

# Faculty Focus



**November/December 2009**



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Thomas Roese

## **FACULTY PUBLICATIONS**

**Patricia Falk** completed a book review of Susan Caringella's 2009 book ADDRESSING RAPE REFORM IN LAW AND PRACTICE. The review is scheduled to be published in the March 2010 edition of the journal VIOLENCE AGAINST WOMEN.

The 2009-2010 edition of THE LAW OF PROFESSIONAL CONDUCT IN OHIO, written by **Susan Becker**, Jack Guttenberg, and **Lloyd Snyder** was published in November.

**Lloyd Snyder** published *Earned Upon Receipt Flat Fees and Non-Refundable Retainers* in the December issue of the BAR JOURNAL of the Cleveland Metropolitan Bar Association.

## SPEAKING ENGAGEMENTS

**Dena Davis** attended the Annual Meeting of the American Academy of Religion in Montreal, PQ, where she presented a paper in the Ethics Section entitled *Can There Be a 'Liberal Eugenics'?* She also reviewed the Law, Religion & Culture Group for the Program Committee.

**Browne Lewis** presented *Environmental Justice and the Equal Protection's Discriminatory Intent Standard* at the Cleveland Metropolitan Bar Association, Section on Environmental Law's Annual Environmental Law Symposium, November 18.

**Browne** has been invited to serve a second term as a public member of the Long Term Care Professional and Technical Advisory Committee Board of the Joint Commission. The Joint Commission accredits and certifies more than 17,000 health care organizations and programs in the United States.

**Browne** has also been invited to serve on the Cleveland State University Institutional Review Board (IRB) for Human Subjects.

**Heidi Gorovitz Robertson** presented *Environmental Responsibility as Rationale for an Expanded Right of Access (or a Limited Right to Exclude)* at the Cleveland Metropolitan Bar Association, Section on Environmental Law's Annual Environmental Law Symposium, November 18.

**Candice Hoke** spoke on a panel at the Government Attorney section meeting of the Cleveland Metropolitan Bar Association on November 19. The panel—entitled *Cuyahoga County Report: What's Next?*—also included former Shaker Heights Mayor Judy Rawson and Cuyahoga County Commissioner Peter Lawson Jones.

On November 19, Judge Michael Donnelly (CM '92), Monica Sansalone (CM '95) and **Stephen Lazarus** conducted a CLE panel discussion on Professionalism, for the New Lawyers Training Program held at the offices of the Cleveland Metropolitan Bar Association.

**Alan Weinstein** presented *A Framework for On-Premise Sign Regulations* at the inaugural National Signage Research and Education Conference at the University of Cincinnati on October 14. The conference was sponsored jointly by UC's College of Business and College of Design, Art Architecture & Planning.

**Alan** gave two presentations at the APA-Ohio Planning & Zoning Workshop in Cleveland on November 13: *Smart Strategies for Dealing with 'LULUs' (Locally Unwanted Land Uses)* and *Regulating Digital Signs & Billboards* with Robert Brown, City of Cleveland Planning Director.

On November 12, **Kevin O'Neill** spoke to a large audience of criminal defense lawyers at the Hy Friedman Memorial Seminar, hosted by the Cuyahoga County Public Defender's Office. His presentation focused on the conflict between a criminal defendant's Confrontation Clause rights

under the Sixth Amendment and the admissibility against him of hearsay statements by non-testifying witnesses. It was entitled, *A Crawford/Davis Update: How Are the Lower Courts Applying These Landmark Cases?*

On November 13, in support of our Admissions Office, **Kevin** taught a "hands-on" Evidence class to visiting students as part of a Multicultural Perspective Visit.

**Christopher Sagers** returned to the U.S. Congress for a second requested testimony. The hearings, entitled *Too Big to Fail: The Role for Bankruptcy and Antitrust Law in Financial Regulation, Part II*, were held before the House Judiciary Subcommittee on Commercial and Administrative Law on November 17, and also broadcast via video at webcast at [http://judiciary.house.gov/hearings/hear\\_091117.html](http://judiciary.house.gov/hearings/hear_091117.html)

**Chris** will be chairing a panel and presenting a paper at a symposium on December 10 at Indiana University Indianapolis School of Law entitled *Competition Policy and Health Care in an Era of Reform*. His presentation will concern the pending repeal of the McCarran-Ferguson antitrust immunity for health and medical malpractice insurers.

**Carolyn Broering-Jacobs** presented *An Experiment in Transactional Drafting: Team Teaching a Condensed Course with a Practitioner* at Stetson's Virtual Legal Writing Conference: Innovations in Upper-Level Courses on November 13.

On November 14, **Mark Sundahl** chaired a panel on *Rational Choice Approaches to Ancient Law* at the Annual Meeting of the American Society of Legal History in Dallas, Texas.

**Mark** has also been named the Treasurer of the International Law Section of the Cleveland Metropolitan Bar Association.

**Lloyd Snyder** was invited to speak at a CLE program on legal ethics sponsored by the Legal Aid Society of Cleveland. His presentation, *Ethics, Professionalism and Substance Abuse Training*, was on December 11.

**Karin Mika** presented *Would You Say That to Your Children? Enhancing Learning Through Improved Communication* at the Duquesne Law School Legal Writing Conference: Engendering Hope in the Legal Writing Classroom: Pedagogy, Curriculum, and Attitude, on December 5.

## IN THE NEWS

**Alan Weinstein** was quoted in the November 18 issue of the PLAIN DEALER in an article by Jim Nichols and Henry Gomez, *Cleveland's landmark Public Auditorium is laded with safety hazards*, which you may read on the link below:

[http://blog.cleveland.com/metro/2009/11/clevelands\\_landmark\\_public\\_aud.html](http://blog.cleveland.com/metro/2009/11/clevelands_landmark_public_aud.html)

**Geoffrey S. Mearns** participated in the 9:00 a.m. call-in program on November 16 on WCPN 90.3 FM in a discussion of the impending trials of Guantanamo detainees.

**Geoff** was also mentioned in an editorial in the November 16 issue of the PLAIN DEALER: *Federal prosecutors should make corrupt county officials do the time, and lose their ill-gotten gains -- editorial*. The editorial compliments Dean Mearns' remarks in a previous PD article (November 11) in which he faults policies that allow public officials convicted of corrupt practices to keep their pensions and luxury items purchased with "ill-gotten gains." You may read the entire editorial on this link: [http://www.cleveland.com/opinion/index.ssf/2009/11/federal\\_prosecutors\\_should\\_mak.html](http://www.cleveland.com/opinion/index.ssf/2009/11/federal_prosecutors_should_mak.html)

**Geoff** was quoted in the November 18 issue of the PLAIN DEALER in an article by Peter Krouse, *Former death row inmate Joe D'Ambrosio inches closer to freedom*. You may read the article on the link below: [http://blog.cleveland.com/metro/2009/11/dambrosio\\_inches\\_closer\\_to\\_fre.html](http://blog.cleveland.com/metro/2009/11/dambrosio_inches_closer_to_fre.html)

**Geoff** was quoted in an article by Diane Suchetka in the November 19 issue of the PLAIN DEALER and on the PD blog on November 18: *Woman charged with murder was wanted on assault charges*. You may read the article on the link below: [http://blog.cleveland.com/metro/2009/11/woman\\_charged\\_with\\_murder\\_was.html](http://blog.cleveland.com/metro/2009/11/woman_charged_with_murder_was.html)

Geoff was quoted in an article in the November 4 NEW YORK TIMES. You may access the article entitled *Ohio Serial Killer Suspect Pleads Insanity* at the following link: [http://www.nytimes.com/aponline/2009/12/03/us/AP-US-Cleveland-Bodies-Found.html?\\_r=1&emc=eta1](http://www.nytimes.com/aponline/2009/12/03/us/AP-US-Cleveland-Bodies-Found.html?_r=1&emc=eta1)

## DID YOU KNOW?

**Carolyn Broering-Jacobs** organized Cleveland-Marshall's hosting of the regional rounds of the National Moot Competition for Region VI, sponsored by the New York Bar Association. Assisting her as judges and point counters were many students, staff, and faculty—including **Phyllis Crocker** (two days in the scoring room), **Janice Aitken** (judged one round and created an excel spreadsheet to keep track of scores), **Kelly Curtis** and **Kermit Lind** (judged two rounds), **Kevin O'Neill**, **Steve Lazarus**, **Carole Heyward**, **Ken Kowalski**, and **Steve Werber** (judged one round). Many CM alumni, adjunct faculty, and friends participated as well. The competition involved seventeen teams from nine schools in Ohio and Michigan. The top two teams advance to the national finals in New York City next semester. The winning team came from Case. The second place team was the CM team of Chelsea Mikula, Chris St. Marie, and David Sporar. This team also took home the award for best brief in the competition. The CM team of Julia Leo, Allen Tittle, and Andrew Yarger advanced to the quarterfinals as the third seeded team.

On October 6, **Susan Becker** received a "Shining Star Award" at the first annual LGBT Heritage Day celebration sponsored by the City of Cleveland, Cleveland City Council, the Cleveland Community Relations Board and the LGBT Center of Greater Cleveland. Timed to coincide with National Coming Out Day, the event was held in the Rotunda of City Hall in recognition of various community members' contributions to the city of Cleveland and beyond. Susan was

nominated for the award in the Education category by CM Law Student Maya Simek, President of the CM Allies Group. Susan received congratulatory resolutions from Cleveland Mayor Frank Jackson, City Council, Congressman Dennis Kucinich, and Senator Sherrod Brown.

On October 30, **Susan** and her CM Allies students hosted a symposium, The State of LGBT Rights: Ohio, America and the World. The featured speakers were lawyers and other activists who have advocated successfully on behalf of their LGBT clients and constituents to change the laws governing marriage and domestic partnerships, parental rights related to custody, visitation, shared parenting and adoption, and nondiscrimination in employment, housing, and related areas. 319 people attended the symposium, which was videotaped and is posted at:

<http://www.law.csuohio.edu/lawlibrary/resources/lawpubs/lgbt.html>.

**Mary McKenna**, Executive Director of the Cleveland-Marshall Law Alumni Association, is pictured in the November 2 issue of the PLAIN DEALER at a celebration of a successful benefit that has raised \$1 million in less than one year for University Hospitals research in the prevention and cure of metastatic breast cancer. Mary was a principal organizer of the benefit and chaired the auction portion of the event both years. You may read the article, *Miracles Happen: A Night of Celebration*, on the link below:

<http://www.cleveland.com/events/index.ssf/event/miracles-happen-a-night-of-celebration/124563>

**Karin Mika** was a judge for the Chicago Bar Association's annual Moot Court Competition, November 19-21.

**Karin** has also been reappointed to the 2010 Legal Writing Institute/ALWD Scholarship Committee.

**Karin** has been made a member of the AALS Legal Writing Section welcoming committee.

## CORRECTION

The amicus brief attributed to Steve Gard in October's FACULTY FOCUS should have been attributed to Michael Davis. My apologies to Mickey. The entry should have read:

**Michael Davis** filed an amicus brief in the U.S. Supreme Court for Knowledge Ecology International (KEI), a public interest group devoted to increasing access to public information, especially with regard to health care and pharmaceuticals. The case, *Bilski*, concerns business method patents and revolves around the proper test the patent office should apply to prevent the patenting of mere ideas.

The October issue of FACULTY FOCUS has been corrected on the CM website.