

Faculty Focus

December 2007



Severence Hall, Viktor Schreckengost

CONGRATULATIONS!

On November 15, Geoff Mearns hosted a reception honoring Cleveland-Marshall Emeriti Faculty and Associates of the University. The honorees were **David R. Barnhizer, Hyman Cohen, Louis B. Geneva, Nancy M. Hanacek, Arthur R. Landever, Victoria B. Plata, William L. Tabac, and Stephen J. Werber**. A faculty or staff member gave brief remarks for each honoree—**Sheldon Gelman, Steve Lazarus, Deborah Geier, Schuyler Cook, Peter Garlock, Geoff Mearns on behalf of Michael Slinger, Tom Buckley, and Alan Weinstein**, respectively. Finally, Geoff presented each honoree with a chair bearing the Cleveland State University seal and a plaque with his or her dates of professional service to the College of Law.

FACULTY PUBLICATIONS

LexisNexis has published THE LAW OF PROFESSIONAL CONDUCT IN OHIO by **Susan Becker, Lloyd Snyder, and Jack Guttenberg**, Dean of Capital University Law School. The book is part of Anderson's Ohio Practice Manual Series.

Russell Sage has just published the book, INVESTING IN LOW INCOME COMMUNITIES: MODELS, OBSTACLES, AND FUTURE DIRECTIONS, in which appears **Kathleen Engel** and Pat McCoy's article, *Predatory Lending and Community Development at Loggerheads*.

Lolita Buckner Inniss published a letter to the editor in the CHRONICLE OF HIGHER EDUCATION entitled *Extra Duties of Black Professors*. To read the letter, click on the link below:

<http://chronicle.com/temp/email2.php?id=wygsrVkxXqqt3kqHQkwTgnNY2xcwc9Dx>

The 2007 update to SECURED TRANSACTIONS IN CALIFORNIA UNDER REVISED ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE, of which **Mark Sundahl** is a co-author, was published this month.

Mark Sundahl was a contributor to the November 11 issue of the space law blog. His article discusses his work on the Space Assets Protocol of the UNIDROIT Cape Town Convention. You may read the article on the link below.

<http://spacelawprobe.blogspot.com/>

Adam Thurschwell posted a new paper on SSRN. The title is "On Continental Philosophy in American Jurisprudence." The abstract and a downloadable version are located at URL <http://ssrn.com/abstract=1059761>.

Following a national, peer-review process, **Barbara Tyler** and **Karin Mika** received notification that their chapter, *Cybermedicine, Telemedicine and Data Protection in the United States*, has been accepted for publication in ONLINE CONSUMER PROTECTION: THEORIES OF HUMAN RELATIVISM.

SPEAKING ENGAGEMENTS

Proposals submitted by **Susan Becker** and **April Cherry** have been accepted by the SALT Teaching Conference Committee. The Teaching Conference, co-sponsored by the Society of American Law Teachers and the Thelton E. Henderson Center for Social Justice at Boalt, will take place on March 14-15, 2008 at the University of California, Berkeley. The theme of the conference is *Teaching for Social Change*.

On October 29, **Phyllis Crocker** participated in a nation-wide press conference at the National Press Club in Washington D.C., that C-Span carried live. The purpose of the press conference was to present the combined results of the ABA death penalty studies completed in eight states. Six members of teams, from the eight states, spoke at the press conference on several of the key topics researched in each of the states, including innocence, mental illness, prosecutorial discretion, clemency, and defense services. In addition to Phyllis, the speakers were: Stephen Hanlon, chair of the steering committee that compiled the report, and former Indiana Gov. Joseph Kernan; criminologist Ray Paternoster of the University of Maryland; Chris Slobogin, University of Florida law professor; former Judge Morris Overstreet of the Texas Court of Criminal Appeals; and Seth Miller of the Florida Innocence Project.

In November 2007, **Kathleen Engel** made the following presentations:

“Using Statistics in Fair Housing Act Claims: Evidence and Challenges,”
National Consumer Law Center Conference, Washington DC.

“The United States Experience with Non-Traditional Loan Products,” Discipline
of Business Law, University of Sydney, Sydney, Australia.

“Modifications of Loans in Securitized Pools: Obstacles and Options,” Federal
Reserve Bank of Cleveland Workshop on Structured Finance and Loan
Modifications, Cleveland, OH.

David Forte’s recent speaking engagements:

“Is Democracy Compatible with Islam?,” Ohio Northern School of Law, Ada,
Ohio, November 13, 2007; University of Cincinnati School of Law,
Cincinnati, Ohio, October 25, 2007; Columbus Lawyers’ Federalist Society,
Columbus, Ohio, October 24, 2007.

“The Ten Commandments and the Establishment Clause,” Akron Law School,
Akron, Ohio, November 6, 2007.

“The Future of Abortion in the Courts,” Ohio State University School of Law,
Capital University School of Law, Columbus, Ohio, October 26, 2007.

“Originalism and the New Supreme Court,” debate with Professor John Valauri,
Chase School of Law, Northern Kentucky University, October 25, 2007.

“Do You Want a Living Constitution? Or Do You Want a Constitution?”
American Founders Lecture and Breakfast before members of the Ohio State
Legislature, The Buckeye Institute, Columbus, Ohio, October 24, 2007.

At the 2007 OPC Cleveland Planning & Zoning Workshop on November 9, **Carole Heyward** gave a presentation on "New Rules for Foreclosures."

Milena Sterio’s proposal for a presentation at the AALS January, 2008 meeting has been accepted. She will be speaking on a panel entitled "New Voices in International Human Rights."

As part of the 2007-08 *Cleveland-Marshall Faculty Speaker Series*, a series of programs organized by **Michael Slinger** designed to showcase the scholarly and professional interests of Cleveland-Marshall faculty to our students, **Arthur Landever** discussed "*Everything You Always Wanted to Know About Justice Scalia But Were Afraid to Ask*" on November 13. Arthur, who has followed the work and personality of Justice Scalia for some time, offered his impressions of various aspects of Justice Scalia's life and what makes him tick as a dominant Justice on the Court.

Richard McCleary (UC-Irvine, Criminology) and **Alan Weinstein** presented a paper, "Do 'Off-Site' Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Results," at the 59th Annual Meeting of the American Society of Criminology, in Atlanta on November 14.

Alan Weinstein gave a presentation on "Ohio's New Eminent Domain Law" at the 2007 OPC Cleveland Planning & Zoning Workshop on November 9.

On November 19, the Jewish Law Students Association, Catholic Lawyers Guild, and Christian Legal Society put on a joint program entitled "Faith in Practice." Six local practitioners discussed personal stories of how their faith had influenced their practice. The speakers included **Stephen Werber**.

The Democratic Law Organization (D-LO) invited **James Wilson** to give a speech entitled "The Constitution and the American Empire" on November 19.

IN THE NEWS

In the November 5 edition of CRAIN'S CLEVELAND BUSINESS, **Susan Becker, Kathleen Engel, Sheldon Gelman, and Kunal Parker** are pictured in an announcement of their appointments as the law school's named professors: Susan Becker as the Charles R. Emrick Jr - Calfee, Halter & Griswold Endowed Professor of Law, Kathleen Engel as the Leon M. and Gloria Plevin Endowed Professor of Law, Sheldon Gelman as the Joseph C. Hostetler - Baker & Hostetler Chair in Law, and Kunal Parker as the James A. Thomas Distinguished Professor. You may read the article on the link below.

<http://crainscleveland.com/apps/pbcs.dll/article?AID=/20071105/SUB1/71031016>

Kathleen Engel recently gave an interview on the Australian Broadcasting Company. You may read a transcript of the interview, under the heading "'US court ruling stops banks from foreclosing'" on the link below.

<http://www.abc.net.au/pm/content/2007/s2106783.htm>

Kathleen Engel is quoted in an article by Michael Orey in the December 10 and November 29 online issues of BUSINESS WEEK. You may read the article on the link below.

[Foreclosures: Not So Fast](#)

Kathleen Engel is quoted in an article, *Fresh Pain for the Uninsured: As Doctors and Hospitals Turn to GE, Citi, and Smaller Rivals to Finance Patient Care, The Sick Pay More*, by Brian Grow and Robert Berner with Jessica Silver-Greenberg in the December 3 and November 21 online issues of BUSINESS WEEK.

Frank Pasquale quoted **Kathleen Engel** in an article, *One More Interest Against Universal Coverage*, that appeared in Concurring Opinions, Newstex Web Blogs, November 25, 2007.

Thomas Ott quoted **Kathleen Engel** in an article entitled, “Judge's Order Trips up Banks Trying to Foreclose,” that appeared in the November 16 edition of the PLAIN DEALER. You may read the article on the link below.

<http://www.cleveland.com/news/plaindealer/index.ssf?/base/cuyahoga/119520601479350.xml&coll=2>

Kathleen Engel is quoted in an article, *These Tough Lending Laws Could Travel; North Carolina's Progressive Protection Laws for Borrowers May Become a Nationwide Model*, by Nanette Byrnes in the November 5 edition of BUSINESS WEEK.

On November 2, on the 6:00 pm FOX 8 news, the I-Team reviewed the report that staff affiliated with the CSU Center for Election Integrity completed for the California Secretary of State concerning the Diebold voting system used in roughly half of Ohio's counties and many places nationwide. Reporters interviewed Center Director/Report Team Leader **Candice Hoke**, Diebold representatives, Cuyahoga Elections Director Jane Platten, the California Secretary of State's office, and others.

Kenneth Kowalski is quoted in the November 2 edition of the PLAIN DEALER, in an article titled “Labor will keep pushing for living wage” by Joe Guillen.

The November 9 edition of the CLEVELAND PLAIN DEALER contains a blurb about **Arthur Landever's** “Defining Justice through Great Stories” program. (“Free! Defining Justice through Great Stories, an innovative approach to law, takes up the fictional insights of George Orwell in “Shooting an Elephant,” Susan Glaspell in “Jury of Her Peers” and Richard Wright in “Bright and morning Star.” Three hours of Free CLE Credit. It's from 9 a.m. to 12:40 p.m. Saturday in Room 17, Law Library, Cleveland-Marshall College of Law, 1801 Euclid Ave. It's free, but reservations are requested. Call 216-687-2349.)”

The November 7 issue of Cleveland State University's *On Campus* discusses Cleveland-Marshall's bar results and quotes **Geoffrey Mearns**. You may read the article on the link below.

<http://www.csuohio.edu/oncampus/>

On November 5, an editorial appeared in the PLAIN DEALER regarding Cleveland-Marshall students' performance on the July 2007 Ohio State Bar Exam and mentioning **Geoffrey Mearns**.

<http://www.cleveland.com/printer/printer.ssf?/base/opinion/1194255126284170.xml&coll=2>

An interview on WCPN (90.3 FM) by reporter Eric Wellman with **Geoffrey S. Mearns** was aired on November 5. He spoke on the challenges faced by beginning lawyers to find lucrative jobs in today's job market. You may read or hear the interview on the link below:

<http://www.wcpn.org/index.php/WCPN/news/7819/>

In the humorous "Tip Off" column in the November 5 issue of the PLAIN DEALER, columnist Michael McIntyre mentions **Geoffrey Mearns** and an incidental remark made by U.S. Attorney Greg White during the law school's recent panel on "Politics and Justice - Politics at Justice?" which you may read in the section titled "Ask Monica" on the link below:

<http://www.cleveland.com/tipoff/index.ssf?/base/opinion/1194255274284170.xml&coll=2>

On November 20, **Mark Sundahl** was a guest on The Space Show, a radio program dedicated to space commerce, which aired on KKNW in Seattle and which is available as a podcast at www.thespaceshow.com.

DID YOU KNOW?

Gordon Beggs was part of a working group based in the Levin College of Urban Affairs and staffed by Dr. Stuart Mendel that developed a concept for a residential Urban Street Academy to be operated by Community ReEntry to assist juveniles and adults in overcoming obstacles to returning to the community from incarceration. On November 6, the Cleveland Foundation awarded a grant to the Levin College to develop a business plan for this proposal.

The Maltz Museum of Jewish Heritage and the Cleveland Clinic invited **Dena Davis** to a special one-day, invitation-only summit on November 29, that brought together leaders from the fields of medicine, bioethics, health law, and public health from the Midwest. The summit examined how study of the Holocaust can stimulate thoughtful reflection about ethical dilemmas facing these professions today and reinforce core professional values. The summit was held in conjunction with the presentation of the Museum's exhibition—Deadly Medicine: Creating the Master Race—see below.

<http://www.kintera.org/TR.asp?a=duLRIbPTIhJSJiL&s=9iLNL3PEJfKRL2OOKuG&m=ehKMI4MJLfJZG>

Kathleen Engel and several other law professors wrote a detailed letter to U.S. Representative Barney Frank identifying problems with the assignee liability provisions in a House anti-predatory lending bill.

Congratulations to **Karen Mika**, who won the 7th Alumni Recognition Award at the 39th Annual Moot Court Night at Cleveland-Marshall on November 7.

Karin Mika was a brief grader for the Chicago Bar Association Moot Court Competition and a preliminary round judge for the Nationals Moot Court Competition (Region Six).

The Ohio Supreme Court has just appointed **Lloyd Snyder** to a three-year term as a member of the Court's Commission on Certification of Attorneys as Specialists.

Mark Sundahl just became the editor of *Global Action*, the quarterly newsletter of the International Law Section of the Cleveland Bar Association.

Mark Sundahl has organized a series of lectures for the Beachwood Business Development Center (“BBDC.”) The following faculty members have agreed to speak in the series:

- **Mark Sundahl & Carole Heyward**—Choice of Corporate Entities (Corporations, LLCs, & Partnerships)
- **Michael Davis**—Intellectual Property
- **Stephen Werber**—Litigation and How to Avoid It
- **Mark Sundahl**—Sales, Finance, & Other Aspects of Commercial Law
- **Karin Mika**—Employment Law, Discrimination, & Sexual Harassment
- **Heidi Gorovitz Robertson**—Environmental Aspects of Business Transactions
- **Alan Weinstein**—Government Regulation of Property Use