

2012

## In Brief

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# InBrief

THE MAGAZINE OF CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

## SCHOOL OF LAW LEADS IN U.S.-CHINA LEGAL EDUCATION WITH CHINA PROGRAM

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SCHOOL OF LAW

CASE WESTERN RESERVE  
UNIVERSITY



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# In Brief

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We invite you to visit Dean Mitchell's blog at  
[law.case.edu/deansblog](http://law.case.edu/deansblog)



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## FROM THE DEAN'S DESK



In the last issue of *In Brief*, I wrote about our precipitous decline in applications for the Class of 2014, and noted that we had significantly improved our performance for the Class of 2015 in this year of even more declining applications nationwide. We dropped twice the national average last year. This year, we dropped about half the national average. Not perfect, but I believe this is evidence that our new approaches to marketing and admissions are working well. Most important, I think it demonstrates that more applicants are beginning to understand the special characteristics of our law school.

Applications are only the beginning. The most important metric is the quality of the class we admit. And, for our law school, that quality has improved, and improved dramatically.

For at least the fifteen years for which I have data, the median LSAT of the entering class has fluctuated between the mid- and high-150s, with one year attaining 160 as a result of the significant and unintentional overadmission of students, which actually hurt us. What does this improvement in the median mean? Well, a 155 is in the 63rd percentile of test-takers, and a 158 (our historic good year) is in the 73rd percentile. We still admitted excellent students, who have made us very proud, but a median in the 150s is not terribly distinguished.

While I cannot predict what will happen this year in *U.S. News*, I am proud to say that, through an enormous team effort, we increased our median LSAT two points to 160, and moved the bottom quartile of our class from 153 to 156. A 160 is at the 80th percentile. Not where we want to be yet, but it moves us from a "C" to a "B," well along the way to an "A." We achieved this in a year that saw law schools throughout the country dropping their medians, sometimes significantly. In fact we outperformed every law school in the Midwest and, when the final data are in, I suspect we will have outperformed most, if not all, law schools nationwide. (As a very important side note, I'm pleased to say that, for the first time in living memory, we have admitted a class, only 50% of which are men. We intend to maintain this achievement.) I would be remiss if I didn't give a major shout-out to our new admissions team, led by Associate Dean Alyson Alber and Assistant Dean Kelli Curtis, for their superb work.

The challenge was particularly difficult because the drop in applicants primarily came from the higher test score segment. Looking at the range in which we were aiming, 160-164, the number of applicants declined by 17%, and in our "reach" range, 165-169, they also declined by 17%. Early indications are that this year will be challenging as well. But we have a mission to accomplish, and we will not stop working all-out until we do.

We used three primary tactics to achieve success this year. First, we changed our marketing approach, making sure that our own special story was told and heard in every corner of the country; second, we initiated an alumni interview program for applicants, and the admissions staff and I traveled the country meeting with prospective students and pre-law advisors. Third, we significantly increased the financial aid we offered. No one of these alone would have been sufficient. Together, they were powerful.

We know our law school has special qualities. We are in the process of making it unique. We begin with the proposition that we need to offer students programs and opportunities they can't get anywhere else. We start with our three great centers of excellence: International Law, Law and Medicine, and Law, Technology and the Arts. While we have an excellent curriculum overall, these three specialty areas are where the most job growth is, and are tremendous draws for our

students. While other law schools have programs in these areas, each of ours is special in the manner in which it conceptualizes and delivers education, and each offers special opportunities.

For a quick example, take our international law program, which has been superb for years. It has its own distinctive characteristics, including our extensive network of semester abroad internships in Europe and Africa. But we wanted more. Study abroad, in general, was a natural for us. When I arrived, we already had partnered with three of the top Chinese law schools, providing semester abroad experiences for our students. By the end of the school year, we had increased that number to six. When I return from China in early November, we expect to have added five more law schools in China, Taiwan, and, we hope, Vietnam. When I visit Europe in early December, we expect to add five more law schools from London to Istanbul and Haifa. In the spring, we'll go to India, where the top five law schools are ready to sign cooperation agreements with us. And I view this simply as the beginning of the road to providing study abroad opportunities for every student who wants one.

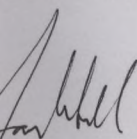
Less than a handful of law schools in the United States provide anything close to what we will have by the end of the academic year. As in international law, so in our other areas of specialization. We provide our students with opportunities they can't get anywhere else.

I am enormously proud of our faculty, staff, students, and alumni. Getting the world to recognize our greatness, while building on it, is our mission. We have begun by increasing the quality of our students. We will continue to work toward our goal until we achieve the recognition we deserve.

I have mentioned *U.S. News & World Report*. Some of you may ask yourselves why a flawed survey is so important. It is a question I have often asked myself, even as we strive to improve our standing. My conclusion is that *U.S. News* rankings are important – very. We know that students use them. But that is only one factor. The higher your ranking in *U.S. News*, the easier it is for your graduates to get jobs. The higher your ranking, the more your philanthropy increases. The higher the ranking, the more you can recruit and retain the very best faculty. With all of this, we can graduate increasingly better lawyers and leaders, which, after all, is our ultimate goal. *U.S. News* is not simply a number. It is a signal that draws increasingly better resources to a law school. That, and not simply prestige, is why improving our ranking is so important.

We have, over the last fifteen years, dropped from number 42 in *U.S. News* to number 67. As I noted, I can't promise how quickly we will see our rise begin. There are too many exogenous factors to permit prediction. But we have taken the first critical steps towards that goal, with the improvement this year in the quality of our student body.

The faculty and staff have worked extremely hard to get us where we are, and to point us in the right direction. But we cannot do it alone. Our efforts take money. You have been a generous alumni body, for which we all are so very grateful. But the reality is that we simply need more. Working together as a team, we can restore our law school to glory. I, on behalf of all of us, thank you for what you have done, and what you will do, to help us get there.



Lawrence E. Mitchell  
Dean

Joseph C. Hostetler - Baker & Hostetler Professor of Law

# SCHOOL OF LAW LEADS IN U.S.-CHINA LEGAL EDUCATION WITH CHINA PROGRAM

The law school continues to enhance its global reach and is the only law school to partner with six of the most prestigious Chinese law schools.



– Jon Groetzinger  
Director of China  
Legal Programs





Almost all law practices today have some international component. In order to do more to prepare School of Law students for practice, the law school is encouraging students to immerse themselves for an entire semester in a different legal system and culture.





The China Program provides second-and

third-year students with the opportunity to study Chinese law from leading Chinese scholars for an entire semester in China. Classes are taught in English and students study with a small group of only 10-20 students from various countries.

The law school now counts Peking University Law School, Renmin University of China Law School, City University of Hong Kong, Fudan University, East China University of Political Science and Law, and Southwest China University of Political Science and Law as partners in this unique China Program. These law schools are ranked among the top ten in China by the Chinese Education Ministry.

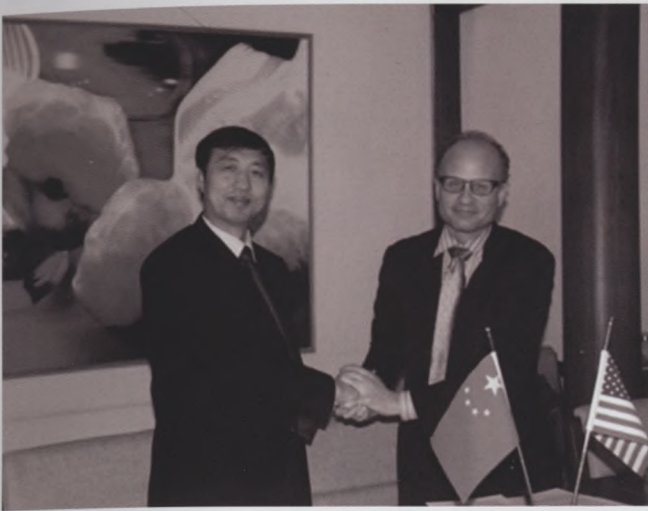
The program began four years ago when Visiting Professor Jon Groetzinger entered a School of Law team in the Vis Arbitral Moot competition in Hong Kong. En route to the competition, he visited

The law school now counts Peking University Law School, Renmin University of China Law School, City University of Hong Kong, Fudan University, East China University of Political Science and Law, and Southwest China University of Political Science and Law as partners in this unique China Program.

Fudan and East China law schools to determine their level of interest in an exchange program. Both schools were receptive, as was Southwest University, which signed an agreement shortly thereafter.

The law school has also reached agreement with Peking University Law School to build a Sino-American Law & Commerce Institute, a multi-university think tank populated with law professors, government officials, lawyers, and business people to help foster mutual cooperation between our nations. Under the American-side leadership of Jon Groetzinger, and the Chinese-side leadership of Professor Deng Feng of PKU, this institute is designed to be the leading Chinese-American think tank on issues primarily relating to business, trade, and financial law. The Institute will also sponsor a moot court program and Sino-U.S. law journal.

"No law school of which I know partners with six of the top ten Chinese law schools. I think the importance of our exposing law students to China is obvious, as is the importance of educating Chinese students in our own legal system," states Dean Lawrence Mitchell.



主题：反思金融主义——一个历史的视角  
 主讲人：Lawrence E. Mitchell 美国凯斯西储大学法学院院长、教授  
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 时间：2012年3月2日（周五）9:00  
 地点：长宁校区文宣楼一樓第三会议室  
 主办：科研处、国际金融法律学院

The law school therefore benefits not only from perspectives of the exchange students, but also those of the additional LL.M. candidates.

An unexpected, but vitally important, consequence of the China exchange program has been the increased exposure the School of Law has attained at partner schools. Students at those institutions have been applying in record numbers to the law school's LL.M. programs. The size of the LL.M. class in the past three years has grown from about 50 to approximately 80 students. The law school therefore benefits not only from perspectives of the exchange students, but also those of the additional LL.M. candidates.

"We're pleased to have forged partnerships with such high-caliber law schools in a nation whose importance in legal studies cannot be overstated," says Groetzinger.

School of Law representatives are meeting with other schools in Australia, China, Taiwan, South Korea, Japan, India, Europe, Israel, Vietnam and Turkey to establish additional exchange opportunities.

For more information visit [law.case.edu/Academics/ChinaProgram.aspx](http://law.case.edu/Academics/ChinaProgram.aspx). ■

The China Program also encourages regular faculty exchanges with Case Western Reserve University School of Law partner schools. This August, the School of Law hosted two distinguished professors from Fudan and Peking Universities who taught mini-courses in Chinese Business Law and Financial Markets and An Introduction to the Chinese Legal System.

Chinese scholars participate in exchange programs and workshops, bringing a wealth of knowledge not only to the law school but also to the Cleveland community. This summer Duan Liu, a Chinese language expert from Southwest University of Political Science and Law, taught a four week Basic Chinese course for legal professionals, and Tim Webster, a rising star in the world of Chinese legal scholarship, joined the School of Law faculty to further enhance the program.

The China semester exchange program has grown quickly and become so well-known that students from other U.S. law schools have expressed interest in becoming visiting students at the School of Law so that they too can participate in the experience.



– Lewis R. Katz  
John C. Hutchins  
Professor; Director,  
Foreign Graduate Studies

American states and municipalities have so many minor traffic regulations that every time a driver gets behind the wheel of a car he or she is likely to commit multiple violations. The violation of any traffic regulation empowers police officers to stop the vehicle, ticket and, in some states, arrest the motorist. Police are physically unable to stop and ticket, let alone arrest, every motorist committing a traffic violation. Instead, police are vested with unlimited discretion when choosing which motorists to stop, warn, ticket, or arrest. So long as there is probable cause for a traffic violation, courts will not entertain a challenge to the officer's discretion to stop a specific motorist, even if the decision to stop is based on race.

The same discretion applies to expanding a traffic stop into an inquiry about other more serious offenses. Consequently, the commission of a minor traffic or equipment offense exposes the motorist to questioning about serious offenses, especially drug offenses. These inquiries often lead to the officer seeking permission to search the vehicle. The Supreme Court's failure to impose meaningful limitations upon traffic stops has ensured that police have unlimited discretion.



# “Lonesome Road”: Driving Without The Fourth Amendment

Professor Lewis Katz discusses the debasement of Fourth Amendment protections on the road and how the Fourth Amendment core value of preventing arbitrary police behavior has been marginalized.

While America promotes the need for governments to act in accord with the rule of law throughout the world, we have abandoned the rule of law in our own country. Our streets and highways have become a police state where officers have virtually unchecked discretion about which cars to stop for the myriad traffic offenses contained in state statutes and municipal ordinances; and that discretion often is aimed at minority motorists. Courts look the other way and will not inquire into the officer's decision to stop a particular motorist if the reviewing court finds that the officer had sufficient facts to believe that the motorist committed a traffic offense. Where there is an objectively reasonable justification for the stop, pretextual traffic stops may not be challenged, even when the underlying reason for the stop is race.

Once an officer stops a motorist for a traffic offense, the officer has discretion to transform that traffic stop into an investigation of other serious crimes without the check of reasonable suspicion or probable cause to limit the inquiry. The only limitation on the investigation of other crimes is that the duration of that stop is subject to the Fourth Amendment reasonableness standard. Courts disagree on what length of time is reasonable, but even a 15 minute traffic stop is long enough for an officer to run a drug dog around the car, to ask the motorist about non-traffic offenses, and to request permission to search the car. Many police routinely ask people stopped for non-arrestable traffic violations for permission to search the car, obviously to look for evidence unrelated to the traffic offense. Whether the motorist voluntarily consents

to the search will be litigated only if that search leads to the discovery of evidence; courts determine the voluntariness of the consent without regard to the critical issue of whether the motorist knew that he or she had a right to refuse.

In some states police also have discretion to arrest rather than issue a traffic citation even for a minor traffic offense, further enhancing the officer's status as the unchecked king of the highway. The Supreme Court has held that an arrest for the most trivial offense does not violate the Fourth Amendment if state law allows it.

**Once an officer stops a motorist for a traffic offense, the officer has discretion to transform that traffic stop into an investigation of other serious crimes without the check of reasonable suspicion or probable cause to limit the inquiry.**

In states where officers have the discretion to write a ticket or arrest, officers may base that decision upon whether they want to search the motorist and possibly even the vehicle. The law has developed so that the officer need not articulate a legal basis for the search. When the officer's testimony of the incident indicates an absence of lawful justification for the search, the reviewing and appellate courts will uphold the search if there are other legal grounds for the search. The message those courts are sending to the police is search the car now, and a

reviewing court will find a lawful justification for the search later.

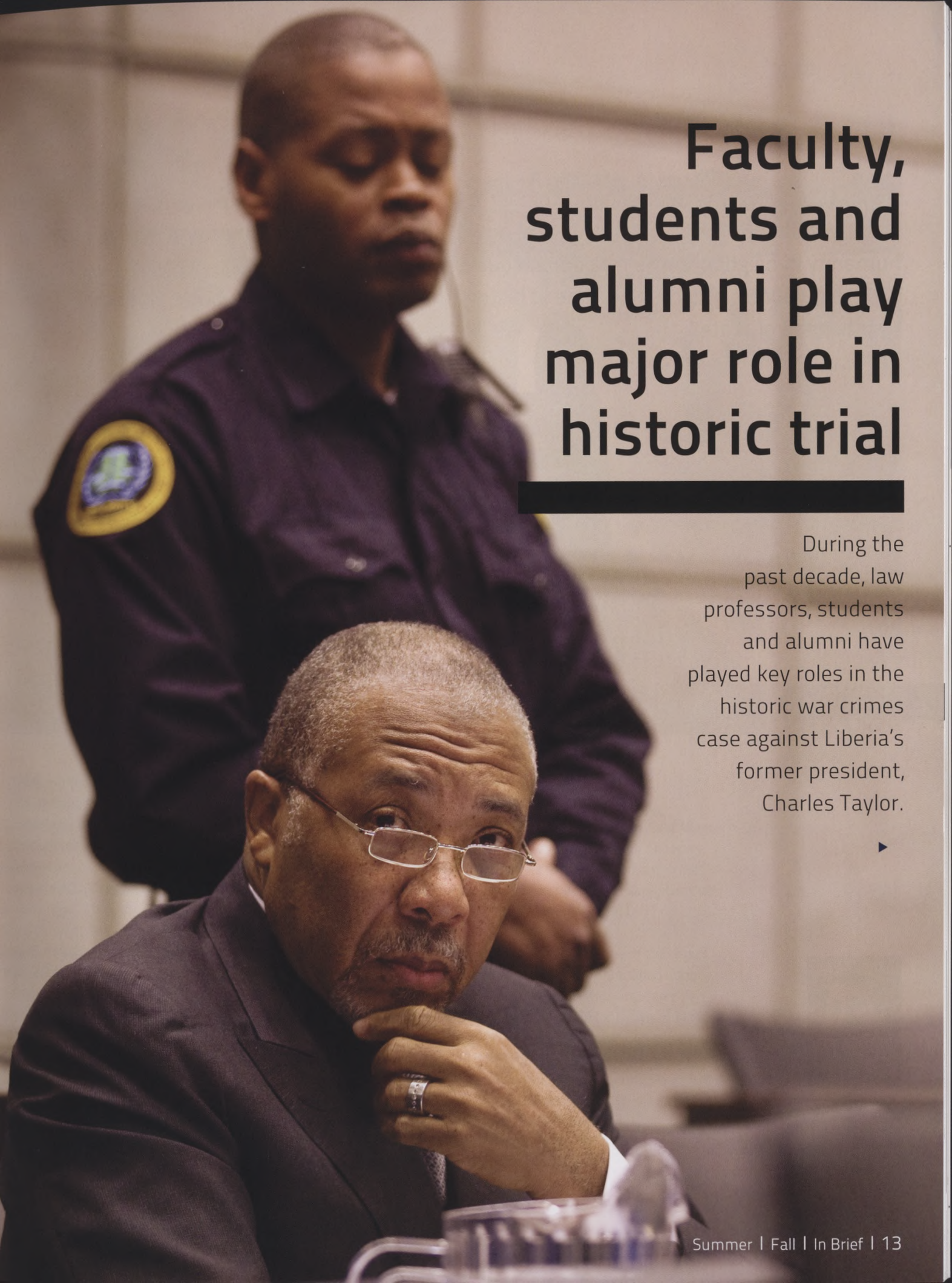
The protections of the Fourth Amendment on the streets and highways of America have been drastically curtailed. Over the past 15 years, the Supreme Court has handed down four decisions solidifying police discretion and largely eliminating Fourth Amendment oversight of the decision to stop a particular car and the scope of investigation that follows the stop. The remaining Fourth Amendment issues provide scant protection for motorists. *Whren v. United States* insulates pretextual

traffic stops from Fourth Amendment challenge. The existence of a traffic offense should not be the end of the inquiry, but the first step; and defendants should be able to challenge the reasonableness even when there is proof of a traffic offense. Similarly, the existence of state law authorizing arrests for minor, often trivial traffic offenses should be assessed next in determining the reasonableness of an officer's decision to make a custodial arrest for a minor traffic offense. There are many different categories of encounters between police and motorists where police are empowered to transform the traffic stop into an investigation of more serious crimes. A police officer should be required to offer a reasonable explanation for subjecting a defendant stopped for a minor traffic offense to an expanded investigation. Motorists subject to the broader inquiry tend to be young, black or Hispanic men who are being profiled as potential drug carriers. The Supreme Court has turned its back on this population and has eliminated meaningful Fourth Amendment review of what happens on the streets and highways after it is established that a traffic offense has occurred.

The Supreme Court must reconsider its uninterrupted line of cases over the past 15 years that have stripped the Fourth Amendment of its meaningfulness on the roads and highways of America. Police should be limited in the stops that they can make, requiring that they serve a highway safety purpose; (2) the commission of a minor traffic offense should not be sufficient justification for a custodial arrest without a showing of additional need; (3) police should not be allowed to escalate every traffic stop into an inquiry about more serious offenses without reasonable suspicion; and (4) police should demonstrate a reason for requesting to search a minor traffic offender's vehicle. Without such reform American motorists will continue to be subject to the whims of police officers every time they step foot in their cars. ■

*The complete article will appear in Seattle University Law Review, Spring 2013.*

*\*All footnotes have been omitted\**



# Faculty, students and alumni play major role in historic trial

During the past decade, law professors, students and alumni have played key roles in the historic war crimes case against Liberia's former president, Charles Taylor.



On April 26, 2012, the Special Court for Sierra Leone (SCSL) convicted former Liberian president Charles Taylor of 11 counts of aiding and abetting war crimes and crimes against humanity in neighboring Sierra Leone. Four weeks later, the Tribunal sentenced Taylor to 50 years in prison. It was the first time in history that an international tribunal convicted a former head of state.

Shortly after his appointment in 2002, David Crane, founding Chief Prosecutor of the SCSL, reached out to Case Western Reserve University School of Law's War Crimes Research Office and the Public International Law and Policy Group for assistance on the most difficult and complicated legal issues facing the Tribunal. Since then, Professors Michael Scharf and Carol Fox, and Adjunct Professors Christopher Rass and Christopher McLaughlin, supported by a dozen students each year, have provided 32 lengthy research memos to the Chief Prosecutor and his successors.

According to Scharf, "It was one of our memos that provided the research background for the Prosecutor to argue that head of state immunity did not apply to international crimes tried by the SCSL." This laid the foundation for the Prosecutor to obtain the indictment of Taylor while he was a sitting head of state in 2003.

Scharf says, "The memos we prepared dealt with just about every issue in the trial, from the authority of the Sierra Leone Tribunal to prosecute leaders in Liberia, to the legal contours of aiding and abetting, to the definitions of crimes against humanity, terrorism, pillage, and war crimes." Ultimately, Taylor was convicted of aiding and abetting crimes against humanity, and war crimes — for providing weapons to rebel groups in neighboring Sierra Leone who he knew were engaging in mass atrocities, in return for blood diamonds. In Scharf's words, "Taylor was convicted of being enabler-in-chief - a theory our work helped support."

Ten years ago, the School of Law provided the very first legal intern, Lesley Murray (LAW '05) to the Tribunal's office in Freetown. Twenty other Case Western Reserve University School of Law students followed in Murray's footsteps, many more than from any other law school in the world. In 2007, School of Law faculty established a unique international tribunal externship program so students could earn a full semester's worth of credit for interning at the Tribunal's offices in Freetown and The Hague.

At the high point of the trial in 2010, when supermodel Naomi Campbell testified about receiving blood diamonds from the defendant after a party at Nelson Mandela's home, School of Law student Jacqueline Greene (LAW '11) could be seen in the televised video of the courtroom proceedings, sitting just behind the witness at the prosecution table.



– Michael Scharf  
Associate Dean for Global Legal Studies;  
John Deaver Drinko - Baker and  
Hostetler Professor of Law



Lesley Murray (LAW '05) in Sierra Leone.

Two other interns for the Tribunal, Ruth Mary Hackler (LAW '05) and Nathan Quick (LAW '09), were hired after graduation to be part of the 10-person prosecution team that tried Taylor. Quick went on to become a legal adviser to the judges of the Cambodia Tribunal, while Hackler plans to be among the last to leave when the SCSL closes. Another student who interned for the SCSL Prosecutor, Chelan Bliss (LAW '07), is now Vice Consul of the U.S. Embassy in Nairobi, Kenya. Brianne Draffin (LAW '08), who interned for the judges presiding over the Taylor trial, is now treaty negotiator for the U.S. Social Security Administration.

The significance of the School of Law's contributions to the Tribunal were recognized in 2005 when Prosecutor David Crane nominated Scharf, the Public International Law and Policy Group, and the School of Law's War Crimes

Research Office for the Nobel Peace Prize. Case Western Reserve University has awarded Crane an honorary doctorate and at this year's Commencement in May, awarded an honorary doctorate to Brenda Hollis, the current Chief Prosecutor of the Tribunal.

The School of Law's War Crimes Research Office is supported by an annual grant from the Open Society Institute. The Office currently provides research assistance to the Special Tribunal for Lebanon, where alumnus Christopher Rassi (LAW, MBA '02) serves as a legal advisor to the prosecutor; the International Criminal Tribunal for Rwanda, where alumnus Andres Perez (LAW '05) serves as an appeals prosecutor; and to the Cambodia genocide Tribunal, as well as several regional courts prosecuting Somali pirates. ■



# Professor receives first NIH grant to study the use of genetic science by the military

Professor Maxwell Mehlman will be the first to conduct a study of the ethical, legal, and policy implications of the use of genetic science by the U.S. military.

M

axwell Mehlman, Arthur E. Petersilge Professor of Law and Director of the Law-Medicine Center, has been awarded an 18-month \$117,000 grant by the National Institutes of Health (NIH).

"So far, no one has examined the ethical, legal, and policy challenges that these uses of genetic technology would create," says Mehlman. "Can the military use DNA collected for one purpose—to identify battlefield remains—for a different purpose—say to conduct medical research—without the permission of the donors? Is the use of genetic testing to make personnel decisions unfair discrimination? Would developing gene-based weapons violate treaties against biological warfare? I look forward to spending the next 18 months exploring these and related issues. My hope is to come up with practical advice that helps the military make the best use of this new technology without violating ethical and legal norms."

The military is poised to take advantage of advances in human genetics. By combining the largest existing collection of DNA samples, the Armed Forces Repository of Specimen Samples for the Identification of Remains, with access to the complete medical records of current and past members of the military, is in a position to create the most extensive "geno-phenobank" in the world, yielding an unprecedented body of data linking an individual's DNA ("genotype") to their risk for disease and to predictions about other capabilities and behaviors ("phenotype").

This information bank would be invaluable for general medical research, where it could identify genetic factors in disease and aid in the development of new treatments and preventions. The information also could be used for military purposes. It could enable genetic tests to be developed that would aid the military in predicting disease risk and performance among members of the military, thereby assisting in decisions about enlistment, service assignment, specialization, training, and promotion. The data might be employed to develop drugs and other biotechnologies to improve the health, physical fitness and performance of combat and other military personnel. Genetic science also could be weaponized. It could be used, for example, to identify and exploit genetic weaknesses in adversaries.

States Mehlman, "The U.S. military is sitting on the largest repository of human DNA in the world and has the personnel and medical records of every DNA donor. By decoding the DNA and matching the results with the characteristics of the donors that are described in their records, the military can uncover complex links between genes and diseases, and between genes and other behaviors, that elude other researchers. The potential use of this information to develop treatments and preventive health measures for genetic diseases is game-changing."

Although interest in genomic science has been increasing for a wide variety of uses, from medical research and treatment to reproductive decision-making to enhancing performance, the U.S. military until recently does not appear to have focused significant attention on the potential military uses of genomics beyond conducting research on defenses against bioengineered weaponry (DoD Joint Service Budget request 2007) and operating the Armed Forces Repository of Specimen Samples for the Identification of Remains.

The military's interest in human genomics is beginning to grow, and in December 2010, the JASONS, a group of scientific advisors to the military, issued a report entitled "The \$100 Genome: Implications for the DoD" that outlined an ambitious plan to employ genomic technologies to "enhance medical status and improve treatment outcomes," enhance "health, readiness, and performance of military personnel," and "know the genetic identities of an adversary" (JASON 2010). The report also called for the DoD to take advantage of its "large, well-defined population in generally good health, together with their medical records" to "facilitate valuable longitudinal studies correlating genotype and phenotype." The report went on to recommend that the DoD "determine which phenotypes that might reasonably be expected to have a genetic component and have special relevance to military performance and medical cost containment. These phenotypes might pertain to short- and long-term medical readiness, physical and mental performance, and response to drugs, vaccines, and various environmental exposures, all of which will have different features in a military context. More specifically, one might wish to know about phenotypic responses to battlefield stress, including post-traumatic stress disorder, the ability to tolerate conditions of sleep deprivation, dehydration, or prolonged exposure to heat, cold, or high altitude, or the susceptibility to traumatic bone fracture, prolonged bleeding, or slow wound healing."

Military applications of genomics raise serious ethical, legal, and policy challenges. Indeed, the JASONS "major recommendation" in their 2010 report is that "the DoD should establish policies that result in the collection of genotype and phenotype data, the application of bioinformatics tools to support the health and effectiveness of military personnel, and the resolution of ethical and social issues that arise from these activities."



— Maxwell Mehlman  
Arthur E. Petersilge Professor of Law;  
Director of the Law-Medicine Center



The National Human Genome Research Institute at the NIH funds a substantial program of research on the ethical, legal, and social implications of our growing understanding of human genetics, known as the ELSI program. This program has studied issues outside of the military, including consent, privacy and confidentiality, stigma and discrimination, research ethics, the accuracy of genetic testing and the interpretation and communication of test results, and the risks and benefits of using genomic technologies for enhancement purposes. The military context differs in highly significant ways from civilian settings, however, which raises unique ethical, legal, and policy issues.

Unlike in most medical applications of genetics, for example, the welfare of the individual military patient or person being tested is not deemed paramount, but instead is subordinated to the needs of the unit, the mission, and the state. This requires a reconsideration of the principle of autonomy, the appropriate role for consent, and the scope of privacy and confidentiality as they apply to members of the military. The command structure of the military poses practical obstacles to voluntariness that may undermine even a limited role for informed consent. In terms of research, the functioning of IRBs in reviewing military research remains unexplored, and therefore the degree to which they can protect human subjects is unknown.

Finally, the desire to complete missions safely and effectively may lead combat personnel, and especially special operations troops, to accept large risks from genetic enhancement technologies, which may require a rebalancing of the relationship between individual choice and paternalism.



This project will be the first attempt to identify and analyze the issues raised by military uses of genomics for non-forensic purposes. It will combine the rich knowledge-base produced by the ELSI program together with emerging insights into military bioethics. It will explore how these challenges might be resolved, with the goal of initiating the critical conversations that must take place among geneticists, bioethicists, legal experts, military planners, veterans groups, and policy-makers to ensure the military can obtain benefits from genomic science in an ethically, legally, and socially appropriate manner.

Mehlman has researched and written on ELSI issues since 1992, and was the principal investigator on three ELSI R01 projects and a co-investigator on four others. He was a co-investigator and member of the executive board of the P50-funded Center for Genetics Research Ethics and Law, and has been a member of the ELSI Study Section (now the Societal and Ethical Issues in Research Study Section) since 2008.

Mehlman will be assisted by a Project Advisory Committee consisting of the following experts in genomics, ethical and legal issues in the areas of genomics, military ethics and law, and military operations.

- Shannon French, Ph.D., Inamori Professor of Ethics, Director of the Inamori International Center for Ethics and Excellence, formerly



**This project will be the first attempt to identify and analyze the issues raised by military uses of genomics for non-forensic purposes.**

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Associate Professor of Philosophy in the Ethics Section of the Department of Leadership, Ethics, and Law at the United States Naval Academy.

- Jason Gatliff, Ph.D., Integrated Ethics Program Officer at the Cleveland Louis Stokes VA Medical Center and Director of Ethics Consultation at Case Western Reserve University's Center for Biomedical Ethics at MetroHealth Medical Center, formerly the William Lyon's Chair in Professional Ethics at the United States Air Force Academy with more than 18 years in active and reserve components of the military.
- Eric Juengst, Ph.D., Director of the UNC Center for Biomedical Ethics, formerly Director of the Center for Genetic Research Ethics and Law at Case Western Reserve University and the first Chief of the Ethical, Legal and Social Implications Branch of the National Center for Human Genome Research at the National Institutes of Health.
- Robert Latiffe, Ph.D., (Maj. Gen., USAF ret.), Research Professor and Director of the Intelligence and Security Research Center, George Mason University.
- George Lucas, Ph.D., Professor of Philosophy and Director of Navy and National Programs in the Vice Admiral James B. Stockdale Center for Ethical Leadership at the United States Naval Academy.
- Gary Marchant, Ph.D., J.D., Lincoln Professor Emerging Technologies, Law and Ethics at the Sandra Day O'Connor College of Law at Arizona State University, Professor of Life Sciences at ASU and Executive Director of the ASU Center for the Study of Law, Science and Technology.
- Thomas Murray, Ph.D., President, The Hastings Center.
- Georgia Wiesner, MD, Georgia L. Wiesner, Associate Professor of Genetics and Medicine at Case Western Reserve University and Director of the Center for Human Genetics at University Hospitals of Cleveland. ■

# Breaking the Cycle of Unequal Treatment with Health Care Reform:

Acknowledging and Addressing the Continuation of Racial Bias



## Professor Ruqaiijah Yearby argues that the Patient Protection and Affordable Care Act will not fully equalize access to health care for minorities and may exacerbate the existing problem of racial disparities.

In 2002, the groundbreaking Institute of Medicine (IOM) study, *Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare*, noted that some health care providers, such as physicians, were influenced by a patient's race, which, in turn, created a barrier to African-Americans' access to health care. Not only did this racial bias prevent African-Americans from accessing health care services, but it also caused African-Americans to have poor health outcomes. Ten years after the publication of this sweeping study, racial bias continues to drive racial disparities in health care, and as a result, access to health care remains unequal.

Racial bias in health care operates on three different levels: interpersonal, institutional, and structural. Interpersonal bias is the conscious (explicit) and/or unconscious (implicit) use of prejudice in interactions between individuals. Interpersonal bias is best illustrated by physicians' treatment decisions based on racial prejudice, which results in the unequal treatment of African-Americans. Institutional bias operates through organizational structures within institutions, which "establish separate and independent barriers" to health care services. Institutional bias is best demonstrated by hospital closures in African-American communities. Finally, operating at a societal level, structural bias exists in the organizational structure of society, which provides the privilege of accessing resources, such as health care, to some groups, while denying access to other groups. An example of structural bias is the provision of health care based primarily on ability to pay, rather than on the needs of the patient.



— Ruqaiijah Yearby  
Professor of Law;  
Associate Director of the  
Law-Medicine Center

Unfortunately, the government often ignores the significance of racial bias in causing racial disparities in health care, and by extension, overall health, even though such biases are among the causes identified in numerous government reports, initiatives, and empirical research studies conducted over the past decade. The Patient Protection and Affordable Care Act (ACA) exemplifies the government's failure to acknowledge the interconnectedness of racial bias and racial disparities. Although the Patient Protection Act explicitly mentions disparities in health care and provides several mandates to address these disparities, it fails to acknowledge or target the root causes of racial disparities—racial bias. Specifically, the ACA funds research, data collection and quality improvement measures, including but not limited to patient education and preventative services, in order to better understand and put an end to health disparities. However, the ACA often does not link these health disparities to race, let alone discuss the cause of racial disparities—racial bias. In an article published in the *University of Connecticut Law Review*, Professor Yearby argues that although the ACA provides some benefits that may reduce racial disparities, it has several flaws that may actually exacerbate racial disparities in health care.

Indeed, the ACA provides several benefits. First, it equalizes the cost of health care for the uninsured receiving health care in charitable hospitals by limiting a charitable hospital's ability to charge uninsured patients more than the amount generally billed to insured patients for emergency and other medically necessary care. Second, it empowers communities through funding to improve the quality of health care. This is a laudable act because it empowers communities and gives them a voice in improving the conditions within their community. Third, it increases the stature of the Office of Minority Health (OMH) and creates new offices of minority health. Prior to the ACA, OMH was merely an office in the Office of Public Health Science, now it is an office within the Office of the Secretary, one of the central decision-making agencies in the U.S. Department of Health and Human Services (HHS). Fourth, it standardizes data collection of racial data and makes it a significant priority. Interestingly, HHS went to court in the 1990s fighting requests to collect racial data to fulfill its civil rights mandate. With the passage of the

ACA, HHS not only is required to collect data, but is also required to standardize the data collection and disseminate data to the agencies within HHS. Finally, the ACA increases health insurance coverage for minorities, addressing some of the issues of structural racial bias.

Notwithstanding these benefits, the ACA has several noteworthy flaws, such as the failure to address interpersonal and institutional racial bias. Empirical research suggests that interpersonal racial bias inside and outside the health care system results in racial disparities in medical treatment, which compromise African-Americans' health status. According to the IOM study, racial bias is widespread in health care and "begins at the point of entry and continues throughout the

## Racial bias continues to drive racial disparities in health care and as a result, access to health care remains unequal.

secondary and tertiary pathways of the system." If health care professionals continue to harbor implicit and explicit interpersonal bias against minority patients, which prevents them from providing quality health care to these patients, simply increasing minority patients' access to health insurance and, thus access to health care services, is not going to improve overall care for minority patients. Moreover, increasing access to insurance and preventative services means very little when patients do not have a health care facility located in their neighborhood—a result of institutional bias.

Additionally, mere access to insurance will not necessarily equalize access to health care for African-Americans, as illustrated by the "*Douglas Cases*," the recent case argued before the U.S. Supreme Court challenging cuts in California's Medicaid reimbursement rates resulting in a threat to Medicaid beneficiaries' equal access to health care. The case brought by California pharmacists,

hospitals, and Medicaid beneficiaries argues that state cuts to Medicaid reimbursement rates are so severe that providers will stop treating Medicaid patients, and thus significantly threaten Medicaid beneficiaries' access to care. Minorities' access to insurance may further be limited by ability to pay. Minorities disproportionately live in poverty. Thus, increasing access to insurance may not solve the problem because minorities still may not be able to afford health insurance or pay for uninsured care, which is significant in a system that bases access on ability to pay rather than need. Even though the ACA does try to equalize the cost the uninsured pay when visiting charitable hospitals, this policy does not apply to all hospitals or address the requirement of the uninsured having to pay up front.

Arguably, the ACA is one step in the right direction to put an end to racial disparities because it begins to address structural bias by increasing minorities' access to health insurance. However, it fails to address the effect of institutional and interpersonal bias and does not fix the structural problem of the allocation of health care based on ability to pay, not need. These flaws will not be fixed with research, preventative measures, or community grants provided for in the ACA.

In order to address racial disparities in health care, everyone participating in the system must recognize and acknowledge the significance of racial bias on all three levels in causing racial disparities in health care. To put an end to interpersonal racial bias, physicians need to be educated about their subtle, often unconscious, racial prejudice, which affects their medical treatment decisions. Medical professionals should be educated about the three levels of racial bias and how they impact the treatment of patients. Physicians also need to be educated about how experiencing racial bias affects their patients' interaction with the medical system and their health outcomes. In fact, research suggests that making physicians aware of how their unconscious racial prejudice can influence outcomes of medical encounters and sensitizing them to their own unconscious bias can help motivate them to correct their bias. Finally, African-American patients need to be educated about the severe health consequences of failing to cope with the stress of perceived racial bias and provided with coping strategies.



In order to eradicate institutional racial bias, both state and federal regulators must review institutional plans to close or relocate quality health care facilities only in predominately Caucasian neighborhoods for the disproportionate harm such plans have on African-American communities. This review will force hospitals and nursing homes to balance the benefits of closing, relocating, and over-concentrating quality facilities in predominately Caucasian neighborhoods against the detrimental effects on African-American communities that will result because of the disruptions of care. By instituting this review, the racial link will become clearer, and owners will have to consciously mitigate the harmful effects of closing, relocating, and over-concentrating quality facilities in predominately Caucasian neighborhoods. To improve the allocation of scarce health care resources for everyone, the underlying problem of access to basic

health care services must be addressed. Health care must be delivered based on need, not ability to pay.

These are just a few recommendations for fixing the ACA's shortcomings and putting an end to racial disparities. Yet, this is just the beginning. The government needs to immediately implement all of the recommendations of the IOM study regarding racial bias and racial disparities, such as increased funding for Medicaid, prosecuting entities for using racial bias to prevent access to health care services, and training minority health care providers. Then and only then will the United States begin to break the cycle of unequal treatment. ■

*\*All footnotes have been omitted\**



# FUSION

## FUSION PROGRAM AT THE FOREFRONT OF INTELLECTUAL ASSET MANAGEMENT AND TECHNOLOGY-BASED ECONOMIC DEVELOPMENT



– Craig Nard

Tom J.E. and Bette Lou Walker  
Professor of Law; Director, Center for Law,  
Technology & the Arts and the Fusion  
Certificate Program in Design, Innovation &  
IP Management

Launched in 2009, the Fusion program was created as a tailored, multidisciplinary certificate program for professional degree students. The School of Law is one of the only law schools to provide this interdisciplinary environment for candidates in the MBA, JD, and Doctoral Science/Engineering Programs at Case Western Reserve University. This nationally-distinctive academic program blends legal, scientific, and management disciplines in the field of innovation management and technology-based economic development.

One of the first of its kind, Fusion brings together graduate students from law, business and science to enhance learning in the field of technology development and commercialization, and provides a unique learning environment for students. The program creates new comfort zones for students who are accustomed to a silo mentality of graduate education.

"By requiring students to take deep substantive dives into subject matters outside of their particular discipline, they begin to appreciate early in the semester the complexities and rewards of a multidisciplinary approach to commercialization," states Fusion co-founder Craig Nard, Tom J.E. and Bette Lou Walker Professor of Law and Director of the Center for Law, Technology & the Arts.

Fusion's curriculum and contextual agenda are focused on the process of translating complex technology to real-world business opportunities. The goal of this program is to help students utilize the fundamentals of law, science and management in the cultivation of scientific discoveries that can lead to industry opportunities.



**Fusion's approach is developed around the notion that knowledge of multiple disciplinary perspectives can advance the impact of invention and provides students with the opportunity to work productively in the field of technology development and commercialization**

Devin Miller (LAW, MGT '13) completed this program and states, "The Fusion program on the whole was a good marriage of different programs working together to solve problems. The skills I learned will likely help me better to approach problems associated with starting entrepreneurial businesses, as well as set myself apart from others by having a more diverse exposure to how different people approach problem solving."

Taught by four key faculty members: Craig Nard, Tom J.E. and Bette Lou Walker Professor of Law and Director, Center for Law, Technology & the Arts; Joseph Jankowski, Associate Vice President, Technology Management; Fred Collopy, Senior Associate Dean & Professor of Information Systems, Weatherhead School of Management; and Ted Theofrastous, founder of ThetaSquared, LLC, Fusion brings together a rich and diverse set of professional and academic experiences in the fields of law, business and innovation.

"Fusion's genesis stemmed from the desire of Professor Nard, Professor Collopy, and I to utilize emerging technologies as the focus of practical skills development for law students," states Jankowski.

A mainstay of the Fusion program is the introduction and immersion into basic skills needed successfully to manage and cultivate innovation to its full potential. This requires immersion, through both substantive instruction and simulation, in the fundamentals of identifying, advancing and enhancing the value of innovation in the commercial context.

States Nard, "The premise of Fusion's coursework is that the intersection of societal need and economic opportunity is driving the national movement toward innovation and

technological relevance. In short, Fusion's approach is developed around the notion that knowledge of multiple disciplinary perspectives can advance the impact of invention."

Skill areas in the program include:  
Structured Approaches to Innovation and Research

Business Opportunity Commercialization Assessment

Business and Financial Modeling

Transaction Design and Execution

Negotiation and Collaborative Development

Communicating Value

"Fusion delivers on the promise of integration," says Collopy. "Students with varying backgrounds teach and learn from each other in ways that model the best organizations and collaborations they will encounter in their professional lives. The idea of integrating design, legal, science and entrepreneurial skills is easy enough to appreciate. But it is the execution that sets Fusion apart. By focusing on issues that arise out of the new intellectual property regimes in which invention is happening, this program stretches everyone who participates to think beyond the familiar."

Fusion's approach provides students with the opportunity to work productively in the field of technology development and commercialization. Students are taken through the process of understanding not just what might be possible with a given technology, but what steps, time and resources will be required to create a high-impact product or service. Student teams iterate between the general and the


very specific, moving from their own thorough understanding of an opportunity to a fully-developed and investment-grade plan. At the end of the process, experienced investors in the current year's field help measure the depth and quality of the students' work.

"Our intention with Fusion is to tackle a deep, interdisciplinary, hands-on understanding of the commercialization process," states Theofrastous. "We start with domain immersion (e.g., law, science and finance), but quickly move to team-based analytical skills where the students learn to "size-up", develop and expand on a given opportunity. They might start with a single inventive concept (e.g., stimulate this nerve and produce this effect), but they end up with a fully-defined product, related services and an investable plan for going to market."

Another component of the program is to expose graduate and professional students to the Northeast Ohio ecosystem for a given technology. Each year's technology focus is framed within a well-established, robust technical community involving multiple institutions and researchers.

Anna Dikina, a second-year Ph.D. student, is working on an independent project for Parker Hannifin. "In Engineering, you're taught to focus on translational research but just doing "translational research" won't help you understand how to translate lab work into a product and business. Fusion has given me the chance to explore other options, like working with Parker Hannifin on commercializing a new technology." ■

# FORGING PROFESSIONAL READINESS – THE ROLE OF EXTERNSHIPS



Through the use of externships and other experiential course offerings, Associate Dean Kenneth Margolis shares how the School of Law produces new lawyers who are more professionally ready to serve their clients and the public.

The law school has a wide variety of experiential learning opportunities to prepare our students for the professional roles they will assume once they graduate. All of our students take the sequence of four lawyering skills courses we require in their first- and second-years as part of the CaseArc Integrated Lawyering Skills Program. Following this program they are able to enroll in a variety of skills-oriented courses and labs relating to specific subject areas. Ultimately, third-year students can enroll in the real client clinics in Civil Litigation, Criminal Justice, Community Development, Health Law and Intellectual Property.

Another increasingly important component of our experiential education program is our growing externship program, which makes a special contribution to our students' preparation for practice. ▶

The externships encourage our students to measure their own sense of what it means to be a lawyer against what they see, hear and experience in the field.



– Kenneth R. Margolis  
Professor of Law;  
Associate Dean for  
Experiential Education

#### WHY OUR EXTERNSHIPS ARE UNIQUE

Externships are unique in experiential education. These experiences provide second- and third-year law students with a glimpse into the day-to-day lives of practicing lawyers in the actual settings in which they work. They permit our students to absorb the ethos of the offices in which they are placed, learn the unique demands, challenges and rewards of that particular type of practice, delve into the specific problems and legal issues that occur in the cases handled by the office, and receive mentoring by an attorney.

The externships encourage our students to measure their own sense of what it means to be a lawyer against what they see, hear and experience in the field. Through the interaction with their supervisors and their faculty member liaisons, students are able to reflect upon, gain context, and critically examine the actions and roles of the lawyers in their placements. They see the systemic issues present that impede or advance the cause of justice, and consider whether these settings appeal to them as possible careers. In this way, externships provide a powerful vehicle through which students can develop their own professional identity and chart the courses of their professional careers.

The real client clinics also provide many of these benefits, but there are important differences between clinics and externships. First, externships are available to any second- or third-year student, while clinics are only available to third-year students. Most important, externs do not have primary responsibility for the cases they work on, while students in real client clinics are the “first chair” lawyers for their clients (under licensed faculty/attorney supervision). Ultimately, having primary responsibility for cases is the role our students will assume as lawyers, but not having it at this stage in their development creates a healthy reflective distance that allows externs to witness legal representation and lawyering

without having the stress of being responsible for what happens while they are still learning the basics.

The other major difference between real client clinics and externships is that externs are working in a functioning community law office whose primary mission is representing clients. Clinics, on the other hand, are part of the academy, where student needs and interests have a high priority. As such, clinics are not subject to many of the same real-world pressures and constraints that students will confront once they graduate. In contrast, externships provide the opportunity for students to experience the realities of practice areas, observe the performance of different lawyering skills, and obtain experience in a particular type of law practice without having primary responsibility for the outcome of the cases.

#### EXTERNSHIPS ARE DESIGNED FOR ADULT LEARNERS

We consciously design our externships to foster student autonomy in the learning process and to take advantage of adult learning styles. More than any other law school course, externships permit students to take control of their learning. First, students choose the type of externship they want to pursue, including the practice area in which they will work. This might include their geographic preference, type of setting, and type of practice. At the beginning of an externship, students are encouraged to articulate a set of learning goals and activities they would like to engage in to accomplish them. This exercise requires students to be proactive about what they hope to learn while at the placement site and it permits the faculty liaison and onsite supervisor to help the student achieve those goals.

Typically, externships also allow students a wide range of flexibility in the types of projects they undertake and the manner in which they approach them. Unlike an employment

relationship, where the employer typically controls which projects the employee will work on and the manner in which they are accomplished, externs can select their projects. In addition, they are usually free to experiment with their view of the problems they confront, try different approaches to resolving them, and learn from trial and error. They are free to consult with their onsite supervisors or faculty liaisons if they need help, but they are encouraged to act on their own about how to complete the project and to develop and use different techniques or approaches as part of building their "lawyering tool kit."

This freedom to experiment is an important part of the adult learning process. Most other law school courses have fixed deadlines dictating when projects must be completed and a learning agenda that is carefully articulated by the professor. In externships, a particular student can go as quickly or as slowly as she deems necessary to fully absorb and develop the lessons she is able to learn from each project and interaction.

#### **EXTERNSHIPS PROVIDE OPPORTUNITIES TO OBSERVE "LAWYERING IN ACTION"**

Another key feature of externship placements is the opportunity to observe lawyering activities in context, and to discuss the events observed with the lawyers involved. In our techniques courses (for example, in the *CaseArc* Program), students learn fundamental skills in a simulation setting. This provides a controlled environment in which students can practice particular techniques needed for mastery of particular skills. For the skill of client interviewing, for example, simulations permit the instructor to assist a student in developing her techniques for open-ended questioning, probing for detail and follow up, and developing client rapport. For the skill of brief writing, simulations permit the instructor to work with the student on legal analysis, argumentation, conciseness and form.

But, of course, simulations cannot, and are not designed completely to replicate lawyering in real cases. In contrast, in an externship, students can witness "lawyering in action" through observing lawyers under the pressures and realities of actual practice. In light of what they have learned earlier in their techniques classes, externs can think about and discuss with the lawyer what they observed, why that lawyer did what he or she did, whether it was effective, and whether it might have been more effective if done differently. This type of learning is one of the hallmarks of good externships — students prepare for a lawyering event (say, a trial ) by reviewing the file and discussing the upcoming event with the lawyer involved. Students then observe the event, followed by a debriefing session with the lawyer. Having been exposed to the basic lawyering techniques in earlier courses, the observation experience can elevate the student's understanding of the skill or lawyering activity observed to an entirely new level.

#### **WHERE ARE THE EXTERNSHIP PLACEMENTS?**

Our current externship placements primarily are located in state or federal offices, agencies or courts, or non-profit organizations. There are a couple of important reasons for most placements occurring in the public or non-profit sectors. First, working in a public office or non-profit organization instills in students an awareness of the many ways lawyers can work in the public interest. This will often be the only exposure students will have to this work, since many of them pursue careers in the private sector. However, the lawyering lessons they learn are transferable to any setting in which they ultimately work.

Second, regulations of the Department of Labor under the Fair Labor Standards Act strongly discourage the use of unpaid interns in private for-profit settings. The regulations are currently under review, but they are designed to ensure that externships are primarily for the purpose of providing an

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Practitioners are able to participate in and contribute to the enterprise of educating the next generation of lawyers.

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educational benefit to students, and are not substitutes for paying jobs.

### **DESIGNING NEW EXTERNSHIPS**

The law school is always looking for excellent externship placements for our students. Students often arrange the placements themselves and then we work with the onsite supervisors. Sometimes, we are contacted by attorneys who have an interest in starting an externship program and we help them design it, meet our criteria and ensure it provides an excellent educational experience for our students. In other instances, we reach out to lawyers who we believe will be able to provide excellent mentoring and practical experience in an area of practice we have not yet been able to offer to our students.

#### **The Supervisor/Mentor:**

Designing an excellent externship program begins with the supervising attorney who serves as the mentor for our students. This role involves taking the student under the attorney's wing and helping the student achieve his or her educational goals. One goal may be learning a practice area by working on a variety of research, writing, client interaction, or other projects within it. The student may wish simply to be exposed to the process of litigation or deal making. The goals might include practice in research and writing, or establishing a network of people in the field. The supervisor/mentor is expected to have frequent contact with the extern, to organize and provide feedback on the extern's work, and to help the extern identify and select projects that will be most beneficial in achieving the extern's goals.

Another important role of the supervisor/mentor, particularly where there is more than one extern in the office, is to organize a series of group meetings with lawyers and externs at which substantive or procedural issues can be addressed. These discussions provide externs with the legal framework in which the practice is situated, but also expose them to the many individual lawyering techniques that are used by lawyers in that practice.

#### **The Law Faculty Liaison:**

The second major contributor to a successful externship is the faculty liaison. The liaison's role is to supplement, and act as a counterpart to the supervisor/mentor. A liaison provides a sounding board and is a resource for the externs to broaden the context of their experience, to help them understand fully and maximize their learning from particular projects and observations, and to help ensure the transferability of the lessons learned to law practice generally. Liaisons perform these functions by requiring externs to write journals on particular topics identified by the liaison, by interacting with the extern about the content of the journals and by meeting with the externs individually and as a group to encourage all of the externs to benefit from each of their colleague's experiences.

#### **The Extern:**

The third component of a successful externship is, of course, the extern. Externs are advised that the amount they learn from the externship is a direct result of the effort they put into it. Externs will benefit greatly from the experience if they are: 1) clear about their goals in doing the externship; 2) organized and thoughtful about the types of projects they undertake and observations they make; 3) diligent about completing and seeking feedback on their work; and 4) engaging the lawyers they work with in discussions about what they observe.

Externships provide great opportunities for law faculty and legal practitioners to collaborate in the public interest for the benefit of our students. Law faculty liaisons are given the chance to delve into issues of practice without having primary responsibility for cases and clients, and practitioners are able to participate in and contribute to the enterprise of educating the next generation of lawyers. There is much to gain. Through the use of externships and our other experiential course offerings, we can produce new lawyers who are more professionally ready to serve their clients, employers and the public upon graduation. The collaboration between academics and the practicing bench and bar can effectively spread the responsibility for educating new lawyers across a broader segment of the profession. ■



# THE VALUE OF A LEGAL EDUCATION

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Professor Jennifer Cupar (LAW '98) shares what the School of Law teaches and why it's unique

Just about anyone who has picked up a newspaper or surfed the Internet in the last few years has come across an article or blog questioning the value of a legal education in today's world. Although the economic crisis has certainly forced changes in the bar, I don't think the answer to that question has changed, whether the year is 1992 or 2012. Law school is fundamentally a place where students learn to serve others—whether your client is going to be a multinational corporation or an inmate on death row. To prepare students to do so, law school teaches skills that no other educational experience does: students learn to be critical thinkers and problem solvers; they become adaptive and empathetic. Despite the lawyer jokes, society recognizes that a person trained in the law brings much to the table—the number of attorneys who serve as community leaders and on the boards of civic, for-profit, and non-profit organizations is evidence of that.

To succeed in law school, students must be able to confront the weaknesses in a position and to think creatively about how to deal with those weaknesses. They must be able to adapt their analysis to a new set of facts or a new set of rules. They learn to evaluate the other side of an argument so they can assess how an opponent, a negotiating partner, or a judge might see an issue. Their writing becomes reader-centered rather than writer-centered. They learn a broad range of perspectives and theory—business and commercial law, international law, public law, etc.— and determine how to find the connections between these different disciplines. Throughout this process, they no longer learn by osmosis, sitting in a classroom listening to a professor lecture, but become active participants in their own education. ▶



*Law school teaches skills that no other educational experience does: students learn to be critical thinkers and problem solvers.*



— Jennifer Cupar (LAW '98)  
Associate Professor  
of Law

Teaching first-year students, I am able to observe their progress as they begin to think beyond black and white. When they evaluate a hypothetical in the beginning of the year, they can see only one right answer, only one possible outcome. By the end of the year, we give them a set of facts and ask half of the class to write a brief for the plaintiff and half for the defendant. That assignment simply wouldn't be possible in August. And while they all begin with the same facts, in the end, their briefs look nothing alike; they focus on different theories, different nuances in the rules, and different analogies and distinctions to the cases.

These skills are the reason that one of the greatest values in a legal education is versatility. As long as a graduate is resourceful, a law degree can open the door to so many possibilities beyond practicing law in a law firm. So, do students have to think more creatively about how to use their law degree than they did before the economic downturn? Yes. But has the value of a legal education decreased since 2008? Certainly not.

#### **What's unique about the School of Law**

While the law school does many things exceptionally well, two things stand out as making us unique: first, our student-centered approach, and second, our forward-thinking commitment to skills training.

#### **Student Centered Approach**

I am a graduate of the law school, and I loved my time here. One of the things I liked the most about the school—and a main reason I wanted to come back to teach—was the faculty's dedication to the students. I wasn't a student who volunteered often in class, yet nearly all of my professors knew me by name after only a few classes. I never felt uncomfortable going to a professor's office to ask a question, and every time I did, it was clear that my professors wanted me to understand the material and succeed. When it came time to make a career choice, I met with many professors to talk about my options. In fact, after I had been practicing for a few years and started thinking about going into teaching, Jonathan Entin—whom I'd never even had as a

professor—met with me to talk about the process. And my story is not unique; my classmates had similar experiences.

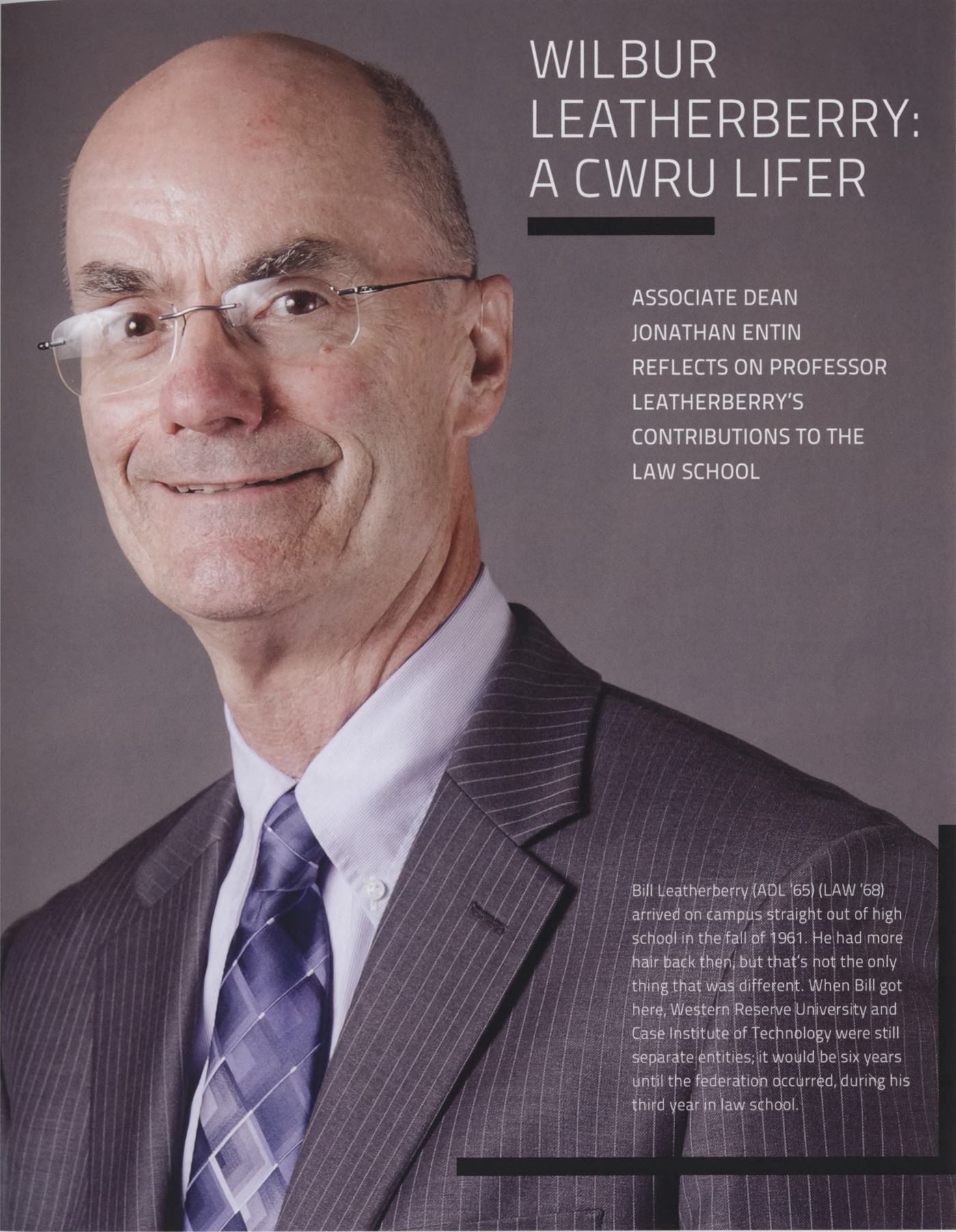
Now that I'm a professor, I spend hours meeting with students in one-on-one conferences, as do many of my colleagues. Professors have the same dedication to helping students succeed as they did when I was a student.

#### **Commitment to Skills Training**

The law school certainly recognizes that legal doctrine and legal theory are at the core of any legal education. But it also recognizes that students can no longer succeed if they graduate with knowledge of legal rules and theory but no idea how to practice law. The school therefore made a commitment to integrating practical lawyering skills into the curriculum, long before doing so was in vogue. It understands, unlike many law schools, that oral and written communication skills, drafting, negotiation, and counseling are all skills that can and should be taught in law school.

All students in their first-year, for example, interview and counsel a client, negotiate on behalf of a client, perform a status conference with a judge, and argue a motion to a trial court. Over the years, countless students have told me that they've used these skills as summer associates or new attorneys. Having the opportunity to practice in law school with mock clients and hypothetical cases gave them the confidence to know that they could successfully perform the skills in practice with real clients and real cases.

Upper-level students who wish to have more opportunities for practical lawyering experiences can do so through the school's numerous clinics, externships, and labs, which are taught and supervised by dedicated law school faculty and practicing attorneys. Through these experiences, students learn first-hand what the school begins teaching during Orientation Week—that legal doctrine, rules, and theory are all interrelated with the planning and execution of client representation. ■

A portrait of Wilbur Leatherberry, a middle-aged man with glasses, wearing a dark pinstriped suit jacket, a light blue shirt, and a blue patterned tie. He is smiling slightly and looking towards the camera. The background is a dark, solid color.

## WILBUR LEATHERBERRY: A CWRU LIFER

ASSOCIATE DEAN  
JONATHAN ENTIN  
REFLECTS ON PROFESSOR  
LEATHERBERRY'S  
CONTRIBUTIONS TO THE  
LAW SCHOOL

Bill Leatherberry (ADL '65) (LAW '68) arrived on campus straight out of high school in the fall of 1961. He had more hair back then, but that's not the only thing that was different. When Bill got here, Western Reserve University and Case Institute of Technology were still separate entities; it would be six years until the federation occurred, during his third year in law school.

In 1961, when Bill started college, John Glenn was an astronaut who hadn't yet orbited the earth; Morrie Shanker was a rookie assistant professor; Leon Gabinet was a lawyer in Portland, Oregon; Lew Katz was a second-year law student; and George Szell was a little more than halfway through his tenure as music director of the Cleveland Orchestra. What a difference 51 years make!

Bill thrived here as a student, graduating Phi Beta Kappa and Order of the Coif. With credentials like that, he could have gone to a large law firm pretty much anywhere in the country. But Bill had strong commitments to public service and went instead to the Legal Aid Society of Cleveland. After three years representing low-income clients in a wide variety of matters, he joined the staff of Congressman Louis Stokes and spent two years working on legislative issues. He returned to his alma mater in 1973 and spent almost four decades on the faculty.

What an extraordinary impact he's had on this institution. Bill has bridged the gap between skills and doctrinal training. He laid the foundation for our clinical program and has taught Contracts, Dispute Resolution, Insurance, Juvenile Law, Lawyering Process, Legislation, Products Liability, Sales, and Secured Transactions. He has published articles about insurance, campaign finance regulation, and alternative dispute resolution. In all this time, Bill has been unflappable. Nobody on the faculty can remember seeing him lose his cool. Bill's students have recognized his dedication by producing a



— Jonathan L. Entin  
Associate Dean for  
Academic Affairs; David  
L. Brennan Professor of  
Law and Professor of  
Political Science



BILL HAS  
BRIDGED THE GAP  
BETWEEN SKILLS  
AND DOCTRINAL  
TRAINING.



video about him that was shown immediately following his last class and by making him the only member of this faculty to receive the Law Alumni Association's Distinguished Teacher Award more than once.

Bill served as Academic Dean for eight years, under three very different deans. When he stepped down, he became Director of Skills Programs and held that position for the next dozen years. He also has administered our judicial externship program for more than 15 years and has been our faculty secretary, which makes him our institutional memory. He has been an extraordinary citizen of the university, having taken important roles in the Faculty Senate, on the budget committee, and as chair of the committee that designed the mediation process for resolving faculty disputes everywhere on campus.

Bill hasn't spent all his time in the academy. He helped to design the alternative dispute resolution system for the U.S. District Court for the Northern District of Ohio, trains mediators, and has been a mediator himself for many years. And for a long time he has kept close tabs on local politics. The old Chicago saying is "Vote early and often." Bill voted only once per election, but a lot of us have regularly voted the Leatherberry ticket, especially in judicial races.

This little piece is wholly inadequate to thank Bill for 39 years of extraordinary service to this law school. He has always given his full measure of devotion to this place and asked for little in return. It will take a lot of people to cover all the things that he has done for us. Thanks for everything, Bill, and best wishes for the future. ■

# Louise McKinney leaves a lasting legacy

Professor Judith Lipton explains the impact Professor McKinney had on the law school and the Milton A. Kramer Law Clinic Center.

**P**rofessor Louise McKinney has dedicated her entire life to working for those without meaningful access to justice. She is a powerful and empowering woman who has guided by example. It's important to reflect on her contributions to our law school and to her many communities.



represented group homes, establishing the right of disabled residents to move into suburban neighborhoods. She also participated in the lawsuit addressing conditions in the East Cleveland jail, again giving voice to the invisible.

During her time at the law school, she has championed loan forgiveness and worked to enable students with high debt to take public interest jobs. She worked with Eve Biskind to create the Biskind Fellowships, also encouraging students to work in the public interest. She taught Poverty Law, making sure that focus was prominent in our curriculum. In recognition of these contributions, Professor McKinney's former students chose her for the Law Alumni Association's Distinguished Teacher award in 2006.

Professor McKinney has always taken a leadership role in numerous community organizations. Among many others are, President of the Board of Directors of the

YWCA of Greater Cleveland, Vice President of the Board of Directors of the Deaconess Community Foundation, President of the Board of Directors of the Long Term Care Ombudsman of Cleveland, and Board of Directors of the Legal Aid Society of Cleveland.

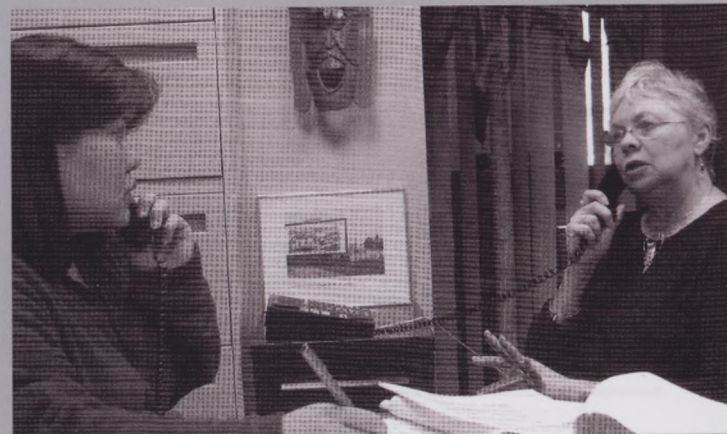
The mission statement for the University of Nairobi School of Law clearly reflects Louise McKinney's goals for legal education. It says that a world-class law school must foster an intellectual culture that bridges theory with practice; contributing to social, economic and cultural development; and through intellectual products enhance the quality of life for the people of Kenya and for humanity. That's the mission Louise McKinney set for us right here in Cleveland.

Louise McKinney is not just a lawyer, community activist, teacher and a valued mentor. Her impact on the law school has been immense. Our mission as she retires is to continue to hear her voice reminding all of us and our students that one of the most important roles a lawyer plays is to empower and give voice to the powerless. ■

Professor McKinney began her legal career at the Legal Aid Society of Cleveland; first as a staff attorney in the downtown neighborhood office and then as a staff attorney and ultimately director of the Bar Advocacy Project. In that role she



— Judith Lipton  
Professor; Co-Director of  
the Milton A. Kramer Law  
Clinic Center



# Cox Center Launches "Talking Foreign Policy" Radio Program

Associate Dean Michael Scharf hosts quarterly program featuring expert discussions on foreign policy issues.

In March, the Frederick K. Cox International Law Center, in partnership with Cleveland's National Public Radio affiliate, 90.3 WCPN ideastream, launched "Talking Foreign Policy." Hosted by Cox Center Director Michael Scharf, Associate Dean for Global Legal Studies, the hour-long radio program is broadcast quarterly from Cleveland and available nationally via the National Public Radio Network and YouTube.

"In each broadcast we debate the most salient and interesting foreign policy issues in the news," Scharf says. "Segments have focused on the controversy surrounding targeted killing by predator drones, humanitarian intervention in Syria, responding to Iranian nuclear weapons capability, indicted dictators on the loose, and the U.S. exit strategy from Afghanistan."

Because international policy issues are so prominent in a day-to-day news cycle, but often can be difficult to grasp, Scharf pitched the idea for "Talking Foreign Policy" to 90.3 WCPN ideastream late last year. He then lined up a group of colleagues known for their media experience and ability to discuss complex foreign policy topics in an easy-to-digest manner:



- The ethicist: Dr. Shannon French, director, Inamori International Center for Ethics and Excellence, Case Western Reserve University;
- The international prosecutor: David Crane, former Chief Prosecutor, Special Court for Sierra Leone;
- The military expert: Col. Mike Newton, professor, Vanderbilt University School of Law;
- The international law professor: Milena Sterio, professor, Cleveland-Marshall College of Law, Cleveland State University; and
- The peace negotiator: Paul Williams, president, Public International Law and Policy Group.

"Participants offer listeners a broad expanse of views, as their political beliefs range across the entire spectrum," Scharf states. "Often we disagree with one another but our goal is to shed light where before there was just heated debate."

Law students help him select and research the issues for each broadcast. Transcripts of the broadcasts will be published in the *International Journal of Ethical Leadership*. ■

Archived broadcasts of "Talking Foreign Policy" are available at [law.case.edu/TalkingForeignPolicy](http://law.case.edu/TalkingForeignPolicy)



**"IN EACH BROADCAST  
WE DEBATE THE MOST  
SALIENT AND INTERESTING  
FOREIGN POLICY ISSUES  
IN THE NEWS"**



# FACULTY BRIEFS

## JONATHAN H. ADLER

JOHAN VERHEIJ MEMORIAL PROFESSOR OF LAW; DIRECTOR OF THE CENTER FOR BUSINESS LAW AND REGULATION

### Publications

"REINS on Regulators," *National Review Online*, December 7, 2011.

"Some Shade of Green," *National Review*, December 31, 2011.

"Interstate Competition and the Race to the Top," 35 *Harvard Journal of Law & Public Policy* 89 (2011) (symposium, invited).

"Labeling the Little Things," *The Nanotechnology Challenge*, David Dana ed., (Cambridge University Press, 2011).

"Is the Common Law the Free Market Solution to Pollution?" *Critical Review* vol. 24, no. 1 (2012).

"Water Rights, Markets, and Changing Ecological Conditions," 42 *Environmental Law* 93 (2012) (symposium, invited).

### Presentations

Professor Adler spoke on "The Individual Mandate Litigation and the Future of Federalism," before the University of Michigan Law School chapter of the Federalist Society on January 25, 2012.

Professor Adler presented the paper, "Compelled Commercial Speech and the Consumer Right to Know" at a faculty workshop at the University of North Carolina School of Law on February 2, 2012.

Professor Adler debated the constitutionality of the individual mandate with David Orentlicher of Indiana University at the University of Utah S.J. Quinney College of Law's 28th Annual Jefferson P. Fordham Debate on February 6, 2012. A video of the debate is available at [ulaw.tv/videos/fordham-debate-2012/O\\_v4320zss](http://ulaw.tv/videos/fordham-debate-2012/O_v4320zss)

Professor Adler debated Professor Neil Wise on EPA regulation of greenhouse gases under the Clean Air Act to the Rutgers-Camden chapter of the Federalist Society on February 8, 2012.

Professor Adler discussed EPA regulation under the Clean Air Act with University of

Wisconsin law professor Stephanie Tai before the Madison, Wisconsin lawyers' chapter of the Federalist Society on February 22, 2012.

Professor Adler lectured on "Conservation without Regulation: Property Rights and Environmental Protection," before the Federalist Society student chapter at the Drake University School of Law, in Des Moines, IA on March 14, 2012.

Professor Adler lectured on "Conservation without Regulation: Property Rights and Environmental Protection," before the Federalist Society student chapter at Ohio Northern University in Ada, OH on March 15, 2012.

Professor Adler spoke on "Let 50 Flowers Bloom: Federalism and the Environment" before the student chapter of the Federalist Society and Environmental Law Society at the Rutgers- Newark School of Law on April 11, 2012.

Professor Adler presented his article, "Eyes on a Climate Prize: Rewarding Energy Innovation to Achieve Climate Stabilization," at the *Environmental Law and Policy Annual Review* conference on Capitol Hill sponsored by the Environmental Law Institute and Vanderbilt University Law School on April 13, 2012.

Professor Adler participated in a panel on "Free Market Approaches to Climate Change" sponsored by the Federalist Society student chapter at Stanford Law School on April 18, 2012.

Professor Adler presented the paper "Desperately Seeking Certainty," at a conference on "Beyond Jurisdiction: Wetlands Policy for the Next Generation," at SUNY Buffalo School of Law on April 27, 2012.

Professor Adler spoke on a panel "Crisis in the Courts: The New White House Push on Judicial Confirmations and the Vacancy Rate's Impact on Justice," at the Cleveland-Marshall School of Law on May 31, 2012.

Professor Adler spoke on a panel "Global Warming and Political Cooling: Addressing Climate Change on Many Fronts," at the 2012 National Convention of the American Constitution Society for Law and Policy, in Washington, D.C. on June 15, 2012.

### Activities

Professor Adler served as the discussion leader for a Liberty Fund Colloquium on "Liberty and Responsibility in Modern Environmental Thought," in Tucson, Arizona February 16-19, 2012.

Professor Adler was awarded the "Distinguished Alumnus" award by the Friends' Central School in Philadelphia on May 12, 2012.

### Media

Professor Adler guest blogged for Megan McArdle on *TheAtlantic.com*, from May 21 to June 1, 2012. Professor Adler's blogging was cited by the *Washington Post*, *The Economist*, and *The Daily Beast*, among other publications.

## JESSICA BERG

PROFESSOR OF LAW, BIOETHICS & PUBLIC HEALTH; ASSOCIATE DIRECTOR OF THE LAW-MEDICINE CENTER

### Publications

"All For One and One For All: Informed Consent and Public Health," 50 *Houston Law Review* (forthcoming 2012).

"Surrogate Decision Making in the Internet Age," *American Journal of Bioethics* (forthcoming 2012).

### Presentations

Professor Berg presented "Making Good Health Policy" to the Ohio Public Health Association in Columbus, Ohio on March 27, 2012.

Professor Berg presented two lectures at Yale University in April 2012: "Charity Care, Nonprofit Hospitals and Health Reform" and "Can We Legislate, Regulate, Litigate or Educate Ourselves Thinner?"

Professor Berg presented "Testing the baby and the bathwater: Prenatal genetic diagnosis and the law" at the International Society of Prenatal Diagnosis in Miami, Florida on June 3, 2012.

Professor Berg presented "Surrogate Decision Making for the Facebook Generation" at the Health Law Professor's Conference in Phoenix, Arizona on June 9, 2012.

### Activities

Professor Berg co-chaired a conference entitled, "New Technologies, New Challenges: Women and Prenatal Genetic Testing in the

# FACULTY BRIEFS

21st Century" hosted by Case Western Reserve University April 12-13, 2012.

## JUSCELINO F. COLARES

PROFESSOR OF LAW AND ASSOCIATE DIRECTOR OF THE FREDERICK K. COX INTERNATIONAL LAW CENTER

### Publications

"The Reality of EU-Conformity Review in France," 18.3 *Columbia Journal of European Law* (forthcoming 2012).

### Presentations

Professor Colares chaired the panel "Trade and Jobs" at *The New Perimeter Initiative: Will Security Trump Trade*, the Canada-United States Law Institute Annual Conference, presented by Western Law (Ontario) and Case Western Reserve University School of Law, March 22-23, 2012.

### Activities

Professor Colares co-wrote a grant proposal, "Policy Options for and Impacts on Northeastern Biofuel Production Systems," with Robert Malmshemer (Professor of Forest Policy and Law, SUNY-ESF); David Newman (Professor and Chair, Department of Forestry and Natural Resources Management), Timothy A. Volk (Senior Research Associate, SUNY-ESF) and David Driesen (University Professor, Syracuse University). The project will evaluate the environmental, economic and social impacts and appropriateness of a range of policy approaches for the development of bioenergy systems in the Northeastern United States. The proposal was submitted to the FY2012 USDA-AFRI Competitive Grants Program (Program Area Code: A6122; Policy Options for and Impacts on Regional Biofuels Production Systems). As a Co-Principal Investigator, Colares will analyze the compatibility of a number of potential green subsidy programs with the United States' commitments under the WTO agreements. The project includes the development of policy instruments, legal analysis of subsidy programs and drafting articles during a three-year period of study.

Professor Colares was named Associate Director of the Frederick K. Cox International Law Center.

Professor Colares taught a course on WTO Law & Dispute Settlement in the Washington University/Case Western Reserve University/Universiteit Utrecht Summer Program in the Netherlands, June 2-22, 2012.

Professor Colares and Professor Leila Sadat (Washington University) took Summer Abroad students on a tour of the International Criminal Court and the Peace Palace in the Hague on June 11, 2012. At the Peace Palace, Colares and his students were treated to a special presentation concerning the work of the Permanent Court of Arbitration, one of the three major legal institutions currently operating in the Peace Palace.

## GEORGE W. DENT

PROFESSOR OF LAW

### Publications

"Families We Choose? Visions of a World Without Blood Ties," 2 *International Journal of the Jurisprudence of the Family* 13 (2011).

"No Difference? An Analysis of Same-Sex Parenting," 10 *Ave Maria Law Review* 53 (2012).

"Corporate Governance: The Swedish Solution" *Florida Law Review* (forthcoming).

"To Promote Marriage and the Natural Family," 3 *International Journal of the Jurisprudence of the Family* (forthcoming).

### Presentations

Professors Dent and Entin spoke at a program on racial preferences and affirmative action held in the Thwing Center. Dean Mitchell moderated the program held on January 25, 2012.

Professor Dent spoke on how the law can promote marriage and the natural family at the Symposium on the Jurisprudence of Extended Families and Intergenerational Solidarity in Doha, Qatar on April 30, 2012.

### Activities

President Obama re-appointed Professor Dent as Chair of the Ohio State Advisory Committee to the United States Commission on Civil Rights.

Professor Dent presided over a community forum on Barriers to Entrepreneurship at Wilmington College on April 4, 2012.

Professor Dent participated in a colloquium on Government Ownership and the Private Sector sponsored by the Federalist Society at the Airlie Conference Center in Warrenton, Va. in April 2012.

As president of the Ohio chapter of the National Association of Scholars, Professor Dent chaired the chapter's annual meeting held at Case Western Reserve University School of Law in April 2012.

### Media

Professor Dent was interviewed by WKSU as part of a report on conflicts of interest of the CEO of Chesapeake Energy Corp on May 3, 2012.

## JONATHAN L. ENTIN

ASSOCIATE DEAN FOR ACADEMIC AFFAIRS; DAVID L. BRENNAN PROFESSOR OF LAW AND PROFESSOR OF POLITICAL SCIENCE

### Publications

"Learning the Right Lesson from Watergate: The Special Prosecutor and the Independent Counsel," *Chapman Law Review* (in press) (symposium paper).

### Presentations

Professor Entin presented a paper about the relationship between the Watergate Special Prosecutor and the independent counsel provisions of the Ethics in Government Act at a Chapman University symposium commemorating the 40th anniversary of Watergate. Other speakers at the symposium included former White House counsel John Dean and Alexander Butterfield, the person who revealed the existence of President Nixon's recording system.

Professor Entin discussed the Cuyahoga County political corruption scandal with a delegation of Libyan reform advocates at a program sponsored by the Cleveland Council on World Affairs on February 16, 2012.

Professor Entin was a panelist on a program about disqualification of Supreme Court justices sponsored by Law Students for Social Justice on March 6, 2012.

### Media

Professor Entin was quoted in the *Cleveland Jewish News* about the potential impact of



## FACULTY BRIEFS

the Supreme Court's ruling in *Hosanna-Taylor Evangelical Lutheran Church and School v. EEOC*, 132 S. Ct. 694 (2012).

Professor Entin was quoted in a *Cincinnati Enquirer* article about municipal regulation of scrap metal dealers.

Professor Entin was quoted in a *Sun News* article about whether text messages sent by public officials are covered by public records laws.

Professor Entin was widely quoted in news articles about a New York appellate court ruling that falsely accusing someone of being gay is not per se defamatory.

### PAUL GIANNELLI

ALBERT J. WEATHERHEAD III AND RICHARD W. WEATHERHEAD PROFESSOR;  
DISTINGUISHED UNIVERSITY PROFESSOR

#### Publications

2012 Supplement, *Baldwin's Ohio Practice, EVIDENCE* (West Co. 3rd ed. 2010).

Book Review, *52 Jurimetrics Journal* 107 (Fall 2011) (Kaye, *The Double Helix and the Law of Evidence*) (2010).

2012 Supplement, *COURTROOM CRIMINAL EVIDENCE*, (Lexis Co. 5th ed. 2010) (with Imwinkelried et al.).

"Forensic Science Reform," 90 *Texas L. Rev.* 29 (2011).

"*Daubert* and Criminal Prosecutions," 26 *Criminal Justice* 61 (Fall 2011).

Forensic Identification Expertise, Federal Judicial Center & National Academy of Sciences, Reference Manual on Scientific Evidence (3rd ed. 2011) (with Imwinkelried & Peterson).

"Arson Evidence," 47 *Crim. L. Bull.* 1241 (2011) (with Gawel).

"Misleading Expert Testimony," 26 *Criminal Justice* 50 (Spring 2011).

"Confrontation, Experts, And Rule," 703, 20 *J.L. & Pol'y* 443 (2012).

*SCIENTIFIC EVIDENCE* (Lexis Co. 5th ed. 2012) (with Imwinkelried) (2 volumes).

*OHIO JUVENILE LAW* (West Co. 2012) (with Salvador).

*OHIO EVIDENCE HANDBOOK* (West Co. 2012).

*OHIO CRIMINAL LAWS AND RULES* (West Co. 2012) (with Katz).

"The 2009 NAS Forensic Science Report: A Literature Review," 48 *Crim. L. Bull.* 378 (2012).

"Ineffective Assistance of Counsel and Experts Testimony," 26 *Criminal Justice* 49 (Winter 2012).

"The N.C. Crime Lab Scandal," 27 *Criminal Justice* 43 (Spring 2012).

#### Presentations

Professor Giannelli presented "Reporter, Resolutions on Presenting Expert Testimony and Discovery," at the ABA Criminal Justice Section Fall Meeting in Washington, D.C. on October 29, 2011.

Professor Giannelli presented "Expert Witnesses and Confrontation, *Crawford* and Beyond: Part III," at Brooklyn Law School, in New York on November 11, 2011.

Professor Giannelli presented "Litigating *Daubert* Challenges," at the Ohio Association of Criminal Defense Lawyers Capital Defense Seminar in Columbus, Ohio on November 16, 2011.

#### Activities

Professor Giannelli participated on a panel at the American Academy of Forensic Sciences in Atlanta on February 23, 2012.

Professor Giannelli presented "Forensic Science, NAS Report and *Daubert*," at the Federal Judicial Center's National Workshop for District Judges in Boston on April 30, 2012.

Professor Giannelli presented "NAS Forensic Science Report," at the ABA Conference at Fordham Law School in New York on June 1, 2012.

### RICHARD GORDON

PROFESSOR OF LAW

#### Publications

REPORT TO THE UNITED NATIONS ON INDICATORS FOR TERRORISM FINANCING THROUGH FINANCIAL INSTITUTIONS (with Nikos Passas and Sue Eckert) (2012).

"Indicators for Terrorism Financing through Financial Institutions in the United States," *Case W. Res. J. Int'l L* (forthcoming 2012).

PUBLIC CORRUPTION AND MONEY LAUNDERING (2nd ed., forthcoming 2012).

## Celebrating a reunion this year?

### ...Give to the School of Law Annual Fund Reunion Giving Challenge

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# FACULTY BRIEFS

## JESSIE HILL

ASSOCIATE DEAN FOR FACULTY DEVELOPMENT AND RESEARCH; PROFESSOR OF LAW

### Publications

"Medical Decision-Making by and on Behalf of Adolescents: Reconsidering First Principles," 15 *J. Health Care L. & Pol'y* 37 (2012) (invited symposium contribution).

"What Is the Meaning of Health? Constitutional Implications of Defining 'Medical Necessity' and 'Essential Health Benefits' Under the Affordable Care Act II," 1138 *Am. J.L. & Med.* 445 (2012) (invited symposium contribution).

"(Dis)owning Religious Speech," 20 *Geo. Mason L. Rev.* (forthcoming 2013).

### Presentations

Professor Hill presented "What Is the Meaning of 'Health?'" at the Symposium on the American Right to Health, sponsored by the *American Journal of Law & Medicine* at Boston University School of Law in January 2012.

Professor Hill presented "The Law of Reproductive Rights: Privacy, Equality, Health, or Something Else?" Spotlight Lecture, Flora Stone Mather Center for Women at Case Western Reserve University in March 2012.

Professor Hill was an invited panelist at the Symposium on Women and Prenatal Genetic Testing at Case Western Reserve University School of Law in April 2012.

Professor Hill presented "The State of Reproductive Rights Today" at Cornell Law School, sponsored by Cornell Law Students for Reproductive Justice in April 2012.

Professor Hill presented "Cocktails and Contraception" at the ACLU of Ohio in May 2012.

Professor Hill was an invited panelist for "The Rule of Law," Symposium—Lawyers Without Rights at Cleveland-Marshall College of Law in May 2012.

Professor Hill presented "Public Bodies, Private Reasons: Minors and the Right to Bodily Integrity" at the 35th Annual Health Law Professors Meeting at Arizona State University in June 2012.

### Activities

Professor Hill argued before the U.S. Court of Appeals for the Sixth Circuit in the case of *Planned Parenthood v. DeWine*, involving a constitutional challenge to an Ohio law restricting how the abortion drug mifepristone (RU-486) can be prescribed.

## SHARONA HOFFMAN

EDGAR A. HAHN PROFESSOR OF JURISPRUDENCE; PROFESSOR OF BIOETHICS AND CO-DIRECTOR OF THE LAW-MEDICINE CENTER

### Publications

"Drug-Drug Interaction Alerts: Emphasizing the Evidence," 5 *St. Louis University Journal of Health Law & Policy* 297 (with Andy Podgurski) (invited piece 2012).

"The Drugs Stop Here: A Public Health Framework to Address the Drug Shortage Crisis," 67 *Food & Drug Law Journal* 1 (2012).

### Presentations

Professor Hoffman presented "Public Health Reporting Through a Health Information Exchange" for the American Health Lawyers Association Webinar on May 29, 2012.

Professor Hoffman presented "Balancing Privacy, Autonomy, and Scientific Needs in Electronic Health Records Research" at the Health Law Professors Conference at Arizona State University Law School on June 8, 2012.

Professor Hoffman also presented a talk entitled "Health Information Technologists" at the same conference.

Professor Hoffman participated in a by-invitation-only consensus conference on drug shortages at the Emory University Center for Ethics on June 14-15, 2012. During the conference she presented a talk entitled "Ethics of Community: Cooperation, Compromise, and Regulation."

Professor Hoffman gave a talk entitled "Electronic Health Records" for a Public Health Law Webinar on June 21, 2012.

Professor Hoffman presented "Our Changing Health Care System: Policy and Legal Implications," at the Southeastern Association of Law Schools Annual Meeting in Amelia Island, Florida on July 29, 2012.

Professor Hoffman was also a commentator in the following discussion groups: "Implementing Health Care Reform: What the Headlines Missed" and "The Far Reach of Disability Law: Its Impact in Multiple Federal and State Contexts."

Professor Hoffman presented "Leveraging Electronic Medical Records to Support Public Health Surveillance Efforts" as a Centers for Disease Control and Prevention Surveillance Science Advisory Group Lecture in Atlanta, Georgia on August 23, 2012.

### Activities

Professor Hoffman was named the Edgar A. Hahn Professor of Jurisprudence July 1, 2012.

## ERIK M. JENSEN

SCHOTT-VAN DEN EYNDEN PROFESSOR OF LAW

### Publications

"Legislative and Regulatory Responses to Tax Avoidance; Explicating and Evaluating the Alternatives," 57 *St. Louis University Law Journal* (2012) (forthcoming).

"The Individual Mandate, Taxation, and the Constitution," *Journal of Taxation of Investments*, Fall 2012 (forthcoming).

"Recent Developments: Notes on the Economic Substance Doctrine, the Deductibility of Qualified Residence Interest, and More," *Journal of Taxation of Investments*, Fall 2012 (forthcoming).

"Business Versus Nonbusiness Bad Debts: *Dagres v. Commissioner* Presents New Variations on an Old Theme," 73 *Journal of Taxation of Investments*, Winter 2012.

"Does the Taxing Clause Give Congress Unlimited Power?," 135 *Tax Notes* 1515 (2012).

"The Sale of Tax Credits Revisited: A CCA Consecrates (Most of) *Tempel*," 59 *Journal of Taxation of Investments*, Spring 2012.

"The Individual Mandate and Tax Incentives," 135 *Tax Notes* 879 (2012).

"The Individual Mandate and the Taxing Power," 134 *Tax Notes* 97 (2012).

## FACULTY BRIEFS

"A Comment on Commas," 559 *Green Bag Almanac and Reader* 2012.

"Tax Notes by Any Other Name Would Smell Sweeter," 135 *Tax Notes* 1619 (2012), originally published in 74 *Tax Notes* 641 (1997).

### Presentations

Professor Jensen was a speaker at a meeting of the Committee on Sales, Exchanges, and Basis of the ABA Section of Taxation in San Diego, California in February 2012.

### Activities

Professor Jensen was named the Schott-van den Eynden Professor of Law July 1, 2012.

### LEWIS R. KATZ

JOHN C. HUTCHINS PROFESSOR OF LAW

### Publications

OHIO ARREST SEARCH AND SEIZURE (Thomson/West annual edition, August 2012).

BALDWIN'S OHIO PRACTICE: KATZ & GIANNELLI OHIO CRIMINAL LAWS AND RULES (Thomson/West 2012) (with Paul C. Giannelli).

NEW YORK SUPPRESSION MANUAL: ARREST, SEARCH & SEIZURE, CONFESSIONS, AND IDENTIFICATION (2012 supplement) (Lexis/Nexis 2011) (with Jay Shapiro).

### JULIET P. KOSTRITSKY

EVERTT D. AND EUGENIA S. McCURDY  
PROFESSOR OF CONTRACT LAW

### Publication

"The Promise Principle and Contract Interpretation," 45 *Suffolk Law Review* 843 (2012).

### MAXWELL MEHLMAN

ARTHUR E. PETERSILGE PROFESSOR OF  
LAW AND PROFESSOR OF BIOETHICS;  
DIRECTOR OF THE LAW-MEDICINE CENTER

### Publications

TRANSHUMANIST DREAMS AND DYSTOPIAN NIGHTMARES: THE PROMISE AND PERIL OF GENETIC ENGINEERING, Johns Hopkins University Press (2012).

"Medical Practice Guidelines as Malpractice Safe Harbors: Illusion or Deceit?" 40 *Journal of Law, Medicine and Ethics* 286-300 (2012).

"How Close Are We to Being Able to Achieve the Transhumanist Vision?" (chapter) *THE POSTHUMAN CONDITION* 38-47 (Kasper Lippert-Rasmussen, Mads Rosenthal Thomsen, and Jacob Wamberg, eds., Aarhus, Denmark: Aarhus University Press 2012).

### Presentations

Professor Mehlman gave a presentation on "Moral Enhancement and the Law" at a conference at NYU on "The Moral Brain" sponsored by the NYU Center for Bioethics, the Duke Kenan Institute for Ethics, the Yale Interdisciplinary Center for Bioethics, and the Institute for Ethics and Emerging Technologies on April 1, 2012.

Professor Mehlman gave a talk entitled "Reproductive Decision Making and the Future of Human Evolution", at the conference on "New Technologies, New Challenges: Women and Prenatal Genetic Testing in the 21st Century" at the law school on April 13, 2012.

Professor Mehlman gave a presentation entitled "Practice Guidelines and Medical Malpractice" at the annual meeting of American Bar Association in Chicago on August 4, 2012.

### Activities

Professor Mehlman completed his four-year term in June 2012 as a member of the Ethical, Legal and Social Implications of Human Genetics and the Societal and Ethical Issues in Research Study Section at the National Institutes of Health.

Professor Mehlman has been awarded an 18-month grant by the National Institutes of Health to conduct the first study of ethical, legal, and policy implications of the use of genetic science by the U.S. military.

### KATHRYN LYNN MERCER

PROFESSOR OF LAWYERING SKILLS

### Presentations

Professor Mercer co-presented a workshop with Professor Jonathan Gordon, "Collaborative Learning in the Classroom: Motivating Students to Accept Responsibility for their Own Education," at the Global Legal Skills

Conference in San Jose, Costa Rica in March 2012.

Professor Mercer gave a talk "Combining Pedagogy and Media Training to Teach Advocacy, Persuasion, and Presentation: Taking Precision, Concision, and Plain Speaking to New Levels," at the 15th Biennial Conference of the Legal Writing Institute in Palm Springs, California in May 2012.

Professor Mercer presented "Theatre, Pedagogy, and Media Training to Teach Persuasion and Presentation: Taking Precision, Concision, and Plain Speaking to New Levels to Attract, Invite, Intrigue, and Arouse Curiosity," at the 7th International Conference on the Arts in Society, Liverpool, England in July 2012.

### Activities

Professor Mercer was invited to serve as a U.S. Delegate and a Judge at the International Negotiation Competition held in Belfast, Ireland at Queens University on July 3-7, 2012. She also assisted in the administration of the competition.

Professor Mercer was invited to serve as a founding member of the Case Western Reserve University Ethics Table, comprised of scholars from different academic disciplines who began the process of formulating an ethical mission for the university.

### ANDREW S. POLLIS

ASSISTANT PROFESSOR OF LAW

### Publications

"Civil Rule 54(b): Seventy-Five and Ready for Retirement," *Florida Law Review* (forthcoming).

OHIO APPELLATE PRACTICE (Thomson/West Baldwin's Ohio Handbook Series) (forthcoming 2012-13 ed.) (with Mark P. Painter).

### Presentations

Professor Pollis presented a seminar, "Final Appealable Orders," to the Ohio Court of Appeals Judges Association as part of the Association's annual winter meeting in Columbus, Ohio on February 23, 2012.

Professor Pollis delivered a lecture, "Exploring

## FACULTY BRIEFS

the Quirks of Appellate Jurisdiction," as part of the "Case Downtown" series at the City Club of Cleveland on March 14, 2012.

Professor Pollis moderated a panel of Ohio trial judges for a telephone seminar, "A View from the Bench: Top 10 Mistakes Attorneys Make in the Courtroom," for the National Business Institute on March 21, 2012.

Professor Pollis was a panelist along with Adjunct Professor David Mills, at a seminar on "Federal Appellate Practice (the Second Nathaniel R. Jones Federal Court Institute), presented jointly by the Akron Bar Association and the University of Akron School of Law in Akron, Ohio on March 30, 2012.

Professor Pollis presented a seminar, "Final Appealable Orders," to the Ohio Court of Common Pleas Judges Association as part of the Association's annual summer meeting in Sandusky, Ohio on June 20, 2012.

Professor Pollis moderated a panel discussion—"What Works and What Doesn't"—among seven prominent federal judges, including six judges of the Northern District of Ohio federal court and Federal Circuit Judge Kathleen O'Malley (LAW '82). The discussion was part of a joint program of the Federal Bar Association and Cleveland Metropolitan Bar Association entitled, "Everything MDL: First-Hand Perspectives from MDL Panel Judges, MDL District Court Judges, and MDL Lawyers," in Cleveland, Ohio on July 25, 2012.

### Activities

Professor Pollis continues his work as a co-chair of the ABA Section of the Civil Rights Litigation Committee. That committee

co-sponsored seminars at the ABA Section of Litigation Annual Conference in Washington, DC, in April 2012, including one on the status of same-sex marriage laws and one on the First Amendment implications of restrictions on "sexting." More information about the Civil Rights Litigation Committee is available at <http://apps.americanbar.org/litigation/committees/civil/about.html>.

Professor Pollis continues his work as counsel to the Appellate Rules Subcommittee of the Ohio Supreme Court Commission on the Rules of Practice and Procedure, chaired by Judge Clair Dickinson. Professor Pollis drafted proposals for amendments to the Ohio Rules of Appellate Procedure that went into effect in July 2011. He has also drafted proposed amendments that, if adopted, would go into effect in July 2013.

Students under Professor Pollis' supervision won two appeals in 2012. In *Eaton Family Credit Union v. Brier*, 8th Dist. No. 96783, 2012-Ohio-178, the court held that the Clinic's low-income client was wrongfully charged a filing fee to pursue appeal from an adverse trial-court ruling. In *Capital One Bank (USA), N.A. v. Rotman*, 8th Dist. No. 96891, 2012-Ohio-480, the court held that the Clinic's client—a defendant who wished to invoke a contractual arbitration clause—had no obligation to initiate arbitration proceedings; in such circumstances, a trial court is obligated to stay the litigation whether or not an arbitration proceeding has been commenced.

Professor Pollis was named Professor of the Year by the graduating class of 2012.

### CASSANDRA BURKE ROBERTSON ASSOCIATE PROFESSOR OF LAW

#### Publications

"The Facebook Disruption: How Social Media May Transform Civil Litigation and Facilitate Access to Justice," 65 *Ark. L. Rev.* 75 (2012) (symposium issue).

"The Inextricable Merits Problem in Personal Jurisdiction," 45 *UC Davis L. Rev.* 1301 (2012).

"Forum Non Conveniens on Appeal: The Case for Interlocutory Review," 18 *Sw. J. Int'l L.* (forthcoming 2012, symposium issue).

"The Impact of Third-Party Financing on Transnational Litigation," 44 *Case W. Res. J. Int'l L.* (forthcoming 2012, symposium issue).

"Due Process in the American Identity," 64 *Ala. L. Rev.* (forthcoming 2012).

#### Presentations

Professor Robertson was a panelist on "Judicial Discretion and Comity," at the symposium "Our Courts and the World: Transnational Litigation and Civil Procedure," at Southwestern Law School on February 4, 2012.

Professor Robertson was a panelist on a program about disqualification of Supreme Court justices sponsored by Law Students for Social Justice on March 6, 2012.

Professor Robertson presented "The Inextricable Merits Problem in Personal Jurisdiction," at Florida State University College of Law on March 27, 2012.

Professor Robertson participated in a presentation on the constitutionality of the

## ANNUAL FUND SCHOLARSHIPS

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## FACULTY BRIEFS

Affordable Care Act to the William K. Thomas Inn of Court on May 9, 2012.

### Activities

Professor Robertson was appointed Co-Chair, Civil Procedure Subcommittee, Civil Rights Litigation Committee - ABA Section of Litigation for 2012-13.

### MICHAEL P. SCHARF

ASSOCIATE DEAN FOR GLOBAL LEGAL STUDIES AND JOHN DEAVER DRINKO — BAKER & HOSTETLER PROFESSOR OF LAW

### Publications

"Universal Jurisdiction and the Crime of Aggression," 53 (2) *Harvard J. Int'l L.* 358-389 (2012).

"The International Court of Justice's Treatment of Circumstantial Evidence and Adverse Inferences," 13 *Chicago J. Int'l L.* 123-151 (2012) (with Margaux Day).

"Forward, International Law in Crisis," 44 *Case Western Reserve Journal of International Law* 1-7 (2012) (with Adam Centner).

CUSTOMARY INTERNATIONAL LAW IN TIMES OF FUNDAMENTAL CHANGE: RECOGNIZING GROTIAN MOMENTS, Cambridge University Press (forthcoming 2013).

### Presentations

Professor Scharf delivered the Keynote Address at the Washington, D.C. Jessup Competition Super Regional on February 25, 2012.

Professor Scharf spoke on a panel entitled "Establishment of a Special Anti-Piracy Tribunal: Prospects and Reality," at the Spring Meeting of the American Bar Association International Law Section in New York on April 17, 2012.

In his capacity as President of the International Criminal Law Network, Professor Scharf gave the opening address at the ICLN's International Criminal Court Mock Trial Competition in The Hague, Netherlands on April 23, 2012.

Professor Scharf was a panelist at the Northeast Ohio Chapter of the American Constitution Society's program, "When the

President Wants You Dead," at Cleveland Marshall College of Law on May 14, 2012.

Professor Scharf was a panelist at the Cleveland Metropolitan Bar Association's program, "Lawyers' Without Rights," at Cleveland Marshall College of Law on May 16, 2012.

Professor Scharf participated in a meeting of the Task Force on Law and Diplomacy at the Academie Diplomatique Internationale in Paris, France June 6-8, 2012.

Professor Scharf spoke about "Universal Jurisdiction over the Crime of Aggression" at a workshop for State Parties to the ICC Statute on Ratification and Implementation of the Rome Statute Amendments on the Crime of Aggression held at New York University on June 25, 2012. He also participated as an invited expert in the "Strategic Meeting on the Ratification and Implementation of the Rome Statute" held at the Permanent Mission of Liechtenstein to the United Nations in New York on June 26, 2012.

### Media

Professor Scharf's new radio show, "Talking Foreign Policy," was featured in *Cleveland Scene*, March 1, 2012, available at: <http://www.clevescene.com/scene-and-heard/archives/2012/03/01/new-wcpn-show-iraq-you-like-hurricane>

Professor Scharf's radio show, "Talking Foreign Policy," premiered on March 1, 2012 on WCPN 90.3 FM, available at: <http://www.youtube.com/watch?v=PUvFvowWZmc&feature=youtu.be>

Professor Scharf was quoted in "Stopping Kony: Why has the ICC Tackled Cases from Only Africa," *Los Angeles Times World News*, March 9, 2012, available at: [http://latimesblogs.latimes.com/world\\_now/2012/03/kony-international-criminal-court-1.html](http://latimesblogs.latimes.com/world_now/2012/03/kony-international-criminal-court-1.html)

Professor Scharf was quoted in *Associated Press*, "Judges Poised to Deliver International Criminal Court's Landmark First-Ever Verdicts," *The Washington Post* on March 14, 2012, available at: [www.washingtonpost.com/world/judges-preparing-to-deliver-](http://www.washingtonpost.com/world/judges-preparing-to-deliver-international-criminal-courts-landmark-first-ever-verdicts/2012/03/14/)

[international-criminal-courts-landmark-first-ever-verdicts/2012/03/14/gIQAzqxM9R\\_story.html](http://www.washingtonpost.com/world/judges-preparing-to-deliver-international-criminal-courts-landmark-first-ever-verdicts/2012/03/14/gIQAzqxM9R_story.html)

Professor Scharf was interviewed on National Public radio's "Weekend All Things Considered," about the death of convicted Nazi Camp Guard John Demjanjuk on March 17, 2012, available at: <http://www.npr.org/2012/03/17/148814082/convicted-nazi-guard-john-demjanjuk-dies?ps=cprs>

Professor Scharf's Op Ed, "Demjanjuk's Prosecution Set Precedent," was published in *The Forward* on March 18, 2012, available at: <http://forward.com/articles/153239/demjanjucks-prosecution-set-precedent/>

Professor Scharf and his students' work for the Charles Taylor Trial was the subject of a radio story on WKSU radio on May 3, 2012, available at: <http://www.wksu.org/news/story/31602>

The second broadcast of Professor Scharf's quarterly radio show discussing targeted killing of Americans abroad, indicted tyrants on the loose, and America's exit strategy from Afghanistan aired on WCPN 90.3 FM ideastream on May 24, 2012, available at: [http://www.youtube.com/watch?v=Jfa7GF6nC\\_w&list=PLF9F5BBD6A5C10065&index=1&feature=plcp](http://www.youtube.com/watch?v=Jfa7GF6nC_w&list=PLF9F5BBD6A5C10065&index=1&feature=plcp)

Professor Scharf was interviewed about recent developments in international criminal law for a half-hour worldwide broadcast on ABC Overnights Radio on May 31, 2012, available at: <http://www.abc.net.au/overnights/stories/s3515416.htm?site=melbourne>

Professor Scharf and the CWRU War Crimes Research Office were profiled in Erick Trickey, "Crime Fighters," *Cleveland Magazine*, June 2012, available at: <http://clevelandmagazine.com/ME2/dirmod.asp?sid=E73ABD6180B44874871A91F6BA5C249C&nm=Article+Archives&type=Publishing&mod=Publications%3A%3AArticle&mid=1578600D80804596A222593669321019&tier=4&id=02A32C093E8B476F8D04681F0580084D>

# FACULTY BRIEFS

Professor Scharf was quoted in "International Court Gets First Female Lead Prosecutor," *Los Angeles Times* on June 15, 2012, available at: [http://latimesblogs.latimes.com/world\\_now/2012/06/icc.html](http://latimesblogs.latimes.com/world_now/2012/06/icc.html)

Professor Scharf was quoted in an AP story, "International Court Turns Ten," on July 3, 2012, available at: <http://www.foxnews.com/world/2012/07/01/international-criminal-court-turns-10/>

## Activities

Professor Scharf's Amicus Brief was cited and quoted by the Ninth Circuit Court of Appeals in *Padilla v. Yoo* on May 2, 2012, available at: <http://caselaw.findlaw.com/us-9th-circuit/1599551.html>

Professor Scharf traveled to Libya as Co-Team Leader of a USAID-funded transitional justice project from July 10-20, 2012.

## CALVIN WILLIAM SHARPE

GALEN J. ROUSH PROFESSOR OF BUSINESS LAW & REGULATION; FOUNDING DIRECTOR, CISCDR (CENTER FOR THE INTERDISCIPLINARY STUDY OF CONFLICT AND DISPUTE RESOLUTION)

## Publications

Professor Sharpe edited the CISCDR interdisciplinary symposium on "Forgiveness, Reconciliation and the Law" consisting of six articles including his introductory article, "The Richness of Forgiveness Studies, Policy and Practice," at the intersection of science, philosophy, legal policy and practice. They will be published in a special issue of the *Pepperdine Dispute Resolution Journal* on Apology, Forgiveness & Reconciliation featuring the symposium (forthcoming 2012).

## Activities

Professor Sharpe has become a fellow of the American Bar Foundation.

## ROBERT STRASSFELD

PROFESSOR OF LAW; ASSOCIATE DIRECTOR, FREDERICK K. COX INTERNATIONAL LAW CENTER; DIRECTOR, INSTITUTE FOR GLOBAL SECURITY LAW AND POLICY

## Publications

"Special Topic Introduction: Minerva at the Department Gate," 22 *Health Matrix* (forthcoming 2012).

## Presentations

Professor Strassfeld presented "How the Cleveland Bar Became Segregated: And Why it Matters," held at the City Club of Cleveland on February 8, 2012.

## MARTHA A. WOODMANSEE

PROFESSOR OF ENGLISH; PROFESSOR OF LAW

## Presentations

Professor Woodmansee presented "The Pamela Franchise" in a special session devoted to remediating 18th century authorship at the annual convention of the Modern Language Association held in Seattle January 5-8, 2012.

Professor Woodmansee presented "A Pamela Franchise? Authors' and Users' Rights in 18th Century Britain" at a colloquium on intellectual property histories at the Brunel University, London Centre for Intellectual Property, Internet & Media on June 22, 2012.

## Activities

Professor Woodmansee served as a commentator on papers presented at the fourth annual workshop of the International Society for the History and Theory of Intellectual Property, of which she is a founding co-director, at the London School of Economics June 25-26, 2012.

## RUQAIJAH A. YEARBY

PROFESSOR OF LAW; ASSOCIATE DIRECTOR OF THE LAW-MEDICINE CENTER

## Publications

"Breaking The Cycle Of 'Unequal Treatment': Using Health Care Reform To Address Racial Disparities In Health Care," 44 *U. Conn. L. Rev.* 1281-1324 (2012).

## Presentations

Professor Yearby moderated and presented "Genetic Justice and Community Participation," held as part of the Tarrytown Meetings in Tarrytown, New York on July 23-25, 2012.

## Activities

Professor Yearby's article "Good Enough To Use For Research, But Not Good Enough To Benefit from the Results of that Research: Are the Clinical HIV Vaccine Trials in Africa Unjust?" 53 *DePaul L. Rev.* 1127-1153 (2004) was coded for use in a survey conducted by the Hannover Medical School and King's College London.

## Media

Professor Yearby's article "Breaking The Cycle Of 'Unequal Treatment': Using Health Care Reform To Address Racial Disparities In Health Care," 44 *U. Conn. L. Rev.* 1281-1324 (2012) was cited on several health care websites including HealthLawProf Blog.

# Forward Thinking

The Campaign for Case Western Reserve University

## FORWARD THINKING CAMPAIGN TRANSFORMATIVE TO LAW SCHOOL

Five alumni discuss the importance of this campaign, its impact on the future of the School of Law, and why they are so committed to its success.

Launched in October 2011, Forward Thinking: The Campaign for Case Western Reserve University, seeks to raise \$32 million for the law school. Gary Bryenton (LAW '65), Katherine Brandt (LAW '89), Byron Krantz (LAW '62), Kip Reader (LAW '74), and David Weil (LAW '70) have all played formative roles in the campaign.

### Why did you decide to join the School of Law's Executive Campaign Committee?

My experience at the law school was really transformative, so when I was asked to chair the campaign for the School of Law, I viewed it as an opportunity to give something back. I think this is the right time for the law school to become all that it can be with Dean Mitchell's leadership and his understanding of what it will take to return the law school to one of the top in the country.  
*Gary Bryenton*

I think this is a very important campaign for the school and its future, so I really felt an obligation to join the committee, to provide a meaningful contribution to the law school and to help engage other alumni.  
*Katherine Brandt*

### Why is this campaign so essential to the law school?

The law school has had solid successes in the recent past, but the primary way for it to develop an even stronger reputation is for there to be additional financial resources brought to the table. That's really the bottom line. Without adequate resources, its progress and future success will be inhibited.

*Kip Reader*

The economic times we're in and changes to the legal industry mean there are going to be fewer people going to law school, at least over the next few years. Because of what I see as a likely lessening in demand, we must become an even more attractive prospect for students.

*Katherine Brandt*

### The legal environment has clearly changed.

#### How will the campaign set this law school apart?

In many respects, the reputation of the law school is determined by the success of its graduates. One of the major challenges today for our law school and many law schools, is to be in a position financially to attract the best and the brightest students, and to be able to compete with other law schools by providing scholarships. Not only are scholarships necessary to attract students in the first place, but it's just as important to keep the students with us until graduation. Gifts made by alumni become a critical part of our ability to be competitive.

*Gary Bryenton*

Frankly, the only way the School of Law will ever go back to being one of the top law schools in America is to attract the best students, and the only way to attract the best students is by providing scholarship funding. It has everything else—renowned programs, faculty and structure.

*Byron Krantz*

### What made you decide to give back to the law school?

Number one, it's gratitude for a solid legal education I received and that many of my colleagues received. It's also a reflection of the importance of the law school to the northeast Ohio legal community. It's imperative that this region has a top law school to provide legal talent in future decades.

*Kip Reader*

I feel that my education at the law school was extremely important in my maturation as well as the successes I was fortunate to have professionally. I want to thank the law school and to help others have similar successes.

*David Weil* ■

**The School of Law intends to achieve new prominence among the nation's great law schools based on its cutting-edge experiential learning, its internationally renowned faculty, and its unique specialty programs. Campaign support will attract students with leadership potential, provide resources to recruit and retain renowned faculty, and invigorate the innovative curriculum.**

**To learn more about supporting campaign initiatives at the School of Law, please contact JT Garabrant, CFRE, Associate Dean of Development and Public Affairs, at [jtgarabrant@case.edu](mailto:jtgarabrant@case.edu) or 216.368.6352.**





## TRANSITION FROM DEANSHIP TO PRIVATE PRACTICE

Raymond Pierce (LAW '83) shares how his experiences at the School of Law shaped his career.

# R

aymond Pierce (LAW '83) served seven years as dean of the North Carolina Central University School of Law, and left his deanship to join the law firm of Nelson Mullins Riley & Scarborough LLP as a partner.

"Very few attorneys will ever have the honor or privilege to be dean of a law school. I decided to step down as dean as I felt like I had accomplished everything I set out to do," states Pierce.

At Nelson Mullins, Pierce will join both their Business and Government Relations practice groups. Pierce will also work with the firm's Washington, DC, office in their education and federal policy practice group.

A former Deputy Assistant Secretary for Civil Rights at the U.S. Department of Education, Pierce joins the law firm of former U.S. Secretary of Education

Richard W. Riley, with whom he served in the Clinton administration. Pierce will be reunited with other former Clinton administration officials now representing education and various interests through EducationCounsel and Nelson Mullins.

"I will miss my students and staff, but am looking forward to this opportunity to partner with some friends and colleagues I worked with in the Clinton administration years ago. It's time to move on," says Pierce.

"I will miss my students and staff, but am looking forward to this opportunity to partner with some friends and colleagues I worked with in the Clinton administration years ago."

Pierce remembers fondly his time at Case Western Reserve University School of Law, specifically his time in the Milton A. Kramer Law Clinic and with Professor Lewis Katz. He has continued to stay engaged with the law school since graduation, was a recipient of the Distinguished Recent Graduate Award and is also a member of the law school's prestigious Society of Benchers.

Pierce credits the School of Law as laying the

foundation for his success. "I was fortunate to receive instruction by top professors in the nation, if not the world. Case Western Reserve University School of Law prepared me to enter the profession. The law school was always good to me and I count it one of the pleasures of my career to have stayed connected."

Having transitioned from academia back into the practicing bar, Pierce says he sees the legal field in an entirely

new way, and that the success of a law school and the legal profession depends on its alumni. "It's crucial for alumni to be engaged with their law school and for alumni to be reminded they are part of a profession comprising three parts—the academy, the practicing bar and the judiciary. Alumni have to get involved not just for a law school's success, but for the profession as a whole. If we don't take care of it, no one else will." ■

# 2012 COMMENCEMENT



## LEILA L. VESPOLI (LAW '84) INSPIRES THE GRADUATING CLASS

The School of Law was extremely pleased to host Leila L. Vespoli (Law '84), Executive Vice President and General Counsel for FirstEnergy Corp., as the featured speaker at the law school graduation ceremony. Vespoli is responsible for all legal affairs of the company, and has played a key role in the legislative debates regarding electric industry restructuring. She has testified as an expert witness on numerous occasions before the Ohio and Pennsylvania legislatures on vital industry issues, including deregulation, competitive markets and environmental issues.

As General Counsel, Vespoli has helped guide FirstEnergy through numerous significant events including mergers, acquisitions and divestitures, while also successfully leading the company through complex regulatory and environmental challenges and varied operational, financial and related issues.

Recently, she was honored by *Crain's Cleveland Business* with its 2012 General Counsel Award presented to outstanding general counsels who have helped lead their companies. In 2011, *Diversity Journal* named Vespoli as one of their Women Worth Watching awardees. She was a Key Women in Energy-Global Award Honoree. She was also recognized as one of the YWCA's Women of Professional Excellence.

The entire law school community was honored to welcome Leila L. Vespoli back to the law school and congratulates our newest class of alumni! ■





**You have  
received an  
outstanding  
legal education  
and I know you  
will rise to the  
challenges  
ahead.**

## REMARKS FROM RENEE SNOW (LAW '97), LAW ALUMNI BOARD PRESIDENT

Walking into the law school always feels like coming home and commencement weekend was no exception. The warmth of the smiles on everyone's faces reflected the excitement of the graduating class.

Watching their enthusiasm as they crossed the stage to receive their diplomas was a high point. Dean Lawrence Mitchell, Brenda Hollis and Leila L. Vespoli (LAW '84) addressed the graduates, offering them insight into what the years ahead will hold. It was my pleasure to congratulate the entire graduating class and to welcome them into our Alumni Association.

Below are the remarks I shared on that wonderful day in May. It was an honor to stand before the Class of 2012.

Dean Mitchell, members of the Case Western Reserve University School of Law faculty and administration, distinguished guests, graduates and families:

As president of the Case Western Reserve University School of Law Alumni Association, it is my honor and pleasure to congratulate you on receiving your Juris Doctor degree and also to welcome you to the Law Alumni Association.

As you walk across this stage and receive your diploma, you join great jurists who preceded you as graduates of our law school. As you follow their footsteps to become public interest attorneys, corporate or solo practitioners, judges, legislators, or law professors, I sincerely hope that you will also follow their example of being active in our Alumni Association.

The Alumni Association provides the opportunity to continue your engagement with the law school and fellow alums by being involved with the admissions process, academic committee, mentoring, and development. We have alumni from coast to coast serving on Alumni Association committees and the board. We invite you to join us.

In addition, the Law Alumni Association Board extends a development challenge to this class. At our April meeting, we voted to create a matching fund for dollars donated by your class. We invite you to join us in support of our school, both by becoming involved on a committee and also by making a donation to the Annual Fund.

It has been my pleasure to speak with students over the years and share my experiences from law school and as a criminal prosecutor. Students, especially third-years, inevitably ask about taking the bar. Studying for the bar is really a cathartic process. You just spent three years in law school where our wonderful professors challenged you to extend your thought process. Studying for the bar is much easier. My advice is simple, make studying for the bar a full time job between tomorrow and the exam. Study now and do it once.


Students also ask about why one chooses specific types of practice. The system only works if there are good people on both sides. Always remember that once you are sworn into the bar of your jurisdiction, you are an officer of the court. No matter which side of the table you choose, you are first and foremost an officer of the court.

The coming months will be filled with studying for the bar, beginning new jobs, settling into life after law school. You have received an outstanding legal education and I know you will rise to the challenges ahead. You have the ability and tools to make a significant impact on your communities. I am confident that you will.

I look forward to working with you on Alumni Association activities and to seeing you at our annual luncheon in November. Again, please accept my congratulations on behalf of the Law Alumni Association. ■







# THE VALUE OF MY DEGREE

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Recent graduate Christopher Schmitt (LAW '09) discusses experiences that prepared him for life after law school.

**R** Robert Fulghum, author of *ALL I REALLY NEED TO KNOW I LEARNED IN KINDERGARTEN*, tells a fantastic story about French academic and artist Marcel DuChamp who had a very interesting answer to the question "What Do You Do?". Most of us presented with this question whip out our business card, the modern day seal of professional and societal worth indicating that we have made something of ourselves and are to be taken seriously. Instead of the standard identification of himself through a card that would have accurately described him as a painter, a professor, a writer, etc., Marcel DuChamp would look the asker straight in the eye and say, "*Je suis un respirateur*"; or, "I am a breather."

It seems like a quaint answer, but I find real value in the point that he was trying to make. We're all more than titles and more than a list of professional credentials. In the standard terms, I am the General Counsel and Director of Marketing for American Roll Form Products, a mid-market manufacturing firm in Painesville, Ohio. But as with most stories, how I got there and who I became along the way is far more revealing than the outcome.

I entered the law school in the fall of 2005 with a plan that was something to the extent of "become a lawyer because that seems like an impressive thing to do." I didn't know any lawyers. I'd never been in a courtroom. I really didn't have an area of practice in mind. However, I knew that I wanted to use my time at law school to round out my education to be a little more useful to society. In an effort to further broaden my experience, I entered the joint-degree program at Weatherhead in 2006.

Despite the best efforts of my professors to convince me otherwise, I always saw more value in spending my time becoming a more complete person and a better leader than I did in memorizing the 3rd Restatement of Torts. I was immediately drawn to the classes that focused on the practical application of law and how we as lawyers can produce a net-benefit for society. I truly enjoyed the academic rigor (I've never worked harder or processed more than my time in the law school) but I was even more thrilled to be surrounded by some of the best and brightest professional minds of my generation and the challenges and opportunities that sort of environment presented me to grow.





*Today's lawyer needs to understand how businesses really run and how to overcome the communication gap between "us" and "them."*

Here are some specific things that prepared me for life after law school:

**Student Bar Association:** Two years as a senator and two years as treasurer taught me the value of leading leaders and how personality conflicts can either breed creative solutions to overcome complex problems or cause progress to grind to a halt. I learned that winning the day often means having the reputation you need to be given the benefit of the doubt. I also learned that the phrase "I don't know but I'll find out" goes a lot further than pretending to know everything or guessing, especially in groups of very intelligent professionals.

**The Legal Clinic:** The Community Development Clinic is where I honed my passion for helping businesses grow and a sincere appreciation for the value of a competent lawyer to small non-profit organizations. The clinic is also where I saw a potential for a dual-role as a lawyer and a businessman. The clinic serves as the basis for my day-to-day work as a lawyer and a great touchstone for best practices when I'm faced with challenges and there's no one immediately available to help.

**New Orleans Service Trips:** I was able to go to New Orleans three times and coordinated the efforts twice. I am proud to this day that we took over 50 students and raised over \$60,000 to help with hurricane relief over the three trips. This experience showed me that professionals are the best positioned members of society to raise money, make connections, and make a difference to those who need a hand. It also reminded me that no matter how important you think you are in

life, there's always time to help and always people who need it.

**CORE Classes/CaseArc Program:** This is where you learn to be a professional. My writing, presenting, negotiating, and compromising skills were all developed in these courses and I am a better professional because I paid attention. While these areas may not show on a resume, they'll show in an interview and in the minds of those individuals who have your professional fate in their hands as you progress through your career.

**Non-Legal Internships:** I was fortunate to spend two of my three summers working outside of the law, the first at a major local tech firm in market research and the second as a consultant for three local small businesses as a part of my Allen C. Holmes Community Development Fellowship. Today's lawyer needs to understand how businesses really run and how to overcome the communication gap between "us" and "them." Being well rounded in my understanding of business concepts and possessing a more developed and appreciative approach to teamwork makes me a more valuable asset to my company.

With these experiences as my basis, I graduated in 2009 into the clutches of the worst recession in 80 years. My plan was to go to a large consulting firm to cut my teeth and work my way into a company through that route, but as with law firm jobs, there weren't any opportunities. Going into the bar exam with no job prospects is a lousy situation. To try and make the most of the three months I had on hand, I committed to studying eight hours a day and searching for

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*It was a thrill to help lead a company fresh out of school and I wouldn't trade that experience for the world.*

jobs for four hours a day until something broke my way. Over six months of a tenacious job search, I estimate that I applied to 400 companies and had coffee or a meal with over 25 people. I heard the word "no" literally hundreds of times before I found a "yes."

All of this led me to a very small marketing agency downtown where I could leverage my passion for start-up businesses and utilize both my legal knowledge and my business knowledge to help it grow. Instead of starting at the entry level and working my way up, I was helping make major decisions from day one. The very small staff forced me to dig deep into the skill toolbox from the very start, going back and forth from selling to watching the numbers, to making personnel decisions, to developing processes and everything in between. I really wish that everyone who attended law school or business school took the opportunity to start his or her career in a fast paced small business. Playing "utility infielder" for a small company was the perfect incubator to test my skills and apply the academic theory to a real-life situation. I'm not sure if I would have appreciated how hard it is to be on the other side of the deal table or on the other side of a poorly worded contract if I had gone straight from campus to the corporate office without this experience.

Although we had our bumps along the way, over the course of my two years with the business, we grew almost 325%, added 11 new employees and became one of the hot names in town. It was a thrill to help lead a company fresh out of school and I wouldn't trade that experience for the world. Working with so many different personalities with so many different non-legal skillsets forced me

to hone my communication skills to interact with all kinds of people. I'm better prepared for the rest of my career because I can speak "salesperson", "designer", "programmer", "bookkeeper", "writer", etc.; re-remembering how to speak and act "human" instead of "lawyer" after school was one of the greatest unforeseen outcomes of taking this job.

I went into this job hoping it would be a long-term fit but it became apparent after a year with this business that my more academic approach to business didn't necessarily mesh with the more entrepreneurial driven mind of my boss. Knowing that I needed a move for my own best interest and the best interest of the owner of the agency, I started to have a conversation with one of my favorite manufacturing clients and that led to my current role.

As I mentioned, I now serve as the General Counsel and Director of Marketing at American Roll Form Products ([www.arfpcorp.com](http://www.arfpcorp.com)). In this role, I'm helping to drive the business into new markets and new regions of the world. I sincerely appreciate the opportunity to serve as part of our management team and utilize the skills I learned at CWRU and those I learned at the agency to bring a fresh perspective and creative ideas to a 52-year-old business that's growing rapidly out of the recession. I love my "jack of all trades" schedule and the ability to work on all phases of projects from sales to implementation. What I'm most thrilled about currently is the impressive work that ARFP has done in the solar power sector. We now provide structural support systems to four of the top six solar companies in the country and we're growing

our piece of the pie even more every month. Manufacturing has proven to be a great fit for me and I would encourage every professional to take a close look at the manufacturing renaissance going on in America as both a career opportunity and a point of pride.

I know that to have balance in my life, I need to have plenty of things going on outside of the office. I'm blessed to be on the journey with Melissa, my amazing wife who's my anchor in the world and best friend, and my son Ethan, the coolest 11-year-old with the biggest heart and brightest perspective that a dad could ask for.

I'm also very involved in the community, serving on the Board for Ohio City Incorporated, as the Vice-President of the West Short Chorale Board of Trustees, as the Secretary of the Hiram College Alumni Executive Board, and as a Consultant and Senior Staff Counselor for the American Legion Buckeye Boys State Program. These positions allow me to learn new skills and share my experience with groups who need my help. I was lucky to be raised by fantastic parents and grandparents who taught me that volunteering and donating aren't optional, they're an expectation to remind you of how fortunate you are in the world. This philanthropic centering is a grounding force



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*This philanthropic centering is a grounding force that allows me to enter any situation with knowledge that nothing is too overwhelming or too challenging when you truly understand how lucky you are to be in a position to be overwhelmed or challenged.*

that allows me to enter any situation with knowledge that nothing is too overwhelming or too challenging when you truly understand how lucky you are to be in a position to be overwhelmed or challenged and still have food on your plate, a roof over your head and clothes on your back.

Robert Fulghum concludes his essay concerning the DuChamp story, published in his book *IT WAS ON FIRE WHEN I LAY DOWN ON IT*, with an examination of the question that we so often ask children, "What do you want to do when you grow up?". Fulghum argues that the most interesting and most genuine people that he knows still don't have an answer to this question when they're 40, or 50, or 60. He says that the very best people he knows shuffle off this earth smiling because they're still exploring the answer to this question. It doesn't mean that they wander aimlessly. It means they see every day as an opportunity to move just a little ahead.

I'm very proud to say that I don't know what I want to do when I grow up and that it doesn't seem like I'm going to make a decision anytime soon. It's not that I lack goals or lack purpose, it's that I lack the ability to believe that I know what's around the next bend. Despite attending law school, I'm more than a lawyer and despite attending business school I'm more than a businessman. Those are traits of my journey and things I'm very proud to have accomplished, but they only represent part of the picture. However, the skills identified above that I learned during my time at CWRU have helped me along this "strategically sporadic" path that I'm on in the office, in the community, and at home.

I'm as excited as anyone to see where my life goes from here. No matter what tomorrow holds, I feel like I'm prepared because of the people, institutions, experiences, and sense of purpose that got me here. ■

# Academic Centers & Law Journals Lectures and Symposia

## 10.3.12

4:30-5:30 p.m.

### "The Resolution of Systemically Important Financial Institutions"

*Arthur W. Fiske Memorial Lecture*

FDIC acting chairman Martin Gruenberg (Law '79) will discuss the major components of the FDIC's resolution strategy for systemically important financial institutions (SIFIs). The process is part of the agency's effort to develop the "orderly liquidation authority". This was granted by the Dodd-Frank Act to convince the financial industry that SIFIs neither have an unlimited public backstop, nor will they cause destabilizing disruptions when under financial strain.

#### LOCATION

The Union Club  
1211 Euclid Avenue, Cleveland, OH 44115

## 10.10.12

8:30-9:30 a.m.

### "The State of Reproductive Rights in Ohio and Beyond"

*Case Downtown Lecture Series*

Associate Dean Jessie Hill will discuss reproductive rights-related legislation that has been passed in Ohio and throughout the country. She will discuss the constitutional issues raised and examine the contraceptives controversy and the Affordable Care Act.

#### LOCATION

The City Club of Cleveland  
850 Euclid Avenue, 2nd floor  
Cleveland, Ohio 44114

## 10.12.12

9:00 a.m.-3:00 p.m.

### "Executive Compensation: New Developments and Emerging Trends"

*George A. Leet Business Law Symposium Presented by the Center for Business Law and Regulation*

Executive compensation has become the most contentious issue in corporate governance. Many claim that poorly designed executive compensation helped cause the recent financial collapse, but critics disagree widely about what was wrong with those designs. Management and investors are wrestling over their roles in structuring executive compensation through say-on-pay and over the role of proxy advisory services. The symposium brings together prominent practicing attorneys, institutional investors, proxy advisors, and academics to discuss the current issues and where we are, or should be, headed.

#### LOCATION

School of Law's Moot Courtroom (A59)

## 10.17.12

4:30-5:30 p.m.

### "Faith, Freedom, and the Family: The New Challenges of Faith-Based Family Laws in Western Democracies"

*William A. Brahm's Lecture on Law & Religion*

As the presidential election heats up, the nation is witnessing ever sharper debates over abortion and contraception, same-sex marriage and polygamy, and the role of religious communities in the delivery of charity and education. Emory Law School Professor John Witte will explore a volatile new issue of religious freedom and family law now confronting European democracies, and

about to explode in North America: to what extent may Islamic and other religious communities have the freedom to develop their own independent religious laws to govern the sex, marriage, and family lives of their voluntary faithful who cannot abide state laws?

#### LOCATION

School of Law's Moot Courtroom (A59)

## 10.19.12

8:15 a.m. - 4:30 p.m.

### "Strategic Partners: Women in General Counsel and Senior Leadership Roles"

The School of Law presents a unique daylong symposium about the role of women as general counsel and in senior leadership roles. The conference will feature a vibrant and dynamic discussion of the issues women in these roles may face. Throughout the day, women general counsel, in-house counsel, senior attorneys, and others in leadership roles will examine the topic from a number of perspectives. Speakers will include the School of Law's accomplished alumni and other high-level attorneys. Topics include Why Women Are Naturally Suited to be Effective Strategic Partners, The Strategic Role of Women General Counsel, How Skilled Women Lawyers Build Consensus, Key Challenges for Women General Counsel and Women Senior Partners, Developing Strategic Leaders: Women General Counsel and Senior Women Leaders, A Success Story of Driving Strategic Objectives and Diversity, and Driving Strategic Objectives & Partnership with Outside Counsel and the General Counsel's Office. This event will offer peer exchange and networking opportunities, as well as professional development. In addition, it will

# ALUMNI CLASS NOTES

1962

MILESTONE  
REUNION

**Daniel T. Clancy** of Case Western Reserve University (retired) received the St. Edward High School's Bronze Eagle Award, which recognizes a St. Edward graduate for his ongoing support and commitment to the ideals of Holy Cross education.

1966

**Paul Brickner** wrote an article, "Reassessing Long-Accepted Truths about Justice John McLean: His Secret of Success," published in the *Ohio Northern Law Review*.

**Leon A. Weiss** of Reminger Co., LPA was recognized as an *Ohio Super Lawyer*® for 2012.

1969

**Stephen O'Bryan** of Taft Stettinius & Hollister LLP was named a "Leader in their Field" in Litigation: General Commercial by *Chambers USA*®.

**Ronald J. Rakowsky** was elected to a four-year term as Mayor of Greenwood Village, CO.

1972

**Roger S. Bamberger** Assistant United States Attorney, has been selected for the prestigious Director's Award for Litigative Excellence by the Executive Office for United States Attorneys.

**Douglas N. Barr** joined Frantz Ward LLP as of counsel.

**Glenn J. Berman**

Superior Court Judge in New Brunswick, NJ, presided over the nationally-known Dharun Ravi Rutgers University hate crime case.

**Stephen C. Ellis** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

1973

**David E. Schreiner** of Fisher & Phillips LLP was featured in *Chambers USA*®: America's Leading Lawyers for Business 2012.

**Miles J. Zaremski** of Zaremski Law Group debated former Florida Attorney General Bill McCollum on the federal health law

**James A. Goldsmith** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

1981

**Alexander M. Andrews** of Ulmer & Berne LLP was

recognized as an *Ohio Super Lawyer*® for 2012.

**Rita A. Maimbourg** of Tucker Ellis LLP was named the 2012 Cleveland Medical Malpractice Lawyer

of the Year by *Best Lawyers in America*®.

**Matthew P. Moriarty** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

1982

**Richard J. Rymond** of Reminger Co., LPA was recognized as an *Ohio Super Lawyer*® for 2012.

**James J. Turek** of Reminger Co., LPA was recognized as an

*Ohio Super Lawyer*® for 2012.

1983

**Jeffrey A. Baddeley** of Ulmer & Berne LLP has been elected to partnership. His practice focuses on corporate

restructuring, banking and commercial finance and capital markets and securities transactions. He has also been selected as one of the *Ohio Super Lawyers* for 2012.

## Are you on LinkedIn?

Stay connected with classmates and colleagues, seek and share referrals and information, and keep current on programs and news from the law school by joining the CWRU School of Law Group on LinkedIn.

1984

**Marc B. Merklin** of Brouse McDowell was elected managing partner.

1992

**Kathryn F. Shen** has been named the New Chief People Officer of the city of Palo Alto.

**S. Peter Voudouris** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

1993

**Craig S. Denney** of Snell & Wilmer LLP graduated from the U.S. Army War College with a Master of Strategic Studies.

**M. Catherine Vernon** of Formica Corporation received the 2011-2012 American Bar Association Section of International Law "Outstanding Corporate Counsel Award".

**Alan C. Yarcusko** of Bridgestone Americas, Inc is now the director of Technical Standards & Regulations for Bridgestone Americas Tire Operations, LLC.

1995

**Morris L. Hawk** has joined the Cleveland office of Weston Hurd LLP as a partner.

**Thomas A. Swafford** of Adams and Reese LLP has been elected to partnership.

1996

**L. Todd Gibson** of Squire, Sanders & Dempsey has been promoted to principal.

**Eileen T. Mathews** of Tarolli, Sundheim, Covell & Tummino LLP is now of counsel.

**Margaret M. Murray** of Murray & Murray Co., LPA worked on a three-person special committee to the Ohio State Bar Association (OSBA) Legal Ethics and Professional Responsibility Committee to examine the recommendations of a law review article on the attorney-client privilege. The committee proposed a modification to the

ambiguous language, which was unanimously approved by the Council of Delegates on November 4, 2011.

1997

**Laurie Avery** of Reminger Co. LPA was selected as one of 12 women to join the 2012-2013 Class of the Ohio Women's Bar Foundation Leadership Institute.

# ALUMNI CLASS NOTES

and the Affordable Care Act.

## 1974

**Brian W. FitzSimons** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

**Mark D. Katz** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

**Alan M. Petrov** of Gallagher Sharp was named the *Cleveland Best Lawyers Legal Malpractice Law Lawyer of the Year* for 2012.

**Kip Reader** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

## 1975

**Leslie Dole Dunn** of Cole National Corp. (retired) served as a judge for *Crain's* General and In-House Summit.

**Peter H. Weinberger** of Spangenberg, Shibley & Liber LLP was named one of the Top 10 Ohio Attorneys as well as one of the Top 5

Cleveland Attorneys by *Super Lawyers*®.

**Joel F. Zipp** of Holland & Knight LLP was appointed as a member of the Advisory Board of the Great Lakes Energy Institute.

## 1976

**Sander M. Bieber** of Dechert LLP has been named Independent Counsel

of the Year by *Fund Industry Intelligence and Fund Director Intelligence*, two publications of *Institutional Investor*.

**Bruce P. Mandel** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

## 1977

**Frances Floriano Goins** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

**Michael F. Harris** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

**Anthony J. O'Malley** of Vorys, Sater, Seymour and Pease LLP was recognized as an *Ohio Super Lawyer*® for 2012.

**William G. Porter** of Vorys, Sater, Seymour and Pease LLP has been inducted into the American College of Trial Lawyers (ACTL). The ACTL is composed of the best of the trial bar from the United States

and Canada and is widely considered to be the premier professional trial organization in America. William has also been selected as one of the *Ohio Super Lawyers* for 2012.

**Leila L. Vespoli** of FirstEnergy Corp. was named a public company award recipient for *Crain's* General and In-House Summit.

**William R. Weir** of Porter Wright Morris & Arthur LLP has been recognized by *Chambers USA*® 2012 as a "Leader in their Field."

## 1985

**Steven P. Dlott** of Meyers, Roman, Friedberg & Lewis was elected to partnership.

**M. Ann Harlan** of The J.M. Smucker Co. (retired) served as a judge for *Crain's* General and In-House Summit.

**Ruth D. Kahn** of Steptoe & Johnson LLP was selected by *California Lawyer* magazine as a recipient of the 16th annual California Lawyer Attorneys of the Year Awards (CLAY) in the pro

bono category for improving the lives of Holocaust survivors.

**Kevin M. Young** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

## 1986

**David J. Tocco** of Vorys, Sater, Seymour and Pease LLP was recognized as an *Ohio Super Lawyer*®

for 2012.

**Michael S. Tucker** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

**David H. Wallace** of Taft Stettinius & Hollister was named a "Leader in their Field" in Litigation: General Commercial by *Chambers USA*®.

**Bryan H. Falk** of Vorys, Sater, Seymour & Pease LLC has been elected to partnership.

**Martin D. Gelfand** was elected to South Euclid City Council.

**Franklin C. Malemud** of Reminger Co., LPA was recognized as an *Ohio Super Lawyers Rising Star* for 2012.

**Andrew K. Mitnick** of Feldman Shepherd Wohlgerlenter Tanner Weinstock & Dodig LLP has been recognized by Thomson Reuters, published annually in *Philadelphia* magazine, as a 2012 Pennsylvania Rising Star®.

## 1998

**William M. Carter, Jr.** was appointed dean of University of Pittsburgh School of Law.

**Stephanie E. Kennedy** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyers Rising Star* for 2012.

**Joy D. Kosiewicz** of Brouse McDowell was elected to partnership.

**Richik Sarkar** of Ulmer & Berne LLP has been appointed the Vice President of the Board of Trustees for the Cuyahoga County Community Improvement Organization. He has also been selected as one of the *Ohio Super Lawyers* for 2012.

## 1999

**John M. Alten** of Ulmer & Berne LLP has been selected as an *Ohio Super Lawyers Rising Star* for 2012.

**Kelley J. Barnett** of Frantz Ward LLP has been elected to partnership.

**Robert F. Cathcart, IV** of Mazanec, Raskin & Ryder Co, LPA has been elected to partnership.

## 2000

**Matthew E. Albers** of Vorys, Sater, Seymour and Pease LLP has been selected as an *Ohio Super Lawyers Rising Star* for 2012.

**Bryan J. Farkas** of Vorys, Sater, Seymour and Pease LLP has been selected as an *Ohio Super Lawyers Rising Star* for 2012.

# ALUMNI CLASS NOTES

**L. James Juliano, Jr.** of Nicola, Gudbranson & Cooper, LLC was profiled in the article, "Cleveland attorney discusses current issues faced by the sports industry," on

the Ohio State Bar Association website dated December 19, 2011.

## 1978

**Henry E. Billingsley, II** of Tucker Ellis LLP

was selected as one of the *Best Lawyers in America*® for 2012.

**Richard G. Hardy** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

## 1979

**Richard M. Bain** of Buckley King was elected mayor of the city of Pepper Pike, Ohio.

**Marc W. Groedel** of Reminger Co., LPA was recognized as an *Ohio Super Lawyer*® for 2012.

**Roy A. Hulme** of Reminger Co., LPA was recognized as an *Ohio Super Lawyer*® for 2012.

**Kenneth B. Stark** retired from Littler Mendelson, effective January 1, 2012.

## 1980

**D. Cheryl Atwell** of Reminger Co., LPA was recognized as an

*Ohio Super Lawyer*® for 2012.

**Bill J. Gagliano** chair of the Real Estate Practice Group of Ulmer & Berne LLP was elected to the firm's seven member Management Committee. Bill has also been named as an *Ohio Super Lawyer*® for 2012.

Advertise your opportunity to current students and alumni, either through our password-protected CSOnline (<http://law-case-csm.symplicity.com/employers>) or through the CWRU School of Law Group on LinkedIn.

Email [lawjobpostings@case.edu](mailto:lawjobpostings@case.edu) or call 216-368-6353 with questions.

## IS YOUR ORGANIZATION HIRING?

### 1987

#### MILESTONE REUNION

**James J. Chester** of Chester Wilcox & Saxbe LLP was selected for inclusion in the *Best Lawyers in America*® for 2012.

**Catherine M. Kilbane** of American Greetings Corp. was a finalist for the *Crain's* General and In-House Summit.

**Mark A. Weinberger** of Ernst & Young has been named the next global chairman and CEO. He will succeed Jim Turley, who will retire on June 30, 2013. Weinberger served as an Assistant Secretary to the Treasury of Tax Policy under President George W. Bush, a member of the U.S. Social Security Board appointed by President Clinton and

also Chief of Staff and Counsel to 1994 Bipartisan Commission on Entitlement and Tax Reform.

## 1988

**Timothy J. Downing** of Ulmer & Berne LLP was recognized as an *Ohio Super Lawyer*® for 2012.

**Geralyn M. Presti** of Forest City Enterprises Inc. was a finalist for the

*Crain's* General and In-House Summit.

## 1989

**Kevin D. Margolis** of Benesch has been elected as a Fellow to the American College of Real Estate Lawyers.

**Susan L. Racey** of Tucker Ellis LLP was selected as one of the *Best Lawyers in America*® for 2012.

## 1990

**John R. Liber II** of Thrasher, Dinsmore & Dolan, LLC has been recognized on the *Ohio Super Lawyer*® for 2012.

**Ezio A. Listati** of Thrasher, Dinsmore & Dolan, LLC has been recognized on the *Ohio Super Lawyer*® for 2012.

## 1991

**John A. Heer** of Walter & Haverfield LLP has rejoined the firm as a member of its Environmental Law and Litigation Groups. Heer served as Assistant General Counsel – Regulatory Affairs at Electrolux North America, Inc. for five years before his return to Walter & Haverfield in early 2012.

**Jodi Rich** of Ulmer & Berne LLP has been selected as an *Ohio Super Lawyers Rising Star* for 2012.

## 2001

**Kevin H. Fink** of Alston & Bird LLP was added as counsel to the firm's Global Finance & Debt Products Group in Los Angeles.

**Harry Greenfield** of Buckley King was selected as a Fellow of the American College of Bankruptcy.

**John B. Stalzer** of Reminger Co., LPA was recognized as an *Ohio Super Lawyers Rising Star* for 2012.

## 2002 MILESTONE REUNION

**Anjula Garg** of Baker Hostetler has been elected to partnership.

**Kimya Johnson** of Cozen O'Connor was elected co-chair of the firm's diversity committee.

**Eric B. Levasseur** of Hahn Loeser + Parks LLP, has been ranked in the 2012 edition of Chambers USA®: America's Leading Lawyers for Business for Construction.

## 2003

**Michele L. Connell** of Squire Sanders has been elected to partnership. She

advises public and private companies on mergers and acquisitions, securities law matters, corporate control contests and corporate government practices.

**Carrie L. Davis** is executive director of the League of Women Voters of Ohio/Education Fund.

**Ryan W. Falk** of Calfee, Halter & Griswold LLP has been elected to partnership.

**Stephen M. Fazio** of Squire Sanders has been elected to partnership.

**Gregory G. Guice** of Reminger Co. LPA was selected as a member of the 2012-2013 Board of Trustees for the

Send us your Class Notes. We'd love to hear from you.  
Send information to [lawalumni@case.edu](mailto:lawalumni@case.edu)

# ALUMNI CLASS NOTES

Cleveland Metropolitan Bar Association. Gregory has also been selected as an *Ohio Super Lawyers Rising Star* for 2012.

**Megan C. Johnson** of Dechert LLP was elected to partnership.

**Lee M. Korland** of Benesch Friedlander Coplan & Aronoff LLP has been elected to partnership.

**John P. Lucci** of Hahn Loeser + Parks LLP has been elected to partnership.

**Adam R. Nazette** of Thompson Hine has been elected to partnership.

**Brent Piatrafese** of Calfee, Halter & Griswold LLP has been elected to partnership.

**Amanda M. Raines** of Buckley Sandler LLP became counsel at the firm's Washington DC office.

**Jonathon H. Vinocur** of Thompson Hine LLP has been elected to partnership.

**Thomas M. Welsh** of Calfee, Halter & Griswold LLP has been elected to partnership.

**2004**  
**Natacha D. McClain** of Segal McCambridge Singer & Mohoney Ltd. took office as chair of the Young Lawyers Section of the Chicago Bar Association.

**Andrés Pérez** of the International Criminal Tribunal for Rwanda has been promoted to trial attorney.

**Julie L. Pietrzen** of Frantz Ward LLP was awarded the Ohio State Bar Foundation District 12 Community Service Award for Attorneys 40 and Under.

**2005**  
**William M. McCann** of Javitch, Block & Rathbone LLP has been elected to partnership.

**W. Clifford Mull** joined Benesch, Friedlander, Coplan & Aronoff LLP as an associate.

**Kelly Gerner** is a self-employed criminal defense attorney in Los Angeles, CA.

**Jonathon W. Groza** joined Ice Miller as an associate.

**2009**  
**Ryan S. Quinn** joined Benesch, Friedlander, Coplan & Aronoff as an associate.

**2010**  
**Aanchal Soni** joined James D. Wilson LLC as an associate.

**2011**  
**Kaitlyn D. Arthurs** joined McCarthy Lebit Crystal & Liffman Co. LPA as an associate.

**Steven A. Chang** has joined the litigation group of Vorys, Sater, Seymour and Pease LLP as an associate.

**Angela M. Daling** joined Frantz Ward LLP as an associate.

**Christopher J. Diehl** has joined Porter Wright Morris & Arthur as an associate.

**Jeremy V. Farrell** has joined the law firm of Gallagher Sharp in the Professional Liability, Business & Employment and

Insurance Practice Groups.

**Amanda M. Gatti** has joined Reminger Co., LPA as an associate.

**William Levendusky** has joined Smith Marshall, LLP as an associate.

**Lindsey E. Sacher** has joined Calfee, Halter & Griswold as an associate.

**Sarah A. Stover** is an Associate in the Cleveland office of Tucker Ellis, where she practices in the area of Medical and Pharmaceutical Liability.

**Gregory L. Watkins** has joined Roetzel & Andress as an associate attorney. He practices creditors' rights and real estate law, focusing on

commercial lending and finance transactions.

## LL.M. IN UNITED STATES & GLOBAL LEGAL STUDIES

**1994**  
**Natalia Denchik** Barrister & Solicitor is sole practitioner in Toronto, Canada with a focus on family law, real estate law and

**2006**  
**Dae-hyun Chung** (LLM '06, JD'09) has opened his own law office in New York City focusing on immigration law.

**2007**  
**Yi Zhong** works as in-house Legal Counsel for CDG Retail in Shanghai.

**Lei Leo Zhu** (LLM '07, JD '10) spent a year in NYC after graduating, and is now at the law firm of Jingtian & Gongcheng in Beijing.

**2008**  
**Yang Bai** works in Risk Management Dept. of CITIC Bank in Beijing.

**Lian Duan** is with Key-solution Sports Consulting Co. Ltd. in Beijing.

**Sungjin Yoo** was awarded an S.J.D. degree this May at UW-Madison. The title of his dissertation is "Building Pillars and Doors for Domestic Incorporation of International Human Rights Laws:

Focusing on the Roles of National Human Rights Institutions and Highest National Courts in South Africa, United States and South Korea. Sungjin is returning to South Korea where he hopes to begin a career in academia.

**2009**  
**Veronica Xu** is an associate with the law firm of Brennan, Manna & Diamong in Akron, OH.



# ALUMNI CLASS NOTES

**Bethanie R. Murray** of Reminger Co. LPA was selected as a member of Board of Trustees for the Cleveland Metropolitan Bar Foundation. She has also been named to the Ohio Rising Stars list for 2012.

**Leslie Olsen Murray** of Murray & Murray Co., LPA was named as a Rising Star for

2011 by *Ohio Super Lawyers Magazine*.

## 2007

**Gary K. Atkinson** of The Singing Machine Company, Inc. has been appointed to the position of Chief Executive Officer.

**Elizabeth A. Banger** is a judge advocate for the United States Army.

**Michael J. Cook** has joined the Appellate Practice Group of the firm of Collins, Einhorn, Farrell & Ulanoff, P.C. His practice focuses on appellate and summary judgment research and brief writing.

**Justin D. Gould** is an associate at Richard L. Demsey, Co., LPA.

**Andrew M. Katz** is an attorney for the United States Department of Labor, Office of the Solicitor.

**Kevin J. Mitchell** of Faegre Baker Daniels LLP was selected to service as vice chair of the Financial Institution Litigation subcommittee in the ABA Business Law Section, Business

and Corporate Litigation Committee.

**Jennifer Yee-Wah Choy** is associate corporate counsel for Google.

## 2008

**Gary M. Broadbent** of Murray Energy Corporation, was named senior attorney.

**Noelle Margherita Shanahan Cutts** is an associate attorney at Kawahito Shraga and Westrick LLP.

**Kyle Thomas R. Cutts** is clerk for Honorable Jay Bybee of US Court of Appeals for Ninth Circuit in Las Vegas.

litigation in Province of Ontario.

**Petr Slach** is a Senior Counsel in Salans Prague Office. He joined Salans from a partner position at Squire, Sanders & Dempsey where he worked for 17 years. Peter has focused his practice in technology, media, and telecommunications, public procurement and M&A in

telecommunications. He is listed among the leading lawyers by Chambers Europe 2011.

## 1995

**Jeon-Gook Seo** is with Hyundai Motor Co. in Seoul, Korea. He has a JD from Georgetown and has passed the California Bar.

## 2002

**Diego Archer** has rejoined the firm of Fragomen in Dallas, Texas as Client Services Manager in the firm's global practice. He provides advice to clients regarding permanent transfers, rotational assignments, offshore worker options, vessel and rig operator commissions, and technical business

visits for clients around the world. Diego also manages content issues such as legal opinions and legislative analysis in the Latin American and Caribbean Region. He is a frequent speaker for topics relating to corporate immigration for international companies and investors in Latin American destinations.

**Claire Huaying Ye (LL.M. '02, J.D. '06)**, has moved from Beijing to Shanghai and has a new position as Legal Counsel-Asia for Texas Instruments in Shanghai.

## 2004

**Michele Kabano** was promoted in February to position of Global Finance Human Resources Manager for GE

Energy Power Generation Services in Atlanta, Georgia. He supports a client base of 380 finance employees and more than 40 managers globally.

## 2005

**Xiaochen Connie Hu** is an Associate with Hogan Lovells LLP, Shanghai Office.

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# In Memoriam



## THE LIFE AND ACCOMPLISHMENTS OF JUDGE PETER M. SIKORA (LAW '80)

Professor Wilbur Leatherberry (LAW '68) reflects on his life and legacy

In Memoriam includes names of deceased alumni forwarded to Case Western Reserve University School of Law in recent months.

Mr. Charlie Ault (ADL '48), (LAW '51)  
Mr. John M. Badalian, Jr. (LAW '77)  
Mr. Robert E. Bielek (ADL '42), (LAW '48)  
Mr. Allen W. Boyer (LAW '55)  
Mr. Neil J. Conway (LAW '51)  
Mr. Mario D. Corsi (ADL '49), (LAW '51), (LAW '65)  
Ms. Dana Mora Feldman (LAW '88)  
Mr. Alvin H. Gandal (CLC '54), (LAW '56)  
Mr. Michael F. Grdina (ADL '60), (LAW '63)  
Mr. Thomas Blair Hayes (CLC '49), (LAW '51)  
Mrs. Jo Ann Blackburn Karasek (LAW '67)  
Mr. David E. Kasunic (ADL '54), (LAW '57), (LAW '58)  
Mr. Paul G. Klein (ADL '45), (LAW '49)  
Mr. Allan D. Kleinman (CLC '49), (LAW '52)  
Mr. Stuart Laven (LAW '70)  
Mr. Richard Roth Moore (LAW '53)  
Hon. Virgil L. Musser (LAW '59)  
Mr. Thomas A. Piraino (LAW '48)  
Mr. William C. Poling, Jr. (LAW '95)  
Mr. Fred C. Prasse (LAW '48)  
Mr. Mark Edward Pusey (LAW '89)  
Mr. Alton Lloyd Rinier (LAW '48)  
Mr. J. King Rosendale (LAW '48)  
Mr. Lad J. Roth (LAW '50)  
Hon. Peter Michael Sikora (LAW '80)  
Mr. Jerome Silver (ADL '45), (LAW '46)  
Mr. William Tousley Smith (LAW '56)  
Mr. Bob P. Snowberger (LAW '55)  
Mr. Paul N. Stein (LAW '73)  
Mr. Frederick L. Stuhr (ADL '40), (LAW '42)  
Mr. Michael John Underhill (LAW '83)  
Mr. David Hendrik Van Dam (LAW '81)  
Kim W. Werner (ADL '67), (LAW '71)  
Mr. Ronald I. Weiss (LAW '65)  
Hon. Joseph C. Zieba (LAW '51)

Judge Peter M. Sikora died in April after struggling for several months with pneumonia. He graduated from the law school in 1980. His classmates voted him Student of the Year. That would have marked him as an achiever and a graduate to watch as he entered the legal profession.

Peter's graduation was made more remarkable by the challenges he overcame. While in high school at St. Ignatius, Peter was a gymnast. He broke his neck in a trampoline accident and was hospitalized for 19 months. He was paralyzed except for minimal movement in his right hand but graduated with his class from St. Ignatius, earned an associate's degree at Cuyahoga Community College, and then graduated with highest honors as the valedictorian of his class at Baldwin-Wallace. He came to the law school when it was totally unprepared to accommodate him, arriving each morning in a van driven by his parents.

Although his wheelchair was motorized, Peter often needed assistance. His classmates provided it—getting books from the shelves, helping him eat, opening doors, etc. I first met him one day at the elevator. He was not in my class but knew who I was. He said, "Professor Leatherberry, could you put the belt back on the drive wheel?" The belt had come off, leaving him stranded. Following his instructions, I put it on. He thanked me and motored onto the elevator. My experience was like that of many others whom Peter had to ask for help. His courageous acceptance of his situation and his demeanor and determination to do whatever he needed to do made it easy to provide the help he needed.

When he was in school, the Americans With Disabilities Act had not yet been enacted. Few buildings were accessible. Our building was particularly inaccessible. The space under the bridge had not yet been enclosed and there was no elevator in the classroom pod. That meant that for classes in the ground level classrooms, Peter had to go outside under the bridge. In winter someone would help him put on a cloak, hold open the door and then open the door to the classroom pod. In those classrooms, Peter would sit just inside the door because, whether the door was in the front or the rear of the room, the rest of the room was off limits for him because of steps or the narrow space between the rows of seats.

Peter overcame the obstacles he faced but never lost sight of the difficulties faced by others in wheelchairs or otherwise challenged. He was an activist who helped us all see the importance of compliance with the ADA and otherwise taking into account accessibility issues. He served on a committee about accessibility when Jacobs Field (now Progressive Field) was being built. Happily the law school became much more accessible for him after the



**Peter demonstrated extraordinary courage, commitment to the betterment of the lives of others, and the ability to accept and deal with life's challenges.**

addition was completed in the late 90s. The enclosing of the area under the bridge and the installation of an elevator in the classroom pod greatly improved the situation.

Peter began his career as a clerk for Judge Jack Day on the Eighth District Court of Appeals. Ironically, years later when I invited Peter to serve as a judge in the Dunmore Moot Court Competition he sadly had to decline to serve. The argument was to be in the main courtroom at that court and, despite millions in renovations and the applicability of the ADA, the bench in that room was not accessible for a person in a wheelchair.

After the clerkship, Peter signed on with the campaign of Dick Celeste for Governor of Ohio. My wife, Diane, also worked on that campaign and we got to know Peter better then. When Celeste became Governor, Peter went to work as Deputy General Counsel in his office. He later became Deputy Director and General Counsel of the Department of Mental Retardation and Developmental Disabilities. There he led an effort to require improvement of the deplorable conditions in many of the group homes supported by the department.

He returned home to Cleveland when Governor Celeste appointed him to the Cuyahoga County Juvenile Court in 1989. He held the position in a contested election and was re-elected several times. During his tenure,

he served as the administrative judge in 1995, 1996, 2000 and 2001. He also served as President of the Ohio Association of Juvenile Court Judges from 2008 to 2009 and was a member of other professional groups. In 2006, Judge Sikora was a Democratic nominee for the Ohio Supreme Court. He campaigned strenuously, but, regrettably, unsuccessfully.

Judge Sikora forcefully and vigorously opposed the construction of the new juvenile court building on reclaimed industrial land on Quincy Avenue. Because of his strong conviction that that was the wrong site for the new building, he took on the leaders of the former county government—who were the leaders of his own political party. The building was built there despite his opposition, but that project will be one that will be questioned for many years.

Judge Sikora was active in many civic organizations including the Cleveland Ballet, Health Hill Hospital for Children, and MetroHealth Rehabilitation Institute of Ohio. His achievements and contributions earned his election to the National Hall of Fame for Persons with Disabilities and the Outstanding Citizen Award of the National Council on

Disabilities. The law school recognized Judge Sikora first with the Distinguished Recent Graduate award in 1989. That award goes to "an outstanding alumnus or alumna of Case Western Reserve University who is 35 years old or younger . . . [and] has demonstrated excellence in his or her professional field and/or has demonstrated service to his or her community, the public, or humanity, embodying the values, spirit, and pride of Case Western Reserve." In 2004, Judge Sikora was elected to the Society of Benchers, a recognition for lifelong achievement and contributions to the school and community.

Peter Sikora was an unforgettable person and a good friend. For his classmates, teachers, colleagues, and friends, Peter demonstrated extraordinary courage, commitment to the betterment of the lives of others, and the ability to accept and deal with life's challenges. He maximized his ability and opportunities, and never let setbacks deter him or change his good humor and positive outlook. We should strive to follow his example. ■



Gabrielle Kelly (LAW '08), Izodowa Ebose-Holt (LAW '08), Valissa Turner (LAW '07), Gerald Jackson (LAW '71), Aaron O'Brien (LAW '09), Shelly Anarado (LAW '08) and Oluwayemisi Olusada (LAW '13)



Amy Cheatham (LAW '96), Andrew Aladi (LAW '13) and Pippa Carter (LAW '88)

## School of Law Launches Black Law Student Association Mentoring Program

New program engages students and alumni in meaningful discussions.

IN ORDER TO EFFECT A UNIFIED COHESIVE ORGANIZATION TO PROMOTE THE NEEDS OF BLACK AMERICAN LAW STUDENTS AT CASE WESTERN RESERVE UNIVERSITY: TO HELP AND ASSIST EACH OTHER IN OUR MUTUAL STRUGGLE TO ENTER INTO THE LEGAL PROFESSION, WE HEREBY CREATE THIS 16 DAY OF APRIL, 1970 THE NORMAN S. MINOR CHAPTER OF THE BLACK AMERICAN LAW STUDENTS ASSOCIATION AT CASE WESTERN RESERVE UNIVERSITY.

#### Statement of Purposes

1. To unite with other Black law students on a national scope, through a national organization in order to promote the needs and goals of Black American Law Students nationally as well as locally.
2. To aid and assist the Black Student Body at Franklin Thomas Backus Law School academically, financially and professionally.
3. To foster an atmosphere at this law school which will be increasingly more responsive to Black people, through concerted efforts to attract more black students, through efforts to attract black professors who are able to recognize and give meaningful legal instruction on topics which vitally concern black people, minority groups and indigent persons, through meaningful changes in the current curriculum which will prepare the students to meet the needs of a black cliental.
4. To provide a channel of communication between the Black Law Student and the legal profession, in order to gain assistance in job placement, provide insight to the profession, to provide and/or receive assistance in giving a needed service to the community.
5. To provide a channel of communication between the Black Law Student and the Black Community by providing legal advise and assistance to community groups and individuals and promoting programs designed to demonstrate the need for black lawyers and professionals.
6. To influence Case Western Reserve University School of Law to use their legal expertise and prestige to effectively bring about changes within the legal system responsive to the needs of the Black Community:

Launched in 2010, the School of Law's Black Law Student Association (BLSA) and the Office of Student Services implemented a new mentoring program for student members and alumni. The mentoring program aims to encourage discussion of issues relevant to black law students, with the goal of a strong meaningful mentoring relationship between student and alum.

This year, 21 students were matched with 21 alumni. They first met at a cocktail reception held at the Alumni House. Mentor and co-founder of the School of Law's BLSA chapter, Gerald Jackson (LAW '71), addressed the audience and shared a bit of BLSA history with those in attendance.

"In 1970 we started the BLSA chapter here at Case Western Reserve University School of Law. It was created to increase the number of minority students attending law school, and to also help current African-American students in law school. We worked tirelessly to bring lawyers and judges to come to the law school to speak at our programs. A key part of its success was reaching out to the community and the practicing bar," states Jackson.

After the first meeting, students and mentors were encouraged to meet several times over the course of the year, at places and times of their choosing and also at BLSA's annual Soul Food & Jazz event. Discussions ranged from perspectives on law school and the practice of law, guidance in the area of networking and career options, and more general advice related to the transition out of law school.



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