

THE GAVEL

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NOTE "GRAVEL" ARTICLES ARE APRIL FOOLS ARTICLES MEANT TO BE TAKEN AS SATIRE

April 2025

Will SCOTUS Canonize Reverse Discrimination?

Eric Fogle
Gavel Contributor

The Background

Marlean Ames (petitioner), a straight, white woman, began working for the Ohio Department of Youth Services (ODYS) in 2004. The petitioner's petition for writ of certiorari mentions positive performance reviews and, in 2014, she was promoted to Program Administrator for the Prison Rape Elimination Act (PREA). In 2017, Ames began reporting to Ginine Trim, a gay woman, while continuing to receive good reviews.

In 2019, Ames applied for and was denied the role of "Bureau Chief of Quality Assurance." The position was eventually offered to a Yolanda Frierson, a gay woman who the petitioner argues was comparatively underqualified.

Ames was also removed from her existing position at ODYS and was offered the choice to return to her previous position or face termination. Her role as PREA Administrator was filled by Alexander Stojavljevic, a gay man. Her petition claims that an administrative "work-around" was necessary to prevent ODYS from violating its own hiring procedures.

In 2020, Ames filed a claim against ODYS in federal court, alleging violations of Title VII, the Fourteenth Amendment, Age Discrimination in Employment Act, and state law. She challenged ODYS' decision to promote Frierson on illegal sexual orientation grounds. The decision to replace her role as PREA Administrator with



Image of Supreme Court Building from Britannica

Stojavljevic was challenged on sex and sexual orientation grounds.

In 2022, most of Ames' claims were dismissed by the district court; the claim that brought the case to SCOTUS was her Title VII claim for sexual orientation discrimination.

A Title VII plaintiff can expect to encounter the McDonnell Douglas burden-shifting framework for analyzing discrimination claims. First, a plaintiff must establish a prima facie case showing that (1) she belongs to a protected class, (2) she was a qualified applicant for a position the employer sought to fill, (3) she was rejected despite her qualifications, and (4) after being rejected, the position remained open and the employer continued to seek applicants.

If a plaintiff can successfully establish a prima facie case, the burden shifts to the employer to articulate a legitimate, nondiscriminatory purpose for the rejection. The burden then returns to the plaintiff to show that

the employer's stated reason was, in colloquial terms, baloney.

In addition to the steps above, the Sixth Circuit Court of Appeals outlined Ames' additional requirements as a majority-group plaintiff (here, heterosexual) claiming discrimination.

As a member of a majority group, Ames' claim required her to show background circumstances to support a suspicion that ODYS was an "unusual" employer engaged in discrimination against a majority group. Plaintiffs often make this showing of background circumstances with evidence that the applicable minority group made the employment decision, or with evidence showing a pattern of discrimination by the minority group against the majority group.

Holding that Ames could not make such a showing, the Sixth Circuit rejected her claim.

The Issue

The question before the

court is whether, in addition to other pleading elements of Title VII, a majority-group plaintiff must show background circumstances to support a suspicion of discrimination against a majority. Put differently, this issue is whether this additional burden for majority-group plaintiffs is overly burdensome.

The Arguments

The petitioner argues that requiring only majority-group plaintiffs to show background circumstances is contrary to Title VII. The argument is: (1) Title VII prevents discrimination based on sex and sexual orientation; (2a) female is a sex and (2b) heterosexual is a sexual orientation; therefore (3) Title VII prohibits discrimination against Ames, a straight female.

Majority or minority group membership will not be too important to this argument. Title VII precludes one's membership in any group from being the basis of dis-

crimination. A proponent of Ames' claim would argue that one's membership in majority group based on inherited characteristics should not preclude the possibility of being discriminated against.

An opponent might argue that discrimination implies disparate treatment favoring a majority group against a minority group. To discriminate is to divide, and that division occurs vertically, where the rights of a majority group are located above and to the detriment of a minority group's rights. Recognition of such vertical separation prompted the Civil Rights Act in the first place.

ODYS' brief in opposition centralizes the weakness of Ames claims under McDonnell Douglas, arguing that Ames' claim would have failed at the prima facie stage even if the Sixth Circuit had not used the "background circumstances" framework Ames challenges. In fact, it argues, Ames never challenged the background circumstances requirement in the lower courts; she argued that she satisfied it, an argument the Sixth Circuit rejected.

ODYS also argues that Ames could not make a prima facie showing because she could not prove that ODYS had knowledge of the trait that formed the basis of the discrimination. An employer can't make a hiring decision based on a trait of which they are unaware.

Per SOCUTSblog, an opinion is expected by this summer.

Your Zodiac Sign, Your Random Legal Term



Image from Reader's Digest

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Aries (March 21 – April 19): *Rule 56: Summary Judgment*

Assertive, Headstrong, and Fiery. You seek to take charge and demonstrate that there is no genuine issue of material fact.

Taurus (April 20 – May 20): *Tax Fraud*

Dependable, Practical, and Stubborn. You love the finer things in life and will do anything to achieve your goals.

Gemini (May 21 – June 20): *Executive Order*

Expressive, Adaptable, and Impulsive. You are an excellent communicator. I see you, Co-President.

Cancer (June 21 – July 22): *Heat of Passion*

Emotional, Empathetic, and Sensitive. You are so intensely nurturing that you lose yourself sometimes.

Leo (July 23 – August 22): *Bluebook Citations*

Confident, Charismatic, and Domineering. You love being the center of attention, so here is an entertaining area of law.

Virgo (August 23 – September 22): *Adverse Possession*

Loyal, Analytical, and Judgmental. You are one of the most common Zodiac signs, so here is a very common, very pragmatic, seen-in-everyday-use, body of law.

Libra (September 23 – October 22): *Pearson v. Chung (2008)*

Diplomatic, Fair, and Vain. You have a strong eye for the aesthetics and won't let anything get in the way of that.

Scorpio (October 23 – November 21): *Model Rule 1.6*

Mysterious, Passionate, and Possessive. You are passionate under that cool, secretive exterior; try opening up a

little.

Sagittarius (November 22 – December 21): *Prenuptial Agreement*

Adventurous, Philosophical, and Flighty. You stay true to yourself and if it's not working, it's not working.

Capricorn (December 22 – January 19): *At-Will Employment*

Responsible, Disciplined, and Frugal. You love achieving your goals at the expense of yourself, maybe try establishing a sense of self outside of others' perceptions of you.

Aquarius (January 20 – February 18): *Copyright Infringement*

Quirky, Unique, and De-

tached. You are an innovator at heart and try to stray away from labels, so here's a good one.

Pisces (February 19 – March 20): *Legally Blonde (2001)*.

Intuitive, Creative, and Overthinking. You are a dreamer and an idealist, so remember to embrace your sensitivity and transmute it into something positive.

5 Bullets: Being A Federal Worker in 2025

Luis A. Tobar
Gavel Contributor

"Did you send Elon your five bullet points?" has become the newest greeting at work. The talk about OPM's email sent to every federal employee was all very tongue in cheek, but there was a slight edge to it. The subject line beckoned, "What did you do last week?" An innocuous enough thing to ask, but it raised questions in the minds of myself and my fellow federal employees. Questions like, "Does this even apply to us?" or "Who is even reviewing these?" and "How much detail should we go



Image of Elon Musk from AP News

into when answering?" As seen in the media, no one in any agency had any immediate answers.

From the ground level, we were all hoping headquar-

ters was having meetings and making the appropriate phone calls to get answers for us. Unfortunately, the media seemed to have more information than leadership

had or more information than supervisors were willing to share. Tough to tell which.

To this end, finding out the origin of the question "What did you do last week?" was a bit dread-inducing. Elon Musk posed the same question to Parag Agrawal, then CEO of Twitter, shortly before firing him. That discovery led to an even bigger question in our minds, as the deadline set in the now infamous email approached: "Will I actually be fired for not answering?"

There has been speculation that this is all part of Elon's plan to cut the federal work-

force - as in, he wanted to induce enough anxiety that some people will simply quit or retire. I can't speak to the number of people who took this Faustian bargain, but I can attest to the high levels of uncertainty created by the entire situation. I can't share what I sent in, but you'd better believe I responded according to agency guidelines and long before the deadline arrived.

Breaking: Estranged Relative You Barely Speak to “Glad There Will Be a Lawyer in the Family”

Jake Peggy

“Gravel” Contributor

(Washington, D.C.): In a move sending shockwaves through extended family group chats nationwide, reports confirm that your distant cousin Greg—whom you haven’t spoken to since the 2018 family reunion—has officially declared his enthusiasm over the fact that he will be able to “give you a call,” if he ever “ends up in a jam.”

Sources close to the situation say Greg, whose last known profession was “something with crypto,”



Image from The National Jurist

reached out via a Facebook message at 2:37 AM, citing his excitement about your legal education and subtly inquiring about “a little situation” he’s dealing with regarding the IRS. Experts

suspect this marks the beginning of a sustained campaign of unsolicited legal inquiries from relatives who previously showed little interest in your existence.

Political analysts note that

Greg’s statement is part of a broader trend affecting first-generation law students across the country. According to a recent study by the American Association of Law Students with Overbearing Relatives (AALSOR), 92% of respondents reported being asked to “just look over” a lease, traffic ticket, or vague “business idea” at least once before passing the bar.

Despite your repeated public statements clarifying that “law school is not the same as being a lawyer,” scholars predict that you will continue to be mistaken for a li-

censed attorney until further notice. In response to these allegations, your great-aunt Linda—who has not spoken to you since Thanksgiving, 2012—has issued a statement asking if you might be able to help her “get her will drawn up real quick.”

In related news, a mutual friend from undergrad who never responded to your 2023 text message regarding “grabbing coffee” has now reached out with a “super quick question” about how to get out of a non-compete agreement. More on this developing story as it unfolds.

U.S. Federal Workforce Slashings: A Nation at Stake

Morgan Malone

Gavel Contributor

The past few months have proved to be a whirlwind for the entire country in the wake of the second election of President Donald Trump. One group that has arguably felt the brunt of the Trump administration’s policies is the federal workforce. As part of the new DOGE (Department of Government Efficiency) initiative—which has the stated goal of “modernizing federal technology and software to maximize government efficiency and productivity” (Office of the Federal Register)—mass layoffs of federal workers were ordered, with over 30,000 workers across various governmental sectors being laid off as of February 2025 (AP News). This initiative also includes the planning of “large-scale reductions in force” and the freezing of trillions of dollars in federal grant funds (AP News).

Multiple judges have attempted to block these layoffs. Shortly after the layoffs were first announced, U.S. District Judge William Alsup from California ruled in a lawsuit brought by a group of nonprofit organizations and unions that the firings were improperly directed by the Office of Personnel Management and ordered the rehiring of the dismissed

employees at six departments—Veterans Affairs (VA), Agriculture, Defense, Energy, the Interior, and the Treasury. Judge Alsup also expressly and personally condemned the terminations and stated that he found it “appalling” that many workers affected by this policy were allegedly fired due to poor performance yet received glowing reviews of their work performances just months prior (Federal News Network). Additionally, Maryland District Judge James Bredder stated in a Baltimore hearing that, although he ordered the Trump administration to reinstate about 25,000 federal employees as a result of a similar lawsuit, he feared that he lacked the power to call for the reinstatement of workers who resided in states outside of the suit due to the purported absence of jurisdiction (Reuters).

Although the Trump administration also implemented a “deferred resignation” program in exchange for various financial incentives, these layoffs from what is the single largest employer in the country (Dayton Daily News) could have potentially devastating effects on the federal workforce that not even the promise of paid leave can remedy. Hundreds of thousands of probationary federal workers—those who have been working for less

than a year and, therefore, do not possess civil service protection (NBC News)—could be affected by these layoffs. Although probationary workers do not have the same rights as fully instated federal workers, they are still only able to be fired with cause, which calls the legality of such layoffs into question.

The layoffs could also boost the national rate of unemployment by almost 0.1% (CNN). This percentage seems miniscule upon first glance, but looking at it with just a statewide perspective—as of December 2024, some 85,000 Ohioans were employed by the federal government and accounted for about 1.5% of the state’s non-farm payrolls (U.S. Bureau of Labor). The VA’s Office had the highest percentage of federal workers in the state at this time, with almost 18,000 civilian employees. The next largest federal employers in the state are the Department of the Air Force, Department of Defense, and Department of the Army. These jobs, among many others, are at risk with these cuts—and if jobs are at risk, then so is the economy as a whole.

If the American economy seemingly hangs in the balance—or, at the very least, has the potential to—due to these policies, one must de-

termine the reason why the Trump administration would create them in the first place. Straight from the horse’s mouth? These sweeping layoff initiatives coincide perfectly with the presidential goal of re-establishing nationwide trust in the government by removing funding from “crooked,” “dishonest,” and “unnecessary” federal grant programs that are “destroying this country” (PBS). Such grants fund initiatives such as science and health research programs, access to healthcare, and the assembly and maintenance of diversity, equity, and inclusion (DEI) programs which slowly became a key component of classrooms and workforces alike before being swiftly revoked as a result of Trump Admin 2.0, which calls them “radical” and “wasteful” (White House).

But how radical, wasteful, and unnecessary are these programs really? As someone who proudly worked at a not-for-profit organization serving certain members of the northeast Ohio community, I saw firsthand the profound impacts that both federal workers and federal grants had on the community. They put food on families’ tables, clothes on the backs of children, and reunited people with their loved ones—none of which could have been done without the

tireless efforts of those federal employees who worked with us to make things happen. Rob Shriver, former director of the Office of Personnel Management under former President Joe Biden, stated that the core objective of the United States federal workforce is “to figure out how, consistent with that administration’s priorities and the directions from their leaders, they can help the government work better for American people” (PBS). As a nation, it is important to recognize and work toward integrating administrative and executive values and those that stem from the needs, hopes, and dreams of the American people.

THE
GAVEL

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TODAY

CSU Mock Trial Team Competes at the Student Trial Advocacy Competition

Lina Girgis
Gavel Contributor

On the weekend of March 6, 2025, Cleveland State University College of Law Mock Trial Team competed in the Student Trial Advocacy Competition hosted by the American Association of Justice in Philadelphia, Pennsylvania. The team was led by coaches Julian Emerson, of Reminger Co., and Jed Chedid, of Chedid & Co. and a CSU Mock Trial alumnus. The Plaintiff Team consisted of Jake Wrege, 3L, and Charlie Volz, 2L. The Defense Team consisted of myself, Lina Girgis, 3L, and Koby Adu-Poku, 3L. Our team of four was supported and strengthened by remaining team members Victoria Szep, 2L, John Swansinger, 2L, and John Ohliger, 2L.

Each pair of advocates were tasked with writing, memorizing and presenting a Motion in Limine, an opening statement, a direct



Image Provided by Author

examination of two witnesses, a Motion for Judgment as a Matter of Law, a cross-examination of two witnesses, and a closing argument. Additionally, each member was tasked with playing a witness when their teammates

were advocating. Since the release of this case problem on January 21, 2025, I have watched my team of seven grind day and night, seven

days a week. We have sacrificed time with family, time with friends, time to study for other courses, and sleep. As a result, we produced two incredibly strong cases for both the plaintiff and defense.

Each team enrolled in the competition competed in three initial qualifying rounds. During the first round of competition, Koby

Adu-Poku and I faced William & Mary Law School, ending with a 14-point differential for the defense. During the second round, Jake Wrege and Charlie Volz faced Villanova University Law School; both advocates scored 9/10s across the board, and Jake Wrege presented a flawless, impromptu voir dire of the expert witness. In the third and final

qualifying round, Koby and I faced University of Akron Law School. As a result, we won with an 8-point differential, receiving perfect scores on my opening statement, cross-examination and Koby's closing argument.

After completing these qualifying rounds, and dominating in two, our team of four advanced to the Semi-Finals on the afternoon of Saturday, March 10, 2025. Due to the Semi-Finals power pairing structure, Cleveland State University's eighth seed team was set to compete against the first seed team - Temple University, the school that hosted this competition. Jake Wrege and Charlie Volz went head-to-head with the competition's highest rated team in terms of win-loss record, number of ballots won, total point differentials, and total points.

This trial was an intense, high-stakes challenge, as it See *GIRGIS*, Page 6

“We’re Being Hunted”: Terrified Bedbug Families Speak Out

Morgan Malone
“Gravel” Contributor

This exclusive by The Gravel brings to you a polarizing, highly relevant issue plaguing the CSU Law community right underneath the surface (of our basement furniture upholstery).

Bedbug families across the nation (the CSU Law Library basement) are being targeted at unprecedented rates. On August 26, 2024, the bedbug community underwent the greatest tragedy in their history. In what is now known as The Great Extermination, hundreds of thousands of bedbugs were slaughtered in cold blood after their habitats were identified by members of the radical bedbug opposition group, the CSU Law Student Body. In one swift swoop, a

spray of Raid caused the nationwide bedbug population to be cut in half.

Members of the bedbug community, Larry and his wife, Lucy, discuss the harrowing tale from their perspective. “My son Louis was just sitting in his bedroom (on the armrest of a couch in the basement) when he was doused in poison,” Larry

stated, struggling to recount the traumatic events. “I saw it happen,” Lucy added through tears, “but I was on the other side of the house (a few inches up on the armrest). I couldn’t get to him in time.”

Countless families across the nation share stories that are almost identical to that of Larry and Lucy. “I don’t

know what’s worse,” Marcia expressed to me, “the fact that my husband was killed in cold blood by these evil people or that students step over his body every day when they refill their water bottles on the way to their classes. I think one of his legs broke off and is still stuck to the back of one student’s Converse All Stars.

No one should ever see their loved ones in such a state.”

Some prominent members of the bedbug community not only lament the lack of peace between the bedbugs and the human world but also plan to exact their revenge. “Students used to walk right by us and know nothing about where we were or what we did. Our two nations used to live peacefully side by side until now,” C. I. Mexlectularius, Mayor of Bedbug City and militant bedbug activist, fumed in an exclusive interview. “Peace is no longer an option.”

Upon asking him if a student’s recent finding of Second Stage Larvae foot soldiers in her Stanley cup straw was his doing, he declined to comment and abruptly ended the interview.



Image from Getty Images

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LEARN LAW. LIVE JUSTICE. RELIVE THE PAST.

NLG Hosts Second Annual Northeast Ohio State of Labor Conference at CSU Law



Image Provided by Author

Philipp Corfman Managing Editor

On Friday, March 28th, CSU|Law hosted the second annual Northeast Ohio State of Labor Conference. The conference brought together union-side labor lawyers, organizers, and activists for a day of networking, education, and strategizing for how to respond to a historic crisis for the labor movement.

The conference was hosted by CSU|Law's chapter of the National Lawyers Guild (NLG), in collaboration with the Northeast Ohio Worker Center and other allied groups. This was only natural for the NLG, which was founded in 1937 in response to the American Bar Association's hostility to the industrial union movement. Following in this proud tradition, our NLG chapter has worked to improve opportunities for students interested in union-side labor law, including sending a large contingent of students to the National Law Student Workers Rights Conference in 2023 and 2024 as well as hosting our own labor conference. The law school has also begun to recognize students' growing interest in labor and employment law—when I enrolled in 2022, the school had not even taught labor law in years; now, this semester alone, students could choose from four different

labor and employment law classes.

This year's labor conference had a unique sense of urgency. The labor movement is under attack, from a wholesale assault on public sector workers to the likelihood of a Trump-appointed NLRB making it extremely difficult to assert workers' rights. And this is only part of a broader authoritarian crackdown during the second Trump administration, including rounding up dissidents and immigrants and targeting lawyers with whom the government disagrees. As Northeast Ohio labor lawyers and activists gathered in the Moot Court Room, this crisis was at the top of everyone's mind—how can the labor movement effectively fight back, without falling victim to the government onslaught?

The conference began with keynote addresses by State Representative Tristan Rader, who spoke about the attacks on working people across the country, and Tanmay Shah, a lawyer, organizer, truck driver, and city council candidate in Cleveland's Ward 12, who urged attendees of the conference to organize in their communities rather than wallowing in despair.

The first of three panels focused on Union Law 101, a discussion of how US labor law functions in practice. The panel was moderated

by CSU|Law Labor Law and Legal Writing Professor Brandon Stump, and included Tim Gallagher, union-side labor lawyer at Fusco Gallagher & Porcaro LLP and general counsel of the Ohio AFL-CIO; Anna Powaski, Labor Chair of the Cleveland Democratic Socialists of America and longtime union organizer; and Ken Walker, Jr., a Starbucks Workers United organizer who was illegally fired for his union activities. Panelists discussed many of the challenges of working in the contemporary labor movement, including whiplash policy oscillation (as many labor law rules change between presidential administrations), legal impediments to reaching workers, and low union density making it difficult for people to understand what unions can do for them, while offering both caution of the risk of working under a hostile government and ideas for how the labor movement can strengthen itself through the power of solidarity.

The next panel focused on immigration law. It included immigration attorneys Stacy Cozart Martin and Brian Hoffman and was moderated by community organizer C. Stonebraker-Martínez. The panelists opened by dispensing with many of the myths of the immigration debate, including the myth that undocumented immi-

grants can easily come in the “right way” (it is extremely difficult to do so) and that undocumented immigrants leech off of government benefits (it is the opposite—they pay taxes, but receive no benefits). They then turned to the immense threat posed by the recent executive order promising to bring government action against immigration lawyers, warning attendees that it sets the stage for a broader crackdown on the legal field and anyone else who falls out of favor of the government. Finally, they gave attendees a number of practical steps they could take to support the immigrant community.

The final panel was focused on the public sector labor movement. It was moderated by Starbucks Workers United organizer Akshai Singh, and included Skylar Urban, math teacher and Cleveland Teachers Union (CTU) member; Alexis Mangan, Preterm Cleveland administrator and SEIU 1199 member; Dr. Sher-een Naser, CSU professor and American Association of University Professors (AAUP) member; and Steve Campisi, Legislative Political Organizer for American Federation of Government Employees (AFGE) District 6.

These panelists discussed the myriad attacks on public sector workers, from the national level, including mass purges and the elimination of hundreds of thousands of federal employees' collective bargaining rights; to the state level, including the Orwellian union-busting bill SB1 (which was signed by Governor DeWine that day); to the local level, including significant setbacks for teachers at the Cleveland Metropolitan School District. They gave harrowing stories of the immediate impacts that these attacks on public employees have—not only the trauma, hardship, and uncertainty inflicted on the employees themselves, but the loss of essential services for the general public. They described veterans who lost health and transportation services, LGBTQ high school students who

feared being outed by teachers whose hands were forced by the state government, college students who spoke out against the gutting of their higher education. But they closed by reminding attendees of ways to fight back—attending protests, calling representatives, and showing solidarity with public sector unions.

Attendees were left with many important overarching conclusions. Panelists spoke about how important and fulfilling the practice of union-side labor law can be. Rank-and-file unionism was repeatedly emphasized—unions can only effectively fight for their members' rights if members are part of the fight, not just passively receiving protection and benefits from union leadership. Solidarity was also, naturally, a recurring theme, especially solidarity with the most vulnerable among us. If immigrants, public employees, attorneys, and Palestinians are on the chopping block today, there is no limit to who will be next.

Akshai Singh closed the conference with the following words by labor journalist Hamilton Nolan, writing about the recent executive order stripping hundreds of thousands of federal employees of their collective bargaining rights:

There is a surreal nature to living through drastic things—watching things unfold that we have only imagined as abstract possibilities. That surrealism can be paralyzing. It can turn us into spectators of our own demise. Let's not do that. I don't want to write new “the worst thing that has happened in my lifetime” pieces every few weeks. The labor movement is supposed to have the power to shut things down. Time to act like it. Or, to prepare to die. Only two things are left on the menu. No substitutions allowed.

International Law as a “Fastpass” to 2025



Image from iPleaders

Ana Avila
Gavel Contributor

The first time I went to law school in San Luis Potosi, Mexico (between 1996-2001), I took the class “International Law”. Back then, I wondered if I would ever work in that field or if there would come a time when the entire world would seek out international law in their daily lives. Now, in 2025, and as a law student for the second time in my life (now in Ohio) I would say that time has come.

International law arises from the need to regulate the needs and protect the rights of States and individuals involving international components. The purpose, as in any other body of law, is to avoid and resolve conflicts. International law is derived from international custom (which I talked about in my previous article), the principles of law recognized by States, international treaties, and certain judicial decisions and doctrines.

Article 2 of the Vienna Convention on the Law of Treaties in 1969 establishes that the term “treaty” means an international agreement concluded in writing between States and governed by international law. See Vienna Convention on the Law of Treaties, art. 2(a), ¶ 3 (May 23, 1969), 2 U.N.T.S. 1155. The topics of these

treaties include trade agreements, human rights, immigration, territorial limits, and environment and resources. There are even treaties in Cyber Law regarding the regulation and protection of digital information, intellectual property, and structures from cyber threats. See U.N. Convention on Transnat'l Organized Crime (Nov. 15, 2000), 18 U.N.T.S. 2.

In 2025, which is becoming a crucial year in terms of important changes in humanity, it is important to consider the impact that all these changes could have. Even if they take place in one country, all these changes to the individual will impact the collective in different ways. In 2025, transformation is a term that we hear daily, and laws will not be the exception. International law is at the beginning of a forced revolution.

One of the main transformations that is taking place in particular right now is in the field of human rights. Amid the mobilization of people from one country to another, it is essential that individual rights are guaranteed during the transition process. Another area that is being impacted is that of trade agreements and the global economy. Tariffs are a key tool in countries' trade policy. We still have conflicts that have been prolonged,

such as Russia and Ukraine, or the tensions in the Middle East that are expanding, or possible confrontations between China and Taiwan, as well as the United States and Mexico over the issue of fentanyl control that can influence international agreements. Major trading powers in the world are currently redefining the parameters of new trade agreements and tariff rates without them becoming tools of political and economic pressure for any country.

Another important issue to discuss is the changes to which artificial intelligence will have to adjust with respect to issues of ethics, privacy, and equity, as well as economic and labor impacts across the world. As this technology develops, it will continue to require responses from international regulations.

With all of these changes, could international law be in a crisis? Albert Einstein said, “crisis is the greatest blessing that can happen to people and countries, because crisis brings progress.”

One of my favorite topics to study in my free time (if I can say I have free time), is the study of astrology. I have been very interested in knowing how astrology, although it does not yet have an empirical scientific basis, can help us understand

how the behavior of the stars influences our emotions, thoughts and actions. The astrological transits we have in these times are the same as those we had 248 years ago (1778-1798), a revolutionary and transformative period including the Independence of the United States, the French Revolution and the Industrial Revolution. I wouldn't say it's a coincidence, but rather a causality, that today we are again discussing The Alien Enemies Act of 1798, which was enacted during the same period of astrological transits we had before. I would say that perhaps we are talking about a continuity or an adjustment of the law with these constant immigration needs around the world. See Alien Enemies Act, 50 U.S.C. § 21 (1798).

International law must remain in force and its regulations must be expanded so that it can achieve justice for all and for everything, adapting to the current needs of states and individuals. When I began studying law, I learned the meaning of the word justice: “giving to each what belongs to them.” In these times of great transformation, international law, as an administrator of justice, even in the transformative times we live in, will be a fundamental pillar for the growth and future of nations and humanity.

GIRGIS

From Page 4

was Cleveland State University's only opportunity to secure a spot in the finals and earn a chance to return to the national competition. At the end of trial, Cleveland State University's last seed team beat Temple University's first seed team by 5.5 points. Unfortunately, this win was taken from us because Temple University's team underestimated our talent and knowledge of the case problem. In a failed attempt to get Koby Adu-Poku, a witness during the trial, to admit to a statement that contradicted the case problem, Temple University made the swift decision to file an unsupported grievance against our team. After our coach advocated for our us, but without permitting any students to provide context to the situation or any remedy for appeal, the committee chose to reduce our score by 7.5 points – turning our celebratory win into a loss by two points.

Although this loss felt heavy, at the end of the day, my teammates beat the odds and there is no world in which I will allow their effort and talent to go unnoticed. I wish to congratulate all six of my teammates who put their lives on hold to prove Cleveland State University College of Law can compete at national levels every time. Serving as captain of the Mock Trial Team these past two years has been my biggest honor and accomplishment, and I thank my coaches, Julian and Jed, for trusting me with this responsibility. As we prepare to graduate, Koby, Jake and I wish the team all the best in the future; we will always be cheering from the sidelines.

The East Palestine Derailment: Two Years Later



Image from NBC News

Eric Fogle
Gavel Contributor

It has been over two years since a Norfolk Southern train derailed in East Palestine, Ohio, but the effects of that ominous plume that briefly dominated newsfeeds persist. On March 14, 2023, Ohio Attorney General Dave Yost filed a civil lawsuit against Norfolk Southern Railway Company and its parent, Norfolk Southern Corporation. This column provides an overview of the lawsuit and a summary of its proceedings.

On February 3, 2023, Norfolk Southern Train 32N derailed as a result of an overheating and/or failing wheel bearing. According to the complaint, thirty-eight cars

derailed, eleven of which were carrying hazardous materials, including vinyl chloride (the “VC” in PVC pipes).

On February 6, 2023, authorities conducted a “controlled release and burn” of vinyl chloride from at least five railcars after monitoring revealed the risk of an uncontrolled explosion. This controlled burn resulted in the well-documented, billowing tower of black smoke.

Before stating its claims, the complaint scrutinizes Norfolk Southern’s derailment history, especially in recent years. Citing to derailments from February 2023 and March 2023, the complaint argues that Norfolk Southern should have taken, but did not take, preventative

measures and should have been prepared to adequately respond to the East Palestine derailment.

The complaint highlights the following harms to the State: costs for assessment, analysis, and removal of hazardous materials from the soil and water, restoration costs, mitigation costs, compensatory costs to the public for loss of use of Ohio’s natural and public resources, and damages to the regional economy and state-owned properties, and several others.

Counts One through Three are general claims under the federal body of law known as CERCLA: the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Counts Four through Ten involve violations of hazardous waste provisions of the Ohio Administrative Code. Interestingly, the complaint seeks to establish Norfolk Southern as a “hazardous waste facility” due to its operations involving hazardous waste disposal.

Counts Eleven through Fifteen are identical: Unauthorized Discharge to Waters of the State. Those Counts restate the law at issue, O.R.C. §§ 6111.01(A)(1)(1) and (2), recite the Defendant’s actions from February 3, 2023, identify several state waters, and seek to establish Norfolk Southern’s conduct as pollution and public nuisance to State waters. The numerous identical counts correlate to individual rail cars.

The remaining Counts are various common law and statutory nuisance and negligence claims.

Since being filed, the case has undergone several changes.

In June 2023, Norfolk Southern filed a Third-Party Complaint against several other companies (Oxy Vynyls LP, GATX Corporation, Dow Chemical Inc., to name a few). By July 2023, the United States of America was joined as a plaintiff. Motions to dismiss and replies filled the docket until the end of the calendar year.

As a fun side note, many

of the attorneys representing Norfolk Southern and Third-Party Defendants filed motions to appear pro hac vice (“for this turn”), which allow an attorney not licensed to practice in a specific jurisdiction to do so on a particular occasion.

In March 2024, Norfolk Southern’s Third-Party Complaint was dismissed in its entirety.

In September 2024, a \$600 million dollar class action settlement between Norfolk Southern and residents of East Palestine was finalized.

On February 2, 2025, a lawsuit was filed against Norfolk Southern in the Franklin County Court of Common Pleas, alleging that at least seven people have died because of the East Palestine derailment.

The most recent status reports in the Attorney General Yost’s case against Norfolk Southern were filed on February 12 and 13, 2025.

Can I Get a Boneless Pizza?!

Baku, Esquire
“Gravel” Contributor

In the past several months, I have been banned from 43 pizza restaurants, and I don’t understand why. As an avid pizza lover, I order pizzas over the phone several times per week. My favorite orCader is a large meat lover’s pizza and a large BBQ chicken pizza with a 2-Liter of Coke. Now, every time I order, the pizza shop gets angry with me and blocks my number. Eventually, I go into the store to place my order, and they always kick me out telling me not to come back.

This all started after I read an Ohio Supreme Court decision last year stating that it is common sense to assume that boneless chicken wings



Image from Wikipedia

might have bones in them. Naturally, I should also assume that the chicken and other meats on my pizza may contain bones. Is the chicken on my pizza anything other than a tiny boneless wing? Like anybody, I care for my

health and I’m deathly afraid of choking. Reading the decision helped me to wise up, and now I make sure to ask the pizza clerk for a pizza without bones in it.

When I ask for a boneless pizza, the clerks act con-

fused; as though they don’t know what I mean. They say that they can’t give me a boneless pizza. But if they can’t give me a boneless pizza, then that means they’re selling pizzas with bones in them. In light of the Su-

preme Court decision, I understand that there’s no use in advertising boneless pizza when there’s no guarantee that there aren’t bones. I’m just asking them to take a bit of extra care with my order to make sure there are no bones in my pizza. They act like that’s an unreasonable request. I’m tired of arguing and going hungry when pizza shops refuse to serve me. Now I’m running out of restaurants to call as each pizza shop thinks that I’m pranking them when I’m following common sense. I just want my BONELESS Pizza! Am I wrong for asking the restaurant to assure me that their food is safe to eat?

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California's New Bar Exam Rollover Ends In Disaster

Reece Barnett

Gavel Contributor

California. The Golden State. Home to what is rumored to be the hardest bar exam in the country. And it just got harder... and far more chaotic.

California is not a UBE state, but it has always used MBE questions for the multiple-choice portion of their exam. However, this time around (to save money) the state rolled out a new bar... and the rollout promptly failed.

Back in October, the Supreme Court of California ruled that the bar exam can be administered both in person and remote. Additionally, it ruled that the new bar exam the State Bar came up with could be administered.

When it comes to remote exams, technological glitches are expected, but for February test takers, it didn't matter if they were taking the test remotely or in person; they were in for a bad time. Already anticipating problems, the State Bar offered a refund and a fee waiver to take the July test. Over 900 people took the Bar up on its offer, and those who didn't, later wished they did.

From simple complaints of a proctor yelling at a remote taker to sit up (I guess he was slouching???) to an in-person proctor submitting someone's exam before she was done, to proctors allowing prohibited items in the exam room, the first day was rough. And that's not including the issues with the actual exam. Reports came out that in addition to a myriad of technological issues (not just for the remote takers) that caused people to not be able to finish, some of the questions had various typos or didn't include enough information for test takers to

be able to answer the question in general let alone correctly. Timing issues were also reported and multiple crashes happened on the second day. Moreover, there were complaints that the test included subjects that no one was prepared for. Then there was one taker who, after she finished, promptly got a message on her screen saying that she got a 0.00% and had failed the exam. February Bar results are usually issued in May.

Test takers took to the internet to express frustration over not being able to finish, with one stating that her job offer was contingent on May results and she can't afford to live in California if she has to wait until July, and another adding that he can't pay off his student loans without an attorney's salary. The State Bar apologized and offered a retake date that was initially March 4 and 5, until they got word that people were posting the exam questions online and postponed it to March 18 and 19 while it hunts down the test takers who posted the questions and potentially ban them from being licensed by the state. It later came out that only 85 people were granted permission for the retake.

Adding fuel to the fire were the various California law school deans who already had expressed grave concern to the California Supreme Court about the new exam and are now speaking out. The Dean of Southwestern went so far as to say the State Bar should give the February takers a provisional license as they had done during the pandemic. And a trio of test takers has filed a lawsuit against the exam vendor Meazure Learning for technical issues, though not the State Bar itself. The lawsuit

includes complaints about poor connections, crashing software, and even test sections that wouldn't save. Due to the lawsuit Sen. Tom Umberg representing Santa Ana said the (California) Senate Judiciary Committee will be conducting a detailed examination into this situation.

Meanwhile, the law schools are trying to help students mitigate damages. Many of the February test takers find themselves in financial trouble. Most of them left their jobs to study for the bar. One student who was harmed paid \$2,600 to travel all the way from Africa to take the exam. Thomas Jefferson School of Law professor Edmond Aruffo has teamed up with UC Irvine's School of Law assistant dean for academic skills, Mary Basick, to create a brief cram course for students who missed their chance to pass the exam this time.

While the lawsuit isn't against the State Bar, the potential implications will affect it. First and foremost, this lawsuit won't be resolved before March 18; if test takers are lucky, it will be resolved prior to July. Secondly, it calls into question what exam should be given to the July test takers. Due to intervention by the California Supreme Court, the July exam will be administered in person only. However, as applicants discovered when the application finally opened on March 27, 2025, the format and questions of the multiple choice portion are still up in the air as well as the exam software provider. At least the State Bar was nice enough to waive the late filing fee if bar applicants can't submit their application by the April 1 deadline.

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