

Faculty Focus

January 2007

Cleveland State
University
Cleveland-Marshall College of Law



© Phyllis Seltzer, Court House C
<http://www.phyllisseltzer.com>

FACULTY PUBLICATIONS

Dena Davis's article, "Moral Ambition: The Sermons of Harry A. Blackmun," was published in 72 *BROOKLYN LAW REVIEW* 211 (2006).

Russell Sage will be including an article that **Kathleen Engel** and Patricia McCoy wrote, "*Predatory Lending and Community Development at Loggerheads*," in a book entitled *COMMUNITY DEVELOPMENT FINANCE*, to be published in 2007.

Patricia J. Falk, *The Three Marital Exemptions in Ohio's Rape Statute*, 88 *LAW & FACT* 24 (2007) (a publication of the Cuyahoga County Bar Association).

Steve **Steinglass** has a short article coming out in the February 2007 *Cleveland Bar Journal* entitled "Federal Jurisdiction Update: The Supreme Court's Two Most Recent Terms."

Mark Sundahl recently completed the 2006 Update to California Secured Transactions Under Revised Article 9 of the Uniform Commercial Code.

SPEAKING ENGAGEMENTS

Dena Davis gave two lectures as part of a December 16-17 conference on "Ethical Issues and Genetic Counseling in Mental Illness" held at Ram Manohar Lohia Hospital, New Delhi, and funded by the Fogarty Int'l Center at NIH.

David Forte:

“What Will Justice Kennedy Do?” Keynote Speaker, Mercer County Annual Pro-life Prayer Breakfast, Hermitage, Pennsylvania, January 20, 2007.

“U.S. Constitutional Law for Judges and Magistrates,” The Ohio Judicial College, Dublin, Ohio, December 19, 2006.

On December 19, 2006, **David F. Forte** and **Stephen R. Lazarus** were two of the three lecturers at the full-day "U.S. Constitutional Law Update" (the 2004 and 2005 terms of the U.S. Supreme Court) program presented by the Supreme Court of Ohio Judicial College in Columbus, Ohio. Professors Forte and Lazarus had presented earlier versions of the lectures at the Judicial College's Cleveland program on October 6th.

Carole Heyward, “Universal Design; Principles, Standards & Resources,” Ohio Housing Finance Agency, Conference on Affordable Housing, Columbus, Ohio, November 2006.

Carole Heyward, “Fair Housing for Realtors,” City of Shaker Heights, Ohio, October 2006.

Lolita Buckner Inniss, Feminist Fridays, Institute of Feminist Legal Studies, Osgoode Hall Law School, York University, Fall 2006, “The ‘Black Woman Question’: The Challenges of Articulating a Unique African Diasporic Legal Identity for Black Women in Canada and the United States.”

Kermit Lind, Presenter, “Implementing H.B. 294 For Fast-Track Tax Foreclosures: City, County and CDC Roles,” a workshop sponsored by the Vacant Property Coordinating Council in Cleveland, Ohio, December 7, 2006.

Kermit Lind, Presenter, “R.C. § 3767.41 Receivership: Practice and Procedure in the Cleveland Municipal Court, Housing Division,” co-sponsored by the Cleveland Housing Court; the Urban Development Law Clinic, Cleveland-Marshall College of Law; and Neighborhood Progress, Inc., December 8, 2006.

Lloyd Snyder, “The Ohio Rules of Professional Conduct: What’s New, What’s Not,” Federal Bar Association, December 15, 2006.

On February 5, **Steve Steinglass** will make a work-in-progress presentation at Akron Law School on "The Future of Home Rule in Ohio." This is one of three presentations that he will be making on various aspects of the Ohio Constitution. (On February 7, he will be discussing "Municipal Residency Requirements and the Ohio Constitution" at a faculty lunch, and that evening he will be discussing "The Future of the Ohio Constitution of 1851: Is It Rewrite Time" at a student presentation.)

IN THE NEWS

The December 18, 2006 edition of the New York Times had an article on **Michael Davis** and five students in his patent, copyright, and trademark class and their efforts to thwart an energy drink's trademark, "cocaine." Students **Irina Vinogradsky** and **Angela Simmons** are also quoted. You may read the article on the link below.

http://www.nytimes.com/2006/12/18/business/18cocaine.html?_r=1&adxnml=1&oref=slogin&adxnmlx=1166454912-GDwoIciCgty9rHpbLpwYzw

David Forte discussed "Ohio's dishonest smoking ban" on the Wes Sekeley Show, WEOL, Lorain-Elyria, Ohio, January 22, 2007.

Maya Payne Smart, *Need for Specialized Expertise Feeds Growing Use of Outsiders; Some Attorneys Find an Alternative for Research, Writing in Freelancers from as Far Away as India*, CRAIN'S CLEVELAND BUSINESS, January 8, 2007 (quoting **Brian Glassman**.)

Jon Newberry, *Minimum Wage Bill Specifies Exemptions*, THE CINCINNATI ENQUIRER (OHIO), December 21, 2006 (quoting **Kenneth Kowalski**.)

Alex Koppelman, *The Terrorist You've Never Heard Of*, SALON.COM, December 18, 2006 ("The fact that there are prosecutions of alleged terrorists using kind of more traditional, less controversial techniques, shows that those techniques actually can work in terror cases," says **Geoffrey S. Mearns**, the dean of Cleveland State University's Cleveland-Marshall College of Law, and a former assistant U.S. Attorney who was one of the prosecutors on the case of Oklahoma City bomber Terry Nichols. "I think that [the Crocker case] demonstrates the fact that through the use of traditional and constitutional law-enforcement techniques you can have a successful prosecution.")

On January 9, **Geoffrey S. Mearns** participated in a call-in show on WCPN. He addressed Governor Strickland's proposal for dealing with ethical violations by government employees.

Patrick O'Donnell, *High Court's Scalia Advocates Against "Activist" Judges*, PLAIN DEALER, January 11, 2007 ("For about 40 minutes, he fielded questions from the **deans** of both the **Cleveland-Marshall** and Case Western Reserve University law schools, who joined him in easy chairs before a crowd of about 850 at the InterContinental Hotel and MBNA Conference Center, then took a few from the audience.")

Steven H. Steinglass had an Op-Ed in the December 17 *Plain Dealer*, "Why Ohio Should Stay the Course," which addresses the question of whether Ohio should have a constitutional convention. You may read his article on this link:
<http://www.cleveland.com/search/index.ssf?/base/opinion/1166365802146960.xml?ocoth&coll=2>

In addition, **Steve Steinglass** also had a brief article on "Making Amendments," which you may read on the link below:
<http://www.cleveland.com/search/index.ssf?/base/opinion/1166261801183420.xml?ocoth&coll=2>

On December 26, the online *Milwaukee Journal Sentinel* posted an article by Marie Rohde, "Hillel building plan upsets neighbors: UMW-area residents protest razing houses for Jewish student center," which quotes **Alan Weinstein**. You may read the article on this link:
<http://www.jsonline.com/story/index.aspx?id=545973>

SERVICE ACTIVITIES

(excerpts from David Barnhizer's compilation)

Janice Aitken

Assistant Editor, *Journal of the Legal Writing Institute*, since 2006.

David Barnhizer

Consultant, Natural Resources Defense Council (NRDC) on a report relating to U.S. activities pursuant to commitments made by the US government at the Johannesburg Earth Summit.

Susan J. Becker

Serves on the Supreme Court of Ohio's Commission on Rules of Practice and Procedure since 2003 (formerly the Rules Advisory Committee) and since January 2006 has served as Chair of the Civil Rules Subcommittee. The Commission is charged with reviewing and making recommendations to the Supreme Court of Ohio on possible changes to Ohio's civil, criminal, juvenile, and appellate rules of court as well as the rules of evidence.

Gordon Beggs

Vice President and President (as of 12/05), of Community ReEntry, program for persons at risk and those formerly incarcerated.

April L. Cherry

Active in SALT (the Society of American Law Teachers).

Phyllis L. Crocker

Chair, Ohio Assessment Team for the ABA Death Penalty Moratorium Implementation Project.

Pamela Daiker-Middaugh

Director of the College of Law's Pro Bono Program. Each year she designs and implements *pro bono* and community service opportunities for law faculty, staff and students. This includes "hybrid" projects that combine both community and legal issues. In 2005 and 2006, Cleveland-Marshall law students contributed over 9,000 volunteer hours to the Greater Cleveland community. In 2004, the *Pro Bono Program* was named one of three outstanding community service initiatives in Northeast Ohio by City Year of Cleveland.

Dena Davis:

Member, Board of Trustees, the American Academy of Religion and also served as Chair (through 2005), and also a member of the AAR Committee on the Public Understanding of Religion. The AAR, with over 8,000 members, is the largest national learned society for scholars of religion.

Michael Davis

Director, Union for the Public Domain (Wash., D.C.).

Kathleen Engel

National Consumer Law Center, Member of Research Working Group (2002- present). In 2003, this group was responsible for putting on a significant national conference in Chicago.

Patricia Falk

Board of Trustees, Society of American Law Teachers.

Joan Flynn

Served on the ALI Members' Consultative Group for the Restatement of Employment Law Project and the International Jurisdiction and Judgments Project.

David Forte

Pontifical Council for the Family, Vatican, Consultor. As Consultor for the Pontifical Council for the Family, David meets with the Council every other year at the Vatican

where we prepare studies and recommendations on the family. In that connection, David has been able to meet Pope John Paul II three times and last year with Pope Benedict.

Deborah Geier

Member, ABA Tax Section, Teaching Taxation Committee (ongoing).

Brian Glassman

Drafted “Art Law Negotiation Problem,” National Round, A.B.A. Law Student Division Negotiation Competition (2004).

David Goshien

ALI Members Consultative Group on Restatement Third of Restitution

Candice Hoke

Monitor, Board of Elections, Cuyahoga County.

Carole Heyward

Member, Board of Directors, Legal Aid Society of Cleveland, 2004 to present; Secretary & Treasurer, 2005 to present; Chair, Strategic Planning Committee, 2005 to present; Chair, Finance & Audit Committee, 2006 to present.

Lolita K. Buckner Inniss

Legal Resource Team Member, American Bar Association/United Nations Development Program.

Dennis Keating

Board of Directors, Cleveland Civil War Roundtable, since May 2006.

Sandra Kerber

Member, Judicial Selection Committee Coalition for the State of Ohio judicial candidates, 2003 - present. The Committee interviews judicial candidates and makes recommendations by establishing ratings submitted to the voting public.

Kenneth Kowalski

Professor Kowalski’s work in the Employment Law Clinic results in substantial community involvement. The Clinic provides representation to individuals in employment matters in state and federal courts and administrative agencies.

Additionally, the Clinic has provided legal advice to the Living Wage Coalition, a coalition of labor, religious and community activists that advocates for laws and policies which require employers receiving public funds or contracting to perform services for government entities to pay a wage high enough to enable a working family to attain a minimum standard of living. The Clinic's work for the Coalition since 2003 has been on three fronts: (1) monitoring the implementation of the City of Cleveland's Fair Employment Wage Law and preparing recommendations for improvements to that ordinance, (2) assisting the Coalition in its effort to encourage the Cuyahoga County Board of Commissioners to adopt a living wage policy, and (3) providing testimony at a public hearing held by the Board.

Steve Lazarus

Appointed member of the Ohio Supreme Court Commission on Professionalism, September 2006. Also appointed to the Workgroup for Ohio Law Schools, a branch of the Ohio Supreme Court Commission on Professionalism.

Kermit Lind

Member, Consulting Assessment Team, National Vacant Property Campaign, conducting a study and assessment of vacant and abandoned property and foreclosure issues in Toledo, Ohio, 2006.

Claire Robinson May

Elected to the Executive Committee of the Cuyahoga County Democratic Party (2006).

Geoffrey Mearns

Merit Selection Committee on Bankruptcy Judgeships for the Northern District of Ohio, Chair (2002 and 2004).

Kevin O'Neill

Drafted and filed a petition for certiorari in the U.S. Supreme Court in a First Amendment case assisting a Cleveland-area lawyer in representing American Indians who were arrested and jailed, on charges of aggravated arson, for burning an effigy of Chief Wahoo near Jacobs Field. *Bellecourt v. City of Cleveland*, No. 04-1248. The Supreme Court later denied cert.

Brian Ray

Brian worked over the past year with the *ABA Commission on Civic Education and the Separation of Powers*. The Commission's working Chair is Bob Rawson of Jones Day Cleveland. Its honorary co-chairs are Senator Bill Bradley and Justice Sandra Day O'Connor. Brian helped plan and implement several events over the past year including:

In October 2006 the Commission partnered with the Arizona Bar Foundation and Thunderbird International School of Management to hold a conference on civic education at Thunderbird. The conference brought together educators and key members of each branch of the Arizona government including the Chief Justice of the Arizona Supreme Court, the State Superintendent, and several legislators, to discuss the state of civic education in Arizona. Justice O'Connor was the keynote speaker and participated in the discussions. The event also featured a ceremonial signing by the Governor of a bill creating a new Arizona Civic Education Commission.

Heidi Gorovitz Robertson

Member, Board of Trustees and Secretary, Clean Air Conservancy, a national environmental organization. Board member 2000 to present, Board Secretary, 2002 to present.

Chris Sagers

Co-Chair of drafting committee, “The History, Politics and Economics of Statutory Exemptions from Antitrust Law” (ABA Antitrust Section Publishing, forthcoming 2007).

Michael Slinger

Immediate Past Chair, 2006-2007; Chair, Academic Law Libraries Special Interest Section (ALL-SIS) 2005-2006. This is an elected office for a professional section of over 1,000 members. ALL-SIS represents and supports the interests of law school librarians in the United States and Canada.

Lloyd Snyder

General Counsel and member of the board of the ACLU of Ohio.

Steven Steinglass

Ohio State Bar Association, Council of Delegates, since 2002.

Mark Sundahl

ABA International Secured Transactions & Insolvency Committee and contributed to the Committee’s 2006 “Year in Review” article.

Adam Thurschwell

Wrote an *amicus curiae* brief on behalf of the National Association of Criminal Defense Lawyers to the Supreme Court in support of the application for certiorari in United States v. Fell (a federal capital case in which the district court declared the Federal Death Penalty Act unconstitutional on its face, subsequently reversed by the 2nd Circuit).

Barbara Tyler

Associate Editor, *Journal of the Legal Writing Institute*, 2004-2006.

James Wilson

Consultant, Ohio Association of Trial Lawyers, Constitutional Law Committee relating to
“tort reform.”