

Faculty Focus

Summer 2008



Augusto Bordelois, *Caribbean dream by lake Erie*

<http://www.augustofineart.com/>

FACULTY PUBLICATIONS

David Barnhizer and his son, David Barnhizer, Associate Professor at Michigan State University College of Law, are working on a book entitled MYTH, MAGIC AND MYSTERY: THE HIDDEN ORDER OF THE RULE OF LAW. The book will be published by Vandeplass Publishing in late 2008 or early 2009.

Dena Davis published *Religion, Genetics, and Sexual Orientation: The Jewish Tradition* in the KENNEDY INSTITUTE OF ETHICS JOURNAL.

The Ashbrook Center is running an editorial by **David Forte** on the election. You may read it on the link below:

<http://www.ashbrook.org/publicat/oped/forte/08/surething.html>

Lolita Buckner Inniss, *Back to the Future: Is Form-Based Code an Efficacious Tool for Shaping Modern Civic Life?* 11 U. PA. J. LAW & SOCIAL CHANGE 11 (2007-2008).

Reginald Oh is the co-author (with Thomas Ross, University of Pittsburgh School of Law) of a chapter entitled *Judicial Opinions as Racial Narratives: The Story of Richmond v. Croson* in *RACE LAW STORIES* (2008) edited by Rachel E. Moran and Devon W. Carbado.

Mark Sundahl put out the May 2008 edition of the *Global Action Newsletter*, the newsletter of the International Law Section of the Cleveland Metropolitan Bar Association. Mark reports: "This issue of *Global Action* contains two articles (by Bob Heintel and Joseph Corsaro) that will be of particular interest for those of you representing clients who export their products."

Adam Thurschwell, ["Ethical Exception: Capital Punishment in the Figure of Sovereignty"](#) 107 SOUTH ATLANTIC QUARTERLY (July 2008). Adam's paper is also available on SSRN's Legal Scholarship Network.

SPEAKING ENGAGEMENTS

Michael Borden presented his work in progress, "The Promissory Character of Adequate Assurances of Performance" at the Ohio Legal Scholarship Workshop at the University of Dayton School of Law on June 20.

On June 21, **Phyllis Crocker** spoke at a Death Penalty Symposium sponsored by the Black Lawyers Association of Cincinnati. Steven M. Tolbert, Chief Assistant Prosecuting Attorney for Hamilton County, also spoke, and David Singleton, Executive Director of the Ohio Justice and Policy Center, moderated the symposium.

Phyllis Crocker will appear with Marge Koosed, University of Akron School of Law, on a program "Civic Forum of the Air" to discuss the Ohio Death Penalty; the program will be broadcast on both television and radio. It will appear on Sunday, July 27 at 9:00 a.m. on Time Warner Cable Channel 23, and will be rebroadcast on Monday and Wednesday at 9:00 p.m. The program will be on the radio on Sunday, July 27 at 6:00 a.m. and 8:30 a.m. on WONE FM 97.5 and on WAKR AM 1590.

On May 20, the Criminal Law Section of the Cleveland Metropolitan Bar Association, the Cleveland-Marshall College of Law, and the University of Akron School of Law jointly sponsored a Town Hall Meeting on Ohio's Death Penalty System at Cleveland-Marshall College of Law. The CM Bar Association and the two law schools called the meeting on Ohio's Death Penalty System in response to a study conducted by the ABA's Death Penalty Moratorium Implementation Project, launched in 2001, not as an effort to abolish the death penalty but as an effort to assess its fairness and accuracy. Project members studied the penalty systems in eight states, including Ohio. The Ohio study found the death penalty in Ohio "plagued with serious problems." **Phyllis L. Crocker**, who chaired the Ohio study, was one of the Town Hall speakers. **Geoffrey S. Mearns**, who was a member of the Ohio study, opened the Town Hall Meeting. Robin Marie Maher, Director of the ABA Death Penalty Representation Project, moderated the discussions. Other speakers included University of Cincinnati Professor of Law Mark

Godsey, Director of the Ohio Innocence Project and a member of Ohio's Death Penalty Moratorium Implementation Project team, and Cuyahoga County Prosecutor's Office Major Trial Unit Chief David Zimmerman.

At the Law and Society Association meeting in Montreal, May 29-31, **Dena Davis** gave a paper on "Male and Female Genital Alteration" and also moderated a panel on law and religion.

At the Fifth International Symposium of the Definition of Death Network, in Varadero Beach, Cuba, May 22-25, **Dena Davis** gave a paper on: "Rational Suicide and Genetic Testing for Diseases of Dementia," and moderated a session on pediatric issues in defining of death.

Dena Davis attended "Translating ELSI: Global Perspectives on Ethical, Legal and Social Implications of Human Genome Research," May 1-3, here in Cleveland (hosted by CWRU). Dena gave the following three papers: "Ethical Issues in Interpretation of Genetic Risk: Perspectives of a REVEAL Participant," "Changing Issues in 'Misattributed Paternity,'" and "Collective Rights and Individual Autonomy." She was also a co-author on a poster about ongoing research on genetics and ethnic identity among Jewish Americans, Polish Americans, and African Americans in the Cleveland area.

Candice Hoke will give a paper on "Technical Monitoring of Elections" at the Electronic Voting Technology workshop/conference in San Jose at the end of the July. The California Secretary of State and the Co-Chair (Democratic) of the New York State Board of Elections will be on her panel, along with two renowned scholars in voting technology computer science. This marks the second summer Candice is on the program of this peer-reviewed conference. You may read more about the conference on the link below. <http://www.usenix.org/events/evt08>

In early July, **Candice Hoke** gave a talk on "Trustworthy Elections? The Way Forward" at the Chautauqua Institution in New York to an audience estimated at more than 900 people. Candice reports that her talk generated a lot of spirited questions. Candice also had dinner with Jane Campbell, Joan Baker Campbell, and Congressman Louis Stokes.

IN THE NEWS

Cleveland-Marshall is mentioned in an editorial, "CSU Board must find a worthy successor to retiring President Schwartz," in the June 25 edition of the PLAIN DEALER. You may read the editorial on the link below: <http://www.cleveland.com/plaindealer/stories/index.ssf?/base/opinion/121438261965780.xml&coll=2>

David Barnhizer recalls class of 1976 alumnus—the late **Tim Russert**—in a June 16 posting by Bill Lucey for THE MORNING DELIVERY. You may read David's comments on the link below.

<http://billlucey.com/2008/06/16/law-professor-remembers-tim-russerts-concern-for-social-justice.aspx>

Kathleen Engel was quoted in the cover story of the June 26 edition of BUSINESS WEEK: "The Housing Abyss" by Peter Coy and Der Hovanesian. You may read the story on the link below:

http://www.businessweek.com/magazine/content/08_27/b4091032364818.htm?chan=top+news_top+news+index_top+story

Kathleen Engel was quoted in an article in the PLAIN DEALER on June 23. The article, "Cleveland Corporate Challenge, other programs offer workplace sports leagues," was written by reporter Steven Overly. You may read it on the link below:

<http://www.cleveland.com/plaindealer/stories/index.ssf?/base/business-6/121412355939280.xml&coll=2>

Mark Gillispie quoted **Kathleen Engel** for a story, "The Subprime Trail of Deceit; The Subprime House of Cards," that appeared in the PLAIN DEALER on May 11.

On July 3, **Deborah Geier** was quoted in an article published on-line by Dow Jones Newswires, "Getting Personal: Tax Credit In Housing Bill Draws Fire" by Arden Dale.

Deborah Geier was quoted in the June 17 issue of the WALL STREET JOURNAL in an article by Arden Dale, "More Loan Forgiveness Sought: Group is Lobbying to Extend Tax Relief for Homeowners." You may read the article on the link below.

http://online.wsj.com/article/SB121366531584779471.html?mod=todays_us_personal_journal

Adjunct Professor Ed Kramer testified before the Housing and Community Opportunity Subcommittee of the House Financial Services Committee on June 16. Professor Kramer's remarks are available on Lexis/Nexis.

On May 13, **Geoff Mearns** appeared on WCPN for a story entitled "Second Church Theft Trial Starts." You may read the story on the link below:

<http://www.wcpn.org/index.php/WCPN/news/12028/>

Steve Steinglass and Cleveland-Marshall alumnus Gino Scarselli, class of 1993, were interviewed on May 6 during the 9:00 a.m. call-in show on WCPN (90.3 FM) regarding efforts to impeach Ohio Attorney General Marc Dann. Steve also appeared on three other radio shows: (1) WKSU, (2) WVKO (1580) (Mike Cole, Progressive Radio), and (3) WEOL (Lorain; Les Sekley).

Steve Steinglass was quoted in a May 18 article in the DAYTON DAILY NEWS: "Was checks-and-balance system at fault in Dann case?" by William Hersehy and Jessica Wehrman. He was also interviewed by the Cincinnati Enquirer, the Tribune Chronicle (Warren), the Columbus Dispatch, and the Coshocton Tribute.

Alan Weinstein was quoted in the June 26 edition of the PLAIN DEALER in a story called "Port authority silences vocal critic" by Tom Breckinridge. You may read the story on the link below:

<http://www.cleveland.com/plaindealer/stories/index.ssf?base/cuyahoga/121446901951370.xml&coll=2&thispage=2>

Alan Weinstein was quoted in an article by Stan Donaldson, "Willoughby police enforce ordinance against scavenging," that appeared in the PLAIN DEALER on June 22. You may read it on the link below:

<http://www.cleveland.com/plaindealer/stories/index.ssf?base/iscr/1214135712260740.xml&coll=2>

CONFERENCES ATTENDED

Janice Aitken, 13th Biennial Conference of the Legal Writing Institute, Indianapolis, IN, July 14-17

Michael Borden, ALI Annual Meeting, Washington, DC, May 18-20

Kathleen Engel, Emerging Issues in Subprime Lending, Newark, NJ, May 8-9

Lolita Buckner Inniss, The Black Female Faculty Summer Writing Workshop, Denver, CO, June 26-29

Sandra Kerber, 13th Biennial Conference of Legal Writing Institute, Indianapolis, IN, July 14-18

Kermit Lind, Teaching Drafting and Transactional Skills: The Basics and Beyond, Atlanta, GA, May 30-31

Kermit Lind, 17th Annual Affordable Housing and Community Development Law Conference, Washington, DC, May 21-23

Kermit Lind, Land Use and Zoning, "Dealing with Nuisance Properties," Columbus, OH, April 9

Karin Mika, 13th Biennial Conference of Legal Writing Institute, Indianapolis, IN, July 14-18

Kunal Parker, Law and Society Association Annual Meeting, Montreal, Canada, May 30-June 1

Brian Ray, AALS Midyear Meeting, Cleveland, OH, June 3-6

Brian Ray, Law and Society Association Annual Meeting, Montreal, Canada, May 30-June 1

Brian Ray, Comparative Law Works in Progress Workshop, Ann Arbor, MI, May 14-16

Chris Sagers, Northwestern Law School “Conducting Empirical Scholarship,” Chicago, IL, June 22-25

Lloyd Snyder, AALS Conference on Evidence: The Future of Evidence: How Science and Technology are Changing Evidence Law, Cleveland, OH, June 1-6

Steven Steinglass, 2008 Ohio State Bar Association Convention and Annual Meeting, Columbus, OH, May 14-16

Mark Sundahl, International Space Development Conference, Washington, DC, May 30-31

James Wilson, AALS Conference on Constitutional Law, Cleveland, OH, June 3-6

DID YOU KNOW?

Dena Davis has been invited to join the Central Institutional Review Board of the National Cancer Institute (NIH). This is a NCI Initiative that was put in place to eliminate redundant local IRB reviews of phase 3 and select phase 2 Cooperative Group trials by having them reviewed at a national level by an expert IRB and to maintain high standards in human subjects protections.

Candice Hoke just received the new ABA President's reappointment to the American Bar Association's Standing Committee on Election Law, Advisory Commission. The Standing Committee's program at the ABA Annual Meeting in August will be on Voting Technology.

Candice Hoke has been appointed to the Federal Bench-Bar 2009 Conference Planning Committee.

In May, **Sandra Kerber** was invited to attend a Lexis/Nexis Legal Research and Writing Summit held in Santa Fe, New Mexico at the Inn of the Anasazi. The Summit explored new and innovative ways of teaching research and writing. Each Lexis/Nexis professional offered insights and perspectives on critical issues invaluable in teaching both legal research and writing. The Summit provided the participants with the opportunity to be an integral part of each session and to interact with the Lexis professionals as well as the professors and librarians from around the country (with representation from law schools such as Duke, Cornell, Notre Dame, Berkeley, and William and Mary). The topics included the following: Current Challenges in Teaching Research and Writing, The Technology Wave, Teaching Today's Electronic Learners, and Case Map. Sandy reported: “The entire Summit experience was exceptionally rewarding because of the expertise, professionalism, and optimism that radiated throughout the conference.”