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Fitzpatrick’s death-penalty lecture bright but confusing

By Eileen Sutker and Ann Vaughn

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 most court room.

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 ongoing human endeavor that is a unique challenge to this system because its outcome is always final. Consequently, arguments against the death penalty are incarcerated at a rate eight times greater than that of whites,” 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 7 percent of drivers stopped for speeding over a one-year period.

Cole said that because the Supreme Court liberally upholds stop based police stops are leading to overly high conviction and incarceration rates for blacks.

Police stops unjustified

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

By Kevin Butler

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.

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.”

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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

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 administrative assistant Louise Mooney in the spring of 1999.

The visually stunning “Cuyahoga County Courthouse II” by Masum Hayashi is displayed in front of Room 237.

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

Lounge update nearly finished

Using an $11,000 grant from the university, on Feb. 24 the Student Bar Association ordered more than 100 pieces of furniture to replace decrepit 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 wobbly study tables for years, Hite said.

SBA senators Tony Caporale, Rekhy 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.
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 of our students in the law school. Last summer I asked the Cleveland-Marshall Law Library director, Associate Dean and professor Michael Slenger, 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.

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.

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Fete, moot court rule Nova

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

The Cleveland-Marshall moot court team of Marvin T. Fete and Matthew Sener 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. Judge Professor Michael Richman, 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.

"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 fictional plaintiff was discharged for being a whistleblower and lost job opportunities due to that label in his resume.

"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 professors 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."

COLE: Race-based policing

Continued from page 1 - restricted for drug use

Cole acknowledged the high court is unlikely to change.

"The Supreme Court has said that blacks are better off being governed and led by whites. I've guided you with are irrelevant," Cole said. "It's hard to prove race as a motive.

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 X. 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.

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 gap 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 tripped at centering my scratch spin. As I bombed my commercial legal law, I did too 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 ball 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.

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 habeas corpus.

A cultural anthropology approach highlights the extreme positions various societies use 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 nondiscriminating against.

In this state of the writ of habeas corpus to reverse, modify or challenge the legality of any detention has been narrowed both judiciously and legally.

"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 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.

Nadine Snyder: pull old tales from common-law crypt

By Daniel Pope
CONTRIBUTING WRITER

"That 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 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.

GAVEL WRIGHT

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

Punishment for guilt could be far worse than the trial. Capturing and other forms of mutilation were used when a sentence of death was warranted.

The ingenious legal care 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 anybody.
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 Leslak  
CONTRIBlJTING WRITER

In August 1999 I tried to register for classes at the University of California, San Diego. 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 California State. In a study of my case the Department of Education’s Office of Civil Rights concluded there was insufficient evidence to support a violation of Title VI and the Age Discrimination Act in December 1998, but for some reason I still haven’t received a resolution. I’d love to hear 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 override 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 “antidote” is as legitimate 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 admittance when I was not? The Office of Civil Rights requires each university to issue rules for determining availability of classrooms 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 be bounced — even after you’ve attended the first class! Why should someone be turned away if 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.

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

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 space and older students. The university would defend this decision by stating that they are already allowing auditors 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  
CONTRIBlJTING 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 a national law school enrollment decision. If a person ever paid a dime to attend the state school at the state’s expense, classes the rest of us second-class citizens that age gets you free tuition. (A little reverse discrimination anyone? Aloha that good ‘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 terrorizing 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 to complain when the handout is not exactly to the recipient’s liking. Further, when the effectiveness of that handout does not supersede the rights purchased by the dues-paying student adds insult to injury. Especially when it is exactly that dues-paying student who flows the cash 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, you have no concept of what it takes to earn it. Rather they are content with squandering the gift. Such people are absolutely insane 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 and God bless America.

Lombardy can be reached at mclomby@csuohio.edu.

Conclusion: Epitome of ingratitude is to be granted education handouts, then complain
YOU'LL HAVE MONEY LEFT OVER FOR PIZZA!

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When you complete your studies, reliability will be your trademark as you enter the legal profession. For advice on how to accomplish this, read Alumni Advice below.

By Richard S. Koblenz

ASYLUM: Defending illegal aliens at border

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

By Richard S. Koblenz

Poor exam-takers will find practicing tests works best

By Karin Mika

You'll find the court and your fellow lawyers will 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 addresses the client's cause. But misrepresentation, deceit or dishonesty in an effort to aid your client's cause will only get your case thrown out of the system, it will hurt your client as well.

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

About Richard S. Koblenz:
Koblenz, a 1975 graduate of Cleveland-Marshall and partner at Koblenz & Koblenz, is one of the state's most prestigious defense lawyers in the area of legal ethics and discipline. He is also 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.

Continued from page 1 -

ASYLUM: Defending illegal aliens at border

"A roller coaster of emotions," says one 2L

We hit the bottom of the hill, where after all diligence, the judge denied our client's asylum.

Beverly Blair

Proffer 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 legal representation, and most of the immigrants deplete their own savings flying to the United States.

Proffer offers legal rights presentations and individual counseling every afternoon to the detainees and deportees at the Port Isabel Service Processing Center, providing students with rich client contact experiences. According to an INS fiscal-year 1997 report, issued in July 1999, 122,741 applicants filed for refugee status. Volunteer attorneys and law students are 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 Julie and Anelexa, an energetic 77-year-old Spanish interpreter.

Rodriguez worked with a teen-aged 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 guerrillas. Often detained over 6 hours, that would be some place near where 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 just as if it were a dress rehearsal for the real thing. It's no different than doing a test for your profession. I suspect you wouldn't want a surgeon whose only experience with real surgery was sitting there 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 not 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 & Associates, 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 1960s.

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.

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 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

By John Adams
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 is a privilege for those who do pro bono work through the legal clinics while in law school.

The cards say 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.

Current 3Ls Anjantine Anakst, 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.

"Remember the Ladies**

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Margaret Wong

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Students interested in registering must register by March 15, 2000.

For more information call: 440-237-4656.
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 lobby 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.

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 audible 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. This may be necessary because the blind remain invisible to mainstream America. Massive lawsuits to achieve the vindication of civil rights is 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 JL.
Connecticut shoots but misses badly

Mail Pail

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.

Owens gives its heritage to an oppressive royal government which installed a fear of government tyranny. Statue of Liberty is a mass of dissuading oppressive and arbitrary federal governance.

Parise it however you like. The Second Amendment enunciates 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 Tenth amendments and United States versus Verdugo-Urquides, decided in the Supreme Court in 1990. The Bill of Rights would be very confusing if it meant what it meant at the beginning and another at the end.

The real question is whether the Second Amendment is relevant today. The implications of corruption in the Los Angeles police force being the fears of oppressive government to the present. Couldn't happen in Connecticut? Last August, 12 Cleveland-area lawyers were indicted for providing protection to drug dealers. While they were a few bad apples among a group that is generally underpaid and underprized 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 safety. The responsibility is shared by the community, the organized community versus one person versus another, even in self-defense, are idle. It is a last resort but one I wish preserved. In the heat of providing a cure, re-actionary statutes like Connecticut's triampe individual rights. The potential for abuse is 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

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.Greensfeld@Cleveland.St.

Submissions must be signed. We reserve the right to edit for clarity.

CITY BLOCK PROPOSAL, BUT I STRIKE IT

By Michele McKee

This was not a financially based issue for the city.

In the aftermath of the recent Channel 8 TV call to see if I would have been affected by the ordinance, and the Plain Dealer and Gay Rights Coalition of Ohio, I was disappointed the ordinance failed. Nevertheless, I believe it is important to speak out on issues you care about. Do you know how far your words will reach?

McKe is a 2L.

Jennifer Cunningham

Law, creative writing; what's the difference?

After my normally adoring readership told me my columns have lost touch with the spirit of the average Cleveland-Massillon student, I was 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 to avoid yet another law course this semester — I recently tried to pass myself off as an English department 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 at Cleveland State.

"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 specialize in "fiction" writing. After all, it's fiction nothing more than writing staff that isn't exaggerating the details and distorting the facts to serve one's purposes.

Lawyers are supposed to exaggerate the facts every time they present a concept. It makes for good advocacy... errrr, journalism... errrr, comedy. As for dramatic character development, well, I never knew fiction could get so much research and writing which taught me, if nothing else, that a fabulous twisting of the facts can make even a frivolous law suit look like pulp fiction. Furthermore, the look at my con law exam bluebook reveals a real flair for creative interpretation. The professor now holds it as an example of how to do 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 I stayed in the class without any previous formal fiction-writing instruction. I was lucky to quickly become "hopelessly lost." I calmly stated that as a third-year law student, feeling "hopelessly lost" is a familiar, comfortably accepted role 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, I knew what to do. If you still want to take a writing course, why not check out the journalism department? I've heard they assign law topics.

"Maybe some other time," I mused. "Right now I have some facts to fudge, torts to distort and evidence to manufacture."
I know five facts about what lawyers do all day. First, they sit around and do nothing. Second, they get up and have fun. Third, when somebody does call they just say, "What's the problem?" Fourth, you pay the lawyer. Fifth, they tell them the court date. They will say, "I'll be there." Sixth, the court day comes. Seventh, they don't show up.

Judge's 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!

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 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. Also, her idea of lawyers having to find clients may be all too realistic.

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.


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.

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

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 Kneck, St. Luke

Honorable Mention
"Lawyers say if someone is guilty or not guilty." — Davonne Crumb, 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

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

Chorus:
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 lungs right now
No one can convince me it will all work out somehow.

Verse:
Coffee-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 Unnermesser 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 cud —
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:
The water was really rising
Closing schools was not surprising
When a water main breaks it's a cud —
Let it flood, let it flood, let it flood.

Word Search

Some evidence

C R O S S T I N G
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

Crossword Puzzle

Marino's Haircutting

The Difference . . . Personal Service

Student Discounts:
Haircuts & Products

Appointments Not Always Necessary

Mon.-Fri.: 9 a.m.–5 p.m.
Sat. 9 a.m.–2 p.m.
1818 Euclid Avenue
Cleveland, Ohio 44115
(216) 861-6044

Down
1. v. S. Car. Coastal Council; can't interfere with a noted use
2. Insert reef
3. Chef
4. See 87A
5. Fumed taking rational test
6. With T.V., gave gays special rights
7. See 6D
8. Established fundamental right to marry with Pierce
9. Struck "yellow dog" clauses to stop union membership
10. Fisticuff?

Across
1. Era of substantive due process
6. With 52D - established judicial review
15. Flying saucer, e.g.
16. Egg prefix
17. Not a coin
18. 401 in Roma
19. Top's officer
20. On the — , flier hastily
21. Van's partner
23. Prow puller
24. First letter
25. Paramecium for eating or drying
27. 64's square root
29. See 87A
30. Can precede every, eight, and edge
32. Air-sea rescue abbr.
33. The Reading or Press
34. End to peril — , here and ser —
36. Remove wrinkles
39. Oil carted
41. NE Asian River (Shilka & Argon joined)
44. Newsworthy
45. Letter eather?
46. See 34A
47. — Lang, singer
49. Tiny state
50. Upheld statute as necessity during war
54. Wick — , unequally applied laundry reg.
55. O.L. '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
76. Principal spy who went into Canaan
78. Midwest desert natives
80. Kryptonite abbr.
81. Types of current - or a rock band
82. — Lombardo and the Royal Canadians
83. Dressed
85. Stinks
87. P. — , 4D, 11D, J, K, 58A, 88D, N, 29A
88. Yankee Indian

Conned by the law?

By Eileen Sutker

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By Eileen Sutker

Word Search

Some evidence

C R O S S T I N G
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

Q: What would you call someone who does yoga while writing a torts exam?
A: A contorted tort-tweaker.
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