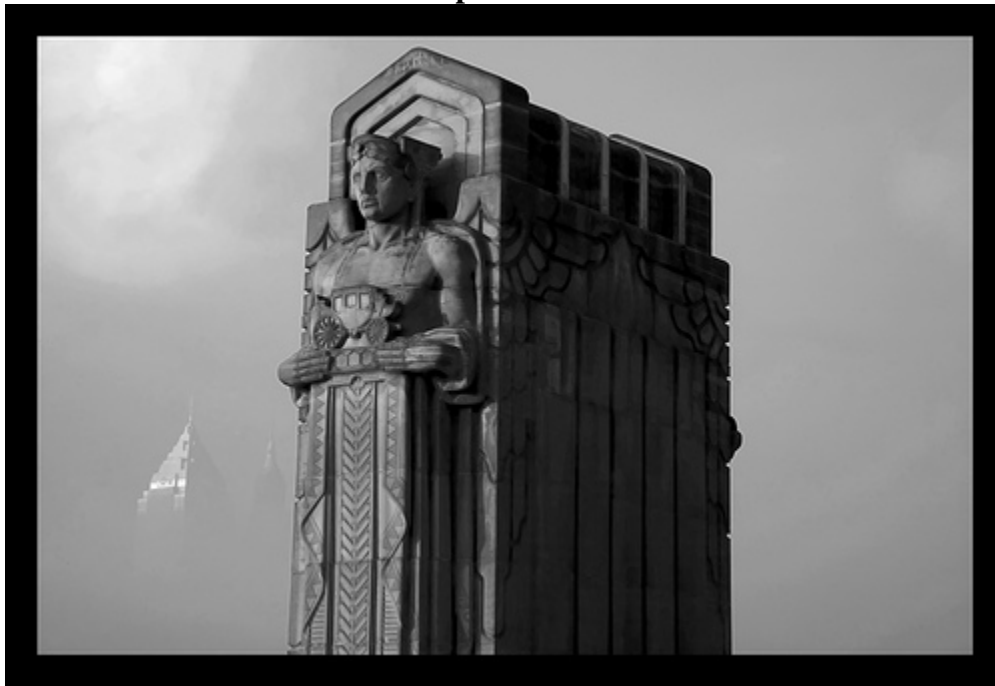


# Faculty Focus



April 2009



Mike Levy, *blackandwhitehope*

## CONGRATULATIONS!

At its April 3, 2009 meeting, the Cleveland State University Board of Trustees approved **Mark Sundahl's** application for tenure and promotion to Associate Professor and **April Cherry's** and **Heidi Gorovitz Robertson's** applications for promotion to Professor.

## FACULTY PUBLICATIONS

On April 8, **David Barnhizer** posted his piece, *Children of a Lesser God: Lawyers, Economics, and the Systemic Corruption of the Legal Profession*, on SSRN's Legal Scholarship Network.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1375028](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1375028)

**Phyllis Crocker** finished her part of the new edition of KATZ & GIANNELLI, CRIMINAL LAW (2d ed. 2009), which is part of Baldwin's Ohio Practice Series. She became one of the four authors of the treatise in 2006; this is the first new edition since then.

On March 27, **Dena S. Davis** posted her article, *The Parental Investment Factor and the Child's Right to an Open Future*, HASTINGS CENTER REPORT, March-April 2009, on the SSRN's Legal Scholarship Network.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1369207](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1369207)

**Deborah Geier** had a letter to the editor published in the April 27, 2009 edition of TAX NOTES. You may read the letter on the link below.

[https://www.lexis.com/research/retrieve?\\_m=1d595aaff0982db503241f11429b456c&csvc=lt&cform=&fmtstr=FULL&docnum=1&startdoc=1&wchp=dGLzVtb-zSkAA&md5=39ed7561348e6f7b3e6f20101e29e259](https://www.lexis.com/research/retrieve?_m=1d595aaff0982db503241f11429b456c&csvc=lt&cform=&fmtstr=FULL&docnum=1&startdoc=1&wchp=dGLzVtb-zSkAA&md5=39ed7561348e6f7b3e6f20101e29e259)

**Candice Hoke** & David Jefferson, *Voting and Registration Technology Issues: Lessons from 2008*, in AMERICA VOTES! SUPPLEMENT (Benjamin E. Griffith, ed., 2009). Candice reports: "This supplement features nationally recognized election law experts who cover hot topics such as: 2008 voter protection efforts; electronic voting problems; potential solutions and forensic methodologies developed in the run-up to, and the aftermath of, the 2008 election; Florida's experience during this election cycle as compared to 2000; election-related litigation and enforcement efforts related to this watershed election; and more."

On April 27, **Lolita Buckner Inniss** posted her abstract, *Critical Race Theory and the Law School Curriculum: Critical Reflections on Inclusion*, on SSRN's Legal Scholarship Network.

**Dennis Keating** is preparing entries on *Cleveland, 1877-1941* for the ENCYCLOPEDIA OF CITIES IN AMERICAN HISTORY (Congressional Quarterly Press) and on *Non-Profit Social Housing* for the INTERNATIONAL ENCYCLOPEDIA OF HOUSING AND HOME (Elsevier).

In May, Aspen will publish a new book, STRATEGIES AND TECHNIQUES OF LAW SCHOOL TEACHING, which **Kevin O'Neill** co-authored with Professor Howard Katz of Elon University School of Law.

**Brian Ray** posted his latest article, *Extending the Shadow of the Law: Using Hybrid Mechanisms to Develop Constitutional Norms in Socioeconomic Rights Cases*, which has been accepted for publication by the UTAH LAW REVIEW on SSRN's Legal Scholarship Network. <http://ssrn.com/abstract=1380351>.

## SPEAKING ENGAGEMENTS

On March 23, **Lolita Buckner** presented a talk as part of the Pace University Law School Distinguished Speaker Series. Her talk was titled "Panopticism, Synopticism and the Discursive Creation of the Black Mother."

On April 21, **Mickey Davis** presented his copyright program to the faculty of Cleveland Clinic Huron Hospital Nursing School Campus. It covered all the various copyright implications involved in teaching, both face to face and distance learning, the latter of

which was of unusual concern to them since they have been increasing that phase of their instruction. It also covered all the other fair use and photocopying problems we all face.

On April 25, **Brian Glassman** spoke at the Cleveland Museum of Art on “Protecting the Sculptor, Protecting the Sculpture: Rights and Responsibilities under State and Federal ‘Moral Rights’ Laws.” Brian was taking part in a symposium, "Form to Finish: Strategies in Outdoor Sculpture Preservation.” You may read about the entire symposium on the attached document.

Download the attachment:

<http://www.law.csuohio.edu/public/announcements/Brianglassmanlecture.pdf>

In early April, **Candice Hoke** presented on “Litigating Voting Technologies” at the Election Verification National Conference in Seattle, Washington.

On April 30, **Geoff Mearns** moderated a panel discussion on “The Evolving Law and Policy of Federal Sentencing,” sponsored by The Northeast Ohio Chapter of the American Constitution Society. The discussion featured Judge James S. Gwin, Northern District of Ohio, Judge Algenon L. Marbley, Southern District of Ohio, Judge Karen Nelson Moore, Sixth Circuit, and Douglas A. Berman, the William B. Saxbe Designated Professor of Law, The Ohio State University Moritz College of Law.

**Karin Mika** presented on “Games in the Legal Writing Classroom” and “A Statistical Analysis of Computer Grading” at the Rocky Mountain Conference in Phoenix on March 13 and 14. She has also been asked by the AALS to do some cassette-to-computer conversions of old AALS presentations in order to make their archives complete.

On April 2, **Kunal Parker** spoke at Case Western Reserve University School of Law as part of the Northeast Ohio Law Schools’ Colloquium Series. His topic was “Time as Spirit: Common Law Thought and the Historical Imagination in the Early American Republic.”

**Brian Ray** is presenting a paper discussing recent socioeconomic rights decisions as part of the Perspectives on South Africa Panel at the Law and Society Annual Meeting in May.

On April 13, **Milena Sterio** spoke on “International Law and the Challenge of Modern Piracy” at the Case Western Reserve University School of Law. Her presentation was sponsored by the student International Law Society, the Institute for Global Security Law and Policy, and the Frederick K. Cox International Law Center. Here is the link to the webpage advertising the event.

[http://www.law.case.edu/centers/cox/content.asp?content\\_id=156](http://www.law.case.edu/centers/cox/content.asp?content_id=156)

## IN THE NEWS

An article by Janet Okoben, “CWRU, CSU grad schools jump in U.S. News ranking,” appeared in the PLAIN DEALER on April 23, 2009.

[http://www.cleveland.com/education/index.ssf/2009/04/case\\_western\\_reserve\\_universi.html](http://www.cleveland.com/education/index.ssf/2009/04/case_western_reserve_universi.html)

Reporter Alison Grant has published two related stories about **Cleveland-Marshall** in the April 21 issue of THE PLAIN DEALER. The first is about the planned trial courtroom, “CSU plans a mock trial courtroom,” which you may read on the link below:

[http://www.cleveland.com/business/index.ssf/2009/04/clevelandmarshall\\_college\\_of\\_l.html](http://www.cleveland.com/business/index.ssf/2009/04/clevelandmarshall_college_of_l.html).

The second is about the April 22 Ohio Women's Bar Association event to raise funds to build the courtroom, “This law school fund-raiser has style,” which you may read on this link: [http://blog.cleveland.com/pdextra/2009/04/this\\_law\\_school\\_fundraiser\\_has.html](http://blog.cleveland.com/pdextra/2009/04/this_law_school_fundraiser_has.html)

On March 31, **Kermit Lind** was quoted in an article by Mary Kane in THE WASHINGTON INDEPENDENT, “Cleveland Wins First Round in Fight to Stop Banks from Dumping their Trash.” You may read the article on the link below:

<http://washingttonindependent.com/36449/cleveland-wins-the-first-round-in-fight-to-stop-banks-from-dumping-their-trash>

**Chris Sagers** was featured in an “Honored” column in the April 11 issue of THE PLAIN DEALER, which acknowledges his election to the American Law Institute. Chris points out, however, that the article is somewhat incorrect: It mentions his five-year membership on the ALI Council, whereas he is an elected member of ALI, not a member of its Council. His membership term is unlimited. You may read the article on this link:


<http://www.cleveland.com/plaindealer/stories/index.ssf?/base/news-0/123943878480280.xml&coll=2erratum>

**Milena Sterio** is featured in the April-May 2009 edition of SHAKER LIFE magazine. You may read the article on the link below.


<http://www.shakeronline.com/Media/PDFs/Uploader/416200914335Apr-May09.pdf>

In the April 17 edition of the PLAIN DEALER, **Bill Tabac** and **Tom Buckley** are quoted in an article, “Testimony of key witness in Jimmy Hoffa case unsealed,” by Peter Krouse. You may read the article on the link below:

<http://www.cleveland.com/news/plaindealer/index.ssf?/base/cuyahoga/1239957023280790.xml&coll=2>

**William Tabac** was featured in an article from the April 10 issue of the DETROIT NEWS, “Professor Seeks Sealed Jimmy Hoffa Record, which you may read on this link:  [Professor seeks sealed Jimmy Hoffa case record](#)

DETROIT FREE NEWS reporter Paul Egan published this article, featuring **Bill Tabac** in the April 11 issue of the paper, “Request targets Hoffa grand jury records: Professor

suspects feds used illegal tactics to indict the Teamsters then-boss in 1963.”  [Request targets Hoffa grand jury records](#)

## DID YOU KNOW?

In the March, 2009 AALS NEWS magazine, **David Forte** was recognized as the “Teacher of the Year” for the 2007-2008 Academic Year.

On May 21, **Deborah Geier** will receive the Cleveland-Marshall Law Alumni Association’s 2009 Wilson G. Stapleton Award for Faculty Excellence at the Annual Recognition Lunch.

**Brian Glassman** has accepted an invitation to serve on the executive committee of the AALS Section on Art Law.

**Lolita Buckner Inniss** posted her latest blog entry. *The No. 1 Ladies’ Detective Agency: The Many Facets of Raced and Gendered Tele-Identity (Or, Nemos, Nomos and Narrative)* at <http://innissfls.blogspot.com/>

It begins: “In the new HBO show *The No. 1 One Ladies’ Detective Agency*, based on the book series of the same name, Americans are confronted with what seems for many the multiple improbable identities of the singular subject of the show, Precious Ramotswe. Precious is a middleclass, “traditionally built” (plus sized), Sub-Saharan African woman who works as a detective to mostly middle and upper middle class Africans. She is the fictional creation of 61 year old Zimbabwe-born British white male law professor Alexander McCall Smith and is played by African American woman rhythm and blues singer Jill Scott. Note that that’s “Number One”, not “No one”, a pun that the author likely intended, considering the way in which the heroine of the show reveals herself to a sometimes skeptical public as a definite *someone* despite being taken on occasion for a gendered and raced *no one*. Moreover, Precious, ...”

**Karin Mika** graded briefs for the ABA Moot Court Competition and for the Child Adoption and Welfare Moot Court Competition at Capital. She graded briefs, and she judged rounds at the Jessup Moot Court Competition in Chicago.

**Mark Sundahl’s** article on *Space Tourists* was picked up by Glenn Reynolds on his blog Instapundit.com and -- as a result -- the SSRN abstract has gotten over 1200 views.

To celebrate the 100th anniversary of the American planning movement, the American Planning Association has created a list of 100 books essential to planning. A book **Alan Weinstein** co-authored with Brian Blaesser, *LAND USE AND THE CONSTITUTION: PRINCIPLES FOR PLANNING PRACTICE*, has been selected as one of 100.

The Brookings Institution in Washington, D.C. has contracted with the law school's Law & Public Policy Program to have **Alan Weinstein** and **Kermit Lind** co-author a paper that examines the legal barriers to collaboration among governmental entities in

Ohio in such areas as land use, economic development, taxation, revenue sharing, and governmental operation. Alan and Kermit expect to present their findings to Brookings by the end of September.

**Stephen J. Werber** has been appointed Grand Jury Foreperson by the Honorable John P. O'Donnell, Court of Common Pleas, Cuyahoga County, for the term commencing May 5, 2009.

## **2009 SUMMER GRANTS**

In addition to **Susan Becker** and **Sheldon Gelman**, who receive automatic summer grants as holders of the Charles R. Emrick, Jr.-Calfee Halter & Griswold Professor of Law and the Joseph C. Hostetler-Baker-Hostetler Chair in Law, respectively, the following colleagues received summer research or teaching grants.

### **RESEARCH GRANTS**

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

**Carolyn Broering-Jacobs**, Assessing the Relationship between Writing and Outcomes on Appeal

**Dena S. Davis**, Can There Be a Liberal Eugenics?

**Matthew W. Green**, Ready, Aim, Fire!: How Modern Courts have Adopted the “War Doctrine” to Analyze Culture War Issues Involving the LGBT Community and What that May Mean for Future Anti-Discrimination Laws

**Candice Hoke**, Internet Voting: Testing the Limits of Election Federalism

**Lolita Buckner Inniss**, Googling Idiot: The Performativity of Competence-Assailing Cyber Insults Aimed at Raced and Gendered Political Figures and the Proper Response of Law

**Browne Lewis**, The Legal Status of Women Involved in a Surrogacy Arrangement

**Brian Ray**, Understanding Civil Society’s Role in Enforcing Socioeconomic Rights, and A Tale of Two Countries: Constitutions, Social Change and the Story of South Africa’s Civil Union Act

**Chris Sagers**, Antitrust: Examples and Explanations

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

**Mark Sundahl**, Export Controls over Space Technology

## TEACHING GRANTS

**David Forte**, Preparation of Extensive Materials for the Course, Theories of Justice

**Karin Mika**, Developing Online Available Writing, Research, and Citation Exercises, and Other Supplemental Multimedia Teaching Materials

**Kevin O'Neill**, Creating a Courtroom Simulation Cross-Examination Exercise by Writing a Deposition Transcript that Represents the Prior Testimony of the Live Witness

## SAYING GOODBYE

After 30 years of teaching Legal Writing at Cleveland-Marshall, **Deborah Klein** is retiring.

**Kathleen Engel** has accepted a job at Suffolk University Law School starting in the fall of 2009.

**Kunal Parker** has accepted an offer to join the faculty at the University of Miami Law School beginning in the fall of 2009.

Here is a link to a website listing all faculty making lateral moves.

<http://www.thefacultyounge.org/2009/01/law-faculty-lateral-moves-list-2009.html>