

Faculty Focus

December 2006

Cleveland State
University
Cleveland-Marshall College of Law



Jeffrey A. Coryell, Morning Geometry

FACULTY PUBLICATIONS

Stephen W. Gard, *Bearing False Witness: Perjured Affidavits and the Fourth Amendment*, LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES, CLEVELAND-MARSHALL COLLEGE OF LAW, Vol. 2, No. 3: December 8, 2006.

Daniel R. Karon, "How Do You Take Your Multi-State, Class-Action Litigation? One Lump or Two?" *Infusing State Class-Action Jurisprudence into Federal, Multi-State, Class-Certification Analyses in a "CAFA-Nated" World*, 46 SANTA CLARA L. REV. 567 (2006). (adjunct faculty member teaching Class-Action Law).

Dennis Keating, *Lessons from a Chicago Saga*, essay review of ALEXANDER POLIKOFF, WAITING FOR GAUTREAUX: A STORY OF SEGREGATION, HOUSING, AND THE BLACK GHETTO (2006) in SHELTERFORCE (forthcoming 2007).

Kunal Parker, *Context in History and Law: A Study of the Late Nineteenth-Century American Jurisprudence of Custom*, 24 LAW & HIST. REV. 473 (2006).

Alan Weinstein

- *Anti-Defamation League*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (P. Finkelman, ed., 2006).
- *Low-Value Speech*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (P. Finkelman, ed., 2006).
- *O'Brien Content-Neutral Free Speech*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (P. Finkelman, ed., 2006).
- *Zoning Laws and Freedom of Speech*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (P. Finkelman, ed., 2006).
- *Due Process and Equal Protection*, in PLANNING & URBAN DESIGN STANDARDS (2006) (with B. Blaesser, S. Sizemore, & S. Meck).
- *Eminent Domain, Takings and Exactions*, in PLANNING & URBAN DESIGN STANDARDS (2006) (with B. Blaesser, S. Sizemore, & S. Meck).
- *Freedom of Religion and Expression*, in PLANNING & URBAN DESIGN STANDARDS (2006) (with B. Blaesser, S. Sizemore, & S. Meck).
- *Property Rights, Police Power, Nuisance and Vested Rights*, in PLANNING & URBAN DESIGN STANDARDS (2006) (with B. Blaesser, S. Sizemore, & S. Meck).

James G. Wilson

- *Americanization*, in ENCYCLOPEDIA OF THE NEW AMERICAN NATION (P. Finkelman, ed., 2006).
- *Expansion*, in ENCYCLOPEDIA OF THE NEW AMERICAN NATION (P. Finkelman, ed., 2006).
- *The Concept of Empire*, in ENCYCLOPEDIA OF THE NEW AMERICAN NATION (P. Finkelman, ed., 2006).
- *Wealth Distribution*, in ENCYCLOPEDIA OF THE NEW AMERICAN NATION (P. Finkelman, ed., 2006).

SPEAKING ENGAGEMENTS

Dena Davis attended a public symposium on "Emerging Issues in Human Embryonic Stem Cell Research" organized by the National Academy of Sciences in Washington

D.C. Dena also attended the Annual Meeting of the American Academy of Religion in Washington, D.C., where she participated in a woman's mentoring lunch.

David Forte gave the following addresses:

“Mosque and State: Religio-Political Conceptions of Islamic Society,” John Jay Institute for Public Policy, Colorado Springs, Colorado, December 7, 2006.

“The Constitutional Justification for the Partial Birth Abortion Act,” debate with Professor Hadley Arkes, Amherst College, at University of St. Thomas Law School, Minneapolis, Minnesota, December 1, 2006.

“The Constitution and the Ten Commandments,” Orlando Lawyers’ Federalist Society, Orlando, Florida, November 22, 2006.

“Can Moderate Islam Find Its Voice?” Barry University Law School, Orlando, Florida, November 20, 2006.

“Justice Kennedy and Abortion,” Cleveland Lawyers for Life, November 14, 2006.

On November 16, 2006, **Arthur Landever** spoke on "*The Founders and Slavery*" as part of the Cleveland-Marshall Faculty Speaker Series organized by Michael Slinger.

DID YOU KNOW?

Kathleen Engel and Pat McCoy will be guest bloggers on "creditslips" during the week of 12/11/06 (www.creditslips.org).

Claire Robinson May was recently elected to the Executive Committee of the Cuyahoga County Democratic Party.

Kunal Parker received a \$5,000 grant from the William Nelson Cromwell Foundation to assist in dissertation writing and research.

Kunal Parker was asked to be on the organizing committee for the American Society for Legal History's annual conference next year.

Mark Sundahl spearheaded an effort as part of the Space Working Group for the UNIDROIT Cape Town Convention to seek public comment on the draft Space Assets Protocol by means of the premier space law blog, *Space Law Probe*. As the blog author says, this posting is “an exciting digital experiment in interactive treaty-making via the blogosphere.” The post appeared on December 7th and can be found here: <http://spacelawprobe.blogspot.com>

Coincidentally, two recent law review articles discuss former faculty members **Lizabeth Moody** and **Jane Picker** and their pioneering roles as women law professors.

Jo Carol Nessel- Sale, *Seventh General Issue of Gender and Sexuality Law: From Sideline to Frontline: The Making of a Civil Rights Plaintiff—A Retrospective by the Plaintiff in Cleveland Board of Education v. LaFleur, A Landmark Pregnancy Discrimination Case*, 7 GEO. J. GENDER & L. 1 (2006).

“n16 . . . By 1972 Ms. **Picker** and **Lizabeth Moody**, another Cleveland lawyer, had founded the Women's Law Fund, Inc., a non-profit corporation. Seeded by Ford Foundation money, the Women's Law Fund litigated sex and employment discrimination claims throughout the United States, and took over the funding of my litigation. . . .

n18 . . . In the summer of 1971 Ms. **Picker** left Squire, Sanders & Dempsey and began a one-year stint that fall at Case Western Reserve Law School, where she taught Ohio's first course on Women and the Law. In 1972 Ms. Picker accepted a tenure track position at **Cleveland Marshall College of Law**, where she established its Sex Discrimination Clinic (which became an Employment Discrimination Clinic) and remained a professor of law until she took emeritus status in 2002.”

Margaret V. Sachs, *Symposium: Women and the "New" Corporate Governance: Women in Corporate Law Teaching: A Tale of Two Generations*, 65 MD. L. REV. 666 (2006).

“Also in 1970, **Lizabeth A. Moody** became the second woman member of the tenure-track faculty at Cleveland State University, **Cleveland-Marshall College of Law**. She is currently Distinguished University Professor at Stetson University College of Law and was previously Stetson's Dean. . . .” (emphasis added, footnotes omitted)

IN THE NEWS

David Forte had an op-ed in the November 17 edition of the *Plain Dealer*: "More smoke-free than you thought: An unreasonable limit on smoking." You may read the article on the link below:
<http://www.cleveland.com/search/index.ssf?/base/opinion/1163757715188080.xml?ocoth&coll=2>

Candice Hoke is quoted in the following articles:

Joan Mazzolini, *Thousands Voted Illegally: Cuyahoga Failed to Ensure Signatures*, PLAIN DEALER, December 5, 2006.

Alaina Fahy, 2006: *An Election Odyssey*, LANCASTER EAGLE GAZETTE (OHIO), November 29, 2006.

Joe Guillen, *NAACP Hears Horror Stories of Earlier Elections*, PLAIN DEALER, November 15, 2006.

Still Imperfect, But Much Better, PLAIN DEALER, November 10, 2006.

Brit Hume et al., *The Mid-Terms Elections*, FOX NEWS NETWORK, November 7, 2006.

Mark Niquette, *Election Day Forecast: Problems Likely; Flurry of Changes, New Gear Worry Experts*, THE COLUMBUS DISPATCH, November 6, 2006.

Chris Levister, *Did My Vote Count?*, November 14 edition of a California on-line newsletter, blackvoicenews.com. You may read the article on this link:
<http://www.blackvoicenews.com/content/view/40105/4/>

A recent issue of *Vim & Vigor*, the publication of the Euclid, Hillcrest, Huron, and South Pointe Hospitals, features an article on Professor of Law and Urban Studies **Dennis Keating**, "Back on the Go," and his recovery from heart by-pass surgery.

Alan Weinstein is quoted in the following articles:

Thomas Ott, *Cuyahoga County Judges Cutting Down Foreclosure Backlog : CSU Study Finds Cases Take Under a Year, not 18 Months*, PLAIN DEALER, November 26, 2006. You may read the article on the link below:
<http://www.cleveland.com/printer/printer.ssf?/base/cuyahoga/1164361676108030.xml&coll=2>

Olivera Perkins, *Top Court Overturns Predatory Loan Ban: Ohio Justices Find Cleveland Law Unconstitutional*, PLAIN DEALER, November 21, 2006. See below.
<http://www.cleveland.com/plaindealer/stories/index.ssf?/base/cuyahoga/1164102591102070.xml&coll=2>

Jay Miller, *Study: Foreclosure Program Helping Cuyahoga Residents*, CRAIN'S CLEVELAND BUSINESS on the web, November 16, 2006. You may read the article on the link below.
<http://www.crainscleveland.com/apps/pbcs.dll/article?AID=/20061116/FREE/61116010/1004&Profile=1004&template=printart>

GOOGLE BOOK SEARCH RESULTS

Here are the results of a Google Scholar Book search I conducted of the law faculty.

RICHARD PIERRE CLAUDE & BURNS H. WESTON (eds.), *RIGHTS IN THE WORLD COMMUNITY: ISSUES AND ACTION* (3d ed. 2006) (citing Michael Ratner, *Civil Remedies for Gross Human Rights Violations* in **DAVID BARNHIZER** (ed.), *EFFECTIVE STRATEGIES FOR PROTECTING HUMAN RIGHTS* (2001)).

WILLIAM L. LEAP, *PUBLIC SEX/GAY SPACE* (1999) (citing **Susan J. Becker**, *The Immorality of Publicly Outing Private People*, 73 OR. L. REV. 159 (1994)).

IAN AYRES, PERVERSIVE PREJUDICE?: UNCONVENTIONAL EVIDENCE OF RACE AND GENDER DISCRIMINATION (2001) (citing **Gordon J. Beggs**, *Novel Expert Evidence in Federal Civil Rights Litigation*, 45 AM. U. L. REV. 1 (1995)).

HETEROSEXUAL SUPPORT FOR GAY RIGHTS (2005) (citing **April L. Cherry**, *Nurturing in the Service of White Culture: Racial Subordination, Gestational Surrogacy, and the Ideology of Motherhood*, 10 TEXAS J. WOMEN & THE LAW 83 (2001)).

VICTOR L. STREIB, THE FAIRER DEATH: EXECUTING WOMEN IN OHIO (2006) (citing **Phyllis L. Crocker**, *Is the Death Penalty Good for Women*, 4 BUFF. CRIM. L. REV. 917 (2001)).

HELGA KUHSE & PETER SINGER, BIOETHICS: AN ANTHOLOGY (2006) (citing **Dena S. Davis**, *Genetic Dilemmas and the Child's Right to an Open Future*, HASTINGS CENTER REPORT, April/May, 1997).

WILLIAM LANDES & RICHARD A. POSNER, THE POLITICAL ECONOMY OF INTELLECTUAL PROPERTY LAW (2004) (citing **Michael H. Davis**, *Extending Copyright and the Constitution: Have I Stayed too Long?*, 52 FLA. L. REV. 989 (2000)).

WILLIAM D. POPKIN, STATUTES IN COURT—CL: THE HISTORY AND THEORY OF STATUTORY INTERPRETATION (1999) (citing **Veronica Dougherty**, *Absurdity and the Limits of Liberalism: Defining the Absurd Result Principle in Statutory Interpretation*, 44 AM. U. L. REV. 127 (1994)).

GREGORY D. SQUIRES (ed.), WHY THE POOR PAY MORE: HOW TO STOP PREDATORY LENDING (2004) (citing **Kathleen C. Engel** & Patricia A. McCoy, *A Tale of Three Markets: The Law and Economics of Predatory Lending*, 80 TEX. L. REV. 1255 (2002)).

CYNTHIA LEE, MURDER AND THE REASONABLE MAN: PASSION AND FEAR IN THE CRIMINAL COURTROOM (2003) (citing **Patricia J. Falk**, *Novel Theories of Criminal Defense Based Upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage*, 74 N.C. L. REV. 731 (1996)).

DAVID FELLMAN, THE DEFENDANT'S RIGHTS TODAY (1976) (citing **Joel J. Finer**, *Ineffective Assistance of Counsel*, 58 CORNELL L. REV. 1077 (1973)).

WILLIAM B. GOULD IV, LABORED RELATIONS: LAW, POLITICS, AND THE NLRB—A MEMOIR (2000) (citing **Joan Flynn**, *Allentown Mack: A Happy Exemplar of the Law of Unintended Consequences?*, 49 LABOR L.J. 983 (1998)).

HOWARD P. KAINZ, NATURAL LAW: AN INTRODUCTION AND RE-EXAMINATION (2004) (citing **DAVID F. FORTE** (ed.), *NATURAL LAW AND CONTEMPORARY PUBLIC POLICY* (1998)).

DAVID KRETZMER & FRANCINE KERSHMAN HAZAN (eds.), FREEDOM OF SPEECH AND INCITEMENT AGAINST DEMOCRACY (2000) (citing **Stephen W. Gard**, *Fighting Words as Free Speech*, 58 WASH. U. L.Q. 531 (1980)).

LAWRENCE M. FRIEDMAN, A HISTORY OF AMERICAN LAW (3rd ed. 2004) (citing **Peter D. Garlock**, “*Wayward*” *Children and the Law, 1820-1900: The Genesis of the Status Offense Jurisdiction of the Juvenile Court*, 13 GA. L. REV. 341 (1979)).

STEPHEN E. GOTTLIEB, MORALITY IMPOSED: THE REHNQUIST COURT AND THE STATE OF LIBERTY IN AMERICA (2000) (citing **Deborah A. Geier**, *Power and Presumptions: Rules and Rhetoric; Institutions and Indian Law*, 1994 BRIGHAM YOUNG U. L. REV. 451).

CATANA BROWN (ed.), RECOVERY AND WELLNESS: MODELS OF HOPE AND EMPOWERMENT FOR PEOPLE WITH MENTAL ILLNESS (2001) (citing **SHELDON GELMAN**, *MEDICATING SCHIZOPHRENIA: A HISTORY* (1999)).

JIM ROSSI, REGULATORY BARGAINING AND PUBLIC LAW (2005) (citing **Candice Hoke**, *Preemption Pathologies and Civic Republican Values*, 71 B.U. L. REV. 685 (1991)).

BRITISH LIBRARY OF POLITICAL AND ECONOMIC SCIENCE, INTERNATIONAL BIBLIOGRAPHY OF THE SOCIAL SCIENCES: 1998 (citing **Lolita Buckner Inniss**, *Dutch Uncle Sam—Immigration and the Family*, 36 BRANDEIS J. FAM. L. 177 (1997)).

EVELYN GONZALEZ, THE BRONX (2004) (citing **W. Dennis Keating & Janet Smith**, *Past Federal Policy for Urban Neighborhoods* in **W. DENNIS KEATING ET AL**, *REBUILDING URBAN NEIGHBORHOODS: ACHIEVEMENTS, OPPORTUNITIES, AND LIMITS* (1996)).
DAVID ARCHARD, CHILDREN: RIGHTS AND CHILDHOOD (1993) (citing **Arthur Landever**, *The Rights of Children in America: The Differing Perspectives*, 5 POLY L. REV. 19 (1979)).

AMERICAN BAR ASSOCIATION, CRIMINAL ANTITRUST LITIGATION HANDBOOK (2006) (“Many lawyers drafted portions of, or otherwise assisted in the preparation of, various chapters or reviewed and polished the work of others. Among them were: ...**Geoffrey Mearns**...”).

GERALD B. CHATTMAN, AN EDUCATION IN MURDER (1998) (“And to my special friend, **Karin Mika**, who was the impetus for this project, its editor, agent, and chief cheerleader when no end was in sight.”)

ERAN BEN-JOSEPH & TERRY S. SZOLD (eds.), REGULATING PLACE: STANDARDS AND THE SHAPING OF URBAN AMERICA (2005) (citing **Kevin Francis O’Neill**, *Disentangling the Law of Public Protest*, 45 LOY. L. REV. 411 (1999)).

CHANDRA MALLAMPALLI, CHRISTIANS AND PUBLIC LIFE IN COLONIAL SOUTH INDIA, 1863-1937: CONTENDING WITH MARGINALITY (2004) (citing **Kunal Parker**, “A

Corporation of Superior Prostitutes”: *Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800-1914*, 32 MODERN ASIAN STUDIES 55 (1998)).

RUTH COLKER, THE DISABILITY PENDULUM: THE FIRST DECADE OF THE AMERICANS WITH DISABILITIES ACT (2005) (“This work benefited from the research assistance of John Deeds, Michelle Evans, **Brian Ray**, Stephanie Smith, and Paul Wilkins.”)

TODD S. DAVIS, BROWNFIELDS: A COMPREHENSIVE GUIDE TO REDEVELOPING CONTAMINATED PROPERTY (2002) (citing Robert A. Simons & **Heidi Gorovitz Robertson**, *Deed Restrictions and Other Institutional Controls as Tools to Encourage Brownfield Redevelopment*, 7 ENVTL. L. & PRAC. 1 (1999)).

GARY L. HILL, TEACHING LEGAL RESEARCH AND PROVIDING ACCESS TO ELECTRONIC RESOURCES (2001) (citing **Michael J. Slinger**, *Legal Research Instruction at Notre Dame*, 2 INTEGRATED LEGAL RES. 8 (1990)).

JAMES L. SWANSON & RICHARD A. EPSTEIN, CATO SUPREME COURT REVIEW, 2001-2002 (citing **Lloyd B. Snyder**, *The Constitutionality and Consequences of Restrictions on Campaign Speech by Candidates for Judicial Office*, 35 UCLA L. REV. 207 (1987)).

STEPHEN L. WASBY. RACE RELATIONS LITIGATION IN AN AGE OF COMPLEXITY (1995) (citing **Steven H. Steinglass**, *The Emerging State Court § 1983 Action: A Procedural Review*, 38 U. MIAMI L. REV. 407 (1984)).

SUSAN BORDO, UNBEARABLE WEIGHT: FEMINISM, WESTERN CULTURE, AND THE BODY, Tenth Anniversary Edition (2004) (citing **Adam Thurschwell** & Drucilla Cornell, *Feminism, Negativity, Intersubjectivity* in SEYLA BENHABIB & DRUCILLA CORNELL (eds.), *FEMINISM AS CRITIQUE* (1987)).

BARUCH A. BRODY, ET AL., MEDICAL ETHICS: ANALYSIS OF ISSUES RAISED BY THE CODES, OPINIONS, AND STATEMENTS (2001) (citing **Barbara J. Tyler**,).

MARSHALL J. BERGER ET AL., (EDS.), FEDERAL ADMINISTRATIVE DISPUTE RESOLUTION DESKBOOK (2000) (citing Lawrence Susskind & **Alan Weinstein**, *Towards a Theory of Environmental Dispute Resolution*, 9 BC ENVTL. AFF. L. REV. 311 (1980)).

MICHAEL LES BENEDICT & JOHN F. WINKLER, HISTORY OF OHIO LAW (2004) (citing **Stephen J. Werber**, *Overview of Ohio Products Liability Law*, 43 CLEV. ST. L. REV. 379 (1995)).

GEORGE W. CAREY, THE FEDERALIST: DESIGN FOR A CONSTITUTIONAL REPUBLIC (1995) (citing **James G. Wilson**, *The Most Sacred Text: The Supreme Court’s Use of the Federalist Papers*, 1985 BYU L. REV. 65)).