

# *Faculty Focus*

Cleveland State  
University  
Cleveland-Marshall College of Law

**August 2009**



Gary Bukovnik, Delphinium

## WELCOME TO CLEVELAND-MARSHALL!

**Jonathan Witmer-Rich**, Assistant Professor of Law, joins us from the Office of the Federal Public Defender for the Northern District of Ohio. He has clerked for the Honorable M. Blane Michael on the United States Court of Appeals for the Fourth Circuit and for the Honorable Joseph P. Goodwin of the U.S. District Court for the Southern District of West Virginia. Prior to joining the Federal Public Defender's Office he was an associate in the trial practice group of Jones Day in Cleveland. His office will be in room 153.

**Kelly Curtis** joins us as a Legal Writing Professor. She has recently served as an Assistant State Public Defender in Franklin County, Ohio, and as an Associate in the labor and employment group at Schottenstein, Zox, and Dunn. Her office will be in room 054.

**Jennifer Blaga**, Director of the Office of Career Planning, returns to Cleveland-Marshall after spending 10 years in legal recruiting at Thompson Hine, Squire Sanders and Dempsey, and a national legal recruiting firm. Jennifer served as the OCP assistant at CM from 1997 to 1999. Welcome Back!

## CONGRATULATIONS!

Congratulations to **Dena Davis** for receiving the Cleveland State University Distinguished Faculty Research Award for 2009! Dena has published extensively on issues concerning the ethical dimensions of organ transplantation, reproductive technology, end-of-life decision making, the education of children with AIDS, religion and homosexuality, genetic testing, genetic engineering, stem cell research, and more. She has published three books and countless articles. Dena has traveled and lectured widely in her areas of expertise, has been awarded several Fulbright grants, and has become well-known and well-respected internationally in her field.

Congratulations to **Brian Glassman, Ken Kowalski, and Gordon Beggs!** Their applications for extension of their long terms contracts were approved by the law school and the university.

## THANK YOU!

Thank you very much to **Patricia Falk** for her three years of exemplary service to the law school as Associate Dean for Faculty Development and Student Achievement. She has been a strong leader in encouraging and facilitating improvement in the quality and quantity of the faculty's scholarly productivity. She has improved our article submission processes, and has worked with our academic support staff to improve our students' academic performance and chances of success. She has done her job diligently, thoughtfully, and creatively. Thank you!

## FACULTY PUBLICATIONS

**Kevin O'Neill** and former CM Visiting Professor Howard Katz have published STRATEGIES AND TECHNIQUES FOR LAW SCHOOL TEACHING with Aspen Publishers. Their book was very positively received and was distributed to all new law faculty at the AALS Workshop for New Law Teachers this summer.

**Kevin O'Neill** also contributed four articles to the newly published two-volume ENCYCLOPEDIA OF THE FIRST AMENDMENT (Congressional Quarterly Press): *Time, Place, and Manner Restrictions*; *Viewpoint Discrimination*; *Prisons*; and *True Threats*.

**Chris Sagers'** article *Credit Rating Organizations, Their Role in the Current Calamity, and Future Prospects for Reform*, will be published in LESSONS FROM THE FINANCIAL CRISIS: INSIGHTS AND ANALYSIS FROM TODAY'S LEADING MINDS (with Tom Fitzpatrick; J. Wiley & Sons, Robert Kolb, ed., forthcoming 2009).

**Chris Sagers** also published *Dagher, American Needle, and the Evolving Antitrust Theory of the Firm: What Will Become of Section 1?* in ANTITRUST SOURCE, Aug. 2009 (an online publication of ABA Section of Antitrust Law).

**Chris Sagers** published *Competition Come Full Circle? Pending Legislation to Repeal the U.S. Railroad Exemption*, in COMP. POL'Y INT'L NEWSLETTER, Sept. 2009. This is an online publication of Competition Policy International.

**Browne Lewis'** article, "Two Fathers, One Dad: Allocating the Paternal Obligations Between the Men Involved in the Artificial Insemination Process," will be published in the Winter 2009 issue of the LEWIS & CLARK LAW REVIEW.

**Browne Lewis** has signed a contract with New York University Press to write a book entitled PAPA'S BABY: PATERNITY AND ARTIFICIAL INSEMINATION.

**David Barnhizer's** book, which he co-authored with his son Daniel (Michigan State – Detroit College of Law), entitled HYPOCRISY AND MYTH: THE HIDDEN ORDER OF THE RULE OF LAW was published by Vandepul Publishing.

**David Forte** published a book review, "*The Closing of the Judicial Mind*," in the *Clarmont Review of Books*, Summer 2009. The books he reviewed were Robert F. Nagel, UNRESTRAINED: JUDICIAL EXCESS AND THE MIND OF THE AMERICAN LAWYER, and Richard Posner, HOW JUDGES THINK.

**Lolita Buckner Inniss** and her co-author, Bridget Crawford (Pace), have accepted an offer of publication for *Octomom: Social Factoring the Numbers With Assisted Reproduction* in Volume 19, Issue 1 of the TEXAS JOURNAL OF WOMEN AND THE LAW.

The Academy of Athens has agreed to publish a bibliography of Ancient Greek Law co-edited by **Mark Sundahl** and two other classicists. The title of the book will be A WORKING

BIBLIOGRAPHY OF ANCIENT GREEK LAW. The Academy of Athens is the modern reincarnation of Plato's Academy -- and is the leading research institution in Greece.

**Mark Sundahl** has recently published "*The Living Constitution of Ancient Athens: A Comparative Perspective on the Originalism Debate*" in the JOHN MARSHALL LAW REVIEW at 42 JOHN MARSHALL L. REV. 463 (2009).

**Milena Sterio's** article, "*The Right to External Self-Determination Under International Law*" is forthcoming in the Minnesota Journal of International Law.

**Brian Ray** published "*Occupiers of 51 Olivia Road v. City of Johannesburg: Enforcing the Right to Adequate Housing through 'Engagement'*" in the HUMAN RIGHTS LAW REVIEW, at 8 HUMAN RTS. L. REV. 703 (2008).

**Brian Ray** also published "*Policentrism, Political Mobilization, and the Promise of Socioeconomic Rights*", in the STANFORD JOURNAL OF INTERNATIONAL LAW at 45 STANFORD J. INT'L L. 151 (2009).

**Karin Mika** published "*The Benefits of Podcasting,*" in THE SECOND DRAFT (Spring 2009).

**Dena Davis** was a guest writer for the legal column of the LAHEY CLINIC NEWSLETTER. Her topic was "*Fathers, Foreskins, and Family Law.*"

## SPEAKING ENGAGEMENTS

**Dena Davis** was an invited speaker at the Mountain States Genetics Conference in Denver, in July. Her topic was direct-to-consumer genetic testing.

**S. Candice Hoke** will present *Internet Voting: Formulating Structural Governance Principles for Elections Cybersecurity*, at the Second International Symposium on Global Information Governance (ISGIG) in Prague, Czech Republic, in September. Her paper will be published in the proceedings of the meeting and were peer reviewed for inclusion in this conference by a prominent international committee.

**Mark Sundahl** will chair the Ancient Law panel at the upcoming annual meeting of the American Society of Legal History in Dallas, Texas, on November 12.

On June 5, 2009, **Alan Weinstein** presented "*Signs, Sex, and God: Regulating Land Uses Protected by the First Amendment,*" at the Northeast Ohio Planning & Zoning Workshop in Mentor, OH.

**Alan Weinstein** presented "*Religious Land Uses and Liability for Violating RLUIPA,*" at the National League of Cities – Risk Information Sharing Consortium Spring Trustees Conference in Louisville, KY on May 8, 2009.

**Heidi Gorovitz Robertson** made the following presentations while visiting this spring at Uppsala University, Sweden, on a Fulbright grant:

*Environmental Inconsistency and Resulting Environmental Injustice in the U.S.: Approaches Beyond Bush*, Nordic Environmental Law, Governance, and Science Network Workshop, University of Oslo, Norway, April 28, 2009.

*An Introduction to Interdisciplinary Legal Education in Environmental Disciplines*, Uppsala University Faculty of Law, Uppsala, Sweden, May 14, 2009.

*Clinical Legal Education: Why it's worth it and how we do it*, Uppsala University Faculty of Law, Uppsala, Sweden, May 15, 2009.

**Brian Ray** was invited to present *Accommodating Science Through Weak-Form Review* at a conference on Science in International Law co-sponsored by the European and American Societies of International Law in October.

**Alan Miles Ruben** spoke on "Labor Arbitration in a Recessionary Environment" on June 30<sup>th</sup>, 2009, at the Officers and Business Agents Conference of Teamsters Joint Council 41 in Huron, Ohio.

On August 3, in Cologne, Germany, **David Forte** spoke to the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta (the Knights of Malta) on "The Roots of Islamic Law."

**David Forte** spoke on June 27, in San Francisco, to the Intercollegiate Studies Institute on "Islam and the Prospects for Democracy."

**Candice Hoke** participated in a panel presentation entitled "*E-Voting and Forensics: Prying Open the Black Box*" on Monday, August 10<sup>th</sup> at EVT/Wote '09, the 2009 Electronic Voting Technology Workshop/Workshop on Trustworthy Elections in Montreal, Canada.

**David Barnhizer** has been invited to give a presentation to the University of Toledo Law School's Faculty Forum in October on his paper entitled "*Children of Lesser God: Lawyers, Economics and the Systemic Corruption of the Legal Profession.*"

**Steve Steinglass** made a presentation in April on "State Courts, State Law, and Section 1983" at the Chicago-Kent College of Law Civil Rights Litigation Conference.

**Karin Mika** made the following presentations this spring and summer:

*Using Real-Life Stories in Teaching Legal Drafting* at the Legal Writing Institute Storytelling Conference, July 27, 2009, at Lewis and Clark Law School, Portland, Oregon.

*The Benefits of a Comprehensive Course Website*, at the Association of Legal Writing Directors Biennial Conference, July 23, 2009 at the University of Missouri at Kansas City Law School.

*Creating Multiple Choice Quizzes with Feedback using Powerpoint* at the Association of Legal Writing Directors Biennial Conference, July 23, 2009, at the University of Missouri at Kansas City Law School.

*Games in the Legal Writing Classroom: Enhancing the Learning Experience*

at the Lone Star Legal Writing Conference, May 29, 2009, at Texas Tech Law School (as the plenary after-dinner presentation).

## IN THE NEWS

On July 18th, *The New York Times* published a letter from **Dena S. Davis** regarding the appointment of Dr. Francis S. Collins to lead the National Institutes of Health.

**Kermit Lind** is quoted in an article by Sandra Livingston "Bank 'walkaways' from foreclosed homes are a growing, troubling trend" that appeared in the July 19 issue of *The Plain Dealer*.

**Kathleen C. Engel** is quoted in:

the May 11 issue of *Crain's Cleveland Business* in the attached article by Stan Bullard, "Talking tough: Housing court judge turns up by another notch the pressure he already has placed on banks, homebuyers in foreclosure epidemic."

a June 17th article by Sandra Livingston in the Plain Dealer: "Cleveland Housing Judge gets tough, holds landlords in contempt who fail to appear."

a July 11th article in the New York Times by Gretchen Morgenson, "Fair Game: Looking for Lenders' Little Helpers"

a July 12th article in the New York Times by Gretchen Morgenson, "Fair Game: Looking for Lenders' Little Helpers,"

**Kathleen Engel** was also mentioned in an article on June 22 in the CONNECTICUT LAW TRIBUNE. The article features former Cleveland-Marshall Professor Patricia McCoy, who now heads the Insurance Law Center at the University of Connecticut.

**Geoffrey S. Mearns** was quoted in the PLAIN DEALER July 7th in an article by Peter Krouse: "*State Senator Tim Grendell worries Cuyahoga County officials under investigation still will get large pensions.*"

**Geoffrey S. Mearns** was quoted in an article by Reginald Fields that appeared in the August 3 issue of the PLAIN DEALER, "*Supreme Court gives OK for third-year law students to represent felony defendants.*"

## DID YOU KNOW?

Cleveland Mayor Frank Jackson appointed **Louise Dempsey** to the office of vice-chair of the Cleveland Municipal School Board.

**Susan Becker** is the new president of the Board of Directors of the American Civil Liberties Union of Ohio.

**Geoff Mearns** was named a Trustee of the Cleveland Metropolitan Bar Association and a member of the Board of Directors of the Law and Leadership Institute, a statewide program that identifies promising youth from disadvantaged neighborhoods and grooms them to be future leaders in the legal profession.

**Steve Steinglass** was appointed to serve as a Trustee of the Cleveland Metropolitan Bar Foundation, was re-elected to another two-year term as a member of the Council of Delegates of the Ohio State Bar Association, and was re-appointed to the Board of the Ohio Legal Assistance Foundation.

**Dena Davis** completed her two-year term as President of the Marlboro College Alumni Council, but will continue to serve as a Member-at-Large. No more tri-annual trips to Vermont!

On June 24, at CWRU Law School, **Kevin O'Neill** taught a three-hour Evidence class to Cleveland public high school students under the auspices of the Stephanie Tubbs Jones Summer Legal Academy, a program (now in its fifth year) that is meant to encourage inner-city students to pursue a career in law.

**Heidi Gorovitz Robertson** spent two weeks teaching Introduction to International Environmental Law at the St. Petersburg Summer Law Institute in Russia this summer. The St. Petersburg Summer Law Institute is jointly sponsored by Cleveland-Marshall, the University of Arkansas School of Law, McGeorge (University of the Pacific) School of Law, Yaroslav the Wise University (Novgorod, Russia), and St. Petersburg State University (Russia). Students earn 5 law school credits by taking courses in various international law topics taught by US and Russian professors. They both study and live with students from the Russian law schools.

**Steve Werber** served as Grand Jury Foreman, Court of Common Pleas, Cuyahoga County for the May - August 2009 session. He was appointed by the Honorable John P. O'Donnell.

**David Forte** completed his sabbatical as Senior Fellow at the Center for the Study of Religion and the Constitution at The Witherspoon Institute in Princeton, New Jersey.

Cleveland-Marshall hosted the 2009 Law and Leadership Institute for the second year in a row, in conjunction with Case Western Reserve University Law School, and the Ohio Supreme Court. The purpose of the month-long Institute is to increase diversity in the legal profession by encouraging high school minority students to consider careers in law. Cleveland-Marshall students Michael Ritz and Johanna Lopez taught the rising ninth graders and two students from Case Law School taught the rising tenth graders. **Inga Laurent**, was the on-site coordinator for the program. **Louise Dempsey** coordinated efforts with the Cleveland schools and oversaw the law firm internships. **Sandra English** recruited the judges for the two day mock trials and assisted with obtaining the daily speakers. Fifty Cleveland Metropolitan School District students participated in the Institute.

On July 15, **Browne Lewis** and **Janice Aitken** gave an interdisciplinary seminar to a undergraduate students participating in the McNair Scholars Program. The seminar focused on the relationship between STEM (Science, Technology, Engineering, or Mathematics) disciplines, administrative law governing workplace safety, and common law liability for injuries and damage arising out of STEM related activities. The participants in the McNair Scholars Program are undergraduate students from disadvantaged backgrounds who have demonstrated the capacity to excel in STEM or STEM-related disciplines. The McNair Scholars Program, sponsored by the United States Department of Education, is designed to prepare and encourage these students to pursue a Ph.D. in STEM or STEM-related disciplines.

**Steve Werber** was elected to the Board of Directors of Transitional Housing, inc., a non-profit company that provides housing and education to homeless and/or abused women.

**Steve Steinglass** was one of five law professors on whose behalf an amicus brief was submitted to the US Supreme Court in *Haywood v. Drown*; in May, the Court by a 5-4 vote held that the New York state courts could not refuse to exercise jurisdiction over state court sec. 1983 cases against state correctional officers.

**Steve Lazarus** filed and presented an Investigative Report for the Cleveland Metropolitan Bar Association's Certified Grievance Committee. This report is part of the process to determine whether to go forward with disciplinary action against an attorney against whom a claim has been filed with the bar association's grievance committee.

**David Barnhizer** is coordinating a conference to be held in London next June co-sponsored by the Institute of Advanced Legal Studies of the University of London, Westminster University School of Law, and Cleveland-Marshall. The conference theme is "Regulating Lawyers in the 21st Century."

**David Barnhizer** is General Counsel for a high tech research and development company, NanoLogix, that has patented several unique technologies including one that allows the detection of anthrax and plague much more rapidly than is currently possible.

**Karin Mika** coordinated the Technology Workshop at the Association of Legal Writing Directors conference July 23, 2009, at the University of Missouri at Kansas City Law School.



She also played the role of a beleaguered Legal Writing Director in the presentation "*Stuck in the Middle with You, and You, and You,*" presented by colleagues from other schools.