to distort and evidence to manufacture."

Cunningham is a 3L.

Our learning, worry shouldn't focus on the bar exam

SOLVING THE BAR

Opposing Viewpoint

By Roger M. Bundy
STAFF WRITER

The bar passage rate of a law school is not a valid measure of the quality of that school, and it is even worse for comparing two or more law schools.

Huh? What did he say? In order for us to agree on the above statements, we first have to agree that the primary purpose of a law school is to prepare students for the practice of law. For those of you who, like me, believe a law school's primary purpose is to prepare students for law practice, yet point to the school's bar pass rate as a measure of the school's quality — let's just say we don't agree.

If the proper goal of a law school is to prepare students to be excellent lawyers, using the bar pass rate as a measure against reaching that goal necessarily assumes that bar exam passage is highly related to how good a lawyer that person will be. Funny, I've never heard anyone argue that the bar exam is correlative to successful lawyering, yet many tacitly make that statement every time they point to the bar pass rate as an indicator of the quality of our law school.

Who cares? We all should care. Public education institutions at all levels rely more and more on standardized test results as measures of education quality. Recent press stories tell of junior high teachers and administrators helping their students cheat on so-called proficiency exams because the exams are highly publicized and tied to future state funding. Could publicly funded law schools possibly be headed toward the same scenario? Is this good?

Using the bar pass rate to judge quality is not only logically suspect, but can have dangerous consequences. We should not want a benchmark that is almost constantly changing (how often is the bar exam tinkered with?) to be the driving force of curriculum planning decisions at our school. Using bar passage as a benchmark for curriculum revision and development is analogous to mailing perishables overseas via surface mail to someone who moves every week. Not only will the package rarely reach its intended destination; if it does, the contents will be spoiled.

Clearly, using such a benchmark for internal purposes is illogical; using it to compare our school to other schools in the region is laughable. There are significant variables not being controlled for in such comparisons. Theses can be collectively described as the demographic makeup of each school's student body. In other words, we're not comparing apples to apples folks. Press articles making such comparisons make good headlines, but are useless as a meaningful measure of the quality of our law school relative to other schools.

So what about the quality of our law school? Are concerns about quality of curriculum, teachers, bar preparation valid? Absolutely. I'm not suggesting otherwise. However, I implore my fellow students, as well as the faculty and administration, to not let concerns about the bar passage rate become the driving force for change, nor the benchmark for success. There are real-world pressures requiring our school's leaders to address curriculum and teaching quality issues, so that students will be not just adequate, but exceptional lawyers. The bar passage rate has no valid place in those endeavors.

Bundy is a 3L.

City blocks proposal, but I strike a chord

By Michele McKee
STAFF WRITER

Lakewood homeowners recently attended a city council meeting that solicited public comments on a proposed ordinance to support domestic partnership benefits for city employees. Although the proposal ultimately failed Jan. 18, I attended and spoke in favor of the ordinance before the 300-400 people at the meeting.

I stressed that the strong negative public reaction was based on irrational hatred. This was not a financially based issue for the city.

In the aftermath of the meeting, Channel 8 TV called to see if I would have been affected by the ordinance, and both the *Plain Dealer* and *Gay People's Chronicle* newspapers quoted me.

I was amazed to receive fan mail from Ann Arbor, Mich., based on an internet article at WWW.PLANETOUT.COM, and perplexed to receive one scary piece of hate mail that had no bearing on either the ordinance or my public comments.

As the newly elected president of the Coalition on Equal Rights: Straights and Gays for Equality (CORSAGE), a recognized Cleveland State student organization currently assembling information on the state of gay laws in Ohio, I was disappointed the ordinance failed. Nevertheless, I believe it is important to speak out on issues you care about — you never know how far your words will reach.

McKee is a 2L.

Announcing The Gavel's annual

KiDS

law essay contest winners

Cassie Copley

WINNER, LOUISA MAY ALCOTT

I know what lawyers do all day. I guess they will first find a client. Then they will talk over the problem. The lawyer will present his/her case to a judge and they will set a court date. Then the defendant will go on that date. When they do go they will bring witnesses and evidence to try and win the case. Then if they win or lose they will start the pattern on another day again.

Judge's comments: *A quite solid assessment, indeed. Signs of a very smart girl here. Alas, her idea of lawyers having to find clients may be all too realistic.*

Jessica Whaley

WINNER, LOUISA MAY ALCOTT

I know five facts about what lawyers do all day. First, they defend people who are innocent. Second, they always talk about court things. Third, they write down things, sort of like clues. Fourth, they have to do work at night with the clues that they have and find out if the person is being wrong. Fifth, then the next day they see if that person is wrong, and if they were they will go to prison.

Judges' comments: *High marks for the "clues" bit. Shows early wisdom on researching your opponent's weaknesses in a case — and your own client's.*

A pretty stiff penalty just for "being wrong" these days!

Antwon Davis

WINNER, LOUISA MAY ALCOTT

I know seven things that lawyers do all day. First, they sit around and do nothing. Second, then they get up and have fun. Third, when somebody does call they just say, "What's the problem?" Fourth, you pay the lawyer. Fifth, you tell them the court date. They will say, "I'll be there." Sixth, the court day comes. Seventh, they don't show up.

Judges' comments: *Eighth, you hire a malpractice attorney.*

By far the funniest essay anyone wrote. A mix of Rodney Dangerfield and Chris Rock, but from a fifth-grader's fat Laddie pencil. Genius.

Nate Dick

WINNER, ST. LUKE

Lawyers just sit around all day playing games on the computer. When someone comes in they just say, "Hey!" and [the screen switches] to writing. Then they get a case that day. They dress up in funny suits and watch the judge play with the gavel. They must have a really fun job.

Judges' comments: *If it's that easy, we'd all be in law school. But — hey! — pure silliness gets a prize anyway.*

Angela Gaul

WINNER, ST. LUKE

There are many different areas of law in which a lawyer may focus his practice. Some of them are corporate, litigation, estate planning, health care, labor, environmental, tax and real estate. For example, a litigation attorney focuses his practice in trial law and works through the court system. When two or more parties have a dispute, they may end up taking their case to court to have a judge and/or jury determine who is right and wrong.

Before the trial, the trial attorney must research the matter, prepare the papers to be filed with the court and attend hearings and pretrials at court. Many times cases are settled before they go to trial because the attorneys negotiate on behalf of their clients to try to reach a settlement that will work for all parties involved. If a case does go to trial, there is a lot of preparation needed. Exhibits have to be prepared, research has to be done, witnesses who testify at the trial have to be prepared and a lot of other preparation is needed before a case goes to trial.

Judges' comments: *Gaul, 52, received her J.D. from Columbia University in 1976 and L.L.M. from Harvard University in 1980. She is currently a fifth-grader at St. Luke School and a candidate for her second grammar-school diploma, expected in 2003.*

A phenomenally gifted answer, obviously well researched — but only she knows if the writing is really hers.

HONORABLE MENTION

"Lawyers lounge around, drink martinis and watch "Ally McBeal' all day. Lawyers also spend a lot of their time e-mailing doctor jokes to their lawyer friends." — **Clare Kmieck**, St. Luke

HONORABLE MENTION

"Lawyers say if someone is guilty or not guilty." — **Davene Crumb**, Louisa May Alcott

HONORABLE MENTION

"In court, the lawyers sometimes lie. They do this to help their clients win the case. Lawyers make a lot of money." — **Stephanie Waugaman**, Louisa May Alcott

HONORABLE MENTION

"The lawyers have to find a case to solve it. Lawyers usually are in a court room trying to get their client not to pay their fine. Lawyers are also part of the judicial branch." — **Anaceliz Castro**, Louisa May Alcott

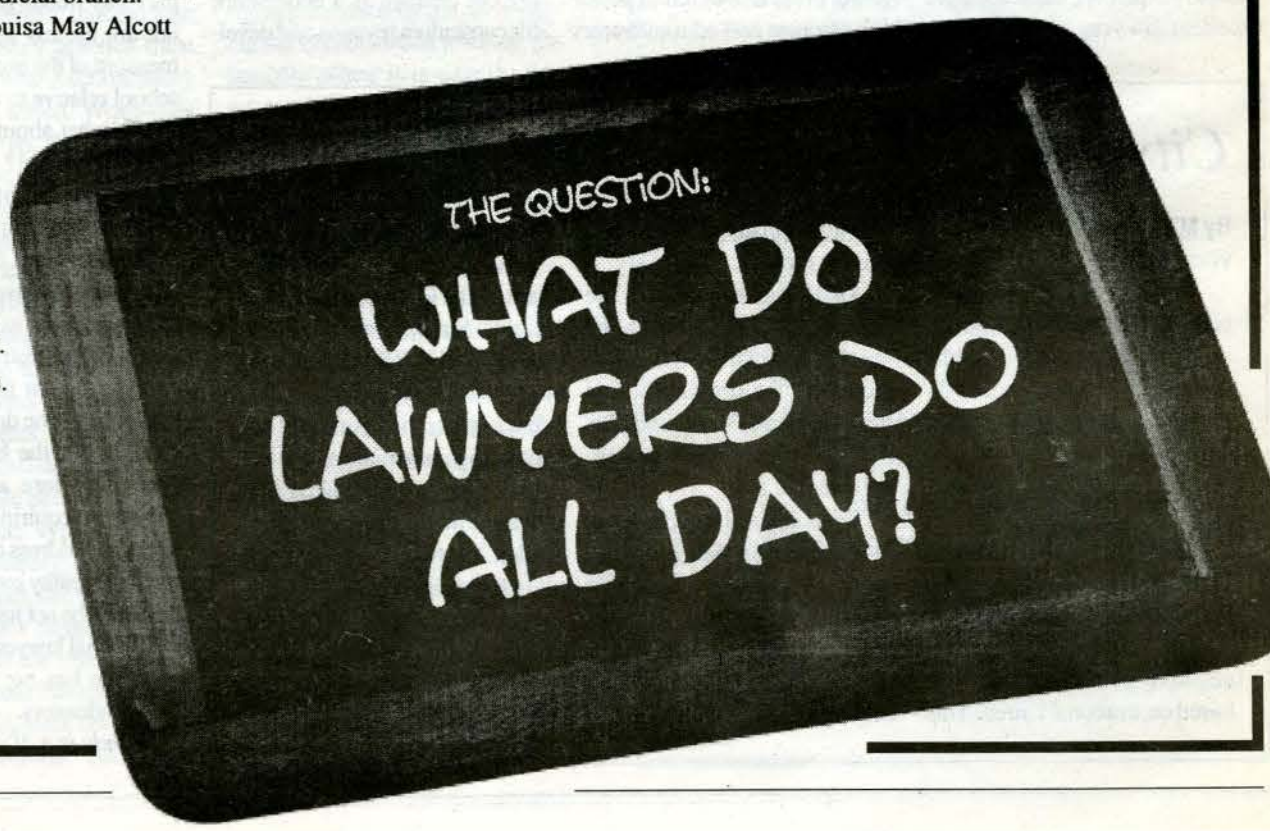
HONORABLE MENTION

"Since lawyers are rich, they have a lot to spend on food, clothing, shelter and everything in between." — **Rachel Roman**, St. Luke

In our second-annual law essay contest, we asked fifth-graders from Louisa May Alcott Elementary in Cleveland and St. Luke Grade School in Lakewood to answer this year's question. The top five essayists each win a cash prize.

Special thanks to teachers Julie Keane and Suzanne Lynch.

Sponsored by Dennis F. Butler '68



Playful Parodies

By Eileen Sutker
STAFF EDITOR

To be sung to the tune of "Jingle Bells":

Oh – people screwed, people screwed,
The campus is a buzz
My money's off in cyberspace 'cause that's what software does.

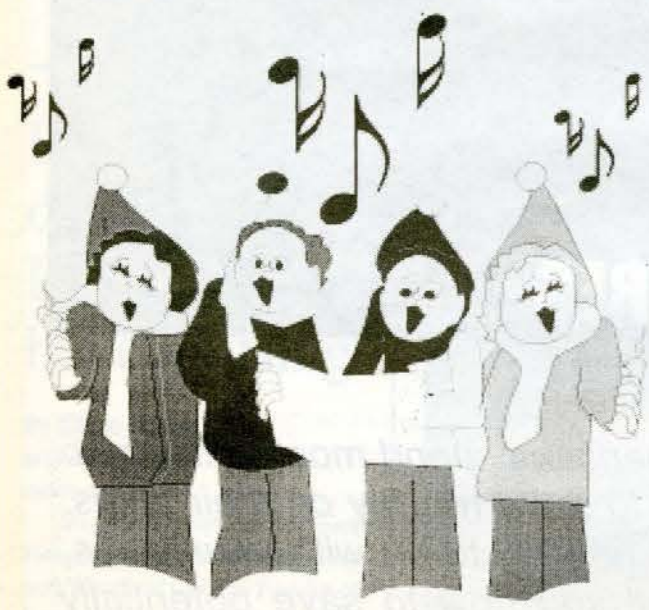
People screwed, people screwed,
I want my loans right now
No one can convince me it will all work out somehow.

Verse:
There's been no wrongdoing, the AG's office said,
Yet everyone hears CSU is running in the red.
No money coming in, wrong billing going out,
Nasty clerks tell students there's no need to scream and shout.

Chorus:
Oh – people screwed, people screwed,
My transcript is not right
Give me all my credits and I'll leave without a fight.

Verse:
Calfee-Halter's come "on board," to sue the company,
"Just Fix It" rejects and bids and plans that cost us more money.
A timely end in sight, is nowhere to be found,
Yet somehow Claire Van Ummersen is sticking to her ground.

Chorus:
Oh – people screwed, people screwed
Good Money after Bad
An Education's what you've got when you know you've been had.



To be sung to the tune of "Let it Snow":

Chorus:
Oh the weather outside's delightful,
But there's something really frightful
When a water main breaks it's a dud —
Let it flood, let it flood, let it flood.

Verse:
When the ninth and tenth streets flooded,
Mayor White was in cold water.
As the gallons rushed onto the street
The mud and the mess wasn't neat.

Chorus:
Oh the water was really rising
Closing schools was not suprizing
When a water main breaks it's a dud —
Let it flood, let it flood, let it flood.

PALINDROMES

By Eileen Sutker

A palindrome reads the same backwards and forwards. If you can find meaning in any of these forward and backward sentences, then good for you. Otherwise, it's just more silliness to ponder:

Trot a tort.

Stun lawyer: prey walnuts.

Girl lawyer grey wall rig.

Paralegal set a tesla gel a rap. Baltic attorney a yen rot tacit lab.

Star wars as raw rats.

OVERHEARD

Q: What would you call someone who does yoga while writing a torts exam?

A: A contortious tort-tweaker.

Crossword answers

Word Search

Some evidence

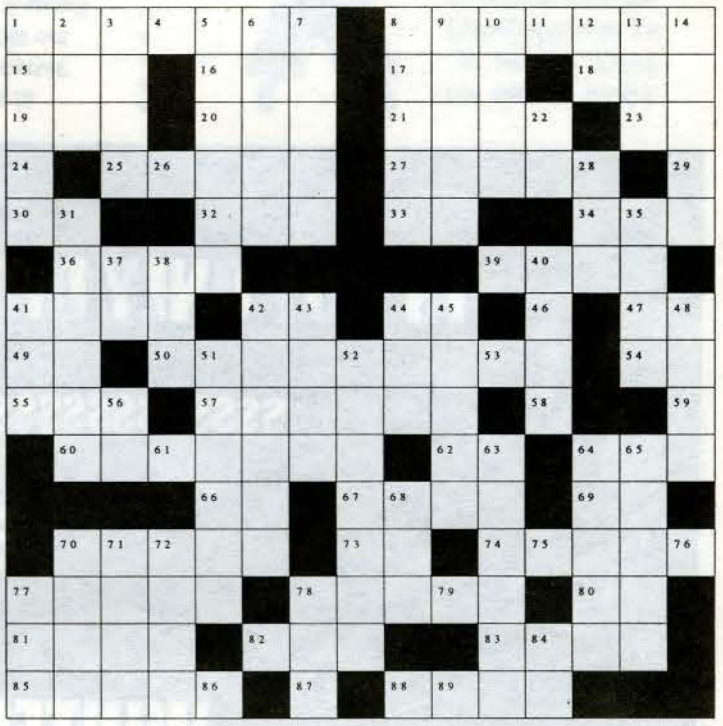
C	R	O	S	S	E	N	T	I	W
C	D	D	E	S	O	N	E	C	I
O	R	I	O	E	E	H	S	L	N
M	E	A	H	C	R	A	T	S	T
P	M	S	S	O	U	R	R	D	R
E	A	T	A	R	E	M	E	D	Y
T	N	A	H	P	E	L	E	O	R
E	D	T	X	R	G	E	T	N	O
N	E	E	H	O	T	S	H	O	T
T	I	B	A	H	E	S	A	C	S

By Eileen Sutker
STAFF EDITOR

Find the following words: ancient, bias, beep, bent, cocoa, consistent, custom, deed, die, dust, exceed, gestae, hearsay, opinion, lead, lie, notice, presume, prejudice, rent, record, tarot, utter, view.

Leftovers: It's applicable by FRE 401.

Crossword Puzzle



Conned by the law?

By Eileen Sutker
STAFF EDITOR

ACROSS

1. Era of substantive due process
8. With 52D: established judicial review
15. Flying saucer, e.g.
16. Egg prefix
17. Not a .com
18. 401 in Roma
19. Top $ officer
20. On the — ; flee hastily
21. Yin's partner
23. Plow puller
24. First letter
25. Furnace for frying or drying
27. 64's square root
29. See 87A
30. Can precede avery, eight, and edge
32. Air-sea rescue abbr.
33. The Reading or Penn
34. End to perl— , her— and serl—
36. Remove wrinkles
39. Oil cartel
41. NE Asian River (Shilka &Argun joined)
42. Movie rating
44. Letter ender?
46. See 24A
47. — Lang; singer
49. Tiny state
50. Upheld statute as necessity during war
54. *Wick* — ; unequally applied laundry regs.
55. O.J.'s judge
57. Before the last curtain
58. See 87A
59. See 58A
60. — *v. Okla*; fundamental right to marry
62. Extended play abbr.
64. The Raven's poet
66. In, on, or near
67. *Calder v.* —
69. News wire
70. Didn't return substantive due process
73. Who the prosecutor represents
74. Brilliant effect
77. Principal spy sent into Canaan
78. Mideast desert natives
80. Krypton abbr.
81. Types of current - or a rock band
82. — Lombardo and the Royal Canadians
83. *Dred* —
85. Stinks
87. F, — , 4D, 11D, J, K, 58A, 88D, N, 29A
88. Yucatan Indian

DOWN

1. — *v. S. Car. Coastal Council*; can't interfere with a zoned use
2. Insect repellant
3. Chef
4. See 87A
5. Formed taking's rational nexus test
6. With 7D; gave gays special rights
7. See 6D
8. Established fundamental right to marriage with *Pierce*
9. Struck "yellow dog" clauses to stop union membership
10. Fecal beetle?
11. See 87A
12. NE of GA
13. Deep Space Nine's shapeshifter
14. Impeached judge defining "try" in the Senate
22. F to I filler
26. See 11D
28. Foot digit
31. *Term — v. Thornton*
35. Baby talk for distasteful
37. Ruthenium
38. Mork's home
39. See 87A
40. — *v. Virginia* 1869; insurance contracts aren't commerce
41. Uris' Exodus hero
42. Struck Brady Bill's use of state officers for enforcement
43. Autry or Roddenberry
44. Sinatra's — Joey
45. *Youngstown — and Tube*; Exec can't federalize these
48. Congress can attach conditions to receive federal $
51. From the Nat'l. Assn. Of Ed. Broadcasters
57. See 8A
53. R's follower
56. US slang for yes
61. See 11D
63. — *v. Ferguson*; separate but equal
64. 1937's "implicit in the concept of ordered liberty"
65. 1960's graphic designs
68. This country
70. Made by tatting
71. Ye — English Shoppe
72. *Fletcher v.* —
75. Type of clamp
76 53D's follower
77. "— 54, Where are You?"
78. DNA start sequence
79. Follows 24A
82. See 87A
84. Near enough in time
86. See 53D
88. See 87A
89. Alphabet starter

Answers at left, this page