

# Faculty Focus

September 2010



*Jeremy Tugeau  
Euclid Avenue Cleveland*



# CONGRATULATIONS



C|M|LAW's Moot Court program was named one of the top-16 Moot Programs in the United States. Based on this honor, C|M|LAW was invited to compete in the Moot Court National Championship sponsored by the University of Houston. Only the top 16 teams in the country are invited to this competition, designed to identify the best moot court program in the country. Congratulations to our Moot Court teams and to their advisor, **Steve Gard**.

**Donna Helfrich** was selected to receive the 2010 Distinguished Service Award for Professional/Classified Staff. This is a terrific, well deserved honor for a wonderful member of our community. Congratulations, also, to Louise Mooney, for her persistence in Donna's nomination, her belief in it, and for making it happen.



# PUBLICATIONS



**Browne Lewis'** casebook, *THE INHERITANCE RIGHTS OF CHILDREN IN THE UNITED STATES: CASES AND MATERIALS*, published by Carolina Academic Press is available now for pre-order via Amazon.com. You can take a look at it by following this link: [http://www.amazon.com/s/ref=nb\\_sb\\_noss?url=search-alias%3Daps&field-keywords=inheritance+rights+of+children&x=0&y=0&ih=19\\_11\\_3\\_1\\_0\\_0\\_](http://www.amazon.com/s/ref=nb_sb_noss?url=search-alias%3Daps&field-keywords=inheritance+rights+of+children&x=0&y=0&ih=19_11_3_1_0_0_)

Browne had two articles accepted:

One will appear in the LOUISVILLE LAW REVIEW, *Three Lies and a Truth: Adjudicating Maternity in Surrogacy Disputes*

The other, *Graveside Birthday Parties: The Legal Consequences of Forming Families Posthumously*, will be published in the CASE LAW REVIEW.

**Dennis Keating** published *Redevelopment of vacant land in the blighted neighborhoods of Cleveland, Ohio, resulting from the housing foreclosure crisis* in the JOURNAL OF REGENERATION AND RENEWAL Vol. 4, No. 1: 39-52 (July-September 2010)

**Matthew Green's** article *Express Yourself, Striking a Balance Between Silence and Active, Purposive Opposition Under Title VII's Anti-retaliation Provision* will be published in the HOFSTRA LABOR AND EMPLOYMENT LAW JOURNAL

**David Barnhizer's** article *Redesigning the American Law School* was accepted by the MICHIGAN STATE LAW REVIEW.

**Heidi Gorovitz Robertson's** article *Public Access to Private Land for Walking: Environmental and Individual Responsibility as Rationale for Limiting the Right to Exclude* will be published this winter by the GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW

**Dena Davis** published an opinion piece, *Restoring Human Embryonic Stem Cell Research* in the Hastings Center's BIOETHICS FORUM on the recent decision blocking embryonic stem cell research. You may access it at <http://www.thehastingscenter.org/Bioethicsforum/Post.aspx?id=4843&blogid=140>

**Dena** was also the lead author on an article entitled *Ashkenazi Jews: Overburdened and Overexposed?* in NEW GENETICS AND SOCIETY,

**Milena Sterio's** article *The Gaza Strip: Israel, Its Foreign Policy, and the Goldstone Report*, will be published in the next issue of the CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW.

**Milena's** article *A Grotian Moment: Changes in the Legal Theory of Statehood'* will be published in the next issue of the DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY

**Karin Mika's** *Law You Can Use* column for the OSBA newsletter (regarding school dress codes) was reprinted in the following local newspapers in Ohio: BELLEVUE GAZETTE, THE COURIER, DAILY LEGAL NEWS (CLEVELAND AND YOUNGSTOWN), DAILY SENTINEL, GALLIPOLIS DAILY TRIBUNE, GAUGA COUNTY MAPLE LEAF, WESTLAKER TIMES, HARRISON PRESS, MIAMISBURG NEWS, JACKSON COUNTY TIMES JOURNAL, LORAIN COUNTY TIMES.

**Karin** also contributed an essay to the Legal Writing Institute's Site on Presentation Tips: *Tips for Using Technology in Technology in the Classroom.*

**David Forte's** article *The Morality of Positive Law* has been accepted for publication in the following festschrift: *A Second Look at First Things: A Case for Conservative Politics*, eds. F. J. Beckwith, R. P. George, and Susan McWilliams (South Bend, IN: St. Augustine Press, 2011).



## ON THE PODIUM



On September 20, 2010, in Seattle, **Dennis Keating** was keynote speaker at a community Forum, "Can We Achieve Social Equity Using Smart Growth," sponsored by Nick Licata, President of the Seattle City Council (and an ex-Cleveland).

**David Forte** participated in the John Templeton Foundation debate at The Ohio State College of Law on September 23. The debate was sponsored by the Moritz Federalist Society. **David** debated OSU professor Daniel Tokaji on the topic *Can Natural Law Exist in the Absence of Religion*.

**David** also spoke at the Bill of Rights Institute Teacher Seminar on *Religious Liberty: The American Experience* in Providence, Rhode Island, September 21.

**Brian Ray** presented *Comparing Constitutions*, at C|M|LAW's Constitution Day celebration on September 13.

**Brian** will be at the University of Wisconsin for the Midwest Law & Society retreat on October 8. He will be presenting *Proceduralism's Triumph and Engagement's Promise in Socioeconomic Rights Litigation*.

**Mark Sundahl** spoke on September 27 at the University of Nebraska-Lincoln College of Law as a guest lecturer for their new LLM program in Space & Telecommunications Law. While in Lincoln, Mark gave two talks: one about the mechanics of the Cape Town Convention on International Interests in Mobile Equipment and one about the nature of the treaty process that gave rise to the Cape Town Convention.

**Ken Kowalski** spoke on *Recent Developments in Employment Law: Recent Supreme Court Decisions, Appellate Decisions and Related Topics* at the NLRB Region 8 Labor Law seminar sponsored by the NLRB and the Ohio State Bar Association on September 23.

**Candice Hoke** will be speaking at the Software Security Improvement by Educational Means workshop in Washington, DC, on October 15 and 16. She will be speaking on certification and licensing of those who work in the software fields.

**Gwen Majette** presented *Negotiating Your Employment Contract: Another Foreign Language*, on August 28, at a US Health and Human Services conference, "Making a Difference One Community at a Time". The conference targeted health care professionals who will provide services in health care shortage areas.

**Milena Sterio** moderated a panel on September 10, at Case Law School, at a conference entitled "Lawfare!" The panel centered on a discussion of the Israeli-Palestinian conflict, the recent Gaza Strip conflict (Operation Cast Lead), as well as the

Goldstone Report. An article about the panel appeared in the Cleveland Jewish News, available at [http://law.case.edu/Home/News.aspx?id=831&content\\_id=3](http://law.case.edu/Home/News.aspx?id=831&content_id=3).

On September 25, **Milena** presented her paper *A Grotian Moment: Changes in the Legal Theory of Statehood* at the Central States Law Schools' Association Annual Meeting in Grand Forks, North Dakota.

**Steve Steinglass** spoke on September 1 at the City Club of Cleveland. He and Jonathan Entin of Case Law School presented *Have Special Interests and Deep Pockets Hijacked the Ohio Constitution*.

**Steve** also spoke on September 16 at the monthly meeting of the Cuyahoga County Law Directors Association. He presented *New Developments in § 1983 Litigation--Recent Supreme Court and Sixth Circuit Decisions and a Preview of the Supreme Court's October 2010 Term*.



## IN THE CLASSROOM



On September 22 the students in **Lloyd Snyder's** scientific evidence class attended an autopsy at the Cuyahoga County Coroner's Office. They listened to Dr. Krista Pekarski, the attending pathologist, explain her hypothesis about the cause of death. They watched for two hours as she ruled out other possible causes and uncovered the evidence that confirmed her initial hypothesis. They learned from the experience that any lawyer who handles a case in which the cause of death of a person is contested would be well advised to see an autopsy before talking to the pathologist. And afterward they discussed what they'd learned over lunch at Elements!



**Mark J. Sundahl** appeared in an August 26 article *Die Weltraum-Juristen (The Space Lawyers)* in the SÜDDEUTSCHE ZEITUNG, a newspaper published in Munich, Germany. In the article, he explains some of the legal challenges facing the new space tourism

industry. You can find the article here: <http://www.sueddeutsche.de/wissen/tourismus-im-all-die-weltraum-juristen-1.992495>

**Kermit Lind** was quoted in *HANDELSBLATT*, a German newspaper about a civil lawsuit against Deutsche Bank by a subsidiary of Neighborhood Progress, Inc., one of the Clinic's clients. See *In the Courtroom*, below.

**Jonathan Witmer-Rich** was quoted in story on WOIO Channel 19 News regarding the charges against Cuyagoa County Auditor Frank Russo. When asked whether Russo could get less than 21 years, the reporter said, "No, says Marshall law professor and former Federal Public Defender, Jonathan Witmer-Rich," You can view the report here <http://www.woio.com/Global/story.asp?S=13213541>

**Jonathan** was also mentioned in the *PLAIN DEALER* on September 19 in an article by Karen Farkas, Ohio's public universities testing less-expensive options for textbooks, including online. The article references Jonathan's receipt of a Faculty Innovator Award for his replacement of a traditional \$164 textbook for his Law and Terrorism class with a web-based outline of the course with embedded links to all of the reading materials. You may access the article on *ClevelandLive.com* here: [http://blog.cleveland.com/metro/2010/09/college\\_textbooks\\_becoming\\_mor.html](http://blog.cleveland.com/metro/2010/09/college_textbooks_becoming_mor.html)



## DID YOU KNOW



**Candice Hoke** is serving on the program committee for the upcoming *Workshop on Governance of Technology, Information, and Policies (GTIP): Addressing the Challenges of Worldwide Interconnectivity*, which will be held in Washington, D.C., on December 7, 2010.

**Milena Sterio** was elected Vice President of the Central States Law Schools' Association at its Annual Meeting in Grand Forks, North Dakota, in September.

**Sandra Kerber** attended the Lexis Nexis Legal Research & Writing Summit at Marco Island June 25-27. Attendance was by invitation only, and attendees were guests of Lexis. The two-day Summit addressed Teaching to the Google Generation, Electronic Course Management, Managing the Expanding LRW Curriculum and more. It also provided the opportunity to connect with Legal Writing Professors from 25 different law schools.

**Jonathan Witmer-Rich** was designated to serve as Counsel to the Criminal Rules committee for the Ohio Rules Commission, which is a group of about 20 judges,



lawyers, and academics that evaluates and proposes changes to the Ohio Rules of Criminal Procedure and the Ohio Rules of Civil Procedure. The Commission works with both the Ohio Supreme Court and the Ohio legislature.

**Sandra English** was accepted into the LeadDIVERSITY program, sponsored by the Diversity Center of Northeast Ohio. The LeadDiversity program draws leaders from every professional sector and aims to expand their knowledge of cultural, race, social identity, theories of how to reduce prejudice, discrimination, and stereotyping, and ways to improve leadership in these areas.

**Karin Mika** was named Chair of the Legal Writing Archives Committee. Her job will be collect and organize appropriate historical information and build a website to make that information accessible. To see what she's done so far, click here:  
<http://wiki.lwionline.org/index.php/ArchivesCommittee>

**Claire Robinson May** was appointed to the SALT legal education subcommittee on academic freedom and security of position. This subcommittee is focused on the proposed changes in the ABA accreditation standards regarding tenure and security of position for law faculty.

**Claire's** play *Mother/Tongue* will be produced as part of Cleveland Public Theatre's Big [BOX] series for new play development. Performance dates are January 28-30, 2011. Further details will be forthcoming!

**David Forte** has been reappointed to the Ohio State Advisory Committee to the U.S. Commission on Civil Rights.

**Steve Lazarus** was Lead Trainer at this summer's Legal Services Corporation's Trial Advocacy Skills Training Program in Ann Arbor, Michigan.

**Chris Sagers** was cited very positively in an article by Mark Fenster in the Administrative Law Review. In *Seeing the State: Transparency as Metaphor*, 62 ADMIN. L. REV. 617, 647 n.134 (2010), Fenster says: "The best conceptual treatment of this issue in the legal academic literature is **Chris Sagers' The Myth of "Privatization,"** 59 ADMIN. L. REV. 37 (2007)."

**Debby Geier** agreed to serve as the Vice Chair of a Subcommittee of the ABA Tax Section Teaching Taxation Committee. The Subcommittee is on the Law Student Tax Challenge Problem.



## IN THE COURTROOM

**Kermit Lind** was one of the attorneys representing the Cleveland Housing Renewal Project when the US Court of Appeals for the 6<sup>th</sup> Circuit overturned a decision by the US District Court of Northern District of Ohio to remand its case against Deutsche Bank to the Cleveland Housing Court. The case against Deutsche Bank, one of Cleveland's largest absentee owners of homes valued at less than \$10,000, has special significance because it not only makes claims about specific houses in a dangerous nuisance condition, it also claims that the bank's business practice, of refusing to comply with municipal and state housing codes prohibiting public nuisances is illegal. Citing the illegal and destructive impact of this business practice, CHRP filed suit to have the business practice declared a public nuisance and ordered abated. You may read more about this case at the UDLC Web Site:

<https://sites.google.com/site/cmudlc1/Home/news>



## OUR GRADUATES SHINE



Recent C|M|LAW graduate **David Sporar** recently published an article, *For Their Own Good: Trading Children's Fourth Amendment Rights for Treatment at the Cuyahoga County Juvenile Court*, 29 CHILD. LEGAL RTS. J. 24(2009)

Recent graduate **Arunesh Sohi** published *Circuits in Disarray Before and After Tellabs v. Makor: A Call For the Supreme Court to Weigh in on Securities Fraud Pleading Requirements Again*, in Vol. 38, Issue 3, of the Securities Regulation Law Journal. 38 SEC. REG. L.J. 215 (2010).

