

Faculty Focus

October 2006



Masumi Hayashi, Cultural Gardens no. 1 (Yugoslavian)
In Memoriam, 1945-2006

FACULTY PUBLICATIONS

David Barnhizer, *Truth or Consequences in Legal Scholarship?*, 33 HOFSTRA L. REV. 1203 (2005).

David Barnhizer, *A Chilling of Discourse*, 50 ST. LOUIS U. L.J. 361 (2006).

David Barnhizer, *Foreword: Propertization, Contract, Competition, and Communication: Law's Struggle to Adapt to the Transformative Powers of the Internet*, 54 CLEV. ST. L. REV. 1 (2006).

David Barnhizer, *Waking from Sustainability's "Impossible Dream": The Decisionmaking Realities of Business and Government*, 18 GEO. INT'L ENVTL. L. REV. 595 (2006).

Susan J. Becker, *Many are Chilled but Few are Frozen: How Transformative Learning in Popular Culture, Christianity, and Science will Lead to the Eventual Demise of Legally Sanctioned Discrimination Against Sexual Minorities in the United States*, 14 AM. U. J. GENDER SOC. POLY & L. 177-252 (2006).

April L. Cherry, *The Detention, Confinement, and Incarceration of Pregnant Women for the Benefit of Fetal Health*, COLUM. J. GENDER & L. (forthcoming this fall).

In 2006, **Phyllis L. Crocker** became one of the co-authors of Katz & GIANNELLI, CRIMINAL LAW (2D ED. 2003) part of Baldwin's Ohio Practice Series. She took over Bev Blair's sixteen chapters and the Forms volume after Bev moved to Florida. Her chapters cover everything from Appeals and Post-Conviction to Theft, Fraud, and Offenses Against Justice and Public Administration.

Dena S. Davis, *Genital Alteration of Female Minors*, chap. 3 in CUTTING TO THE CORE: EXPLORING THE ETHICS OF CONTESTED SURGERIES, ED. DAVID BENATAR (Rowman & Littlefield, 2006).

Kathleen C. Engel, *Do Cities have Standing? Redressing the Externalities of Predatory Lending* 38 CONN. L. REV. 355 (2006).

Joan Flynn, *Bowling Alone But Working Together*, 26 BERKELEY J. EMP. & LABOR L. 607 (2005) (reviewing CYNTHIA ESTLUND, WORKING TOGETHER: HOW WORKPLACE BONDS STRENGTHEN A DIVERSE DEMOCRACY (2003)).

David Forte, *Islam's Trajectory*, The Foreign Policy Research Institute website (<http://www.fpri.org/enotes/200609.religion.forte.islamtrajectory.html>).

David Forte, Book Review of BRUCE ACKERMAN'S, THE FAILURE OF THE FOUNDING FATHERS, THE CLAREMONT REVIEW OF BOOKS (summer 2006).

Deborah A. Geier, *The Taxation of Income Available for Discretionary Use*, 25 VA. TAX REV. 765 (2006).

Deborah A. Geier, *Should the Home Mortgage Interest Deduction be Reduced?* 25 Newsquarterly: ABA Section of Taxation Newsletter no. 2, p. 10 (Winter 2006).

Dennis Keating, Book Review of PROMISE AND BETRAYAL: UNIVERSITIES AND THE BATTLE FOR SUSTAINABLE URBAN NEIGHBORHOODS, INT'L J. URB. & REGIONAL RES. (forthcoming this fall).

Claire Robinson May, *Teaching Persuasion and Critical Thinking Using the State of the Union Address* issue, THE LAW TEACHER (Spring 2006).

Kunal Parker, *Context in Law and History: The Late Nineteenth Century American Jurisprudence of Custom*, LAW & HIST. REV. (forthcoming 2006).

Chris Sagers, *Monism, Nominalism, and Public-Private in the Work of Margaret Jane Radin*, 54 CLEV. ST. L. REV. 219 (2006).

Chris Sagers, *The Demise of Regulation in Ocean Shipping: A Study in the Evolution of Competition Policy and the Predictive Power of Microeconomics*, 39 Vand. J. Transnat'l L. (forthcoming 2006).

Mark Sundahl, *International Secured Transactions and Insolvency*, 40 INT'L LAW. 381 (2006) (with S.J. Roberts, J. Carruth & W.D. Stuber).

Mark Sundahl, *The "Cape Town Approach": A New Method of Making International Law*, 44 COLUM. J. TRANSNAT'L L. 339 (2006).

Mark Sundahl, *The Cape Town Convention: Unleashing Capital for the Space Industry*, in CONFERENCE PROCEEDINGS OF THE ISRO/IISL SPACE LAW CONFERENCE 2005: BRINGING SPACE BENEFITS TO THE ASIAN REGION (Rajeev Lochan ed., 2006).

Steven H. Steinglass, "An Introduction to State Court 1983 Litigation," in SWORD AND SHIELD: A PRACTICAL APPROACH TO SECTION 1983 LITIGATION. (3d ed. 2006) (fall 2006).

Steven H. Steinglass, 2007 SUPPLEMENT, STEINGLASS, SECTION 1983 LITIGATION IN STATE COURTS (December 2006).

SPEAKING ENGAGEMENTS

On August 11th, **Susan Becker** presented (with C-M Adjunct Professor Frank Osborne) a day-long program for Ohio magistrates which they titled "Selected Rules of Civil Procedure: Common Issues and Hidden Problems." This seminar was sponsored by the Ohio Judicial College and held at the Mohican Resort and Conference Center.

Dena Davis co-presented a paper on "Cloning and Identity in Western and Confucian Contexts," at the XXth European Conference on Philosophy of Medicine and Healthcare, in Helsinki.

Kathleen Engel will be presenting her work on the impact of predatory lending on home ownership initiatives at the Fair Housing and Lending Conference sponsored by HID and Housing Advocates, Inc. on October 20, 2006.

In July, **Dennis Keating** co-chaired the track on Planning Law and Property Rights at the World Planning Schools Congress held in Mexico City.

In addition, **Dennis** will be:

- presenting a paper on Rental Housing Abandonment at a Rental Housing Summit sponsored by the Joint Center on Housing Studies at Harvard University and underwritten by the McArthur Foundation,
- participating in a national community builders conference on Inclusionary Housing sponsored by the Lincoln Institute on Land Policy (Cambridge), and
- presenting a paper on the history of diversity policies in Oak Park, Illinois at the annual conference of the Association of

the Collegiate Schools of Planning.

Michael Slinger spoke at the Middle Managers Breakfast on the Topic of “Working with Your Boss to Support Your Career and Job Satisfaction.”

Steven H. Steinglass

- Practising Law Institute, Section 1983 Civil Rights Litigation (October 27, 2005).
- Cleveland Bar Association, Government Attorney Section, “Home Rule in Ohio” (March 15, 2006).
- “Home Rule, Residency Requirements, and Economic Development,” Duvin Cahn Employment Labor Seminar (October 26, 2006).
- “Federal Jurisdiction Update,” Advanced Federal Practice Seminar, Federal Bar Association (November 17, 2006).

Adam Thurschwell has been invited to speak at:

- the "Centennial Conference on Levinas and Law" at McGill University on September 16-18,
- a symposium titled "The New Exceptionalism: Law and Literature Since 9/11" at Cardozo Law School on October 29, and
- a symposium titled "Killing States: Lethal Decisions/Final Judgments" at Amherst College on November 4-5.

David Forte’s speaking engagements:

- “Islam, Law, & Human Rights,” at History Institute for Teachers, Foreign Policy Research Institute, Bryn Mawr, Pennsylvania, May 7, 2006.
- Seminar with Iraqi members of Parliament, constitutional council, press, and professorate on formulating amendments to the Iraqi constitution, National Democratic Institute, Amman, Jordan, April 29-May 3, 2006.
- “The Ten Commandments and the Law,” Jewish Law Students Association and Christian Legal Society, Cleveland-Marshall College of Law, April 25, 2006.
- “Abortion and the Constitution,” debate with Professor Patricia Leary, Whittier Law School Democrats, Federalist Society, Costa Mesa, California, April 21, 2006.
- “Jihad and Democracy,” Orange County Lawyers’ Federalist Society, Irvine, California, April 20, 2006.
- “Islam v. Democracy,” Chapman University School of Law Federalist Society, Anaheim, California, April 20, 2006.
- “The Future of Roe v. Wade,” Western State University Law School, Fullerton, California, April 19, 2006.
- Testimony on H.R. 5037, “Respect for America’s Fallen Heroes Act.” Committee on Veterans’ Affairs, Subcommittee on Disability Assistance and Memorial Affairs,” April 18, 2006.
- “Freedom and the Constitution,” The Heritage Foundation Annual Leadership Conference, Miami, Florida, April 6, 2006.
- “What Happens When Hamas Wins Elections?” Florida Intercoastal University School of Law Federalist Society, Miami, Florida, April 5, 2005.
- “Faith, Freedom, and America’s Middle East Policy,” Notre Dame School of Law Federalist Society, Notre Dame, Indiana, April 3, 2006.
- “Just War, Jihad, and Terrorism: The American Response,” Philadelphia Society, Philadelphia, Pennsylvania, April 1, 2006.
- “Originalism and the Constitution,” seminar for high school teachers, Ashbrook Institute, Ashland University, Ashland, Ohio, March 25, 2006.
- “Originalism and the New Supreme Court,” University of Texas Law School Federalist Society, Austin, Texas, March 6, 2006.
- “Is Islam Compatible with Democracy?” Austin Lawyers’ Federalist Society, Austin, Texas, March 6, 2006.
- “The Constitution and the New Supreme Court,” First Unitarian Church of Cleveland, March 5, 2006.

DID YOU KNOW?

Susan Becker has been serving on the Supreme Court of Ohio's Commission on Rules of Practice and Procedure for the past three years. The Commission is comprised of 19 judges, magistrates, and lawyers who represent various geographical and philosophical perspectives on the practice of law in this state and who are charged with reviewing and, where appropriate, recommending amendments to the Court for the Ohio Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Evidence, Juvenile Rules, and other Ohio rules. Effective January 1, 2006, Susan was appointed Chair of the Commission's Civil Rule Committee, and is managing an ambitious docket of possible amendments to a number of Ohio's civil rules.

Dena Davis taught an intensive bioethics course in June that included Prof. Noam Zohar of Bar-Ilan University in Israel as co-teacher, and five Bar-Ilan students, as well as Cleveland-Marshall students. The topic was assisted reproductive technology. Dena also taught "International Biomedical Ethics" in our Russia program in St. Petersburg in July.

This last summer, **David Forte** attached the 25th Congress of the Pontifical Council for the Family at the Vatican (in which body he serves as Consultor). At the end of the Congress, he had an audience with Pope Benedict. He also gave a lecture on "The Tradition of Originalism in United States Constitutional Interpretation" to the graduate seminar on Comparative Constitutional Law at the University of Trento. In Amman, Jordan, under the auspices of the National Democratic Institute, he advised 40 Iraqi officials on possible amendments to the Iraqi constitution.

Kunal Parker is the holder of the prestigious NYU Golieb Fellowship in Legal History. Only three or four fellowships are awarded every year.

The comments that **Chris Sagers** drafted for the ABA to the U.S. Antitrust Modernization Commission have finally been submitted and can be viewed at the Commission's website, along with an authorship acknowledgement (see fn 2).
http://www.amc.gov/public_studies_fr28902/immunities_exemptions_pdf/060317_ABA_Shipping_Act.pdf

Michael Slinger just completed his term as *Chair of the Academic Law Libraries Special Interest Section of the American Association of Law Libraries*. As ALL-SIS Chair, Michael presided over the ALL-SIS Business Meeting and the ALL-SIS Awards Ceremony at the AALL Annual Meeting (the principal meeting and professional organization for law librarians). This year, he will serve as ALL-SIS's Past Chair on its Executive Board.

Steve Steinglass wrote the following op-ed pieces: "City's residency rule hinges on debate of 'original intent,'" *The PLAIN DEALER*, Feb. 17, 2006, and "Supreme Court Not Likely to Resolve Issues Concerning Ohio Investment Tax Credit," *The AKRON BEACON JOURNAL*, Mar. 20, 2006 (discussing *Cuno v. DaimlerChrysler*).

Stephen J. Werber was elected as an Honorary Trustee of the Cleveland Marshall Law Alumni association and was elected as a member of the Board of Trustees and Vice President of the Laura and Alvin Siegal College of Judaic Studies.