

# Faculty Focus

Cleveland State  
University  
Cleveland-Marshall College of Law

April 2008



John Troxell, West 25<sup>th</sup> Street

## FACULTY PUBLICATIONS

**Michael Borden** has posted his recent article, *Mistake and Disclosure in a Model of Two-Sided Informational Inputs*, accepted for publication by the MISSOURI LAW REVIEW, on SSRN's Legal Scholarship Network.

A chapter of **Dena Davis's** 2001 book, GENETIC DILEMMAS, was reprinted in TAKING SIDES: CLASHING VIEWS IN GENDER, 4<sup>th</sup> ed., Jacquelyn W. White, ed. (McGraw-Hill, 2007).

**Dena Davis's** "A Thoughtful Look at Disability," a review of Tom Shakespeare's DISABILITY RIGHTS AND WRONGS, was published in the March-April 2008 edition of HASTINGS CENTER REPORT.

**Lolita Buckner Inniss's** article, *Toward a Sui Generis View of Black Rights in Canada? Overcoming the Difference Denial Model of Countering Anti-Black Racism*, 9 BERKELEY JOURNAL OF AFRICAN AMERICAN LAW AND POLICY 32 (2007) has been published.

**Lolita Buckner Inniss** recently submitted a new article, *A Critical Legal Rhetoric Approach to In Re African-American Slave Descendants Litigation*, to SSRN's Legal Scholarship Network. <http://ssrn.com/abstract=1120364>

As a result of a solicitation by an associate editor for the ABA's JOURNAL OF AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT, **Kermit Lind** wrote the following article: *The Perfect Storm: An Eyewitness Report from Ground Zero in Cleveland's Neighborhoods*.

**Brian Ray's** article, *Policentrism, Political Mobilization and the Promise of Socioeconomic Rights*, has been accepted by the STANFORD JOURNAL OF INTERNATIONAL LAW. Brian also posted his article on SSRN's Legal Scholarship Network. <http://ssrn.com/abstract=1098939>

**Heidi Gorovtitz Robertson's** article, *Seeking a Seat at the Table: Has Law Left Environmental Ethics Behind as it Embraces Bioethics?*, 32 WM. AND MARY L. & POL'Y REV. 273 (2008), has been published.

**Mark Sundahl** posted his latest article, *The Ancient Roots of Originalism: The Lawgiver and Legislative Intent in Classical Athens*, on the Legal Scholarship Network on SSRN. <http://ssrn.com/abstract=1117656>

## SPEAKING ENGAGEMENTS

On April 3, **April Cherry** acted as commentator on a faculty lunch presentation by Professor Anita Bernstein, the Anita and Stuart Subotnick Professor of Law at Brooklyn Law School, who spoke on "*Asbestos Liability Underlain by Gender*."

**Phyllis Crocker** will be speaking at the City Club on May 2. She will speak about issues of fairness and the death penalty in Ohio and share information from the recently published Assessment of Ohio's Death Penalty. <http://www.cityclub.org/content/speakers/SpeakerDetail.aspx?spkID=5599>

On March 27, **Dena Davis** took part in "The Great Stem Cell Debate," organized by Phi Delta Epsilon, CWRU's Medical School honors sorority/fraternity. Her opponent was Kevin Fitzgerald, a Jesuit priest and biologist from Georgetown University.

On April 9, Cuyahoga County Treasurer Jim Rokakis and the Foreclosure Prevention Program sponsored the movie *Maxed Out* at the Levin College of Urban Affairs. Following the movie, Jim Rokakis, **Kathleen Engel**, and Richard Cordray, the State of Ohio Treasurer, participated in a panel discussion about the credit industry.

**David Forte** attended the 18th Plenary Assembly of the Pontifical Council for the Family in the Vatican from April 3-5, 2008 with an audience with Pope Benedict on the 5th. On April 10, **David Forte** addressed the Acton Institute in Rome on the subject, "The Papal-Muslim Dialogue."

**David Forte** gave the following addresses:

- “An Independent Judiciary,” debate with Professor Bruce K. Miller, Western New England School of Law, Springfield, Massachusetts, April 28, 2008.
- “A Survey of Islam,” Connecticut Lawyers’ Federalist Society, Hartford, Connecticut, April 28, 2008.
- “Abortion and Informed Consent,” debate with Professor Elizabeth Marsh and Professor Stephen Gilles, Quinnipiac University School of Law, Hamden, Connecticut, April 27, 2008.
- “The Future of Abortion in the Courts,” debate with Professor Hugh Macgill, University of Connecticut School of Law, Hartford, Connecticut, April 27, 2008.

The Chautauqua Institute has invited **Candice Hoke** to give a presentation during the week of June 29 through July 5, when the topic will be “*Restoring Legitimacy to our Election System.*” The Institute describes the weeklong program as follows:

Most Americans are both proud and grateful to live in a free and democratic country. But many are growing disenchanted with our system of electing a president. Are these concerns valid? If so, how do we go about restoring integrity into our election system? This week we'll look at some of the basic mechanisms that impact our political system and how they might be improved, including campaign finance, timing and duration of primaries, voter registration, the popular vote vs. the Electoral College and how we encourage or discourage citizen participation. Norman Ornstein, a resident scholar at the American Enterprise Institute and co-director of the AEI-Brookings Election Reform Project, will be with us during this week as both a presenter and facilitator.

**Candice Hoke** attended the 2008 Election Year Summit, put on by the ABA Section of Individual Rights & Responsibilities in Washington, D.C. on April 17. Candice moderated a panel on “Electronic Voting.”

**Lolita Buckner Inniss** is an invited speaker at the 2008 Preserving the American Dream conference in Houston, Texas May 16-18. She will speak on the utility of form-based codes as a land-use planning device. She is the guest of the Cato Institute.

**Lolita Buckner Inniss** will speak at Princeton University at the 2008 Alumni Faculty Forum on May 30. The title of her talk is "The Role of Race and Gender in the Debate on Liberalizing Immigration."

On April 3, **Lolita Buckner Inniss** gave a talk at the Western New England College of Law. The talk was entitled "*A 'Ho New World: Raced and Gendered Insult as Ersatz Carnival and the Corruption of Freedom of Expression Norms,*" and is based upon an article of the same name which is pending publication in Volume 32 of the NEW YORK

UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE.

<http://www1.wnec.edu/news/index.cfm?selection=doc.2507&DCId=10460>

**Dennis Keating** delivered a paper on Cleveland Heights at a conference on "A Suburban World: Global Decentralization and the New Metropolis" sponsored by Virginia Tech.

**Dennis Keating** organized a panel on "A Look Back at Cities in the Sixties from the Present" and made a presentation on Cleveland at the 38th annual meeting of the Urban Affairs Association in Baltimore.

**Kermit Lind** delivered a lecture on "Dealing With Nuisance Properties" in the CLE course entitled "Land Use and Zoning," sponsored by the Ohio State Bar Association in Columbus on April 9 and in Cleveland on April 16.

On April 10, **Reginald Oh** gave a lunch presentation at the Indiana University School of Law in Indianapolis. His topic was "Reframing Affirmative Action."

As Co-Chair of SALT's Affirmative Action Committee, **Reginald Oh** made a presentation ("Reframing the Affirmative Action Discourse") at the Ford Foundation's Workshop on Affirmative Action Initiatives in New York City on April 10-11.

**Brian Ray's** paper, "*Policentrism, Political Mobilization and the Promise of Socioeconomic Rights*," was one of seven papers selected for discussion at the Comparative Law Work in Progress workshop that will be held at the University of Michigan Law School on May 14-16, 2008.

**Heidi Gorovitz Robertson** spoke on April 10 to the University of Akron Pre-Law Society regarding Issues in Environmental Law, Environmental Law Programs, and Law School Admissions.

On April 4, **Mark Sundahl** delivered a talk at Case Western University School of Law entitled "*The V-Prize: Legal Challenges for the Next Adventure in Space Tourism*."

On April 3, The Federalist Society hosted a visit by Professor (and former Dean) James Huffman of Lewis & Clark Law School, who spoke on the evolution of the common law as it relates to the U.S. Supreme Court's decision in *Lucas v. South Carolina Coastal Commission*, a case dealing with eminent domain. The Federalist Society also invited **Alan Weinstein** to speak at the event as a proponent of alternative views on the issue.

## IN THE NEWS

Adjunct Professor **Ian Friedman** hosted a conference on trial tactics and defense strategies sponsored by the Ohio Association of Criminal Defense Lawyers and the Cleveland Marshall College of Law on Friday, April 18, at the law school. *Plain Dealer* columnist Regina Brett wrote about it in her April 20 column, "Ohio justice system hampered by lack of transparency," which you may read on the link below.

<http://www.cleveland.com/plaindealer/stories/index.ssf?/base/opinion-0/120868024389690.xml&coll=2>

**David Forte** was interviewed on April 10 on Vatican Radio. David was also interviewed for an article in the NATIONAL CATHOLIC REGISTER.

**David Forte** was interviewed by Edward Pentin, a reporter for Terrasanta.net, for a piece called “On the Brink of Historic Moment in Catholic-Muslim Dialogue.” You may read the interview at the following website:

[http://www.theholylandreview.net/holyland/att\\_det.jsp?wi\\_number=919&wi\\_codseq=](http://www.theholylandreview.net/holyland/att_det.jsp?wi_number=919&wi_codseq=)

**Candice Hoke** is quoted in an article by Associated Press reporter Deborah Hastings, “Why elections run out of ballots,” that appeared in the SAN FRANCISCO CHRONICLE on March 31. A version of the same article appeared in the CHARLESTON GAZETTE (WV), the DESERET MORNING NEWS, and THE PRESS OF ATLANTIC CITY on the same day.

Michael Hirsch, a reporter from NEWSWEEK MAGAZINE, interviewed **Kermit Lind** for an article he is working on about the foreclosure crisis, with a special focus on Cleveland. The reporter specifically asked to speak with Kermit about the lawsuit that the City of Cleveland has filed against investment banks.

Reporter Patrick O’Donnell quoted **Alan Miles Ruben** in an article “Judge rejects most claims in Kelley-Ferraro trial/Jury begins deliberations today,” that appeared in the CLEVELAND PLAIN DEALER on April 11.

## DID YOU KNOW?

Community ReEntry, chaired by **Gordon Beggs**, will participate in Operation Focus, a major violent crime reduction program for the Cleveland area. Violent crime in Cleveland now occurs at a rate more than twice the national average for urban areas. With support from the City of Cleveland, the U.S. Attorneys Office and the Cleveland Foundation, CR will utilize a team of 10 individuals, most of whom have reentered the community from the criminal justice system, to provide daily street outreach and engagement with approximately 200 offenders ages 14-35 years identified by law enforcement as at high risk of gun violence. These advocates will help individuals develop life plans, connect with educational, employment, health, and social service needs, and will communicate a zero tolerance of violence message and the consequences of non-compliance.

**David Forte** has just been appointed to the Ohio State Advisory Committee to the U.S. Commission on Civil Rights.

**Mark Sundahl** has become a co-editor of NOMOI, the online bibliography for research in ancient Greek law that is currently maintained by Simon Fraser University in British Columbia ([www.sfu.ca/nomoi](http://www.sfu.ca/nomoi)).

## 2008 SUMMER GRANTS

In addition to **Susan Becker, Kathleen Engel, Sheldon Gelman, and Kunal Parker**, who receive automatic summer grants as holders of our named professorships, the following colleagues received summer research or teaching grants.

### RESEARCH GRANTS

**Michael Borden**, The Promissory Character of Adequate Assurances of Performance

**Dena Davis**, GENETIC DILEMMAS (second edition)

**David Forte**, Incremental Genocide: The Persecution of Christians

**Deborah Geier**, The Taxation of In-Kind Consumption

**Lolita Buckner Inniss**, Under Surveillance: Black Women's Court Ordered Child Welfare Supervision as a Form of Social Control in Canada and the United States

**Reginald Oh**, Repetition Compulsion: A Critical Analysis of *Repeating History* Rhetorical Claims in *Parents Involved v. Seattle School District*

**Brian Ray**, The South African Constitutional Court's Use of Foreign and International Law

**Chris Sagers**, A Fresh Look at Predation: The Case of the Airlines

**Lloyd Snyder**, The Transformation of the Legal Profession and the 1908 Canons of Professional Ethics

**Milena Sterio**, Altering the Scope of Judicial Review of Arbitral Awards: A Permissible Contractual Freedom or an Undue Interference with the Courts?

**Mark Sundahl**, Does a Duty to Rescue Private Passengers on a Sub-Orbital Space Plane Exist Under International Law?

### TEACHING GRANTS

**Veronica Dougherty**, Preparing a Class Website and Preparing Class Materials for Teaching Corporate Governance

**Karin Mika**, Using Available Software to Develop Supplemental Self-Graded Writing, Research, and Citation Exercises

**Kevin Francis O'Neill**, Using Audio Excerpts from Supreme Court Oral Arguments to Enrich the Teaching of Key Decisions



John Troxell, *Downtown/Dusk*