

Faculty Focus

November 2008



Andy Warhol, *Louis Brandeis*

CONGRATULATIONS!

The Law School's Personnel Action Committee has voted to recommend that **Mark Sundahl** be promoted to Associate Professor with tenure, and the Full Professor Personnel Action Committee has voted to recommend that **April Cherry** and **Heidi Gorovitz Robertson** be promoted to Full Professor.

FACULTY PUBLICATIONS

Dena Davis's 1997 article "*Genetic Dilemmas and the Child's Right to an Open Future*" in the HASTINGS CENTER REPORT, is being reprinted in a college-level textbook BIOETHICS FOR THE NEW MILLENNIUM by J. Parks and Victoria Wilke.

Alan Miles Ruben has just published, as Editor-in-Chief, a Supplement to Elkouri and Elkouri's HOW ARBITRATION WORKS. Joan Flynn reports: "This book is so significant and of such value to those in the arbitration field (and to labor lawyers) that the Daily Labor Report, the Bible of those of us in the labor law world, noted publication of the Supplement. The link below is to the 'blurb' for the full book, which as noted, is regularly cited by those in the field."

<http://storefront.bnabooks.com/epages/bnastore.sf/bnastore.sf/?ObjectPath=/Shops/bnastore/Products/9592>

Chris Sagers has received a contract to write the Antitrust installment of the EXAMPLES & EXPLANATIONS study guide series put out by Aspen Publishers.

In October, **Steve Steinglass** published the 2008-09 supplement for his treatise, SECTION 1983 LITIGATION IN STATE COURTS (THOMSON/WEST) along with three completely revised chapters.

An article **Alan Weinstein** co-authored with Richard McCleary, a criminologist at the University of California at Irvine, "*Do off-site adult businesses have secondary effects? Legal doctrine, social theory, and empirical evidence,*" has been accepted for publication in LAW & POLICY, a peer-reviewed journal of the Baldy Center for Law & Social Policy at the SUNY-Buffalo Law School.

SPEAKING ENGAGEMENTS

On October 27, **Carolyn Broering-Jacobs** made a presentation to a group of young lawyers at Benesch. The title of her talk was "Effective Writing for Memos and Briefs."

On November 10, **Phyllis Crocker** spoke at the Intown Club. The topic for her talk was "The Death Penalty in Ohio: Is It Fair and Accurate?"

Dena Davis attended the Annual Meeting of the American Society of Bioethics and Humanities, in Cleveland. At the meeting she: participated in the Board Meeting; made a presentation on doing research in India, at the Religion, Spirituality and Bioethics Affinity Group; participated in a panel (which she organized) on a recent Oregon Supreme Court custody case involving circumcision of a 12-year-old boy; co-presented a paper entitled "Common Ground on Stem Cell Research." The latter makes the case for support of human embryonic stem cell research from the three major Western religious traditions; the co-presenter was Cleveland-Marshall graduate Hafzah Mueenuddin.

On November 20, the Cleveland-Marshall Catholic Lawyers Guild, the Jewish Law Students Association, and the Christian Legal Society co-sponsored the 2nd annual "Faith in Practice" panel, at which participants discussed how they combined their practice of law with their faith. The speakers included Judge Dan Polster, United States District Court (N. District of Ohio), Mark S. Hura, Insurance Defense Counsel, Gary Arbeznik, Assistant U.S. Attorney (N. District of Ohio), **Veronica Dougherty**, Kevin J.M. Senich, Solo Practitioner, and Adjunct Professor Stewart Mintz of McCarthy, Lebit, Crystal & Lifman.

In November, **Kathleen Engel** presented on "When Regulation Fails: Municipal and State Actions against the Financial Services Industry" at Trinity Cathedral in Cleveland.

Carole Heyward spoke on a panel at the Ohio Planning Conference on November 14. Her talk was entitled: "Ask the Experts: Tools for Community Development."

Candice Hoke will be a panelist at the COGEL (Council on Governmental Ethics Laws) Annual Meeting in Chicago on December 6, discussing the roles of lawyers in election integrity.

On December 2, **Candice Hoke** will be a panelist at the OH-SOS (Ohio Secretary of State) Election Summit. She will be discussing voting technology, the statewide voter registration database, and auditing elections.

Lolita Buckner Inniss will be speaking at the AALS 2009 Annual Meeting in San Diego on a panel sponsored by the Section on Women in Legal Education. Her topic will be “Under Surveillance: Black Women in Leadership and Panoptic Power Regimes.”

The Metropolitan Policy Program at the Brookings Institution has invited **Kermit Lind** to participate in an invitation-only roundtable discussion of the federal foreclosure response and to consider additional opportunities for federal engagement on this pressing issue. The meeting will be held on December 5, in Washington, DC.

Kermit Lind was a presenter at a regional workshop on “Building Stable Communities,” sponsored by the Memphis branch of the Federal Reserve Bank and NeighborWorks America, in Memphis, TN on November 17 and 18.

Kermit Lind made a presentation on “Policies and Programs to Deal with Abandoned Housing in the Mortgage Crisis” at a conference sponsored by the Ohio Housing Finance Agency and the Ohio Capital Corporation for Housing in Columbus, Ohio, on October 30.

Reginald Oh organized a roundtable “Barack Obama, the 2008 Presidential Election, and the Future of Civil Rights in America” to discuss the implications of the historic 2008 presidential election for race relations and racial equality in the United States. The roundtable took place on November 8, from 1:00 to 5:00 p.m. Roundtable participants included Osamudia James, University of Miami School of Law, Kevin Noble Maillard, Syracuse College of Law, Melinda Molina, St. John’s University School of Law, **Reginald Oh, Brian Ray, and James Wilson**. The roundtable was divided into two parts. In the first half, participants discussed the role that historical and racial factors played in shaping the outcome of the 2008 presidential race. In the second half, participants discussed the potential impact that a Barack Obama presidency may have in shaping race relations and the law of equality in an increasingly multicultural America.

The Asian and Pacific Island Student Organization (APILSA) invited **Brian Ray** to lecture on “Constitutionalism in East Asia” on November 20.

Heidi Gorovitz Robertson’s abstract has been accepted for the International Academic Association on Planning, Law and Property Rights Third Conference in Aalborg, Denmark on February 11-13, 2009. Heidi plans to speak about her recent work on “Public Access to Private Land: England’s CROW Act, Sweden’s Allemansrätt, and Virtual Heresy in the U.S.”

On November 12, **Heidi Gorovitz Robertson** gave a luncheon presentation and taught a class at the University of Minnesota Law School. Her presentation was called “Public Access to Private Land: England’s CROW Act, Sweden’s Allemansrätt, and Virtual Heresy in the U.S.”

On November 14, **Steve Steinglass** made a presentation in Madison at a conference sponsored by the State Bar of Wisconsin Individual Rights and Responsibilities Section, the ACLU of Wisconsin, and kindred organizations. The presentation was on “Section 1983 and the Supreme Court: An Overview, New Developments, and a Preview of the Court’s 2008-09 Term.”

On November 15, **Mark Sundahl** presented a paper entitled “Legislative Intent in Ancient Athens” at the annual meeting of the American Society of Legal History in Ottawa, Canada.

Alan Weinstein presented on “Signs, Sex, and God: Regulating Land Uses Protected by the First Amendment,” at the Ohio Planning Conference/American Planning Association Zoning Workshop in Westlake on November 14, 2008.

IN THE NEWS

Janet Okoben, “Gary Simson quits as CWRU law school dean,” the PLAIN DEALER, October 16 (“But Simson also took heat after students posted some of the lowest bar passage rates in the state. First-time bar exam-takers at the **Cleveland-Marshall College of Law at CSU** outpaced CWRU graduates on the bar exam for the past two rounds of the test. The next bar-exam results are due Oct. 31.”)

http://blog.cleveland.com/metro/2008/10/case_western_reserve_law_schoo.html

Kathleen Engel was quoted in an article by Tamy Luhbi that appeared on the November 20 CNNMoney.com: “No job, bad mortgage--out of luck: More homeowners are falling behind on their mortgages because they've lost their jobs. And there's little help coming their way.” You may read the article on this link:

http://money.cnn.com/2008/11/20/news/economy/unemployed_foreclosure/?postversion=2008112005

ABC News reporter Alice Gomstyn quoted **Kathleen Engel** in an article on November 12, “Why Mortgage Rescue Plans Aren't Enough/Critics: Efforts by the Government, Banks Still Not Enough to Help Many Avoid Foreclosure,” which you may read on the link below.

<http://abcnews.go.com/Business/Economy/Story?id=6233526&page=1->

Joan Flynn's name was mentioned in this blog for employment and labor law professors as a possible candidate for an Obama administration's appointment to the National Labor Relations Board. You may read the blog below.

http://lawprofessors.typepad.com/laborprof_blog/2008/11/some-thoughts-o.html

Ashbrook has published **David Forte's** commentary on the election, "The Republic Stands." You may read it on the link below.

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

On the evening on November 4, **Candice Hoke** appeared on WKYC Channel 3 talking to news anchors Tim White and Romona Robinson about the performance of the Cuyahoga County Board of Elections.

You may read **Candice Hoke's** comments on excessive use of provisional ballots at Ohio's polling places on the CNN blog, authored by Lesa Jansen, below:

<http://politicalticker.blogs.cnn.com/2008/11/04/provisional-ballots-piling-up-in-ohio/>

Candice Hoke appeared on Day to Day Show on NATIONAL PUBLIC RADIO (NPR) at noon on November 4, "Ohio Requires Photo ID For First Time." You may read the article on the link below.

<http://www.npr.org/templates/story/story.php?storyId=96574067&sc=emaf>

On November 4, **Candice Hoke** was quoted by reporters Laura Johnston and John Caniglia, in a story, "24% of region's voters beat Election Day rush early," in the PLAIN DEALER.

Candice Hoke's Center for Election Integrity is quoted in an article in the November 4 edition of THE BOSTON GLOBE: "SERVICE CALL: Dedicated but aging, poll workers look for influx of the young," written by Megan Woolhouse. You may read the article on the link below.

http://www.boston.com/news/local/articles/2008/11/04/service_call/

Candice Hoke was quoted in the November 2 edition of the PLAIN DEALER, in an article by Joe Guillen and Gabriel Baird, "Out-of-state absentee voters have potential to sway Ohio." You may read the article on the link below.

<http://www.cleveland.com/plaindealer/stories/index.ssf?base/cuyahoga/122561833547620.xml&coll=2>

Candice Hoke appeared on CNN's American Morning Show on October 31 at 7:00 a.m. in a piece called "Candidates Fight it Out in Battleground States; Job Cuts: Who's Next; Understanding the African-American Voting Block."

Candice Hoke appeared on CNN's THE SITUATION ROOM on October 30 at 6:00 p.m. in a piece called "Obama, McCain Campaign Hard in Final Days; Courting the Latino Vote."

Candice Hoke was quoted in "Reinforcements Have Arrived" in THE HOTLINE on October 2.

Geoffrey Mearns was quoted by James Nichols in the November 1 issue of the PLAIN DEALER in an article about our students' performance on the July 2008 Ohio bar examination. You may read the article/blog on the link below:

http://blog.cleveland.com/metro/2008/10/cleveland_state_university_of.html

Geoffrey Mearns was quoted in an article by James F. McCarty and Rachel Dissell, "Agents conduct night search in chambers of two judges; Common Pleas jurists McCafferty and Terry accompanied the FBI," that appeared in the PLAIN DEALER on September 25.

Steven H. Steinglass and Ohio Supreme Court Justice Maureen O'Connor, Cleveland-Marshall 1980 alumna, are both featured in the press release below from the Court announcing the digitizing of the "Proceedings and Debates of the Constitutional Convention of the State of Ohio 1912." Through the collaborative efforts of Steve Steinglass and Justice O'Connor, these historic documents are now readily available to students and scholars of the Ohio Constitution and members of the bench and bar.

http://www.sconet.state.oh.us/Communications_Office/Press_Releases/2008/1912documents_110508.asp

DID YOU KNOW?

The National Jurist Magazine (November 2008) has ranked the law school's Pro Bono Program, under the direction of **Pamela Daiker-Middaugh**, 49th in a listing of "Best law schools for Public Interest Law." You may read the ranking list on the link below by turning each page until you reach page 24 and zoom onto the list.

<http://www.nxtbook.com/nxtbooks/cypress/nationaljurist1108/>

Patti Falk served on the Search Committee for a new Director of the Honors Program at Cleveland State University.

At its June 20 meeting, the Cleveland State University Board of Trustees "Recognized **Sheldon Gelman**, Faculty Senate President, for his three years of service as a faculty representative to the Board of Trustees and leading the faculty in addressing challenging issues, resulting in enhanced academic programs and student support services."

On September 12, the Cleveland State University Board of Trustees "Awarded Faculty Emeritus/Emerita Status to 24 retired eligible faculty nominated for fall 2008: Frank D. Aquila, Louis R. Barbato, Paul X. Bellini, Sanza B. Clark, Stephen R. Coleman, John F. Donoghue, Thomas W. Frew, Donald G. Golden, **David B. Goshien**, David M. Grilly, Jon D. Harford, Leon H. Hurwitz, Lawrence F. Keller, George L. Kramerich, Jae-won Lee, Roger H. Marty, Sylvester Murray, Deborah L. Pearl, Samuel A. Richmond, Camilla M. Stivers, Edward G. Thomas, **Barbara J. Tyler**, Robert A. Wheeler, and Susan G. Ziegler (**Susan Becker's** partner)."

On November 21-22, **Candice Hoke** will attend a meeting of the American Bar Association's Standing Committee on Election Law, in Washington, D.C. The committee will be meeting with the federal Election Assistance Commission Chairman and discussing the federal election law reform agenda.

Lolita Buckner Inniss has started a new blog—Ain't I a Feminist Legal Scholar, where she has posted “Dialing Mrs. Murphy (Or, Me Talk Pretty One Day)” and “Teacher, Teacher, I Declare (Or, From My House I Can See London and France).”
<http://innissfls.blogspot.com/>

Stephen R. Lazarus, a member of The Supreme Court of Ohio's Commission on Professionalism since 2006, has been appointed by Chief Justice Thomas J. Moyer to be Chair of the Commission for the year 2009.

Kermit Lind and Matthew Rossmann, Case Western Reserve University School of Law, have organized another Cleveland Roundtable on Housing and Community Development Law for November 21. The topic is Foreclosure Practice in a Time of Mortgage Crisis. Panelists include Steve M. Bucha, III, Chief Magistrate of the Cuyahoga County Court of Common Pleas and two practitioners.

Kermit Lind provided advice and counsel to the Ohio Department of Development on the needs and uses of Ohio's allocation of Neighborhood Stabilization Program Grants under the Housing and Economic Recovery Act of 2008.

On October 19 and 20, **Kermit Lind** participated in a consultation team of attorneys advising local government officials in Macon, GA on strategies and policies for dealing with blighted and abandoned housing.

- [Watch Professor Mika's Legal Research ScreenCast](#) as posted by Sue Altmeyer, our Electronic Services Librarian.

Steve Werber is teaching Jewish Law as part of adult education at Temple B'Nai Abraham in Elyria. His daughter, Lauren, is the Rabbi.

ELECTION DAY ACTIVITIES

Susan Becker worked from about 6 a.m. to 9 p.m. as a Democratic election observer at a polling place in the city of Lorain. She reported: “There were 7 precincts voting at this location and it was pretty busy throughout the day. I spent most of my time making sure that voters were not turned away or given provisional ballots if they were entitled to cast standard ballots, and also ascertaining that poll workers and other election officials were handling the machines and voting materials according to law. It was a great experience and an honor to participate in one of the most important elections in recent history.”

Carolyn Broering-Jacobs acted as a poll observer at St. Paul Lutheran Church in Westlake. She was there all day (5:30 a.m. to 9:00 p.m.) with no breaks.

Mickey Davis wrote: “I spent election day, and the day before, calling voters for Moveon.org. I called about a hundred people in those days, mostly in Indiana and Ohio trying to get out the vote. The day before was mostly the dregs, that is, phones that simply hadn't answered in the days, weeks and months earlier to that since by Election Day most of the ‘good’ numbers have already been worked. On Election Day, however, most of the phones answered, and a good number of people had already voted. Our job was to encourage them to take friends and family with them since, being ‘good’ numbers we knew they would vote; the idea was to get them to take others who might not vote, and thus boost the results to whatever extent we could. I have done this since the Dean internet campaign converted field work into things that people like me with families and job responsibilities could do from the home or office.”

Kathleen Engel tried to bring food and water to three different polling places, but there were no lines. She offers: “If any one needs a bottled water, come see me!”

Joan Flynn was a non-partisan observer for the Election Integrity project.

Candice Hoke, Director of CSU's Center for Election Integrity, was answering media calls throughout election day.

Dennis Keating canvassed, as he had previously, for Obama in the African-American Lee-Harvard neighborhood of Cleveland, immediately southwest of its border with Shaker Heights. His co-canvasser was an older African-American woman and her 10-year-old son. Dennis worked the 9:30 a.m.-1:00 p.m. shift.

Sandra Kerber was a member of the Coalition for Judge4Yourself. The Judicial Candidates Rating Coalition (or JCRC) interviewed Judicial Candidates and then prepared the Judge4Yourself information for the community at large. She reported: “The amount of work that goes into this endeavor offers a valuable service because of the extensive data that we receive regarding the qualifications of the candidates. The system is not perfect because the coalition has no control over the actual candidates.”

Steve Lazarus reported: “On the afternoon of election day, Ellen flew back from Atlanta where she had been visiting our grandchildren. We had earlier volunteered as canvassers for the Obama campaign so dropped off her luggage at home and proceeded to the Shaker Square office where we performed our citizenship duties, ate heartily of the food contributed by many supporters (including Ellen), and met many energetic, committed and (ultimately) very happy people.”

Claire Robinson May spent Election Day as a Democratic Party poll observer in Maple Heights. She reported: “It was important to be there because poll workers were not always clear on the proper procedures (voter I.D., provisional ballots, etc.). We had long lines in the morning and steady voter turnout the rest of the day.”

Kevin O'Neill provided refreshments for poll workers at a precinct in Warrensville Heights, where his wife, Sonia Winner, worked for the Obama Campaign as a poll observer.

Heidi Gorovitz Robertson worked for the Cuyahoga County Board of Elections as a poll worker. Between polling location set-up on Monday night, November 3, and closing of the polls on Tuesday night, November 4, she spent 16 hours working at the polling place.

Chris Sagers was a poll worker for Cuyahoga County Democratic Party at a polling place in Slavic Village, Cleveland.

Steve Werber served as an Official Precinct Observer on Election Day in North Royalton.