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Clinic's Erbes expecting a default in fired employee case

By Eileen Sutter

The Employment Law Clinic's Kelly Erbes filed a motion to compel an answer for one of the clinic's clients alleging wrongful termination and sexual harassment. On Feb. 3, Judge Ann Aldrich granted a motion to compel the defendant company to have an attorney answer the complaint — not a statutory agent.

The company did not reply to the judge’s order and the clerk entered default 20 days later. A final judgment order is still pending.

"The question we'll never be able to answer is whether the company ever consulted a lawyer, or if legal counsel advised them it would be more cost effective to take a default judgment," Erbes said. "Our complaint didn't specify amounts for the remedies we sought, so the value of the judgment still is debatable." See ERBES, page 3

Rehab brings chairs, cheers

After 20 years and countless jeers, new furniture sparks in lounge

GAVEL STAFF

Cranky students may be relieved now that gleaming new furniture has replaced the ragtag collection that once made the law school's lounge area unfamous.

When the last delivery truck pulled away from the corner of East 18th Street and Euclid Avenue March 29, it signified the end of a three-year campaign by the Student Bar Association to secure funds for a lounge renovation and to purchase replacement pieces.

The new furniture is the first lounge redecoration to occur in 20 years, according to SBA President Matt Hite.

"This took forever to get together, so I hope everyone enjoys it," Hite said.

In all, SBA purchased 116 pieces of new and used furniture, including the tall tables and stools along the window and the new couches and end tables near the television.

The total bill came to $11,000, which represents the full amount of a grant SBA received from the university's General Fee Committee last summer.

SBA Senator Roger Bundy said the grant was independent of the money received by the dean's office for atrium renovations last year.

"The 22 chairs and 10 tables are a huge step forward in the multipurpose lounge's renovation," he said.

Blackmon urges BLSA members to persevere at annual banquet

Group awards prizes to essay winners Sizemore and Mays

By Monica L. Wharton

The Black Law Students Association's annual awards banquet was held March 17 at the Downtown Marriott at Key Center.

To help celebrate a spirit of scholarship and accomplish ment, in attendance were Cleveland-Marshall deans, faculty, university officials and students.

Judge Patricia A. Blackmon of the Eighth District Court of Appeals was the keynote speaker. Her message, "living in the moment," centered around the importance of maintaining perseverance in the pursuit of a law degree and the ongoing need to maintain a vital BLSA chapter.

Judge Blackmon also highlighted the role C-M played in shaping herself and other minority attorneys currently practicing law in the Greater Cleveland area.

"Judge Blackmon's theme moved the audience to think that they must take advantage of every opportunity they have presented to them," said BLSA president Tim Gardner.

Blackmon, a 1975 graduate of C-M, became the first black woman to be elected to the Ohio Court of Appeals in 1990 in her first run for public office. In 1995, she was inducted into the Ohio Women's Hall of Fame in recognition of this distinction.

Blackmon has served as both chief and assistant prosecutor for the City of Cleveland and is the recipient of many awards, including the Mur intolerance of the charges that have been levied against me and I look forward to returning to my classes," Sargent told the Gavel.

Sargent's suspension is to make permanent at a March 30 disciplinary hearing, White said.

By Kevin Butler

Citing student handbook provisions on class disruption and threatened infliction of bodily harm, the Office of Student Life and CSU President Claire VanUreemsen temporarily suspended 1L Scott Sargent from classes on March 2. Sargent was accused of sending potentially threatening e-mail to a class chat room and disrupting class, according to Assistant Dean Frederic White.

"I believe that I am innocent of the charges that have been levied against me and I look forward to returning to my classes," Sargent said.
When surrogates won't let go

Black women must overcome prejudice to keep white babies

By Linda Griffin

Professor April Cherry described how the institution of motherhood affects the parental rights of African American women, who, acting as gestational surrogates for white women, give birth to children and later seek to maintain custody of the newborn.

In her March 3 lecture to a Cleveland-Marshall audience, Cherry discussed her article, "Women of Color Nurturing Surrogates of White Culture."

"The relationship of nurture that exists between white children and those who care for them — their mothers of color — is reciprocal and deserves some respect in the culture and the law," said Cherry.

Cherry's presentation began with a personal narrative of her childless great-great-great-great-great grandmother, who mothered white children.

Exploring the science of gestational surrogacy, motherhood as an institution, and the importance of surrogacy contract law, Cherry focused on a 1993 California supreme court case, Johnson v. Calvert. An African American woman demanded legal recognition and a relationship with a white child. Even though this woman was not genetically related to the child, she was biologically related to the child's natural mother — a "revolutionary claim," Cherry said.

"Genetics feel more like ownership than affection does," she said. "Genetics in this context functions as a proxy for ownership. If we own our genes then maybe we own our children who are the result of the reproduction of our genes."

Cherry added, "That's a lot of risk, that's a lot of responsibility. It's a lot of assumptions that have to be made on the part of the surrogates."

Cherry urged that racism changes the ideology that the proper role of women is nurturing, caring for children and the home. Instead, she said the ideology of black women insists that black women can never be good mothers.

In concert with other noted scholars, Cherry noted how much racism portrays the institution of motherhood in such a way as to legalize an assault by the state on black women, which resulted in forced sterilization, forced medical treatment on pregnant women and a disproportionate removal of black children from black mothers.

Nature is what determines a woman's right to a child born by gestational surrogacy, Cherry argued, and it is nature and not the value of law that disconnects gestational surrogates from a child to whom the woman has given birth.

In addition, the law injects old-fashioned gender claims of rationality under the formulation of justice. The court in Johnson rejected the black mother's claim of maternal status. Cherry said only those capable of rationality are viewed as deserving of rights, and in the surrogate context, the white couple is viewed as rational.

"The surrogate wanting to breach the contract is viewed as lacking her rationality, and her deficiency in this regard makes her an inappropriate repository of her rights," said Cherry.

"Racial discrimination among the surrogate and the ideology of motherhood," the lecture was one of a series of faculty presentations this year at Cleveland-Marshall.

Lounge: Shiny new furniture installed

Continued from page 1 —
From Herman Miller would have cost at least $25,000 new. "That was a lot of money," Hite said. Last year, improvements to the main atrium area cost the dean's office that much.

"Buying them used saved us $21,800," he said. "It was a good idea, especially if the money was being used to fill the holes in the walls and the rest of the room, as well as the windows."

Her ex office furniture for $400 new. SBA bought them for $44 and spent $600 to restore them. "It was a big job," Hite said. "But it made them look like new." The furniture now sits in the main lounge, where it is used by students.

"It's a great addition to the main floor," Hite said. "It's a great improvement to the overall look of the lounge." The furniture now sits in the main lounge, where it is used by students.

"The 52 chairs and 10 tables from Herman Miller would have cost us at least $25,000 new," Hite said. "Buying them used saved us $21,500. By doing that, refurbishing the rest of the lounge, once a faint hope, became a reality."

Herman Miller is a top producer of office furniture and one of the most expensive. The padded chairs each cost $400 new. SBA bought them for $44 and spent $600 to restore them. "It was a big job," Hite said. "But it made them look like new." The furniture now sits in the main lounge, where it is used by students.

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Continuing education helps students too

By Greg Gleine
CONTRIBUTING WRITER

An activity many attorneys consider one of the more mundane requirements of practicing law may in fact provide law students with the opportunity of a lifetime.

Although the Supreme Court of Ohio requires the members of the Ohio Bar to complete a number of CLE (Continuing Legal Education) training hours to remain in good standing, no such requirement exists for Ohio's law students. Perhaps the Supreme Court of Ohio is under the impression that current law students are exposed to enough legal education at the moment.

While most law students would agree with this rationale, those who take advantage of the many opportunities for law students to attend CLE seminars reap the benefits.

Thus, in order to encourage your future participation in these programs, I have compiled a list:

Top Ten Reasons to Attend a CLE While Still in Law School:

1. CLEs tend to be specifically tailored to address topics of interest to those attending.
2. The seminars are taught by experts within their respective fields.
3. The professional atmosphere of most CLEs serves as a nice break from the classroom routine.
4. Many CLEs or similar programs are offered in interesting cities such as New York, Los Angeles, San Francisco or Chicago.
5. Most CLE programs include access to excellent research materials for papers or projects.
6. Great networking opportunities abound.
7. The seminars are offered by reputable organizations such as local bar associations and institutions that attract top speakers.
8. Scholarships are generally available to students, reducing costs to minimal charges, if any.
9. Services as a great resume booster, which could lead to a job.
10. You may actually learn something and enjoy it.

Gleine, a 3L, recently returned from Beverly Hills, Calif., where he attended the Practicing Law Institute's business and legal aspects of the sports industry.

EBRES: Clinic crew capitalizes on opponent's unusual gaff

Continued from page 1 —

The original complaint, drafted with the help of Erbes, a 3L, and Karen Kaminski, alleged that the plaintiff was fired as a result of the advice of the plant manager, filed a written harassment complaint against a supervisor.

The plaintiff, apparently with seniority, was the only woman on the payroll. The plaintiff's case is providing a wonderful experience for Kelly and Cheryl Szemore, who joined the clinic after the case was filed, said Gordon Beggs, staff attorney for the clinic. Szemore is a 3L. "I've certainly been surprised by this case," Beggs said. "In over 25 years of civil rights litigation, this is the first time I've been close to a default judgment in one of these cases."

Both moot court teams falter in ABA regional tournament

At the northeast regional round of the ABA National Appellate Advocacy Competition, both Cleveland-Marshall teams advanced to the fifth round but did not win trips to the national finals in Chicago.

Less than half a point separated the brief scores of the two C-M teams, which indicates the closeness of the competition.

Victor Radel received the first-place oralist award. Maria Citeroni was named second-place oralist. Radel wrote the best respondent brief with his teammates, Radel and Kelly Summers. The team of James Kenny, John Mugnano and Lauren Smith lost by fewer than two points in their final round.

"I was so proud of them because it shows we continue to have a strong, viable program that can consistently compete with the best," said Carrie Saylor, current head of the Moot Court Board of Governors.

"When you stand in front of the bench, you are vulnerable to attack from every direction. You have to believe that your training and research were sound and sometimes you need the confidence in yourself to improvise," Mugnano said.

Prof's reviews an important way to ensure quality in the classroom

By Steven H. Steinglass

Our students, individually and through their student organizations, make valuable contributions to the education provided at the law school. This month, for instance, the Black Law Students Association sponsored a wonderful event at the Marion Hotel with our 1975 alumna, Patricia A. Blackmon, as the very effective keynote speaker.

And next month SBA will sponsor the 2000 Bar Ball at the Cleveland Browns Stadium.

Throughout the year our student groups offer a number of programs on topics involving the work beyond the classrooms, and many, many students individually volunteer for pro bono activities and help us with recruitment and admissions programs and with our special events.

There is another way in which individual students may also contribute to the quality of life at the law school: by completing the evaluations for each course the student takes. Because evaluations are so seriously regarded, students are asked to fill them out conscientiously before grades are issued. In this way we strive to preserve the integrity of the process.

Of particular usefulness is the subjective portion of the questionnaire, which can be instrumental in helping both our full-time and part-time faculty become more effective in the classroom. A constructive student critique can effect changes in the manner in which a class is conducted and the materials assigned, and it can also help our faculty strengthen the quality of their teaching. And for me, our students' assessments are valuable resources.

I meet each spring with every faculty member for an annual review; among the items we discuss are how students have reacted to the men and women who teach them. Re- views are adjourned and are also considered by the committee responsible for respondent appointments.

I urge each to you to accept seriously the responsibility and privilege of helping our faculty refine their craft so that we become the best law school possible.

Steinglass is dean of the college of law.
Identity theft risk pervasive on campus

How to avoid being victimized here, where the information flows freely

By Eileen Sutker

STAFF EDITOR

Identity theft occurs when ID numbers are placed in unsecured envelopes in the campus planning office area. Anyone with an illegally appropriated ID number could fill out a final exam card for someone else — making that person suffer a paperwork nightmare over an entire set of grades. But what’s worse, once a thief gets a person’s address (from the phone book, for instance), it’s possible to call in a bogus “correction” to the Viking system and change someone’s password. From there, the enterprising thief could access the college’s password system and check any student’s record — a name, social security number, cell phone electronic serial number or any piece of information used alone or with other information to identify a specific person.

The Federal Trade Commis-sion suggests people minimize risk by guarding mail from theft, using passwords not tied to personal information, not giving personal information over the Internet and shredding trash containing personal information. While we, as future officers of the organization, including deans Steven Steinglass, Frederic White and Errol Ashby. Recipients of the President’s Award for years of outstanding contributions to the BLSA organization were municipal court Magistrate Greg Clifford and BLSA members Tijuana Dow, Mays, Monica Wharton, Darlene White, and Wendy Woodford.

This year’s banquet was chaired by W. Mona’ Scott. Chairs were Wharton, Dawn Hayes, and Tamara Manning. Newly elected board members for 2000-01 are Marquetta Johnson, president, Sandra English, vice-president, Lisa Johnson, secretary, and Lindsay Clayton, treasurer.

Movement afoot to purchase new lounge microwave

GAVEl STAFF

A grassroots campaign is underway to replace the microwave currently in the basement of the law school. 1L Patty Stracker and 2L Ann Vaughn are seeking donations from students to purchase a new microwave. Asked what spurred them to begin the campaign, Vaughn said she noticed a strange heat emanating from outside the microwave when it is in use, prompting her and Stracker to wonder about the safety of the old appliance.

“I just want to heat my lunch without the fear of developing pancreatic cancer,” Vaughn said.

Vaughn and Stracker have already priced an industrial-type microwave and said they hope to have it in place soon.

BLSA: Students, deans given awards for years of service

Continued from page 1 —

As for achievements, accomplishments and contributions to the organization, including deans Steven Steinglass, Frederic White and Errol Ashby.

The Federal Trade Commission suggests people minimize risk by guarding mail from theft, using passwords not tied to personal information, not giving personal information over the Internet and shredding trash containing personal information. While we, as future officers of the court, like to believe everyone at C-M is beyond reproach, we must remember that this is a public building. Guard your identity as carefully as you’d watch your bag.

If you suspect you’re the victim of an identity theft, start by contacting the fraud departments of the major credit bureaus, then file a police report to help you document the problem to creditors and call the FTC identity theft hotline at (877) ID-THEFT. Contact www.id稽y.gov/machines/ partinspect for stolen mail; call (888) CALL-FCC for fraudulent phone charges and (800) 772-1213 for social security number fraud; and go to www.usdoj.gov/ust if you believe someone filed bankruptcy in your name.

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<table>
<thead>
<tr>
<th>Group</th>
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<td>68%</td>
<td>(111 of 163 Passed)</td>
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<tr>
<td>Cleveland State Students</td>
<td>90%</td>
<td>(106 of 117 Passed)</td>
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<td>Cleveland State Students NOT Taking PMBR</td>
<td>11%</td>
<td>(5 of 46 Passed)</td>
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OULD IT REALLY
be 20 years since I at-
tended Cleveland-

Marshall?

As I reflect on the days of driving from Painesville to Cleveland following a full day of work, I work to attend class along with several other students from the area. I wonder how we ever managed to maintain our sanity for the approximately four years we spent on the vicious escapade. Thank goodness for Gilberg's and Caseotes! I remember Ted Dyke, who knew us as both students and parents, hussards and wives, teaching us labor law as it occurred in real life—not through the eyes of some judge who is far removed from a smoke-filled union hall meeting. I remember Harvey Murdell telling us the most important friend you could have was in the courthouse, the judge, and later found my life much easier in the local halls of justice. I remember evidence professor Steve Landsman using a teaching method that could be understood by the average, struggling student.

I remember the style and substance of my professors more than the landmark decision of International Shipyard v. Palace by Justice Cardozo. Law was important to them, as was the term on the bench convinces me through the courtroom. A car ride from Painesville to Cleveland following a full day of teaching us labor law as it occurred in real life—not through the eyes of some judge who is far removed from a smoke-filled union hall meeting. I remember Harvey Murdell telling us the most important friend you could have was in the courthouse, the judge, and later found my life much easier in the local halls of justice. I remember evidence professor Steve Landsman using a teaching method that could be understood by the average, struggling student.

The practice of law and a term on the bench convinces me that our legal system is truly comprised of laws "by the people and for the people." For six years I have worked in a "People's Court" on a daily basis. Each day a parade of individuals March through the courtroom. A car porter, a drug abuser, a nurse, a drywall hanger, a corporate executive, a postal worker, a college student, a dancer or an airline pilot take their turn appearing before the bench.

It is easy for a judge to impose a jail sentence within the minimum and maximum mandates of the Ohio Revised Code, and, sometimes, it may be the only appropriate option.

But creative sentencing takes a little more effort, allowing a judge to mete out sentences tailor-made for the individual. Accepting a meaningful punishment, serving one's debt to society and avoiding recidivism is its goal. Defendants should have a choice between substantial jail time or an alternative sentence. We've tried the following in the Painesville Municipal Court:

A defendant caught stealing from the lockers of the local YMCA was ordered to sit outside the locker room for an entire afternoon apologizing to each "Y" member as they entered. Three young men caught throwing rocks from a freeway bridge were ordered to hold a banner acknowledging their acts to passing motorists on a cold and snowy day. A young man who led police officers on a foot chase was ordered to spend 10 days assisting track and field participants in the Special Olympics program.

Failing to stop for a school bus will find an individual spending a day as a "ride-along" with a bus driver. Repeat seatbelt offenders may be ordered to purchase car seats for needy children.

Clients are unique. Look beyond the books for more imaginative ways to serve their needs.

By Michael A. Cicconetti

Other non-violent offenders, during the summer months, are given the option of planting, weeding, tending and harvesting the one-acre court vegetable garden. For many individuals this is the first time in their lives they begin and end a project. It is the appreciation of the needy as they accept the free and fresh vegetables for their families.

Donations of hours or dollars to the Salvation Army, Forbes House for Women, Lake County dog warden and YMCA Outdoor Family Center are other alternatives to the standard jail and fine sentence.

It is my sincere hope that as new lawyers you accept the challenge to look beyond the pleadings and motions and remember you are a counselor as well as a lawyer to your client. Be creative with integrity.

Judge Cicconetti graduated from Cleveland-Marshall in 1980 and was in private practice for 14 years before being elected to the Painesville Municipal Court in 1993.

Cicconetti, 48, has been a trial judge for the Ohio high school mock trial competition each year since 1994, and frequently is an invited guest speaker at civic events in his hometown. His sentencing of the rock throwers to public apology garnered much publicity in the Northeast Ohio media.

For best results, juggle classes, activities in school

By Karin Mika

• Is it better to be on law review or on moot court?

At the onset, let me first say that I advocate all students participating in extracurricular activities—whether law review, moot court, pro bono work, clinical, or any of the other numerous activities.

I have not mentioned.

Extracurricular involvement enhances a legal education because it connects the student with the practical applications of law and with people who have shared interests and goals. Being on law review (or the journal) is not "better" than being on moot court, or vice versa. The activities serve distinctly different purposes. Law review is geared toward producing and editing legal scholarship while moot court is geared toward replicating the real-life action of an appellate court. It's tough to say what "looks best on a resume." If you're being interviewed by the former editor of a law review, it would be nice to have a law review credit on your resume, but if you're being interviewed by a litigator who was high onal list in a moot court competition, moot court participation would of course be better. Many students opt to do both (and then some), which is not as far out as anyone might think. I might add, however, that in the years that I have been here, I have heard moot court veterans express that their participation in moot court was the best and most exciting aspect of law school. I think this stems from the competition and school spirit aspect of the activity. We don't have a football team; this is the next best thing. But I don't want to belittle the other extracurricular activities. A similar satisfaction is often derived from meaningful learning experiences and on which the student believes he or she has accomplished something worthwhile.

• Did you have a favorite class in law school?

I liked different classes for different reasons and, of course, disliked some classes for different reasons— as would be the case for anyone. It didn't always have to do with grades either.

For instance, I had now-retired professor Hyman Cohen for torts my first year. I had no particular affection for torts, did quite poorly grade-wise, but thought he was a marvelous lecturer and tried to take him for everything he taught. (I never got higher than a "B." I also liked legal writing, but that was for the opposite reason—there I connected with the subject matter and did the type of work I had been doing previously.

The class having the most impact may have been motion practice with professor J. Patrick Browne, an extraordinary individual who passed away a few years ago. For whatever reason, I left that class understanding how all of my other previous classes fit together.

My favorite classes are generally those that provided something I wasn't expecting. Consequently, there have been a lot of classes I have enjoyed, and many more (including those currently taught by my peers) that I had no opportunity to discover.

Mika is the assistant director of legal writing at C.M.
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Supersleuth solves stolen sack-lunch whodunit
By Patricia Love CONTRIBUTING WRITER

The woman trashed all our food. It’s as simple as that. On March 13 at about 10 a.m., a student reported that she put her lunch and medication in the nearly-full student lounge refrigerator. An hour and a half later, not only was her lunch gone, but so were about 25 others.

A call was made to the CSU police, who were unable to respond to the complaint. President Clinton was expected in town, and, presumably, campus security wins.

Clinton was expected in town, and, presumably, campus security wins. By Patricia Love

STAFF WRITER

By Roger M. Bundy


This guy is everywhere. On television, on the radio, in the grocery store, face it, the man is haunting us. I can’t even get a dollar’s worth of durian from the supermarket floor before he appears to stock up on deeper discount groceries without first passing under the professor’s benevolent smile, beckoning me to at-tend Cleveland State.

If you’ve missed him on a billboard above Broadview Road, you’ve seen him elsewhere. Like on television. There I am, rest-optimally in my small bungalow, not a care in the world, taking a brief break to munch the mental pain of law school with some really bad TV. Suddenly, proof? On my set appears the ever-gregarious O’Neill, gesturing wildly, loc-tating as if he wore freshest from a Dale Carnegie course on style and public presentations. Is this fair? Is it? While Apples and Oranges, a tele-phantasy of TV nothing-done into the cold, hard world of evidence law.

Some of his students may have planned to escape the im-petuous professor on spring break. Forget about it. His gleaming frisbee mug was lit up and life-size at the apartment building, bidding you find refreshments in it for whatever warm, luxurious, non-evidence, non-First Amendment loc-ation you chose for respite from the massochistic hell that is law school.

Less you be disappointed, he was charmed to note that upon your return to Cleveland, itself a massochistic hell, especially during the winter months. Perhaps this year we should bestow a spe-cial honor on O’Neill, often the winner of the top professor award, involving him in an official postex box boy of Cleveland-Medical and CSU.

In the good professor’s de-fense, I do think this personally happy man has been terribly slighted by the fashion commu-nity. A great deal of fuss has been made recently about a trend be-ing set by Regis Philbin on his TV game show, “Who Wants To Be a Millionaire?” Given Davis’s penchant for work boots, droopy khakis and snowflake sweaters, at least it would make a prima facie case for irony.

Davis is an odd representative for C-M and CSU, perhaps even better than Van Umun — I better not finish the sen-tence. I just hope the professor doesn’t spoil the fun by trying to sell us on PeopleSoft one day. Bundy, a 2L, asks that his views not be construed in such a way that will affect his grade in professor O’Neill’s evidence class — except, of course, to raise it.

May I have my lunch back, please?” she asked plaintively. Without a hint, the woman quipped, “They’re in the trash.” wished the student a nice after-noon and then headed on her way. And there they were, just as she promised, stacked neatly three and a half feet deep in the barrel. No trash. Just lunches. A couple dozen of them, in fact.

That day, at about 6 p.m., she was seen leaving the first floor ladies’ room and heading down to the lounge area. Of course — it was dinner time!

So, in this instance, we have one answer to the question of where the lunches have gone. Perhaps the fridge needs a new sign conveying the appropriate warn-ing: eat at your own risk.

Love is a 2L.

The culprit: a ‘bag lady’ mornings either in the student lounge or the ladies’ room, the woman’s appearance suggests that she is not a daytime law student. One rather hungry and broke student approached this woman as she headed for the stairwell. She had no cash to buy a sandwich and a glass of milk, so she asked plaintively. “They’re in the trash,” she beamed the student a nice after-

It takes courage to defend the infamous

By Gary Norman

The requirement of real-ous advocacy may call upon counsel to exhibit courage in representing a client, especially in an infamous or noto-

Gary Norman

A firm must be small to do the job. Too small, and the firm is likely to be a failure. Too large, and the firm is likely to be a failure. Too large, and the firm is likely to be a failure.

“An advoca-cy is not for the timid or the meek. It demands that lawyers be both vigorous and courageous,” wrote William Ericson in “The Defense.”

This duty may, on occasion, place counsel in peril of life and limb. For example, in “To Kill a Mockingbird,” Harper Lee’s attorney Atticus Finch placed himself and his family in harm’s way when he represented a black man accused of raping a white woman. The peril arose from the community’s desire to lynch first and hold a trial a later.

The fictitious Finch personified the adage that everyone deserves a strong defense. This charac-ter can be a measuring stick for law students because the willingness and ability to ably represent unpopular defendants indicates a great deal about the character of a lawyer. Constitutional guarantees quickly become meaningless if they extend only to “popular” clients. But infamy is not the only situation where a lawyer’s zeal is challenged. Merely notori-ous cases can rise to this level too. When the public attacks impervious opinions to the re-spective parties, counsel must exhibit great courage to ensure that the search for truth remains paramount. A 1980s example is the case involving the father of the author Harriet Beecher Stowe. The New York trial court had to issue tick-ets for admission to the trial. The Scopes Monkey and O.J. Simpson trials also come to mind.

Former Chief Justice Warren Burger once de-scribed the tripos of justice as follows: “Justice can be attained in our adversary system only where a trial is held before a competent judge and both sides are represented by competent counsel.” Competency requires courage, in some measure, for every client. Norman is a 3L.

Truth be told, we can’t help but fancy the face we face

By Patricia Love CONTRIBUTING WRITER

By Roger M. Bundy

“Practical application is our theory of blah blah.”

Kevin O’Neill, J.D., Assistant Professor of Law, Cleveland Marshall College of Law

Cleveland State University

Maybe it just takes awhile for things to catch on in the Big Apple. Perhaps professor McKinney Davis will file a fashion intellec-tual property claim against Philbin for stealing O’Neill’s idea. Given Davis’s penchant for workboots, droopy khakis and snowflake sweaters, at least it would make a prima facie case for irony.

I digress. O’Neill is a good representative for C-M and CSU, perhaps even better than Van Umun — I better not finish the sen-tence. I just hope the professor doesn’t spoil the fun by trying to sell us on PeopleSoft one day. Bundy, a 2L, asks that his views not be construed in such a way that will affect his grade in professor O’Neill’s evidence class — except, of course, to raise it.

By Patricia Love CONTRIBUTING WRITER

The woman trashed all our food. It’s as simple as that. On March 13 at about 10 a.m., a student reported that she put her lunch and medication in the nearly-full student lounge refrigerator. An hour and a half later, not only was her lunch gone, but so were about 25 others.

A call was made to the CSU police, who were unable to respond to the complaint. President Clinton was expected in town, and, presumably, campus security wins. By Patricia Love

STAFF WRITER

By Roger M. Bundy


This guy is everywhere. On television, on the radio, in the grocery store, face it, the man is haunting us. I can’t even get a dollar’s worth of durian from the supermarket floor before he appears to stock up on deeper discount groceries without first passing under the professor’s benevolent smile, beckoning me to at-tend Cleveland State.

If you’ve missed him on a billboard above Broadview Road, you’ve seen him elsewhere. Like on television. There I am, rest-optimally in my small bungalow, not a care in the world, taking a brief break to munch the mental pain of law school with some really bad TV. Suddenly, proof? On my set appears the ever-gregarious O’Neill, gesturing wildly, loc-tating as if he wore freshest from a Dale Carnegie course on style and public presentations. Is this fair? Is it? While Apples and Oranges, a tele-phantasy of TV nothing-done into the cold, hard world of evidence law.

Some of his students may have planned to escape the im-petuous professor on spring break. Forget about it. His gleaming frisbee mug was lit up and life-size at the apartment building, bidding you find refreshments in it for whatever warm, luxurious, non-evidence, non-First Amendment loc-ation you chose for respite from the massochistic hell that is law school.

Less you be disappointed, he was charmed to note that upon your return to Cleveland, itself a massochistic hell, especially during the winter months. Perhaps this year we should bestow a spe-cial honor on O’Neill, often the winner of the top professor award, involving him in an official postex box boy of Cleveland-Medical and CSU.

In the good professor’s de-fense, I do think this personally happy man has been terribly slighted by the fashion commu-nity. A great deal of fuss has been made recently about a trend be-ing set by Regis Philbin on his TV game show, “Who Wants To Be a Millionaire?” Given Davis’s penchant for work boots, droopy khakis and snowflake sweaters, at least it would make a prima facie case for irony.

I digress. O’Neill is a good representative for C-M and CSU, perhaps even better than Van Umun — I better not finish the sen-tence. I just hope the professor doesn’t spoil the fun by trying to sell us on PeopleSoft one day. Bundy, a 2L, asks that his views not be construed in such a way that will affect his grade in professor O’Neill’s evidence class — except, of course, to raise it.

May I have my lunch back, please?” she asked plaintively. Without a hint, the woman quipped, “They’re in the trash.” wished the student a nice after-noon and then headed on her way. And there they were, just as she promised, stacked neatly three and a half feet deep in the barrel. No trash. Just lunches. A couple dozen of them, in fact.

That day, at about 6 p.m., she was seen leaving the first floor ladies’ room and heading down to the lounge area. Of course — it was dinner time!

So, in this instance, we have one answer to the question of where the lunches have gone. Perhaps the fridge needs a new sign conveying the appropriate warn-ing: eat at your own risk.

Love is a 2L.
What’s forgotten in the Project 60 flap

Mail Pall

Lombardy’s claim of capitalistic entitlement would be more pure if he paid back the Ohio state subsidy the law school receives via his attendance.

Lombardy does not wish to do that. The academic has to struggle to make those ideas accessible without compromising them. The “everyday audience” may at times have to struggle to understand them.

Peter Fitzpatrick Fitzpatrick is a visiting professor from the Queen Mary and Westminster College Faculty of Law. He spoke on the death penalty in February.

Kid contest promotes poor image of lawyers

Recently, the Gavel had fifth-grade classes at local grade schools write an essay describing a lawyer’s job and daily activities (February 2000). The answers generally listed things like drink martinis all day long, make a lot of money; lie for clients to help their cases; not show up at court appearances; and sit at a desk all day long and play video games.

If these children were told to be honest in their comments, Scinfeld is going to have some tough competition in the near future.

But if the children thought they were supposed to answer seriously, we are all in big trouble.

Patrick J. Perotti ’82 Perotti is an attorney in the Painesville office of Doweren & Bernstein.

The kids respond: thanks for the lecture

I am writing to you to go over what you taught us about lawyers.

You can’t lie. If you get caught lying, your license can be taken away. The shows on television about court issues are most of the time not real.

If I want to be a lawyer, first of all I have to try to stay alive and stay in school, because you have to take long schoolings to become a pro lawyer.

In a courtroom, some judges don’t watch cameras. They use artists to draw what’s happening.

There are different trials and you could have more than one lawyer. There are many lawyers for many cases.

A person who who types all the words of the clients and lawyers is called a stenographer.

I just wanted to thank you for spending your time from work to come and talk to us.

Anatol Castro Castro received an honorable mention in this year’s essay contest.

Agree?

Do you take issue with an opinion in this edition? Do you have a special perspective you want to apply light on the subject? Let us know.

Drop off your hard copy and disk at our office door; LB 23, or write to KEVIN BUTLER-LAW@CMU.EDU. Submissions must be signed. We reserve the right to edit for clarity.

Look closely: Nazis mirror liberals more

Recently I overheard a gentleman speaking of conservative members of Congress as “Nazis.” Such a statement is reflective of the struggle between liberals and conservatives through civilized history, the struggle between Statists and Classical Liberals.

Statists, embodied in the modern day liberal, tend to favor more government control and more central planning of the economy. The greatest proponents of Statism in the industrial-revolution era were Karl Marx (Communism) in his books including “The Communist Manifesto,” and John Maynard Keynes (Socialism) in his book “Economics: The Consequences of the Peace.”

Conversely Classical Liberals, emboldened by the government via socialized health care. Such a policy strongly resembles the socialism of Nazi Germany.

Taking this to another level, I insist on implementing race based policies such as affirmative action that grant privileges to one group at the expense of another solely on the basis of their race. This is reminiscent of the series of rules and regulations implemented in Nazi Germany following Hitler’s rise to power in 1932. The Nazi series of policies steadily stripped Jews, Gypsies, and the other groups of their rights, robbing them of their private property and dignity and granting political and criminal notifications to the members of the “master race.” All this was done solely on the basis of the racial, religious or ethnic classification of the targeted groups.

It appears that the policies supported by the left in America resemble the Nazi form of tyranny far more than anything proposed by the Conservatives. But I will not call my Liberal counterparts a bunch of Nazis—for I know they are not. I need not resort to insults, shouting and derogatory to win a debate, because this demonstrates a bankruptcy of ideas. In sulting the opposition proves no argument of substance can be put forth on one's own behalf. For every insult Liberals throw, we can toss the insult right back. Ironically, the shoe fits the Liberal foot more appropriately than it fits ours.

God bless you all and God bless America.

Lombardy can be reached at MYCOLLSM@AOL.COM.
Prince Charles, when is the British government going to stop trying to bring political prisoners in Ireland?"
Marbury controls Miranda?
Huh? 'Feed corn!' I declare

I noticed as a little girl in Upstate New York that as soon as we drove five minutes outside of the city, the landscape was carpeted with cow pastures and cornfields. I know this probably shocks you native Ohioans who honestly believe there's nothing between the Bronx and Niagara Falls. This great proliferation of grain urged my father to appoint himself "guardian of the maize." Everybody went passed a cornfield, he would pronounce with utmost confidence whether it was "people corn" or "feed corn." Years later, I finally coaxed him into admitting that he couldn't tell the difference between people corn and feed corn to save his life. He was merely attempting to appear omniscient in the presence of his easily impressed offspring. Thus, the words "feed corn" quickly became a family catchphrase for calling someone's bluff. Recently, I noticed that there is a large crop of feed corn sprouting up around the C-M law building. For example, a student who attempts to extrapolate the holding of a case she is a large crop of feed corn. I should know, as I have employed the 14th Amendment is nothing more than a convenient fall back for defending just about any worthwhile (or worthless?) position that doesn't seem to fit anywhere else and probably has no reasonable basis in reality. Of course, by the time most law students reach their last semester, what formerly passed as intimidating intellectual prowess on the part of the professor either completely escapes notice or merely comes off as a last-ditch effort to salvage an academic ego and impress apathetic students. Either way, it's feed corn.

An old catchphrase for calling one's bluff, "feed corn" is a large crop of feed corn. I should know, as I have employed the 14th Amendment rights. After enduring two semesters of constitutional law we all know the 14th Amendment is nothing more than a convenient fall back for defending just about any worthwhile (or worthless?) position that doesn't seem to fit anywhere else and probably has no reasonable basis in reality. Of course, by the time most law students reach their last semester, what formerly passed as intimidating intellectual prowess on the part of the professor either completely escapes notice or merely comes off as a last-ditch effort to salvage an academic ego and impress apathetic students. Either way, it's feed corn.

A final note for those about to leave these halls for the real world: In the legal profession, it's not about what you know but what other people think you know. In other words, a few kernels of corn—or, I mean wisdom — will take you far. If that doesn't work, I hear Ohio has a shortage of grain farmers. Cunningham is a 3L.

By Eileen Sutker
STAFF EDITOR

Warning: A table of Supreme Court justices may be needed to work this puzzle.

ACROSS
1. Hugo — 1937 by Roosevelt
6. See 46A
7. — fuster. 1939 by FDR
12. See 46A
13. Not Out
14. Levi — 1845 by Polk
15. 5 of Oregon
18. Consumption abbr.
19. Morrison — 1784 by Grant
20. William — 1903 by Roosevelt
21. The property
23. Stanley — 1936 by FDR
25. Lucus — 1888 by Cleveland
27. James — 1790 by Washington
29. All of us
30. Starts some case names
32. Marbury's Author
34. — 1841 by Van Buren
36. See 1D
37. Typeface
38. See 62A
39. Car maker
40. Cat — Hot Tin Roof
41. Superman's girlfriend's initials
43. Jean Luc's nemesis on Star Trek
44. What the dog did
46. — H. L. 12A, 11D, L, 82D, N, 15D, 6A
47. See 6A
48. Engineering type
49. Soup or plastic follower
51. Shuma's type
54. First letter
55. Feathered creature
56. Medical emergency sorting
57. Solid milk
61. See 62A
62. Alphabet string with 1D, 4D, 61A, 38E
63. Eighteenth letter
64.5 of Kentucky
65. Candles—cake
68. — and briomstone
71. An imposed judge
73. After Sept.

CURRENT
1. 14th Amendment is nothing more than a convenient fall back for defending just about any worthwhile (or worthless?) position that doesn't seem to fit anywhere else and probably has no reasonable basis in reality. Of course, by the time most law students reach their last semester, what formerly passed as intimidating intellectual prowess on the part of the professor either completely escapes notice or merely comes off as a last-ditch effort to salvage an academic ego and impress apathetic students. Either way, it's feed corn.

More noteworthy, however, are the moments when a professor is caught off guard by a student's seemingly innocent question. It starts with that deuce in the headlight looks; this is followed by an elaborate choreographed performance designed to baffle the student and thereby stave off any further inquiry into the subject. The technique frequently involves quoting Justice Scalia, making vague references to congressional intent, or arguing substantive due process or a penumbra of other 14th Amendment rights. After enduring two semesters of constitutional law we all know the 14th Amendment is nothing more than a convenient fall back for defending just about any worthwhile (or worthless?) position that doesn't seem to fit anywhere else and probably has no reasonable basis in reality. Of course, by the time most law students reach their last semester, what formerly passed as intimidating intellectual prowess on the part of the professor either completely escapes notice or merely comes off as a last-ditch effort to salvage an academic ego and impress apathetic students. Either way, it's feed corn.

Correction: In February's issue the Gavel misprinted the word list for the above puzzle; the correct word list appears here. The Gavel regrets the error.

By Eileen Sutker
STAFF EDITOR

Find these words: case, cheers, competent, corp, cross, document, elephant, expert, habit, harmless, hot shot, ogled, nod, noised, process, remand, remedy, scented, scene, shoes, starch, state, story, street, wintry. Leftovers identify saying it aloud.

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On the bench

By Eileen Sutker
STAFF EDITOR

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61. See 62A
62. Alphabet string with 1D, 4D, 61A, 38E
63. Eighteenth letter
64.5 of Kentucky
65. Candles—cake
68. — and briomstone
71. An imposed judge
73. After Sept.

DOWN
1. See 62A
2. Liberaize in Catholic funerals
3. Eye for — Eye
4. See 62A
5. Kilowatt abbr.
6. Apocope's swing Justice
7. Not CIA
8. John — twice by Washington
9. Length x width
10. E of Pennsylvania
11. See 46A
12. John — 1789 by Washington
13. 1818 Euclid Avenue
16. Father for short
17. Earl — 1953 by Eisenhower
18. Robert — 1820 by Adams
20. Cyprinid fish
22. Medieval bondoness
23. Current Chief Justice
24. Port city at Gulf of Alaba
29. Twenty third letter
30. Time slipped by
31. Loyal and true
35. Morning abbr.
36. Rachel's older sister
41. Mixed and delivered
43. 4E of New Hampshire
45. Robert — 1846 by Polk
49. Pre Masters in Business Ed.
50. William — 1956 by Eisenhower
51. Assoc. or Soc.
52. Benjamin — 1932 by Hoover
53. Silver
57. Bistro-like
58. Mistake
59. Rocky's profession
60. One in Spanish
61. A large abundance
69. OJ's judge
70. Environmental prefix
72. Precides late and near
74. Give it a go
77. Head nurse abbr.
81. See 4D
82. See 46A

Answers at left, this page.
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