

# Faculty Focus

Cleveland State  
University  
Cleveland-Marshall College of Law

March 2009



Mike Nevin, *Evening on the River*

## FACULTY PUBLICATIONS

**David Barnhizer** has completed a book, *HYPOCRISY & MYTH: THE HIDDEN ORDER OF THE RULE OF LAW* (Vandeplas Publishing) with his son, Daniel Barnhizer, who teaches law at Michigan State University College of Law.

**Dena S. Davis**, *The Parental Investment Factor and the Child's Right to an Open Future*, HASTINGS CENTER REPORT, March-April 2009.

**Matthew Green** posted his recent article, *Lawrence: An Unlikely Catalyst for Massive Disruption in the Sphere of Government Employee Privacy and Intimate Association Claims*, forthcoming in the BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW, on the SSRN's Legal Scholarship Network.

**Lolita Buckner Inniss** and her co-author, Bridget J. Crawford, Pace University School of Law, posted their abstract, *Multiple Anxieties: Breaching Race, Class and Gender Norms with Assisted Reproduction*, on the Legal Scholarship Network.

**Browne Lewis's** article, *Dead Men Reproducing: Responding to the Existence of Afterdeath Children*, was recently published at 16 GEORGE MASON LAW REVIEW 403 (2009).

**Browne Lewis** posted her more recent article, *Two Fathers, One Dad: Allocating the Paternal Obligations Between the Men Involved in the Artificial Insemination Process*, on the Legal Scholarship Network.

**Brian Ray's** latest article, *Extending the Shadow of the Law: Using Hybrid Mechanisms to Develop Constitutional Norms in Socioeconomic Rights Cases*, has been accepted for publication by the UTAH LAW REVIEW.

**Chris Sagers** (with Tom Fitzpatrick), *Faith Based Financial Regulation: A Primer on Oversight of Credit Rating Organizations*, 61 ADMIN. L. REV. (forthcoming 2009).

**Chris Sagers**, "*Rarely Tried, and . . . Rarely Successful*": *Theoretically Impossible Price Predation Among the Airlines*, 73 J. AIR L. & COMM. (forthcoming 2009).

**Milena Sterio's** recent article, *On the Right to External Self-Determination: "Selfistans," Secession and the Great Powers' Rule*, was accepted for publication by the MINNESOTA JOURNAL OF INT'L LAW. Milena reports that this is a top 20 journal in the field of international law, and that the article should be published in the fall of 2009.

**Milena Sterio** has been asked to write an Introductory Note for the next issue of International Legal Materials, analyzing the recent Summary of the ICC Prosecutor's Application under Article 58 of the ICC Statute.

**Mark Sundal's** recent article, *Rescuing Space Tourists and Returning Private Spacecraft*, has been accepted by the JOURNAL OF SPACE LAW (published by the University of Mississippi School of Law).

Thomson/Reuters-West has published the 2009 Edition of FEDERAL LAND USE LAW & LITIGATION, a one-volume treatise co-authored by **Alan Weinstein** and Brian Blaesser, Esq.

An article **Alan Weinstein** co-authored with Professor Richard McCleary (UC-Irvine) has now been published: *Do "Off-Site" Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence*, 31 LAW AND POLICY 217 (2009).

**Alan Weinstein**, Chapter 8, *RLUIPA Challenges: An Ounce of Prevention is Worth a Pound of Cure*, in Michael S. Giaimo & Lora A. Lucero, eds., RLUIPA READER: RELIGIOUS LAND USES, ZONING, AND THE COURTS (American Bar Association and American Planning Association 2009).

**James G. Wilson** and Shimshon Balanson, a Cleveland-Marshall student, posted their recently completed article, *Taking Stare Decisis Seriously: A Cautionary Tale for a Progressive Supreme Court*, on the Legal Scholarship Network.

## SPEAKING ENGAGEMENTS

**David Barnhizer** will be presenting at the United Kingdom's Socio-Legal Studies Association annual meeting on April 7, 2009 in Leicester, England. His topic is "Children of a Lesser God: Lawyers, Economics and the Corruption of the Legal Profession."

On March 6, **Michael Borden** made a lunch presentation to the Indiana University School of Law on "The Promissory Character of Adequate Assurances of Performance" as part of a junior faculty exchange program with that school.

**Kathleen Engel**, Commentator, Mortgage Market Responses: Changing Markets, Changing Options Federal Reserve System's Innovative Financial Services for the Underserved: Opportunities and Outcomes, the Sixth Biennial Community Affairs Research Conference, Washington D.C., April 17, 2009.

**Kathleen Engel** will speak at the 8th District Judicial Conference in Cleveland Ohio on April 24, 2009.

**Kathleen Engel** will speak at the AALS Clinical Conference in Cleveland, Ohio on May 7, 2009.

**Kathleen Engel**, Commentator, Federal Reserve Bank of Cleveland Policy Summit (June 10-11, 2009).

On March 6, **Dennis Keating** organized and moderated a panel on "The Foreclosure Crisis in Cleveland, Cuyahoga County, and Ohio" at the annual conference of the Urban Affairs Association in Chicago.

**Kermit Lind** spoke on "Combating Nuisance Abandonment with Civil Code Enforcement" on a panel in a workshop on "Municipal Code Enforcement as a Tool for Combating Foreclosure and Property Abandonment," for municipal officials and nonprofit code enforcers which was held on March 27 at Trinity Commons.

On March 12, **Kunal Parker** presented his paper, "Time as Spirit: Common Law Thought and the Historical Imagination in the Early American Republic," as part of a series called Law & Society@UBC at the University of British Columbia.

**Brian Ray** will be on a lunch panel with Judge Solomon Oliver on May 4, sponsored by the Cleveland Bar Association, to discuss alternative legal careers.

On March 12, **Steve Steinglass** spoke to the Cleveland Metropolitan Bar Association on “Section 1983 and the Supreme Court’s 2008 Term.”

**Milena Sterio** gave a presentation at Case, organized by the Political Science Department within the Public Affairs Discussion luncheon series, on Friday, March 6, on the topic of piracy. Here is the public announcement of the event:  
<http://fridaylunch.case.edu/>

**Milena Sterio** will be giving a presentation at Case Western Law School on April 13, on the topic of “Piracy: International Legal Issues and Responses.”

On March 19, **Mark Sundahl** spoke about Islamic finance at the Cleveland State University-Siegal College Seminar on “Jewish and Muslim Attitudes Toward the Lending Crisis” here on campus.

On March 16, **Mark Sundahl** gave a presentation on “Space Law in the New Millennium” at the Intown Club on Euclid Avenue.

## IN THE NEWS

In the March 24 edition of the PLAIN DEALER, **Candice Hoke** was quoted in a story, “Cleveland State University research helps find problems in election machines,” by reporter Laura Johnston. You may read the story on the link below:  
[http://blog.cleveland.com/metro/2009/03/cleveland\\_state\\_university\\_res.html](http://blog.cleveland.com/metro/2009/03/cleveland_state_university_res.html)

**Candice Hoke’s** op-ed, “Recouping AIG bonuses: avenues for proactive public protection,” was printed in the March 22 issue of the PLAIN DEALER, which you may read on the link below:  
<http://www.cleveland.com/plaindealer/stories/index.ssf?/base/opinion/1237624592252470.xml&coll=2>

**Kermit Lind** was quoted in an article by Susan Saulny in the March 30 issue of THE NEW YORK TIMES, “In Foreclosures, A Rise in Banks Walking Away.” You may read the article on the link below:  
<http://www.nytimes.com/2009/03/30/us/30walkaway.html>

**Geoffrey S. Mearns** was featured in an article by Susan Beck from the March 2009 issue of THE AMERICAN LAWYER: “Saving Anthony Harris.” The article involves Geoff’s successful defense pro bono of Harris, who as a 13-year-old was wrongly convicted of murder and given the maximum sentence of incarceration until the age of 21. Geoff described his work on the case during the law school’s orientation program.

Download the attachment: <http://www.law.csuohio.edu/public/announcements/AnthonyHarris.pdf>

## DID YOU KNOW?

**David Barnhizer** is currently teaching as a Visiting Professor at the University of Westminster School of Law in London.

**Susan Becker** was elected President of the Board of Directors and **Lloyd Snyder** was reelected General Counsel of the Ohio affiliate of the ACLU on March 28. Headquartered at the Max Wohl Civil Liberties Center on Chester Avenue, the work of the Ohio ACLU is carried out by staff members working in close partnership with interns, law clerks, and volunteers. Through education, litigation, and lobbying, the ACLU seeks to protect civil liberties today and to preserve the rights guaranteed by the first 10 amendments to the U.S. Constitution for future generations. This non-profit, non-partisan organization has nearly 30,000 members and supporters and has received numerous awards for its cutting-edge work. Some of the organization's most recent initiatives and achievements, including the opening of its new regional office in Columbus, are featured in its 2008 annual report available at <http://www.acluohio.org/publications/2008Highlights.pdf>.

**Lolita Buckner Inniss** has posted her latest blog entry "Octomom: Social Factoring the Numbers (Or, LCD meets OCD)" at <http://innissfls.blogspot.com/2009/03/octomom-social-factoring-numbers-or-lcd.html> It begins...

"In recent weeks the airwaves have sizzled with stories about Nadya Suleman, the California woman who gave birth to octuplets conceived via assisted reproductive technology. In doing so, Suleman breached numerous mainstream social norms of motherhood.

First and foremost, in having eight babies, she went way beyond the two-child home that has become the standard for middle class-dom. There seems to be a Familial Least Common Denominator rule applicable to middle class parenting. You take the mother, put her in the numerator and put the number of kids in the denominator ..."

**Lolita Buckner Inniss** has posted a new blog entry "On Being a Black Woman Lawyer (Or, The Sound of Silence)". <http://innissfls.blogspot.com/> It begins:

*And in the naked light I saw  
Ten thousand people, maybe more.  
People talking without speaking,  
People hearing without listening,*

Paul Simon, "The Sound of Silence"

On March 7 at Barrister's Ball, the Student Bar Association announced its choices for faculty member of the year, **Kevin O'Neill**, and staff person of the year, **Jessica Mathewson**. Congratulations to Kevin and Jessica!

Governor Ted Strickland appointed **Diane Palos**, an adjunct professor at Cleveland-Marshall for many years, to the Domestic Relations Division of the Cuyahoga County Court of Common Pleas.

**Chris Sagers** will be initiated into the American Law Institute at its annual meeting in Washington, D.C. in May. Chris will join the six other ALI members on the Cleveland-Marshall faculty: **Joan Baker, Joan Flynn, Debby Geier, David Goshien, Steve Werber** (who recommended him), and **Geoff Mearns** (*ex officio*).

**Milena Sterio** has just launched a new blog (Thoughts on International Law and Politics) at <http://intlwandpolitics.blogspot.com/>.