PATRICIA J. FALK

Professor of Law Cleveland-Marshall College of Law Cleveland State University 2121 Euclid Avenue, LB 138, Cleveland, OH 44115 Campus Location: 1801 Euclid Avenue, LB 235 Phone: (216) 687-3904; Fax: (216) 687-6881

email: p.falk@csuohio.edu

EDUCATION

Legal

J.D. (with distinction), University of Nebraska-Lincoln, 1983 Joint J.D.-Ph.D., Law-Psychology Program Class Rank: Top 10%

Honors: Order of the Coif
Nebraska Law Review
Certificate of Superior Scholarship
Moot Court Board
Junior Moot Court Competition Award for Best Brief
William Holt Scholarship
American Jurisprudence Award in Criminal Law

Bar Admission: Nebraska, 1986

Graduate

Ph.D., University of Nebraska-Lincoln, 1988 Joint J.D.-Ph.D., Law-Psychology Program

Major: Social Psychology

G.P.A.: 3.9/4.0

Honors: Departmental Letters of Commendation

Carl Warden Fellow

Research Grant-in-Aid (American Psychological Assoc.)

Research Grant-in-Aid (Happold Fund) National Research Service Award (NIMH)

Undergraduate

B.A. (summa cum laude), Union College (Schenectady, NY), 1979

Major: Political Science

Honors: Political Science Departmental Honors

National Political Science Honor Society

Becker Scholarship for Excellence in Political Science

Nott Scholar Dean's List

WORK EXPERIENCE

Cleveland-Marshall College of Law, Cleveland State University

Professor (August 2003-present)

Charles R. Emrick, Jr.-Calfee, Halter & Griswold Endowed Professor of Law (August 2010-August 2013)

Associate Dean for Faculty Development and Student Achievement (July 2006-June 2009)

Associate Professor (August 1996-August 2003)

Assistant Professor (August 1991-August 1996)

Teaching Areas: Criminal Law, Evidence, White Collar Crime, Scientific Evidence, Social Science and Law, Family Law, Psychology of the Courtroom, and Women and the Criminal Justice System (co-taught with five colleagues).

Honors: Administrative Faculty Merit Recognition Award, 2008

Wilson G. Stapleton Award for Faculty Excellence (Cleveland-Marshall Law Alumni Association), 2007

Merit Recognition Award, 2004

Distinguished Faculty Award for Service, 2003 Faculty Award for Excellence in Writing, 1997

Seattle University School of Law

Visiting Professor, Summer of 2011

Responsibilities: Taught Criminal Law

Capital University Law School

Visiting Professor, Academic Year 2010-2011

Responsibilities: Taught Criminal Law, White Collar Crime, Evidence, and Law and Social

Science

University of Westminster School of Law, London, England

Visiting Professor of Law, February-June 2000

Responsibilities: Taught Criminal Law and Women and Crime.

Novgorod State University, Novgorod, Russia

Visiting Professor of Law, April 2000

Responsibilities: Taught White Collar Crime.

United States Department of Justice--Antitrust Division--San Francisco Field Office

Trial Attorney, November 1985-July 1991

Responsibilities: Investigation and prosecution of major criminal bid-rigging and price-fixing cases under the Sherman Antitrust Act, as well as investigation and prosecution of complex civil antitrust matters, including mergers.

Honors: Recipient of awards for special achievement and outstanding performance.

United States Magistrate Arthur L. Burnett, Sr.

Judicial Law Clerk, September 1984-August 1985

Responsibilities: Performed extensive legal writing and research, including preparation of draft opinions.

Department of Psychology, University of Nebraska-Lincoln

Instructor, August 1983-May 1984

Responsibilities: Independently taught four courses in social psychology and theories of personality.

Department of Psychology, University of Nebraska-Lincoln

Graduate Teaching Assistant, August 1980-May 1983

Responsibilities: Wrote, revised, and graded student exams, discussed course materials with undergraduates, and supervised other teaching assistants.

State of Nebraska Department of Banking and Finance

Law Clerk, June-November 1980

Responsibilities: Performed extensive legal and factual research, wrote comprehensive memoranda, and prepared materials for use at trial in securities fraud cases.

PUBLICATIONS:

Patricia J. Falk, *Husbands Who Drug and Rape their Wives: The Injustice of the Marital Exemption in Ohio's Sexual Offenses*, Women's Rts. L. Rep. (forthcoming 2015).

Patricia J. Falk, A Curious Omission from Ohio's Rape Statute: Sexual Assault When the Victim Consents to Medical or Dental Drugging, 82 U. Cin. L. Rev. 1123 (2014).

Patricia J. Falk, "Because Ladies Lie": Eliminating Vestiges of the Corroboration and Resistance Requirements from Ohio's Sexual Offenses, 62 CLEV. St. L. Rev. 343 (2014).

Patricia J. Falk, *Not Logic, But Experience: Drawing on Lessons from the Real World in Thinking about the Riddle of Rape by Fraud, Comment on Jed Rubenfeld,* The Riddle of Rape-by-Deception and the Myth of Sexual Autonomy, 123 YALE L.J. ONLINE 353 (2013), http://yalelawjournal.org/2013/12/1/falk.html.

Patricia J. Falk, Book Review, 16 VIOLENCE AGAINST WOMEN 355 (2010) (reviewing SUSAN CARINGELLA, ADDRESSING RAPE REFORM IN LAW AND PRACTICE (2009)).

Patricia J. Falk, The Three Marital Exemptions in Ohio's Rape Statute, 88 LAW & FACT 24 (2007).

THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (Kermit Hall, et al., eds., 2nd ed. 2005) (revised *Sheppard v. Maxwell* entry).

Patricia J. Falk, Rape by Drugs: A Statutory Overview and Proposals for Reform, 44 ARIZ. L. REV. 131 (2002).

Patricia J. Falk, *Introduction, Toward More Reliable Jury Verdicts?: Law, Technology, and Media Developments Since the Trials of Dr. Sam Sheppard*, 49 CLEV. St. L. REV. 385 (2001).

Patricia J. Falk, Second-Parent Adoption, 48 CLEV. St. L. Rev. 93 (2000).

Patricia J. Falk, Rape by Fraud and Rape by Coercion, 64 Brook. L. Rev. 39 (1998).

Patricia J. Falk, Novel Theories of Criminal Defense Based Upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage, 74 N.C. L. REV. 731 (1996).

*reprinted in adapted form in 4 CRIM. PRAC. L. REP. 49 (1996) and 4 CRIM. PRAC. L. REP. 57 (1996).

Patricia J. Falk, *The Prevalence of Social Science in Gay Rights Cases: The Synergistic Influences of Historical Context, Justificatory Citation, and Dissemination Efforts,* 41 WAYNE L. REV. 1 (1994).

Patricia J. Falk, *The Gap Between Psychological Assumptions and Empirical Research in Lesbian-Mother Child Custody Cases, in Redefining Families: Implications for Children's Development 131 (Adele E. Gottfried & Allen W. Gottfried eds. 1994).*

Patricia J. Falk, *Lesbian Mothers: Psychosocial Assumptions in Family Law*, 44 Am. PSYCHOLOGIST 941 (1989).

*reprinted in Lesbians and Child Custody: A Casebook 55-71 (Dolores J. Maggiore ed. 1992).

*reprinted in Psychological Perspectives on Lesbian & Gay Male Experiences 420 (Linda D. Garnets & Douglas C. Kimmel eds. 1993).

*reprinted in 1 J. LESBIAN STUD. 37 (1997).

Patricia J. Falk, Courts' Citation and Reference to Social Science in Legal Opinions Involving Gay Individuals (1988) (unpublished Ph.D. dissertation, University of Nebraska (Lincoln)), abstract in 49 DISSERTATION ABSTRACTS INT'L 2923B (1989).

Patricia J. Falk, Note, Why Not Beyond a Reasonable Doubt?: Santosky v. Kramer, 62 NEB. L. REV. 201 (1983).

Works in Progress:

Is VAWA Enough: The Epidemics of Rape on College Campuses and in the Military?

PRESENTATIONS:

Patricia J. Falk, Panel on Empirical Research, 40th Anniversary of the Law-Psychology Program at the University of Nebraska-Lincoln (Lincoln, NE, October 24, 2014).

Patricia J. Falk, Is VAWA Enough?: The Epidemics of Rape on College Campuses and in the Military. Paper presented at *The Violence Against Women Act and its Impact on the United States Supreme Court and International Law: A Story of Vindication, Loss, and a New Human Rights Paradigm* Conference. (Pittsburgh, PA, March 28, 2014).

Patricia J. Falk, A Critique of Ohio's Rape and Other Sexual Offense Statutes, Northeast Ohio Law Schools' Faculty Colloquium Series (Twinsburg, OH, November 11, 2011).

Patricia J. Falk, Ohio Rape Law, Presentation to SANE (Sexual Assault Nurses) meeting (Cleveland, OH, March 3, 2004).

Patricia J. Falk, Rape by Drugs, Presentation to the Cleveland State University Department of Sociology (Cleveland, OH, November 4, 2003).

Patricia J. Falk, Rape and the Vulnerable Victim, Paper presented at the LatCrit Conference (Cleveland, OH, May, 2003)

Patricia J. Falk, Teaching Law in England, Faculty Speaker Series, Cleveland-Marshall College of Law, (Cleveland, OH, September, 2000).

Patricia J. Falk, Rape by Fraud and Rape by Coercion, Paper presented at Strategic Thinking for the Millennium: Women and Law Conference, (London, England, June, 2000).

Patricia J. Falk, The Neglect of Women in American and English Criminal Law, Paper presented at Strategic Thinking for the Millennium: Women and Law Conference (London, England, June, 2000).

Patricia J. Falk, Rape by Fraud and Rape by Coercion, Paper presented at University of Westminster School of Law (London, England, March, 2000).

Patricia J. Falk, Second-Parent Adoption, Paper presented at Re-Orienting Law and Sexuality Conference, Cleveland-Marshall College of Law (Cleveland, OH, October, 1999).

Patricia J. Falk, The Criminal Punishment of Psychotherapist-Patient Sexual Relationships: A Review of the American Law, Paper presented at the Psychology and Law International Conference (Dublin, Ireland, July, 1999).

Patricia J. Falk, Courts' Use of Social Science to Alter Legal Status in Gay Rights Cases, Paper presentation at the American Psychology-Law Society Biennial Conference (March 5, 1998).

Patricia J. Falk, Issues in Gay Families, Panel presentation at the Second World Congress on Family Law and the Rights of Children and Youth (San Francisco, CA, June 5, 1997).

Patricia J. Falk, Novel Theories of Criminal Defense Based Upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage, Workshop presentation at the Death Penalty Conference of the Ohio Association of Criminal Defense Lawyers (Columbus, OH, November 21, 1996).

Patricia J. Falk, Rape by Fraud, Presentation at Cleveland-Marshall faculty brown-bag lunch (Cleveland, OH, October 16, 1996).

Patricia J. Falk, Novel Theories of Criminal Defense Based upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage, Paper presentation at the American Psychology-Law Society Biennial Conference (March 1996).

Patricia J. Falk, Novel Theories of Criminal Defense Based upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage, Presentation at Cleveland-Marshall faculty brown-bag lunch (Cleveland, OH, October 21, 1994).

Patricia J. Falk, Discussion leader, Nebraska Symposium on Motivation: The Individual, the Family, and Social Good: Personal Fulfillment in Times of Change (Lincoln, NE, April 1994).

Patricia J. Falk, Disseminating Information to the Judiciary: Courts' Use of Social Science in Gay Rights Cases, Paper presentation at the American Psychology-Law Society Biennial Conference (March 1994).

Patricia J. Falk, The U.S. Supreme Court and Psychologists, Panel presentation with Steven R. Smith, Robert G. Meyer, Michael O. Miller, Laurens Walker, David Ogden, and Carl Stern at the Meeting of the American Psychological Association (Washington, DC, August 1992).

Patricia J. Falk, The Impact of Social Science Materials on the Judiciary, Poster presentation at the American Psychology-Law Society Biennial Conference (March 1990).

Patricia J. Falk, Lawyering in Juvenile and Family Cases: Special Problems of Mental Health Consultation, Workshop presentation at the First Annual Summer Institute on Mental Health Law: Mental Health Law Affecting Children, Youth and Family (Lincoln, NE, June 1984).

Patricia J. Falk, The Factors Affecting the Role of Counsel in Juvenile Delinquency Adjudications, Paper presentation at the American Psychology-Law Society Biennial Conference (Chicago, IL, October 1983).

LEGAL SCHOLARSHIP NETWORK (SSRN)

Editor, 15 issues of Cleveland-Marshall Legal Studies Papers

October 27, 2006—Volume 2, No. 2

December 8, 2006—Volume 2, No. 3

February 23, 2007—Volume 3, No. 1

April 12, 2007—Volume 3, No. 2

May 10, 2007—Volume 3, No. 3

September 14, 2007—Volume 3, No. 4

November 5, 2007—Volume 3, No. 5

February 28, 2008—Volume 4, No. 1

April 4, 2008—Volume 4, No. 2

May 14, 2008—Volume 4, No. 3

October 23, 2008—Volume 4, No. 4

February 10, 2009—Volume 5, No. 1

March 17, 2009—Volume 5, No. 2

April 3, 2009—Volume 5, No.3

April 28, 2009—Volume 5, No. 4

FACULTY FOCUS

Editor, 26 issues of Electronic Newsletter for Cleveland-Marshall Faculty Members

October Faculty Focus 2006

November Faculty Focus 2006

December Faculty Focus 2006 (Google Book Citations)

January Faculty Focus 2007 (Service Activities)

February Faculty Focus 2007 (Mentoring Our Students)

March Faculty Focus 2007

April Faculty Focus 2007 (2006 Law Review Citations)

Summer Faculty Focus 2007

August Faculty Focus 2007 (Citations in Appellate Briefs)

October Faculty Focus 2007

November Faculty Focus 2007 (2007 Law Review Citations)

December Faculty Focus 2007

January Faculty Focus 2008 (Citations to Work on SSRN/LSN)

February Faculty Focus 2008 (Google Book Citations)

March Faculty Focus 2008

April Faculty Focus 2008

Summer Faculty Focus 2008

August Faculty Focus 2008

September Faculty Focus 2008

October Faculty Focus 2008
November Faculty Focus 2008
December Faculty Focus 2008
January Faculty Focus 2009 (2008 Law Review Citations)
February Faculty Focus 2009 (Judicial Citations: 2005-2009)
March Faculty Focus 2009
April Faculty Focus 2009

CONFERENCES AND SPEAKER SERIES (worked in an organizational capacity):

Cleveland-Marshall Faculty Lunch Series (2008-2009, 2007-2008, 2006-2007).

Northeast Ohio Law Schools' Faculty Colloquium Series (2008-2009, 2007-2008).

Teaching in a Transformative Age: The Law School of the Future: 2010 SALT Bi-Annual Teaching Conference, Honolulu, Hawai'i (December 10-11, 2010)

Teaching for Social Change: 2008 SALT Bi-Annual Teaching Conference, University of California-Berkeley School of Law, Berkeley, California (March 14-15, 2008). (Chair)

Academic Freedom and Teaching Activism in the Post 9/11 World: 2006 SALT Bi-Annual Teaching Conference, Suffolk University Law School, Boston, Massachusetts (September 8-9, 2006). (Co-chair)

Class in the Classroom: 2004 SALT Bi-Annual Teaching Conference, University of Nevada, Las Vegas, William S. Boyd School of Law (October 2004).

Toward More Reliable Jury Verdicts: Law, Technology, and Media Developments Since the Trials of Dr. Sam Sheppard Conference, Cleveland-Marshall College of Law (April 2001).

Re-Orienting Law and Sexuality Conference, Cleveland-Marshall College of Law (October 1999).

Criminal Justice Forum, Cleveland-Marshall College of Law (2014-2015, 2013-2014, 2012-2013, 2011-2012, 2010-2011, 2009-2010, 2008-2009, 2007-2008, 2006-2007, 2005-2006, 2004-2005, 2003-2004, 2002-2003, 2001-2002, 2000-2001, 1999-2000)

SERVICE

Law School Service

Committees:

Academic Standards (2000-2001, 1998-1999, 1995-1996, 1994-1995, 1993-1994) *Ad hoc* Committee on Moot Court Issues (2007-2008, 2006-2007) (Chair) Admissions Committee (1998-1999)

Art "Committee" (2014-2015, 2012-2013, 2011-2012, 2010-2011, 2009-2010, 2008-2009, 2007-2008, 2006-2007, 2005-2006, 2003-2004, 2002-2003, 2001-2002, 2000-2001, 1999-2000) (Chair) Awards and Competitions Committee (1995-1996) (Chair in 2012-2013, 2011-2012, 2002-2003, 2001-2002, 2000-2001, 1998-1999)

Baker-Hostetler Committee (1999-2000) (Chair)

Cleveland-Marshall/Baker-Hostetler Committee (2008-2009, 2007-2008, 2006-2007)

Cleveland-Marshall Summer Research Grant Subcommittee (2008-2009, 2007-2008, 2006-2007, 2003-2004, 1999-2000) (Chair in 2012-2013, 2011-2012)

Dean's Advisory Committee (2005-2006, 2000-2001, 1999-2000)

Faculty Affairs Committee (2012-2013, 2003-2004, 2002-2003, 2001-2002, 2000-2001) (elected)

Faculty Appointments Committee (1992-1993, 1991-1992)

High Achievement Committee (1998-1999)

Honors Council (2001-2002)

International Exchange Committee (on an ad hoc basis) (2001-2002, 2000-2001)

Law Student Outcomes Assessment Plan Committee (1996-1997)

Legal Careers Opportunity Program (LCOP) Committee (1994-1995, 1993-1994) (Chair)

Named Professorship Committee (2009-2010) (Chair)

Search Committee, Director, Law Library (2007-2008)

Search Committee, Director, College Budget and Administration (2006-2007) (Chair)

Special Committee on the Legal Careers Opportunity Program (LCOP) (2008-2009) (Chair)

Special Committee on the Bar Exam (2009-2010, 2008-2009, 2007-2008, 2006-2007, 2005-2006 (Chair), 2003-2004 (Chair))

Strategic Priorities Committee (2012-2013) (elected) (Co-Chair)

Teaching Committee (2014-2015, 2008-2009, 2007-2008, 2006-2007, 2005-2006 (Chair))

Personnel Action:

Chair, Law School Personnel Action Committee (2014-2015, 2012-2013) (elected)

Professor Kunal Parker's Promotion Subcommittee (2005-2006)

Professor Susan J. Becker's Promotion Subcommittee (2003-2004)

Professor David Snyder's Tenure and Promotion Subcommittee (2000-2001)

Professor Heidi Gorovitz Robertson's Tenure and Promotion Subcommittee (1999-2000)

Criminal Law Group:

Toward More Reliable Jury Verdicts: Law, Technology, and Media Developments Since the Trials of Dr. Sam Sheppard Conference, Cleveland-Marshall College of Law (April 2001)

Criminal Justice Forum (2014-2015, 2013-2014, 2012-2013, 2011-2012, 2010-2011, 2009-2010, 2008-2009, 2007-2008, 2006-2007, 2005-2006, 2004-2005, 2003-2004, 2002-2003, 2001-2002, 2000-2001, 1999-2000)

Criminal Law Concentration (2001-2002)

Grant from the Hubert A. and Gladys C. Estabrook Charitable Trust, administered by Porter, Wright, Morris & Arthur LLP (\$30,000) (2002)

Miscellaneous:

Special Moot Court Advisor to two teams in the Sutherland Cup Competition (1996-1997) Special Moot Court Advisor to a team in the John J. Gibbons Competition (1995-1996)

University Service

Assessment Council (2008-2009, 2007-2008, 2006-2007)

Distinguished Faculty Service Awards Committee (2005-2006 (Chair), 2003-2004)

Faculty Misconduct Investigation Committee (2000-2001)

Faculty Senate (2005-2006, 2000-2001, 1999-2000) (elected)

Faculty Senate Academic Steering Committee (2006)

Honors Program Initiative Committee (2002-2003) (Chair)

Office of Institutional Equity Advisory Council (2014-present)

Professional Leave Committee (1995-1996, 1994-1995, 1993-1994, 1992-1993)

Research Officers Council (2009)

Search Committee, Honors Program Director (2008-2009)

Public Service

Newspaper Articles:

Patricia J. Falk, 2008 SALT Teaching Conference: Stimulating, Moving, Inspiring, and Record-Breaking, SALT EQUALIZER 13 (May 2008).

Going Places, CRAIN'S CLEVELAND BUSINESS, June 18, 2007 ("Patricia J. Falk (Cleveland-Marshall School of Law) received the Dean Wilson Stapleton Teaching Award").

Patricia J. Falk, *SALT Teaching Conference a Great Success*, SALT EQUALIZER 7 (December 2006).

Barb Galbincea, CSU Plans to Accept Fewer Law Students: Faculty Hopes to Raise Bar Exam Success Rate, The Plain Dealer, Feb. 26, 2004, at B4.

Cindy Leise, Dayton Cops: Taylor Didn't Shoot, CHRONICLE TELEGRAM, Sept. 9, 2003, at 1.

Stacy Pendleton, Proposed Honors Program Set for Vote, THE CLEVELAND STATER, Feb. 20, 2003.

Dee McAree, Two States Tell Deadbeat Dads to Stop Having Children, THE RECORDER, Sept. 27, 2002).

Dee McAree, *Deadbeat Dads told to Stop Having Kids*, NATIONAL LAW JOURNAL, Sept. 23, 2002, at A4.

Karl Turner, Wound Kills Years Later, Creates Legal Issue, THE PLAIN DEALER, Apr. 28, 2002, at B1.

Cindy Leise, *Prosecution Believes Judge's Ruling "Unclear,"* CHRONICLE TELEGRAM, Mar. 30, 2002.

M.R. Kropko, Sheppard's Son Still Appealing, DAYTON DAILY NEWS, Apr. 21, 2001.

Jennifer Scott Cimperman & Christopher Quinn, *Is Something Rotten in the City's Power Poles?; Lawsuit Filed by CPP is Postponed; Company Fears More Could Topple*, The Plain Dealer, Oct. 20, 1999, at 1A.

James Ewinger, *Just When You Think You are Divorced; Judge Says Couple Must Live Together,* THE PLAIN DEALER, June 7, 1995, at 1B.

Television and Radio:

NBC News, Jon Schuppe, "I Wanted Justice": Con Victim Turns Focus to Changing Rape Law, Jan. 24, 2015 (regarding rape by fraud laws).

WVIZ, Applause, July 3, 2014, 7:30 p.m. (regarding 60th anniversary of Marilyn Sheppard's murder).

WCPN, October 26, 2005, 9:00 a.m. (regarding rape law and the punishment of rape).

CNN, July 5, 2004 (regarding the 50th anniversary of Marilyn Sheppard's murder).

Channel 8 News at 5:00 p.m., October 8, 2002 (regarding Issue 1—treatment for nonviolent, first-time drug offenders).

Channel 5 News at 6:00 p.m., November 7, 2000 (regarding the defense of an alleged murderer of a Cleveland police officer).

National Public Radio, All Things Considered, May 11, 2001 (regarding Congressman Trafficant's case).

Channel 3 News at 11:00 p.m., May 15, 1996 (regarding eyewitness testimony).

Channel 8 News at 6:00 p.m., June 20, 1994 (regarding the O.J. Simpson case).

Reviewer:

American Psychological Association, Lesbian and Gay Parenting: A Resource for Psychologists (1993). (see http://www.apa.org/pi/preface.html & http://www.apa.org/pi/l&gref.html)

Peer Reviewer:

ANNALS OF HEALTH LAW

VIOLENCE AND VICTIMS

BEHAVIORAL SCIENCES AND THE LAW

CHILD ABUSE & NEGLECT

Board of Directors:

Cleveland Rape Crisis Center (2007-2010)

Society of American Law Teachers (SALT) (2005-2013)

SRL, Inc.: Scientific Resources for the Law (formerly Sci-Jur) (1998-2002)

Appointments:

Cuyahoga County Prosecutor's Office, Conviction Integrity Unit Best Practices Advisory Panel (2014-present)