

Faculty Focus



December 2008/Early January 2009



Edward Dobrotka, *Cleveland Flats in Winter*

FACULTY PUBLICATIONS

David Barnhizer, *The “Delicately Constituted Fiction” of The Rule of Law*, in *RULE OF LAW IN THE NEW MILLENNIUM: CHANGING SCENARIO* (K Padmaja, ed. 2008). Reprinted from an article of the same name on SSRN, Cleveland-Marshall Legal Studies Paper No. 07-140.

Michael Borden's most recent article, *Mistake and Disclosure in a Model of Two-Sided Informational Inputs*, has just been published in the *MISSOURI LAW REVIEW*.

Raphael W. Bostic, **Kathleen C. Engel**, Patricia A. McCoy, Anthony Pennington-Cross, & Susan M. Wachter, *The Impact of State Antipredatory Lending Laws: Policy Implications and Insights*, in the book *BORROWING TO LIVE: CONSUMER AND MORTGAGE CREDIT REVISITED* (Nicolas P. Retsinas & Eric S. Belsky, ed., 2008). The book was published by the Joint Center for Housing Studies, Harvard University, and the Brookings Institution Press.

Karin Mika has had two articles accepted for publication. The first article, *The Benefits of Podcasting*, will appear in THE SECOND DRAFT, a publication of the Legal Writing Institute. The AALS Teaching Section Newsletter is publishing the second article entitled *What Teenagers Can Teach us About Good Teaching*.

Brian Ray's paper, *Extending the Shadow of the Law: Using Hybrid Mechanisms to Establish Constitutional Norms in Socioeconomic Rights Cases*, has been accepted by New York University Law School's Center on Human Rights and Global Justice to be part of its working paper series. As their website describes it: "The working paper series of the Center for Human Rights and Global Justice showcases cutting-edge scholarship on human rights. Emphasizing both traditionally legal and interdisciplinary analyses, the working paper series focuses on economic and social rights, globalization and human rights, transitional justice, and processes of discrimination and marginalization."
<http://www.chrgj.org/publications/wp.html>

The 2008 update to SECURED TRANSACTIONS IN CALIFORNIA UNDER REVISED ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE, of which **Mark Sundahl** is a co-author, was just published.

SPEAKING ENGAGEMENTS

Kathleen Engel, Presenter, "Hope for Fair Housing," New Strategies in Fair Housing Conference, Cleveland, OH (November 2008).

Kathleen Engel, Presenter, "When Regulation Fails: Municipal and State Actions against the Financial Services Industry," 18th Annual Fair Lending Conference, Cleveland, OH (November 2008).

Brian Ray presented his paper "Extending the Shadow of the Law: Using Hybrid Mechanisms to Develop Constitutional Norms in Socioeconomic Rights Cases" at the New Voices in Human Rights panel at AALS. The panel and participants were highlighted on the International Law Prof Blog:
http://lawprofessors.typepad.com/international_law/2008/12/new-voices-in-1.html

Brian Ray has been invited by Penny Andrews to participate in a conference at the University of Stellenbosch, Faculty of Law, on March 5-6, 2009. The theme of the conference is Prof. Mark Kende's forthcoming book on comparative constitutionalism and governance. Participants from around South Africa, Australia, the United States, and Canada have been invited to share their perspectives on these issues. Brian will be on a panel entitled "Comparative Perspectives on International Human Rights." The panelists will explore the influence of international law on domestic law, and in particular the incorporation of international human rights in domestic constitutions. Other invited panelists are Professor Alicia Cebada Romero, Universidad Carlos III, Madrid, Spain, Professor Sandy Liebenberg, University of Stellenbosch, South Africa, and Mr. Ron Merkel Q.C., Melbourne, Australia. The panel will be chaired by Professor Mark Kende, Drake Law School.

On December 4, **Steve Steinglass** made a presentation at the Ohio Common Pleas Judges' Association 2008 Midwinter Conference on “What Every Ohio Court of Common Pleas Judge Should Know About the Ohio Constitution.”

IN THE NEWS

Kathleen Engel was quoted in an ABC Business News article by Alice Gomstyn on the Internet: “Citigroup Bailout May Assist More Homeowners: FDIC Loan Modification Plan May Strengthen Citi's Homeowner Help Efforts,” which you may read on this link: <http://abcnews.go.com/print?id=6325319>

Kathleen C. Engel and **Kermit Lind** were both quoted in the December 29 issue of the WASHINGTON INDEPENDENT in an article by Mary Kane, “Lawsuit Targets Banks with Novel Tactic: Advocacy Group Takes Grievances to Housing Court,” which you may read on the link below: <http://washingtonindependent.com/23055/lawsuit-targets-banks-with-novel-tactic>

Kermit Lind was quoted in a December 16 article, also by Mary Kane, in the WASHINGTON INDEPENDENT, “Obama Signals Change for HUD: New Leadership Could Mean a Fresh Start for Embattled Agency,” which you may read on the link below: <http://washingtonindependent.com/22291/obama-signals-change-for-hud>

Kermit Lind was quoted on the first page of the PLAIN DEALER on December 16 in an article, “Housing group suing 2 banks: Judge halts sale of foreclosed homes,” by Mark Gillispie. You may read the article on the link below. <http://www.cleveland.com/news/plaindealer/index.ssf?/base/cuyahoga/1229419899268060.xml&coll=2>

DID YOU KNOW?

The Moot Court program awarded **Janice Aitken** the 8th Annual Alumni Recognition Award for her dedication to and support of the Cleveland-Marshall Moot Court Team. As a student here, Janice was a member of both the ABA and Nationals teams. Janice began advising the Stetson team when she joined the faculty four years ago, and she provides additional support to the program as well.

Gordon Beggs, as President of Community ReEntry, served as the master of ceremonies at the organization's Annual Luncheon on November 12 at Windows on the River. The program was a tribute to Seth Taft for his many years of service with the greater Cleveland Community. Gordon gave the opening address and presented Seth with the First Stephanie Tubbs Jones Right Relationships in the Community Award. Speakers at the lunch paying tribute to Seth included Mayor Frank Jackson, County Commission President Peter Lawson Jones, and Senior Adviser to Jones Day—Dick Pogue.

The members of the 2008 Section on Clinical Legal Education's Awards Committee (Baher Azmy, Seton Hall; **Gordon Beggs**, Cleveland-Marshall; Deborah Epstein,

Georgetown; Zelda Harris, University of Arizona; and Peter Joy, Chair, Washington University) chose Professor Margaret Martin Barry, Professor of Law at The Catholic University of America Columbus School of Law, to be receive the William Pincus Award at the AALS Conference in San Diego, California, at the Clinical Section lunch on Wednesday, January 7. The Pincus Award honors one or more individuals or institutions of clinical legal education that have demonstrated excellence in service, scholarship, program design and implementation, and other activity beneficial to clinical education or to the advancement of justice.

April Cherry's paper entitled, "The Detention, Confinement, and Incarceration of Pregnant Women for the Benefit of Fetal Health" was recently listed on SSRN's Top Ten download list for "HEN Subject Matter Journals", "Health & the Economy" and "Health Economics Network (Forthcoming)". As of 05/23/2007 her paper has been downloaded 36 times. You may view the abstract and download statistics at the URL: <http://papers.ssrn.com/abstract=968468>.

The new "White Paper" on newborn screening from the President's Commission on Bioethics has cited **Dena Davis's** article "Genetic Dilemmas and the Child's Right to an Open Future," Hastings Center Report, April/May, 1997.

Browne Lewis was the spotlighted professor in the Fall 2008 issue of the Newsletter of the AALS Section on Donative Transfers, Fiduciaries and Estate Planning.

Karin Mika recently judged two moot court competitions: the Chicago Bar Association Moot Court Competition in November and the John Marshall Technology and Privacy Law Competition in October.

Chris Sagers reports that one of his student works was cited this year by the Seventh Circuit, though for purposes of distinguishing it. See *Bro. of Locomotive Engineers & Trainmen Gen. Comm. of Adjustment, Central Region v. Union Pac. R.R. Co.*, 522 F.3d 746, 751 (7th Cir. 2008) (citing Note, *Due Process Review Under the Railway Labor Act*, 94 MICH. L. REV. 466 (1995)).

FACULTY READING LIST

Gordon Beggs: "ABA Section of Employment and Labor Law 2nd Annual CLE Conference Course Materials Volumes 1 and 2, ADA Amendments effective 1/09, FMLA Revised Regulations effective 1/09, Wordsworth Poems, Tim Russert's Big Russ & Me, Jensen's Playing Hickory Golf, Stirk's Golf History and Tradition, Ellis's The Clubmaker's Art Volumes 1 and 2, and the Holy Bible NIV."

Dena Davis wrote: "I'm looking forward to reading THE HEMMINGSES OF MONTICELLO: AN AMERICAN FAMILY, by Annette Gordon-Reed. Looks like it will be a good read and also relevant to my research. A number of the Hemmings clan ended up in Ohio, by the way."

Mickey Davis wrote: "I am on my fourth winter break (it could be fifth) reading Proust's *A la recherche du temps perdu* in the original. I don't think I've passed page 200 yet. That is like 800 to go. But it is much more like having a conversation than reading a book, which has become something of a friend. I've read that is what a book is supposed to be, so I guess it is succeeding. Slowly."

Kathleen Engel is reading John Krakauer's *UNDER THE BANNER OF HEAVEN* about the history of fundamentalist Mormons.

Patti Falk: *THE GIRL WITH THE DRAGON TATTOO* by Stieg Larsson.

Brian Glassman wrote: "BLINK by Malcolm Gladwell. Fascinating!"

Dennis Keating:

Professional: Michael Allan Wolf, *THE ZONING OF AMERICA: EUCLID V. AMBLER*. University Press of Kansas Landmark Law Cases series and Wendell E. Pritchett, *ROBERT CLIFTON WEAVER AND THE AMERICAN CITY: THE LIFE AND TIMES OF AN URBAN REFORMER* [review for *Urban Affairs Review*]

Personal: Marcia Muller, *BURN OUT* (Sharon McCone mystery series), Steven Woodworth, *NOTHING BUT VICTORY: THE ARMY OF THE TENNESSEE, 1861-1865*, William Gildea, *WHEN THE COLTS BELONGED TO BALTIMORE*, Peter Heather, *THE FALL OF THE ROMAN EMPIRE: A NEW HISTORY OF ROME AND THE BARBARIANS*, Dennis Lehane, *MYSTIC RIVER*, *THE GIVEN DAY* (a fictional Boston in 1919).

Sandra Kerber wrote: "I recently read the following book that I am presenting: The book is Susan Jacoby's *THE AGE OF AMERICAN UNREASON* that I found to be an interesting analysis of current cross cultures of a public unwilling or unable to separate fact from opinion. She combines historical analysis with contemporary observation and dissects a culture at odds with America's heritage of Enlightenment reason and with modern knowledge and science. With wit, the author offers an unsparing indictment of the anti intellectual tendencies that have been contributing to a downward spiral throughout American society fed by a popular culture and video images. She perceives little room in today's culture for contemplation or logic."

Ken Kowalski: *LAU'S LAWS ON HITTING: THE ART OF HITTING .400 FOR THE NEXT GENERATION; FOLLOW LAU'S LAWS AND IMPROVE YOUR HITTING!* by Charlie Lau Jr.

Kristina Niedringhaus:

Professional: Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS* (2nd ed. 2008).

Personal: Craig Childs, *HOUSE OF RAIN: TRACKING A VANISHED CIVILIZATION ACROSS*

THE AMERICAN SOUTHWEST (2007) and Carlos Ruiz Zafon, THE SHADOW OF THE WIND (2005).

Alan Weinstein reported: “I finally read ‘Love in the Time of Cholera’ by Gabriel Garcia Marquez and highly recommend it to anyone. An insightful and moving exploration of erotic love in almost every conceivable form.”