

# Faculty Focus

Summer 2010



**Jeremy Tugeau**  
*On the Cuyahoga*  
oil on canvas



## IN MEMORIAM



This spring, we learned of the passing of our longtime friend and colleague, **David Goshien**. David passed away peacefully, surrounded by his family, on May 29. He was regarded as a demanding professor, and students would not dare enter his classroom unprepared. He required precision both in asking and in answering questions, and thus prepared his students well for the demands of law practice. At the same time, he was approachable, always remaining available long after each class. He was happy to debate students on his view of a particular case or to help them reconcile diverse court opinions. His generosity extended to his colleagues, as he served first as a mentor and then as a friend to many junior faculty members. He will be greatly missed.

News of the passing, on July 27, of our colleague and friend, **Janice Aitken**, was sudden and unexpected. Janice exuded a cheerful energy in her commitment to academic excellence among students. She was generous with her time and her availability to evening students was always exemplary. Students respected Professor Aitken and held her in highest esteem. She was not only a Professor of Legal Writing but also a committed and successful coach of our moot court teams. Janice was a longtime member of the Cleveland State family. In addition to her years of teaching, Janice was a graduate of Cleveland-Marshall and received her B.A. and M.A. in Philosophy from Cleveland State. We are stunned by this loss, and we all will miss Janice.



## CONGRATULATIONS



**Geoffrey S. Mearns**, former C|M|LAW Dean and CSU Interim Provost, has been named to the post of Provost and Senior Vice President for Academic Affairs by CSU President Ronald Berkman and the CSU Board of Trustees. We are grateful to Geoff for his years of successful service to the law school and wish him very well for his tenure as Provost. He continues to be a member of our faculty and plans to teach White Collar Crime in Spring 2011. We hope Geoff will visit C|M|LAW frequently!

**Susan J. Becker** won the 2010 CSU Distinguished Faculty Teaching Award. This recognition is awarded annually to a full-time tenured CSU faculty member whose teaching has been recognized as exceptionally strong.

Beginning this fall, **Patricia J. Falk** will be the Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law and **Lolita Buckner Inniss** will hold the Joseph C. Hostetler-Baker & Hostetler Chair in Law. Patti and Lolita were selected by a committee of their

peers to hold these honorary positions for a period of three years. Selection was based on "an established record of scholarly productivity and excellence, and a sustained commitment to excellence in teaching, as well as service.

**Jonathan P. Witmer-Rich** was one of 10 professors in Ohio to win the University System of Ohio Faculty Innovator Award for using "technological innovation to reduce the cost of textbooks to students." Jonathan's nomination was based on online course materials that he created for his Fall 2009 Law and Terrorism course. Jonathan received a call of congratulations from Eric Fingerhut, and traveled to Columbus in May to receive the award, meet Chancellor Fingerhut, and be recognized by the Ohio house and senate, along with the nine other winners.

**C|M|LAW** won the first-ever Law School Admissions Council (LSAC) Diversity Matters Award. This award was recognized on June 18 in the *Plain Dealer* "Cheers" section, and the law school received a proclamation from the Ohio Senate, signed by Senate President Bill Harris and Assistant Minority Leader Shirley Smith, honoring C|M|LAW for this achievement. Although this award reflects our collaborative efforts in the area of minority recruitment, special recognition goes to our Admissions staff, **Chris Lucak, Sandra English, Amy Miller, and Jacqueline Carner.**



## PUBLICATIONS



MISSISSIPPI COLLEGE LAW REVIEW published an article by **Dena S. Davis** entitled *Contraception, Abortion, and Health Care Reform: Finding Appropriate Moral Ground at* 29 MISS. C. L. REV. 379 (2010).

**Michael Davis** had a Letter to the Editor published in the May 20 issue of the NEW YORK TIMES, in which he responded to an editorial and several articles regarding Conn. Attorney General Richard Blumenthal's characterization of himself as a veteran of the Vietnam War. See [www.nytimes.com/2010/05/20/opinion/l20blumenthal.html?emc=eta1](http://www.nytimes.com/2010/05/20/opinion/l20blumenthal.html?emc=eta1)

**Kristina L. Niedringhaus'** article, *Teaching Better Research Skills by Teaching Metacognitive Ability*, was published in PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING. You may read it at <http://west.thomson.com/pdf/perspec/2010-winter-spring/2010-WinterSpring-4.pdf>.

For the second year in a row, STRATEGIES AND TECHNIQUES OF LAW SCHOOL TEACHING, coauthored by **Kevin F. O'Neill** and Howard Katz (Aspen, May 2009), was distributed to new law teachers at the AALS New Teachers Conference in Washington D.C. in June. The book is in its third printing.

As Advisory Board member of the American Antitrust Institute, **Christopher L. Sagers** composed a letter on behalf of the AAI which was submitted to the U.S. Senate on May 11, under his signature and that of ex officio AAI President Albert Foer, re: “Urgent: Serious (and Apparently Inadvertent) HSR Exemptions in the Senate Financial Reform Package.” Later that day, Chris received word that legislative corrections proposed in the letter are likely to be included in the final Senate bill as a manager’s amendment. Chris’ letter was also referenced at <http://www.mainjustice.com/2010/05/12/financial-regulation-bill-could-limit-some-doj-antitrust-o>

**Karin Mika** published:

*Would You Say That to Your Children? Enhancing Learning Through Improved Communication*, 48 DUQ. L. REV. 499 (2010).

*Pitfalls of FMLA and Collective Bargaining Agreements*, ABA LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER (Spring 2010).

Columnist, “*Law You Can Use*” – *School Dress Codes* (sponsored by the Ohio State Bar Association) (2010). (This is an online series of legal advisory pieces written for laypersons.)

**David Barnhizer** posted a draft of *Children of a Lesser God: Lawyers, Economics, and the Systemic Corruption of the Legal Profession* on BePress, the Berkeley Electronic Press site. You may access it at [http://works.bepress.com/david\\_barnhizer/6](http://works.bepress.com/david_barnhizer/6).

**David** also posted *An Essay on Strategies for Facilitating Learning*, available at [http://works.bepress.com/david\\_barnhizer/7](http://works.bepress.com/david_barnhizer/7)

**David** posted *Redesigning the American Law School* at [http://works.bepress.com/david\\_barnhizer/5](http://works.bepress.com/david_barnhizer/5)

**Candice Hoke** posted a position paper *Essential Baseline Research for UOCAVA-MOVE Act Implementation at the State - Local Levels* (co-authored with Matt Bishop) for discussion at the Workshop on UOCAVA Remote Voting Systems August 6-7, 2010, in Washington, D.C.



## ON THE PODIUM



**Dena Davis** taught in the M.A. program in Bioethics as a Fulbright Specialist at the University of Padua in May and June.

**Carole Hayward** presented *Simulations in Clinics, Contract Drafting, and Upper-level Courses* at Transactional Education: What's Next? at Emory University in Atlanta on June 4, 2010.

**Claire Robinson May** presented *Academic Freedom and the Staffing Structure of Legal Writing Programs* at the Biennial Conference of the Legal Writing Institute, in Marco Island, Florida on June 28. There is a blog entry related to her presentation on the Legal Writing Prof Blog: <http://lawprofessors.typepad.com/legalwriting/2010/07/a-popcorn-session.html>

**Browne Lewis** presented *Three Lies and a Truth: Adjudicating Maternity in Surrogacy Custody Disputes* at the William & Mary Family Law/Children and the Law Junior Faculty Workshop on July 22-23.

**Dennis Keating** participated in a Symposium on Cities After Abandonment at the University of Michigan, June 24. He presented a paper on a model program for the redevelopment of blighted neighborhoods in Cleveland.

**Kermit J. Lind** presented *The Impact of Mortgage Fraud in Cleveland Neighborhoods* at the Ohio Mortgage Fraud Summit, Supreme Court of Ohio, June 2.

**Kermit** moderated a workshop on *State and Local Government Non-NSP Foreclosure Recovery Initiatives* at the ABA Forum on Affordable Housing and Community Development, Washington, D.C., May 27.

**Kermit** participated in Youngstown Zoning Code Charrette, Youngstown, Ohio, May 21.

**Brian Glassman** moderated a panel on May 11 at Maltz Museum of Jewish Heritage on recovering Jewish-owned artworks confiscated by the Nazis during WWII.

**Karin Mika** presented *The Ideal Curriculum Revisited: How 25 Years Has Changed How Legal Writing Programs Are Viewed (or not)*, at the Legal Writing Institute's 14th Biennial Conference (Marco Island, Florida June 28, 2010) (with Ralph Brill and Laurel Currie Oates).

**Karin** also presented *A Road Less Travelled: The History of Legal Writing*, video documentary at the Legal Writing Institute, June 29, 2010.

Also at the LWI conference, **Karin** did a presentation on *ALWD/LWI Scholarship Committee Poster Creation and Presentation*.

**Karin** completed and presented *Which cases are best to use when writing a memo on a state law issue?* as part of the CALI "Lawdibles" podcasting project.



## IN THE CLASSROOM



On June 23, **Kevin F. O'Neill** taught a 3-hour evidence seminar at CWRU Law School to high school mock trial students at the 2010 Stephanie Tubbs Jones Summer Legal Academy.



**Dena Davis** was interviewed on May 12 on *On Call for Kids*, on Doctor Radio, speaking about the new American Academy of Pediatrics policy on ritual female genital cutting.

**Dena** was also quoted on this topic in an article by Belinda Luscombe, *Has a U.S. Pediatrics Group Condoned Genital Cutting?* in the May 11, 2010, issue of TIME MAGAZINE, which you may read at <http://www.time.com/time/health/article/0,8599,1988434,00.html>.

On the same topic, **Dena** appeared as a guest on the NPR radio show Science Friday on WCPN 90.3 FM on Friday, May 14. Dena was interviewed by Paul Rayburn. The radio show was entitled *Is it right to nick?* and is available at: <http://www.sciencefriday.com/program/archives/201005143>

**Dena** was quoted in the May 2010 edition of AAP NEWS: THE OFFICIAL NEWSMAGAZINE OF THE AMERICAN ACADEMY OF PEDIATRICS, in an article entitled *Culture Shock: AAP Opposes Ritual Genital Cutting of Female Minors, Recommends Cultural Sensitivity*.

**Dena** was also interviewed by Jennifer Armstrong of Sirensmag.com on the topic of female genital cutting. See <http://sirensmag.com/2010/05/the-female-genital-cutting-debate-an-argument-for-compromise/>

**Dena** was quoted in an article in the June 10 issue of THE ECONOMIST: *Ending a brutal practice—Westerners debate, afresh, how best to stop the cutting of girls' genitals*, available at [http://www.economist.com/node/16329452?story\\_id=](http://www.economist.com/node/16329452?story_id=)

16329452. In addition, you may listen to the June 18 interview on THE ECONOMIST website at [http://audiovideo.economist.com/?fr\\_story=c802a7bc61f11a349bcbc13bc677d42b959821a3&rf=bm](http://audiovideo.economist.com/?fr_story=c802a7bc61f11a349bcbc13bc677d42b959821a3&rf=bm)

**Dena** was interviewed on The Takeaway, on June 23, a radio program produced jointly by WNYC and WGBH. The topic was a Boston case recently described in the New England Journal of Medicine of a young woman, neurologically devastated, whose family wanted to keep her alive in order to attempt to harvest eggs to be frozen for later use.

**Candice Hoke** participated in the drafting of The Maloney-McFaul bill, which was highlighted in a May 10 NEW YORK TIMES article by Ian Urbina, *States Move to Allow Overseas and Military Voters to Cast Ballots*.

On June 19, **Candice** was interviewed on the 6 p.m. CBS Evening News regarding a South Carolina primary election in which election results may have been compromised by machinery tampering. See <http://www.cbsnews.com/video/watch/?id=6599169n&tag=embedFD>

**Candice** was quoted on May 10 in a PLAIN DEALER article by Joe Guillen, *Jennifer Brunner rebuffs call for audit of May 4 election*. You may read the article at [http://www.cleveland.com/open/index.ssf/2010/05/jennifer\\_brunner\\_rebuffs\\_call.html](http://www.cleveland.com/open/index.ssf/2010/05/jennifer_brunner_rebuffs_call.html)

**Christopher Lucak**, Assistant Dean for Admissions, was quoted in a June 16 PLAIN DEALER article, *Cleveland State University's law school wins national diversity award*," by Liz Navratil regarding C|M|LAW's national first-place Diversity Matters award from the Law School Admission Council. This award was also mentioned on the morning news on WCPN.

**Jennifer Blaga**, Director of Career Planning, was quoted in a June 14 article by CRAIN'S CLEVELAND BUSINESS reporter Ariell Kass, *Law grads' job prospects ebb with economy*.

**Kevin F. O'Neill** was interviewed on May 15 for one hour on WERE 1490-AM concerning Elena Kagan and her pending appointment to the U.S. Supreme Court.

**Kevin** was also interviewed on WGAR-AM 1490 Cleveland—for 15 minutes on July 5 regarding Declaration of Independence and for one hour on July 17 about key cases handed down by the Supreme Court in its just-completed term.

**Kevin** was also interviewed for 15 minutes about the Declaration of Independence, on July 5.

**Kevin** was interviewed on July 17 for one hour about key cases handed down by the Supreme Court in its just-completed term.

**Kevin** was referenced the July 2010 issue *Playboy* in an article on traditional privilege that affords prisoners some "last words" in the moments before execution. The article cites and quotes from his law review article on the subject. He swears there are no pictures. For those who will admit to owning this, the reference is at page 121.

**Christopher L. Sagers** was quoted in two Dow Jones Newswire articles by Brent Kendall, on May 7, *Senate Financial Bill Could Limit Antitrust Review*, available at <http://www.smartmoney.com/news/on/?story=on-20100507-000455>, and on June 11 *Antitrust Fixes Made to Antitrust Overhaul Bill*, available at <http://www.smartmoney.com/news/?story=ON-20100611-000611>

**Chris'** letter to Senate Majority Leader Harry Reid on behalf of the American Antitrust Institute concerning the Financial Regulation Bill was discussed in *Financial Regulation Bill Could Limit Some DOJ Antitrust Oversight*, MAIN JUSTICE, by Arunda Viswanatha, May 12, 2010 at <http://www.mainjustice.com/2010/05/12/financial-regulation-bill-could-limit-some-doj-antitrust-oversight/>

**Chris** is quoted in Jacqueline Bell, *NFL Ruling Raises Antitrust Bar for Joint Ventures*, LAW 360, June 4, 2010; <http://competition.law360.com/articles/171937>

**Brian Glassman** was quoted in a May 7 CLEVELAND JEWISH NEWS article, *Experts to discuss reclaiming Nazi-looted artworks*, by Marilyn H. Karfeld. This article was related to a panel he moderated at the Maltz Museum of Jewish Heritage.

**Patricia Falk** was quoted in *Could a pick-up artist be charged with rape?* on msnbc.com. You may view the article at <http://www.msnbc.msn.com/id/38430181/37992645>.



## DID YOU KNOW



Ohio Supreme Court handed down a decision in *State v. Bodyke* declaring portions of Ohio's sex offender registration and notification law as an unconstitutional violation of separation of powers. **Kelly Curtis** was amicus counsel on this case and lead counsel on a companion case, *Chojnacki v. Dann*.

**The Law and Leadership Institute's** 9<sup>th</sup> grade mock trial team won the championship at the City Mock Trial Competition. This team is part of the Law and Leadership Program that C|M|LAW sponsors in conjunction with the Cleveland Municipal School



District. **Louise P. Dempsey** and **Inga Laurent** were the organizers of the Law & Leadership Institute Program, and **Inga Laurent**, with students **Joanna López (3L)** and **Michael Ritz (2L)**, tutored the 9th graders. Over 400 high school students and 28 teams competed.

U.S. Senate voted on June 22 to confirm President Obama's nomination of **Arthur Elkins, Jr.**, CM|LAW '93, as Inspector General for the U.S. EPA.

**David Forte** has been reappointed for a second two-year term as a member of the Ohio State Advisory Committee to the United States Commission on Civil Rights.

**Chris Sagers** has been appointed to a one-year, renewable leadership post in the ABA Antitrust Section. He is one of three Vice Chairs of the Exemptions and Immunities Committee.

Our former colleague, **Kathleen Engel**, appeared in *Cleveland Versus Wall Street*, a film that won the Audience Award at Paris Cinéma. The film was directed by Swiss filmmaker Jean-Stéphane Bron. It presented a highly original look at the subprime crisis.

## IN THE FOOTNOTES\*

\* Senator Grassley cited **Deborah A. Geier's** Nov 2006 *Tax Notes* article, "Murphy and the Evolution of 'Basis'," in a footnote to one of the Written Questions that he submitted to now Justice Sonia Sotomayor in connection with her confirmation hearings.

