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Cleveland-Marshall College of Law

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Dear Alumni:

In our Fall 2006 issue of LAW NOTES, I wrote to you regarding my challenges for the Cleveland-Marshall Law Alumni Association for the 2006-2007 school year. I am happy to report excellent progress in meeting these challenges.

We are close to meeting my membership challenge of increasing our membership by 10% by June 30, 2007. We have already set a new membership record and are close to our goal to ADD 111 in 2007. To meet this goal, we continue to need your help. Fellow CMLAA members, please bring in those new members. If you are reading this letter and you are not yet a member of CMLAA, please join TODAY!

We also have made great strides toward my second challenge -- to support Dean Mearns and our law school in raising money to maximize the Wolstein scholarship gift. Every dollar that we contribute to the Wolstein Endowed Scholarship Fund is matched by Iris Wolstein, up to \$1.25 million. Since July 2006, the CMLAA Board of Trustees has donated \$49,000 to the Wolstein Fund. These generous donations, along with other generous donations and pledges from our alumni and friends, have helped the total amount donated to the Wolstein Fund to currently exceed \$850,000.

Thank you, members, for all of your help in working toward my challenges. It has been a great pleasure to lead this organization. I continue to be impressed by the enthusiasm and dedication of our members. After seeing this enthusiasm and dedication, I am confident that our alumni association will continue to meet its goals of providing outstanding support for Cleveland-Marshall, its alumni, faculty and students for many years to come.

Sincerely



Wendy W. Asher '97
President

Law Notes

Cleveland-Marshall Law Alumni
Association News
Academic Year 2006-2007

Augusto C. Bordelois (b. Havana, Cuba, 1969) is a graduate of the University of Havana. In Havana he was the founder and principal instructor of the "Children Workshop" at the 23 & 12 Art Center and co-founder of the freelance multimedia company "2 Pasos." He is a writer in many genres, an illustrator, a sculptor, a designer and builder of public spaces and a conscientious public servant. His art is florid and profoundly colored; perhaps its most compelling feature is an iconography that is entirely his own: a fusion of humor, sensuality and spirituality in settings that invigorate the mundane with his own sensibility and passions. See for yourself at www.AugustoFineArt.com.

Augusto's paintings have received national and international acclaim and are in private collections in South America, Europe and the United States. He has had teaching residencies throughout the region through the Ohio Arts Council and Young Audiences of Northeast Ohio. Augusto lives in Strongsville, Ohio, with his wife, **Melanie Bordelois '03** and their daughter, Sylvia.

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We hope you enjoy this new issue of *Law Notes* and ask that you continue to contribute and respond to information in this and future issues of *Law Notes*. Special thanks to **Leon M. Plevin '57, Donald F. Traci '55, Susan L. Gragel '80, Daniel R. McCarthy '54 and Sheldon Sager** for their commitment in support of this publication.

The CMLAA Board of Trustees is dedicated to serving the alumni, students, faculty and staff of the College of Law.

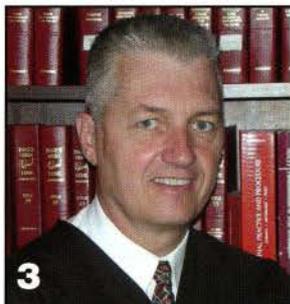
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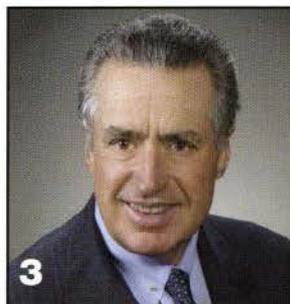
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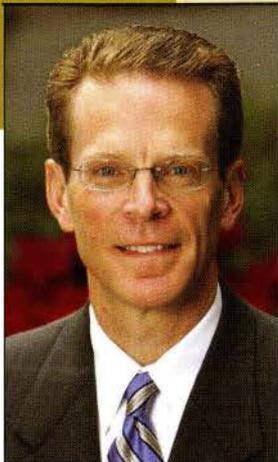
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Dean's Column



by **Geoffrey S. Mearns**

In this issue of *Law Notes*, you will read a fine tribute to the two graduates who were recently honored by the Cleveland-Marshall Law Alumni Association: **Tom Scanlon '63** and Judge **Sean Gallagher '89**.

As I read about these two distinguished men, I was impressed by their similar backgrounds and characteristics. In addition to sharing great pride in their Irish-American heritage, both men are hard-working and ambitious – and they both were willing to take some risks to advance their careers. Both men are also dedicated to serving their communities.

I was struck by one other similarity: their professional achievements were made possible because of the help and encouragement that they received from their fellow Cleveland-Marshall graduates.

For example, Judge Gallagher was encouraged to go to law school by Judge **Donald Nugent '74**. And Judge Gallagher was encouraged to run for his first seat on the bench by Judge **Salvatore Calandra '51**.

Similarly, Tom Scanlon got his first legal job with **Ezra Shapiro '25**. Tom recalls that Mr. Shapiro, who was one of the founders of the modern state of Israel, was a demanding lawyer and a great mentor.

These two stories epitomize what I have come to appreciate more fully about our law school: the current generation of graduates receives great support from and builds upon the strength of the graduates who preceded them. This is the Cleveland-Marshall story—a story that has been told for more than a century. And it continues to be written today.

Indeed, you – our alumni and friends – are fully engaged in the ongoing life of the law school.

You help us recruit new students, who will become the next generation of lawyers and leaders.

You serve as mentors for our students, and you help them find jobs in Northeast Ohio and around the world.

You give us the financial resources to attract excellent students and to support our excellent faculty.

And you serve as role models for our students. Your commitment to excellence and service is a source of inspiration for them.

On behalf of the students, faculty and staff, I thank you for your engagement and your support. Please know that it is a privilege for me to assist you, our students, and our faculty in writing the next chapter in the history of this fine institution.

This year the Law Alumni Association honors the descendants of two immigrant families who left their homeland on the west coast of Ireland and settled in Cleveland. Thomas Scanlon's family came to America in the middle of the 19th century; Sean Gallagher's family arrived in 1930. Both families fared well in their new country, and neither they nor their descendants ever forgot their heritage. Today, one is a judge and the other is an attorney with a significant business practice in this country and abroad. They have honored the traditions of two countries and served their law school and their profession with distinction.

The Honorable Sean C. Gallagher

Achillbeg Island

Achillbeg Island, County Mayo, is an ancient slip of incomparably beautiful Ireland, a mere sliver of land jutting into the North Atlantic. Inland, two ice-rounded hills enclose a valley; elsewhere, nature has dealt harshly with this spare piece of barely habitable, barely arable land. Rough, sea-borne winds have carved the coastline into jagged puzzle pieces and heaved massive boulders onto the shore. In 1911, 117 inhabitants lived on the island, its highest number in half a century. Over the years, the population declined, electricity and other amenities were slow to come, and in 1930 the island suffered another significant setback: Patrick and Mary Gallagher, the grandparents of the Honorable Sean Gallagher, left their Achillbeg home and, with their eight sons and two daughters—easily a tenth of the island's inhabitants—crossed the Atlantic to America. Six years after the Gallaghers' departure, there were only 67 men, women and children still living on the island; in 1965 the few remaining residents were evacuated to the mainland. But that was not the end of Achillbeg Island.

On the map of the world, the island bears scant notice; however, if there were a gauge that measured the space it commands in the hearts and memories of the descendants of the island's emigrants, it would be counted a large world indeed. The Irish who crossed the Atlantic led hardscrabble lives in their homelands; here, they prospered, one generation at a time. Yet for those whose lives began on Achillbeg Island and for their descendants, this geographically inconsequential island has an enduring presence. Just ask the Honorable Sean C. Gallagher.

Gallagher continued on pg. 5

Thomas J. Scanlon

The Importance of Place: the City and the Island

Ancient maps of Ireland and Cleveland line the conference room in the offices of Collins & Scanlon in the Terminal Tower, where, in December, I spoke with the Law Alumni Association's 2007 honoree, Tom Scanlon, about his life and career.

The setting was appropriate: Tom Scanlon's life is circumscribed by the city where he was born and has lived his entire life and the island he has rediscovered as his family's first homeland. About both—Cleveland and Ireland—he has profound feelings. So no one should be surprised to find him situated in the building that is Cleveland's most revered landmark, its iconic center. And no one should be surprised to find that his devotion to the city of his birth is manifest in service to a roster of community organizations that is remarkable in a man who has no aspirations to public office. He is, quite simply, everywhere, crisscrossing the city day and night to attend meetings of perhaps 50 medical, cultural, sports, religious and historic organizations, a number of which he has chaired or served as trustee or officer. But even if you don't know that Tom is a Trustee and former Chair of the West Side Ecumenical Ministry or former Board member of the DePaul Family Children Services or current President of the Cleveland Pops Orchestra (just for openers), you are bound to know that Tom Scanlon is perhaps the greatest St. Patrick's Day celebrant in America, a third generation son of Eire, who, together with his law partner, **Tim Collins '85**, every year invites just about the whole town to join in his passion for Ireland and its patron saint. His celebrations are spectacular: In the past he has brought Irish singers, dancers, pipers, businessmen, politicians, judges, lawyers

Scanlon continued on pg. 8

The Gallaghers of Cleveland, Ohio

Sean Gallagher is a member of the first generation of his branch of the family born in America. As a child, he was taken to Ireland many times by his parents, and, sometime during his youth, Achillbeg Island took hold of him and captured his imagination. Today, he holds dual citizenship in the U.S. and the Republic of Ireland; he visits often, sees the sites where his family's homes once stood and has visited the grave in Kildownet Churchyard on Achill Island where Seamus, his grandparents' 5th child who died in childhood, is buried.

The Judge has studied the area extensively, but, as we all know, the Irish are a talking people and Sean's best lessons were those he learned at the knees of his parents, grandparents and those seven uncles and two aunts, who came to Cleveland with Patrick and Mary Gallagher in 1930. Along with many other recent Irish immigrants, the 12 Gallaghers settled on the west side of Cleveland in the shadow of St. Colman's Church, the magnificent structure that Irish labor

and Irish artisans built between 1913 and 1918 with stone and marble and artwork shipped from their homeland.

In the neighborhood or lined up at the altar of St. Colman's, they would have been hard to miss—the eight sturdy sons, the two lovely daughters, with their names culled from the saints and parish registers of Ireland: Patrick, Peter, John, Michael, Owen, James (Shea), William, Hugh, Beatrice and Sara. And when war came the whole city would take note of the Gallagher family because soon there were six stars hanging in the window of the house on 6110 Ellen Avenue, and on St. Patrick's Day 1943, CLEVELAND

PRESS reporter Richard Maher's first-page story announced "A Great Day for the Irish—and Proud Day for the Gallaghers!" Twins William and James, John, Hugh, Owen, and Michael would see service in all theaters of the war. Their older brothers, Patrick and Peter, had been classified 1-A and were awaiting the call to service; fortunately, the war had ended before that call ever came.

"Mother Gallagher," as the PRESS called her, never failed to let slip that the Gallagher boys fighting for America were not born in America. Reminding the world that the Irish were at Saratoga and at



John Francis Gallagher



Margaret Casey Gallagher

Yorktown, Mary Gallagher declared, "We are especially proud of our sons . . . We hope that out of this war will come a peace that will bring justice to all nations, including our own native Ireland. I hope and pray that my boys will return safely (they all did!)—not only my boys, but those of all mothers."

Patrick's and Mary's third son, John Francis Gallagher (1913-87), was the Judge's father. John was 17 when he left Ireland. He had been in America 11 years when his new country entered the Second World War, where he served as a squad leader with the Eighth Armored Tank Division.

Another "Mother Gallagher"

While John Gallagher was growing up on Achillbeg, Margaret T. Casey was growing up with her two brothers and three sisters on the family farm in Tuosist, County Kerry. In a picture taken of the Judge's mother in London in 1940, a beautiful, poised young woman looks confidently into the camera, and you do not have to listen to her son long before realizing Margaret Casey did not shy away from adventure. In the late 1930s she and two sisters, Bridie and Nora, left County Kerry for London. The sisters rented a small apartment in Westminster, and Margaret found work in an upscale

restaurant in Piccadilly Circus. On September 1, 1939, Hitler's armies marched into Poland; on September 2, England declared war on Germany, and the events of the great world came crashing down upon the three young Casey women, lately arrived from Ireland with the dust of the farmland still in their shoes. The sisters stayed throughout the war, carried their civil defense cards, took shelter in the London Tube on nights when German bombs lit up

the skies, and survived a V2 rocket attack on their apartment building. The Blitzkrieg claimed the lives of 30,000 Londoners and left 50,000 with serious injuries. Thousands of buildings were destroyed, and hundreds of thousands of Londoners were homeless. In short, much of London was in ruins, and persistently impoverished Ireland gave no sign of economic recovery. But across the Atlantic, America with its bright promise, with its cities untouched by war, with its constant newness and reinvention of itself—the country that had opened its gates to the Irish for over a century—beckoned the three sisters, and in 1949 Margaret, Bridie and Nora Casey sailed

to New York—straight into the clutches of a domineering aunt. But the Casey sisters who had survived the Luftwaffe were by now indomitable. One day, on an outing to Niagara Falls, someone casually remarked that there were lots of Irish living in Cleveland and advised the three girls to escape to the west.

The Best Location in the Nation

Post-WWII Cleveland was enjoying a boost in its morale and its economy. Its population had reached an all-time high of slightly under a million residents, and businesses were returning to normal; in 1948 the Indians won the World Series, in 1949 the National Civic League named Cleveland “An All-American City,” and soon City Hall proclaimed Cleveland “the best location in the nation.” In 1949, when the three Casey sisters arrived in Cleveland, the best location in the nation got just a bit better.

Margaret was working in Chagrin Falls in 1950, when she met and married John Francis Gallagher, who, like his father and uncles, was working in the building trades. The couple’s first son, Daniel, now retired, served as a Cuyahoga County Probation officer for nearly 30 years and, subsequently, as Chief of Staff for both the Cuyahoga County Recorder’s Office and the Cuyahoga County Engineer’s office. His daughter, **Shannon M. Gallagher**, is a 2003 alumna of Cleveland-Marshall.

Sean Gallagher is the second son of John and Margaret Gallagher. “I grew up on West 122 Street in a very, *very* staunch Irish Catholic family,” the Judge recalls. “It was really the immigrant experience: Go to church, stay in school.” The Gallagher parents had a firm belief in the promises of America and worked to make sure America kept those promises. They assured their children that nothing short of failing school could keep them from success. They believed in the integrity of the American working class too: John Gallagher, according to his son, was “very active in the union movement and in politics—a lifelong Democrat and a long-term member of the AFL/CIO, Local 310.” His

parents, however, unlike their two boys, never surrendered entirely to the lure of American culture; that is, they never surrendered their “Irishness.” They were both active in the city’s Irish cultural affairs, and in 1984, the Irish Pallottine Fathers presented them with the “Couple of the Year” award, in acknowledgment of their work on behalf of the Fathers, a missionary branch of the Society of the Catholic Apostolate.

Sean went to the neighborhood parochial school, Sts. Philip and James, to St. Edward High School in Lakewood and from there to Ohio University, where he majored in Political Science and first developed his interest in law.

And Then?

Before college, he recalls, “I told my dad I thought I would go into the service. My father said that the army had been good for him, but college would be better for me, and I chose Ohio University.” The Judge had worked on and off in school with underprivileged children at the Metzenbaum Children’s Center. “After I finished at OU, I got a job at the Youth Development Center in Hudson, which housed, educated and cared for boys and girls referred to the Center by Juvenile Court. They were troubled kids but not violent offenders, and the program was innovative and successful. It was a great job. You got to be with youngsters, work with them and take them places when you were still young yourself. So I loved it, but I never felt I had a calling.

“I had grown familiar with the juvenile justice system, taking kids to see their probation officers or social workers and counselors, and when I heard about a job opening as a probation officer, I thought I was ready for a different role. I applied and was hired by the Cuyahoga County Juvenile Court.”

“Let’s Go See What Politics is Like”

“Through my brother, I met **Donald Nugent** (’74), then an Assistant Prosecutor in the Cuyahoga County Prosecutor’s

office. One day he told me he was thinking about a run for the Court of Common Pleas and asked me to come work with him.” Friends cautioned him: This was a difficult race, a long shot, they said. “But I like a long shot, and, besides, I was always interested in politics. My dad was a passionate Kennedy supporter, and I had volunteered for the McGovern campaign in high school and for Jimmy Carter’s in college, so I said to myself: ‘Let’s go see what politics is like.’”

In 1984, on his first try, Donald Nugent won a seat on the Common Pleas bench. Immediately, he turned to Sean Gallagher and asked him to be his bailiff. “You come work for me and go to law school too,” said the new Judge. So we have the Honorable Donald C. Nugent, now Judge of the U.S. District Court for the Northern District of Ohio, to thank that Sean Gallagher enrolled in Cleveland-Marshall College of Law as an evening student in 1985.

“I loved it,” says the Judge, “absolutely loved every minute of law school. It was the best learning experience of my life. During the day, in Judge Nugent’s courtroom, I met and listened to some of the best trial lawyers in the city and in my night classes, I had teachers like **Hyman Cohen** and **Steve Lazarus** and **Steve Steinglass**. It made me a big fan, a huge fan of the law school and especially of its evening school. You can’t imagine how different the Cleveland bar would be had there been no Cleveland-Marshall, no part-time program for law students.”

In addition to his teachers, the future Judge had an exceptional mentor in Judge Nugent, “who really taught me the nuts and bolts of practicing law.” After law school, he went into the prosecutor’s office, where he found yet another exceptional mentor: former Cuyahoga County Prosecutor Stephanie Tubbs Jones, now a U.S. Representative.

The Assistant Prosecutor

Times have changed since Margaret Gallagher came full of delight to Cleveland, Ohio. Today, Cleveland is a town that needs aggressive as well as scrupulous

prosecutors, and the city had one in Assistant Prosecutor Gallagher. He served in the Economic Crime Unit, where he handled white-collar criminal investigations and cases; in 1996, he prosecuted the largest (at that time) municipal corruption case in Ohio history, involving over \$1.7 million taxpayer dollars. In 1997 he was recognized by the Drug Enforcement Agency for his trial work in a double homicide involving members of the Hells Angels motorcycle gang and a Columbian drug cartel. "I worked on that case with **Steve Dever '84**. That was an amazing experience," recounts the Judge, a study in the city's thuggish underground: drug dealers, a Hells Angels' killer-for-hire and a defendant claiming to be a priest of Santoria." At one point during the trial, the defense attorney opened his briefcase and out rolled a coconut, supposedly used in Santoria rituals to determine whether the spirits were right. I'll never forget that coconut rolling across the table," says the Judge. "It was a very serious case, but it had outrageously funny moments too."

His Honor

When Judge **Salvatore Calandra '51** decided to retire from the Cleveland Municipal Court in 1996, friends and politicians approached Sean Gallagher suggesting that he run for Judge Calandra's seat. "You have name recognition, you've been around the courts a long time, and you'd be a great judge," they said. According to the Judge, "I went back and forth on whether this was a step I wanted to take. Then I went to see Sal Calandra. 'You'd be great, he said, 'Go for it.' And, with the Judge's blessing, I did."

His opponent was a woman he admired greatly, Lauren Moore. "We got along well and had a lot of fun together," recalls the Judge. A *PLAIN DEALER* editorial reflected on the two candidates and regretted that voters had to choose between two such promising nominees. Ultimately, Sean Gallagher won the seat, but, fortunately, today Lauren Moore is a judge on the Cleveland Municipal Court bench.

Now, in the courthouse and on the street, everyone addressed him as "Judge

Gallagher"; elsewhere he had other titles: husband and father. In 1993, he married Dawn Marie Reed, whom he had met on a blind date; in 1996 their son was born and given the name of an ancient king of Ulster, Fergus. The Gallaghers live in Cleveland's West Park neighborhood and are active in Our Lady of Angels parish.

Judge Gallagher served the Municipal Court bench for five years. By nature, he is an enthusiast, and his enthusiasm for the Municipal Court and its place in Cleveland history is genuine, so genuine that he has written a brief history of the court and the judges who have served it; by far the greatest number of them—from **Mary Grossman '12** to **Joseph Artl '13** to **Lillian Westropp '15** to **Lillian Burke '51** to **Ronald Adrine '73** to **C. Ellen Connally '70** to **Ralph Perk, Jr., '83** and **Kathleen Keough '87** (not counting multiple Sweeneys and Corriganes), and on—earned their law degrees at Cleveland-Marshall College of Law.

"On the Municipal Court, I worked alongside some of the best judges in America, including Larry Jones, the administrative judge. I was never planning to leave." But the County Democratic Party Chair, Jimmy Dimora, had another idea. A seat was opening up on the Ohio Eighth District Court of Appeals, and Sean Gallagher was Mr. Dimora's hand-picked candidate. "People say good things about you," he told the Judge. "You're highly respected, you've had all the experience in the world, and the party needs you."

The Court of Appeals is an academic court, and the possibility of serving on that court intrigued the Judge who is an avid reader and writer, and after some thought, he threw his hat into the ring. In a turn of events that would not surprise Cleveland voters, Judge Gallagher's opponent was also a Gallagher. In 2002, Sean Gallagher was elected to the Eighth District Court of Appeals.

Now on that court, he is once again surrounded by fellow graduates of our law school. Ten of the 12 judges on the court are our alumni/ae.

The Educator Judge

Perhaps it is his own experience as a first generation Irish American and the memory of his parents' voices stressing the importance of education that accounts for Judge Gallagher's own interest in expanding the educational opportunities of his students. Once on the Appellate Court, he embraced and further developed a for-credit-externship program for Cleveland-Marshall law students. The Appellate Externship involves students in all phases of the appellate process: reviewing cases, reading briefs, conducting research, consulting, and drafting opinions—a hands-on experience that many students have proclaimed one of the best "classes" they ever attended. He is also a teacher of judges: He has taught at the Ohio Supreme Court Judicial College and serves on the organization's annual planning board preparing course topics and materials for Ohio's judges and magistrates. He also serves on the Ohio Judicial Conference Criminal Law and Procedure Committee and is a member of the Commission on Rules of Practice and Procedure of the Supreme Court of Ohio. In October of this year, he will teach a class on the use of videotaped evidence at the American Bar Association conference in Seattle.

A Public Servant

The Ohio Eighth District Court of Appeals is in the beautiful "Old Courthouse" on Lakeside and Ontario, a building of classic proportions with the look of a place where justice will be well served. Construction began in 1906 and was completed in 1911, 19 years before the Gallagher family crossed the ocean to Cleveland. That the son of an immigrant has twice been elected to the judiciary is a distinctly American story. It is also the story of an Ohio law school that has been a major legal educator of immigrants and their children for more than a century. Patrick and Mary Gallagher's grandson has served the public and the justice system with distinction for over 30 years, and the luck of the Irish had nothing to do with his success: Persistence, hard work and character did it all. **LFM**

Scanlon from pg. 4

and whole marching bands to entertain and speak to the thousand or so guests who come to his St. Patrick's Day parties in the Old Oak Room, the Federal Reserve Bank, the Ritz-Carlton, or wherever space can be found to accommodate the ever-growing guest list. So persuasive are the sentiments of the day that if you aren't Irish when the party began, you'll be Irish when you leave.

The Middle Child

The great-grandson of Charles Scanlon and Sarah Mahoney Scanlon, who emigrated from Westport in County Mayo in the mid-1800s, grew up on the west side of Cleveland. Tom's mother, Marie Grady, and his father, Thomas J. Scanlon, both worked for the old New York Central Railroad, which served the great cities of the Midwest; he was a conductor, and she was a clerk; they met, fell in love, were married in the Catholic Cathedral downtown, and had three children. Tom is the middle child. When he was six years old, his

father died. What was a terrible loss might have been a tragedy had not Marie Grady Scanlon been resourceful. She stayed home, lived on her widow's pension, raised her children, and, when all three were in high school, she went to work downtown for the Halle Company. They thrived.

Meanwhile, Mrs. Scanlon's middle child was already making his mark in the classroom and in the workplace.

"I went to St. Ignatius and then to John Carroll and then to Cleveland-Marshall. It was a traditional path for an Irish Catholic boy growing up in Cleveland. In those days, there were no scholarships, and I paid my own way, not just at Ignatius but also at John Carroll and in law school. I worked at James Hardware on Brookpark Road from

the time I was 14 till I was 21, doing things like sweeping floors, menial work. I would go to school, go to work, study, and when I was in college, come back in the evening for classes.

"St. Ignatius was the best education possible, especially for lawyers, and the priests pushed law as a career. You studied at least two foreign languages and history, religion, literature—courses that prepared you for a reading and writing and thinking profession. From the four years that I attended St. Ignatius, I'd say there are many lawyers and many, many judges."



The Scanlon, Donnelly, Miller, Roether, Klein Families

Tom was not one of the students the priests had to push into law. "I always wanted to be a lawyer," he says. "I was always interested in legal issues, and the intellectual challenge appealed to me." He finished undergraduate school in three years and headed right to the corner of Ontario and Lakeside.

A Fabled Law School, a Fabled Bar, and the Beautiful Model

In those days, before our law school affiliated with Cleveland State University, we were the Cleveland-Marshall Law School, an independent night school located on Ontario Street, where the Justice Center now stands. It was a struggling school that became a fabled one, and some of the best

lawyers and jurists in America learned law there. Most students worked a full eight-hour day, left their families, offices, stores or businesses in the evening, and made their way downtown to study law. In the 60s, classes were full of veterans of the Korean War, and many of the students were married and had children already. Tom was 21 and one of the youngest. Throughout law school, he worked full time for Tremco Manufacturing, a coatings manufacturing plant not far from Shaker Square. The company management appears to have had a good heart, an eye for talent

and a lenient vacation policy that allowed Tom to leave early and use his vacation hours so that he could take late-afternoon classes.

The law school was dominated by the large and expansive presence of Dean **Wilson G. Stapleton '34**. "Stapleton was strong, larger than life," recalls Tom. "He made everyone feel that, because he was involved in your life, you would succeed. He knew every student's name, knew how you were doing, and, if you

were in trouble academically, he'd find a tutor; if you needed financial help, he'd arrange it. He inspired confidence."

Classes were held on the top two floors of a building that was as homely a building as the 1940s and 50s could conceive—boxy, and plain as a post—but what the college lacked in charm, it made up for in teaching talent. The faculty was essentially an adjunct one, members of the local bench and bar. Not, however, ordinary workaday lawyers. They were stars. "We were taught by some of the finest lawyers and judges in Cleveland," says Tom, "men like **Charles Auerbach, Anthony Fioretti '29, Norman Miller, Howard Oleck, Wilton Sogg and J.J.P. Corrigan**, a former Ohio Supreme Court Justice. And so many others."

The school had a small library, perhaps 16,000 books at most. And evenings, seated in the library's center was a young *Law Review* editor, Tom Scanlon, whose job it was to close the library at 11:00 p.m.; he did not waste time. "One of my assignments was to file advance tax notices into binders. It was so boring that I decided the only way to survive was to read what I was filing. And I learned a lot. Best of all, I liked what I was learning." Those long hours in the law library reading federal tax law laid the foundation for Tom's future career as one of the city's top business commercial lawyers.

For all its liabilities, Cleveland-Marshall was well situated among a cluster of law offices; the major courts were across Lakeside, and next door to the school was a famous meeting place, the Barristers' Bar, which, even today, evokes fond memories among the graduates of the old law school. Because it was more than just a bar: It was an extension of the classroom and the placement office.

Tom remembers leaving school in the evening, and the bar would be crowded with lawyers on their way home after long hours in the city's courts and law offices. "I can remember going in there when **Abe Dudnik '25** won a case. And Abe won a lot. He would come down at the end of the day, proclaim his victory, buy drinks for everyone—students too. Lawyers were always dropping by and would talk with law students and buy us drinks."

The downtown location had other benefits as well. In the early 1960s, Cleveland was still a bustling commercial metropolis, grand department stores lined Euclid Avenue, and in the evenings, according to Tom, beautiful women emerged from behind the counters and from within the offices of the Higbee Company, Bonwit Teller and the Halle Brothers and headed toward the city's restaurants and nightclubs. Anita Marciante, a young assistant buyer and model for Sterling Lindner, was one of them, and Tom was smitten. They were married in September 1963 at St. John's Cathedral, where Tom's parents had married so many years before. They took a 10-day honeymoon and returned on the day the bar results came out. Tom went right to

work practicing law. "I began my married life and professional life together," he says. He has been a lawyer and a husband now for 44 years. The couple are the parents of four daughters: Elizabeth M. Donnelly, Colleen A. Miller, Cynthia D. Roether, Kimberly S. Klein, and eight grandchildren.

Ezra Shapiro

Tom's first lawyering job was with legendary attorney **Ezra Shapiro '25** in the Cleveland firm of Shapiro, Persky & Marken. Tom began doing tax and basic legal work and, he says, "making less money than the firm's senior secretary." But money is not everything, and, as a young lawyer, if you could choose, you chose Ezra Shapiro. As Tom explains, "Ezra Shapiro was 'one of the best lawyers I ever knew. He was very smart, very talented, very demanding, and always willing to spend time teaching you. I was fortunate.'"

In addition, Ezra Shapiro was one of the founders of the modern state of Israel and a signer of its Declaration of Independence. He was chairman of the National Executive Committee of the Zionist Organization of America, and, for many years, he served as national vice-president of the United Israel Appeal. "Ezra worked very hard to raise money for Israel," Tom recalls, "and he got a kick out of taking this Irish-Catholic kid to money-raising benefits. He sold trees for Israel to everybody. Because of Ezra, I probably have a whole forest in Israel." By the mid-70s, Tom had left the Shapiro firm and for the next two years, worked with **William T. Monroe '53**.

Donahue & Scanlon

In the decade since his graduation, Tom had developed considerable expertise in real estate mergers and acquisitions and in business law in general. In his own words, he was "going crazy. I had two secretaries, one who came in at 5:00 in the morning and left at 2:00 in the afternoon and another who came in at 2:00 and left at 8:00 at night." In fact, his practice was expanding across the Atlantic. In 1978, Tom traveled to Germany on behalf of an Akron client. One evening in Munich at "a fine watering

hole," in walked **Charles Donahue II '67**, whom Tom knew as a member of the Law Alumni Association. "Charlie was at that time a partner at Calfee Halter," he recalls. "We began to talk about our careers and where they were going." By the end of the evening the two men had forged a bond that became, in 1979, the Donahue & Scanlon law firm. "It was a great start. We hired my classmate, the late **Eileen Kelly**, who was also one of my best friends, and Harvey Labovitz, who is still with the firm."

Collins & Scanlon

Tim Collins joined the Donahue & Scanlon firm in 1994 and was made partner in 1996. By 1999, he was heading the firm's litigation team, and when Charles Donahue retired, the firm was renamed Collins & Scanlon. For a relatively small firm, Collins & Scanlon is an amazing enterprise with a large probate practice and a national and international commercial real estate practice, involving complex financial transactions and corporate litigation. Tom has been a significant rain-maker for the firm, often traveling abroad, including trips two or three times a year to Ireland. Because, quite simply, Tom is in love with Ireland and with the Irish people and, these days, many of his business associates speak in the accents of Yeats and Joyce.

A Citizen-Lawyer

He is also a man of many interests and commitments, and his community involvement is expressive of those commitments. His bond with the Irish Catholic community in Cleveland is, predictably, strong: He is a trustee of the Mayo Society of Greater Cleveland, a trustee of the Irish American Foundation, and a member of the Catholic Lawyers Guild, the Ancient Order of the Hibernians in American Inc., the Irish American Archives Society, the West Side Irish Club and the Irish Heritage and Cultural Center.

Tom has also done yeoman work for the West Side Ecumenical Ministry, which serves the poor on the west side of Cleveland. He has been its Board Chair and chaired many of its committees as the organization expanded its services to the needy, and he was instrumental

Distinguished Alumni

in raising money for the restoration of the Ministry's campus on West 52nd and Detroit.

Beyond his Irish connections and his commitment to the needy on Cleveland's west side, where he was born and still lives, perhaps his greatest dedication has been to organizations that support research for leukemia. He is a former National Trustee and chapter President of the Leukemia and Lymphoma Society of America, Northern Ohio Chapter; and a member of the National Cancer Leadership Council, University Hospitals Cancer Center. The Northern Ohio Chapter of the Leukemia & Lymphoma Society has recognized his work, and the Leukemia & Lymphoma Society has presented him with its National Distinguished Service Award. Tom's dedication to organizations that seek a cure for childhood leukemia is poignant,

a memorial to Christopher Miller, the Scanlons' first grandchild, who died in 1999 from leukemia—his hope that other children and their families will be spared.

Our Alumnus

Tom has stayed close to his law alma mater—as committed to Cleveland-Marshall in 2007 as he was in 1963: a Life Member of the Law Alumni Association and a member of the law school's Visiting Committee. "You remember," he says, "I had to work to put myself through high school, college and law school. I have done reasonably well because of the law, and so I have supported our school financially every year since I graduated." He has also contributed a great deal of time and energy to the law school. In the 70s, for example, when alumni like **Leon Plevin '58**

were infusing new life into the Law Alumni Association, Tom threw himself into the task of creating a comprehensive database of all living graduates. He recalls with affection some of the early law alumni recognition luncheons he helped organize when such stellar graduates as Honorable **Frank Lausche '21**, the Honorable **Samuel Silbert '07**, and the Stokes brothers, the Honorable **Carl '56** and the Honorable **Louis Stokes '53**, were honored. In 1971 he was the Law Alumni Association President; in that year the Association paid tribute to the Judges of the entire Eight District Court of Appeals.

In a word, we at the law school are very grateful to Tom Scanlon. Being the object of a Tom Scanlon passion has been good for all of us. Something like an Irish blessing, you might say. LFM

More on the Best Law Students in the World 2006-2007 Pro Bono Program: A Sampling

Cleveland-Marshall College of Law students, under the guidance of Professor **Pamela Daiker-Middaugh '88**, Director of the law school's Pro Bono Program, volunteered over 10,000 hours of community service to individuals and organizations throughout Northeast Ohio. Projects listed below do not include many other Pro Bono Program initiatives.

The 3Rs (Rights, Responsibilities and Realities)

Program is a partnership between the Cleveland Bar Association and the Cleveland Municipal School District that enlists volunteer lawyers, law students and law faculty to teach the American Constitution, improve passage rates on the state-mandated Ohio Graduation Test, provide practical career counseling, and encourage minorities to seek careers in law. This year, over 70 law students, faculty and staff formed a portion of the 700 volunteers who taught tenth grade government classes in every high school in Cleveland and East Cleveland.

The Legal Aid Society of Cleveland Volunteer Program

—Forty Cleveland-Marshall law students volunteered at the Legal Aid Society of Cleveland to help provide pro bono legal services to low-income people in Northeast Ohio. Law students participated in Saturday Free Advice and Referral Clinics in city neighborhoods, developed community legal education workshops, and assisted volunteer lawyers who are working on cases referred by Legal Aid and other legal service providers.

The Homeless Legal Assistance Program — Our students worked with volunteer lawyers through the Homeless Legal Assistance Program and staff at the Northeast Ohio Coalition for the Homeless to provide pro bono legal assistance to homeless men and women in our community. Volunteers provided a variety of services, including conducting intake during weekly legal advice workshops at homeless shelters and assisting with legal research for volunteer lawyers providing direct representation in free legal cases.

The Driver License Reinstatement Project — Over 350,000 residents of Cuyahoga County are driving under suspended licenses. Most of these drivers are poor and unemployed and, in many cases, unsure what is needed to have their licenses reinstated. Working with a cadre of volunteer lawyers and judges, law students interviewed clients in Northeast Ohio to determine why their licenses were suspended. Then students assisted the lawyers in researching their clients' cases, and, when necessary, accompanied their clients to court as they worked toward license reinstatement.

The IRS-Certified Volunteer Tax Preparer Project

—Cleveland-Marshall students worked with the Cuyahoga Earned Income Tax Coalition at area tax sites — including Cleveland-Marshall College of Law — to provide free tax preparation for low-wage taxpayers. This year, 50 law students, together with other law school volunteers, helped over 3,200 citizens receive \$4.6 million in refunds across Northeast Ohio.

After receiving his B.S. from The Ohio State University, **Robert I. Chernett** graduated *cum laude* from Cleveland-Marshall in 1972. Mr. Chernett is a partner in the Cleveland firm of Chernett Wasserman Yarger & Pasternak, where he focuses his practice on litigation and/or transactional matters regarding real estate throughout the United States; private and public mechanics' liens; construction and business litigation; foreclosure; commercial tax complaints; and landlord/tenant disputes. His clients include commercial banks, owners and developers of commercial projects in Florida, Pennsylvania, Ohio and Massachusetts, franchise holders of international hotels and restaurants; owners and developers of shopping centers, industrial office buildings, housing projects and hotels. In addition Mr. Chernett is local counsel for out-of-state law firms for real estate matters within the State of Ohio.

He is a member of the Ohio State Bar Association, the Cuyahoga County Bar Association, the Cleveland Bar Association, the Ohio Trial Lawyers Association, and the Association of Trial Lawyers of America.



Lynda L. Kovach earned her B.S. from the College of Steubenville, her M.E.D. at Cleveland State University and graduated *summa cum laude* from the Cleveland-Marshall College of Law in 2001. She spent several years working as a judicial law clerk for the Honorable Dan A. Polster of the United States District Court for the Northern District of Ohio. Ms. Kovach is currently an associate with the Cleveland firm of Kaman & Cusimano, where her practice is focused on association opera-

tions, document interpretation, amendment drafts to the governing documents, and employee issues. She is a member of the Community Associations Institute, and the Cuyahoga County and Cleveland Bar Associations.

F. Ronald O'Keefe graduated *cum laude* from Cleveland-Marshall in 1977; he was an Editor of the *Cleveland State Law Review*. He was admitted to the Ohio bar in 1977, the U.S. District Court, Northern District of Ohio in 1978 and the U.S. Supreme Court in 2002. After several years in private practice as a corporate, securities and banking lawyer, Mr. O'Keefe served for three years as General Counsel for Broadview Financial Corporation. He joined Hahn Loeser + Parks LLP in 1989 and became a partner in 1992. He served as Co-Chair of the firm's Business Practice Area from 1997 through 2005, and continues to serve as Chair of the firm's Corporate and Securities practice. Mr. O'Keefe has been a member of the firm's Board of Directors since 2001. His areas of practice are corporate and securities, financial services and banking and mergers and acquisitions. He was named an "Ohio Super Lawyer" in Mergers and Acquisitions and has been listed in *Best Lawyers in America* in Corporate and Securities law. He is a member of the American Bar Association, the Ohio State Bar Association, the Cleveland Bar Association and the Society of Corporate Secretaries and Governance Professionals.



In October 2006, **P. Kelly Tompkins '81** was elected executive vice president, chief administrative officer at RPM International, Inc.,

where he is responsible for its worldwide legal, regulatory and government affairs, along with the finance, accounting, tax, treasury, internal audit and risk management functions. Mr. Tompkins had been the firm's senior vice president, general counsel and secretary since October 2002. Mr. Tompkins was also RPM's vice president, general counsel and secretary since June 1998. Prior to joining RPM in 1996 as assistant general counsel, he held various positions with Reliance Electric Company, including senior corporate counsel, director of corporate development, director of investor and public relations and product marketing manager. He was a litigation attorney with Exxon Corporation from 1985 to 1987 in Texas. He began his career as a corporate attorney with Reliance Electric in 1981.

Mr. Tompkins is actively engaged in civic affairs, having most recently served as the 95th president of the Cleveland Bar Association. He has been a trustee of the Cleveland Bar Foundation and served for three years as Chair of the law school's Visiting Committee. Mr. Tompkins is a past recipient of CSU's George B. Davis Award for distinguished service and received an industry achievement award in October 2003 from the National Paint & Coatings Association, where he chaired the Corporate Counsel Advisory Group. Mr. Tompkins delivered the 107th Commencement address to the law school's 2005 graduating class. He also serves on the Board of the YWCA of Greater Cleveland and has been appointed by the Board of Trustees of Cleveland State University to serve on the Board's External Engagement Committee. He is a member of several other professional associations and is a frequent speaker and panelist on various legal and business-related topics.

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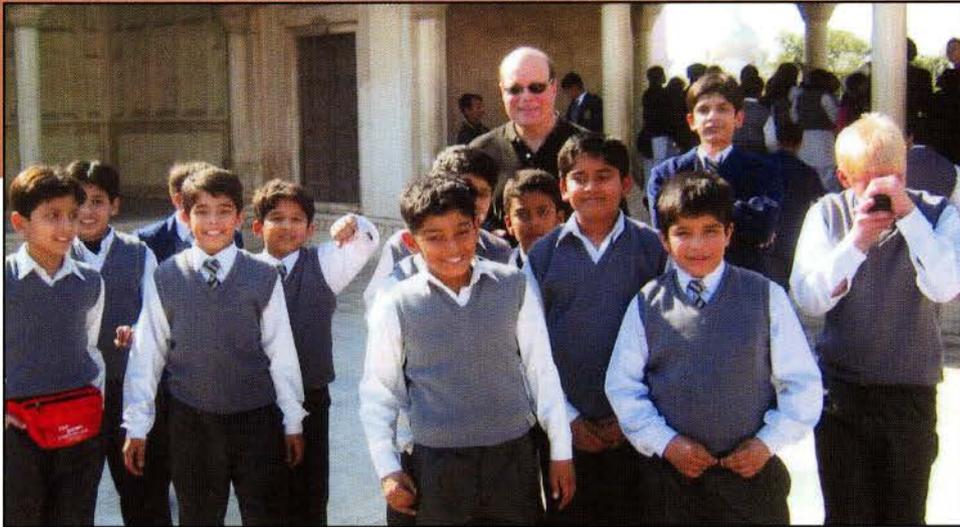
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A LAWYER IN LAHORE



By Terry H. Gilbert '73, Friedman & Gilbert

When the invitation arrived to speak at a forensic DNA conference in Lahore, Pakistan, my first reaction was to politely decline. There was no way I was going to that part of the world and risk an abduction or worse. An American lawyer in an Islamic country, caught between two major conflicts—Afghanistan on one side, and India on the other—surely would be fair game for an extremist faction seeking retribution. On the other hand, advancing age had not quenched my thirst for travel cultivated in the late 60s and 70s, when backpacking in a strange third world country was second nature. So, against the protestations of my mother-in-law, I accepted the challenge. “Don’t worry,” I told her. “I will be in the hands of distinguished academics, hosted in an exclusive guest house secured with guards armed with AK47s. And I will have a personal driver to chauffeur me around.”

The brochure announced “Programme of a Mini-Workshop on DNA for Justice,” sponsored by the Centre for Excellence in Molecular Biology of the University of the Punjab. My connection was Dr. Mohammad Tahir, the DNA expert in the Sheppard wrongful imprisonment case who now runs a DNA lab in Indianapolis and serves as consultant to the Cuyahoga County Coroner’s Office. Through a grant from the National Academy of Science, he has been working with Pakistani scientists to develop a DNA program for that country. The lab in Lahore was already set up for forensic analysis, but the program needed to be sold to the law enforcement and legal community and incorporated into the criminal justice system. That’s why Lisa Borges, a prosecutor from Indianapolis, and I were there: to demonstrate how DNA is utilized in U.S. Courts.

It has taken years to incorporate DNA technology into our system. How would it be possible to accomplish such a feat in a country only independent for 60 years, run by a general who came to power

through a military coup—a country with systemic corruption on all levels, and a history of viewing Sharia, the law of Islam, as more palatable than secular legal traditions developed under British colonial rule? Add to that a culture rooted in tribal traditions and aspirations to become another modern Asian power and you have a brew of paradoxical forces.

I left Cleveland the morning of December 12 and arrived at the Islamabad airport at 2:00 a.m. on December 14. Dr. Tahir and the driver from the Centre met us and we then drove another five hours to Lahore. I was numb from little sleep, an overdose of melatonin, and a stomach ready to explode from a breakfast of airline curry.

Arriving in Lahore during the morning rush hour, one notices a blanket of fog and pollution hovering over the city. Motorcycles, taxis, rickshaws, ornamented trucks painted with gaudy colors, donkey carts and bicycles zip in and out of imaginary traffic lanes. I cover my eyes while awaiting the inevitable collision, which, luckily, we avoid. Settling into the guest house, I take note of the bilingual staff, and eventually learn that most people speak English as well as Urdu, an ancient language similar to Arabic.

I now have four days to absorb this country, and prepare to speak to 200 police chiefs, law professors, judges, lawyers—and the Chief Justice of the Pakistani Supreme Court. I think about my approach to this audience. Should I play it straight, or try to lighten them up with a little humor? I defer such questions in favor of some sightseeing.

Lahore is the center of culture in Pakistan and far from the hostilities on its western border with Afghanistan. It’s located in the Punjab region, which includes parts of India and shares many cultural similarities. When the land was partitioned into two countries in 1947, Pakistan absorbed the Muslims; India the Hindus. Thus the long-term conflict, including at least one war. But that’s another story.

The city is divided into the old walled city and the modern part, a contrast that is striking. The narrow alleys of the old city, teeming with markets, food stalls, ancient mosques, wandering sheep and old men smoking hookahs is a familiar Middle East/Asian scene. What I was not prepared for were the Sony stores, cell-phone outlets, McDonalds (McKofka), GAPs, and other signs of western commerce competing with the sounds of mullahs announcing the daily prayers.

And then there were the women wearing designer jeans, high heels, and traditional head coverings.

One night I was invited to dinner at the home of Tahir Mahmoud, the brother of former Professor **Tayyab Mahmoud**, who taught International Law at Cleveland-Marshall and who now is on the faculty of the University of Seattle Law School. Tayyab grew up in Lahore and hooked me up with his brother, a retired government employee. Tahir is an articulate, secular man who loathes the current state of affairs in Pakistan—

skeptical of the U.S. role in the region yet alarmed at the growing influence of fundamental Islam. He lives with his divorced daughter and her two-year-old son in an affluent neighborhood in a life of leisure. Tahir plays golf daily at an exclusive country club and is assisted by a staff of servants—a full-time cook, a driver, a housekeeper and a nanny for his grandchild. Not bad for a 60-year-old man on a government pension! But, as I later discovered, such a lifestyle is not uncommon in Pakistan society, where poverty co-exists with affluence, and the old caste system is still quite prevalent. For better or for worse, the reality is that many villagers see a servant's job as an escape from a difficult existence.

The morning of the seminar, I woke up with a severe head cold, an inevitable consequence of jet lag and other unknown, airborne contaminants. Dr. Tahir took me to a local pharmacy where no prescriptions are required. I felt like a kid in a candy store, buying cough syrup, Tylenol with codeine, and assorted other aids to get me through the day—all for a total of about \$2.

The Centre for Excellence in Molecular Biology is on a beautifully landscaped campus and housed in a modern building. We arrived in time for a lunch of spicy chicken Biryani—just what I needed in view of my deteriorating health. But if one does not partake, it is a sign of disrespect, so I grabbed a piece of “chapati” flat bread and began scooping up the fiery blend and pretending to enjoy it. Interesting



You can buy anything in Lahore—even a monkey!

to see dignitaries eating with their hands, but it actually makes more sense than forks, a recent but useless invention.

The seminar began with an Islamic

Lahore is the center of culture in Pakistan and far from the hostilities on its western border with Afghanistan.

prayer, along with lengthy introductions and accolades for the American lecturers who were so gracious to come from such great distance to impart their wisdom. While all this was happening, I became increasingly nervous about pulling off a power-point presentation, something I had never done before. It came together, but I decided against obligatory humor; no need to offend anyone. I spoke of how our criminal justice system works, gave a short course on reasonable doubt, the adversary system, the role of cross examination, and how to qualify or impeach an expert. I explained how prosecutors and defense lawyers present and then impeach each other's argument, how to view DNA evidence as not necessarily the last word in solving crimes, but as one more tool in the overall presentation of evidence. We spent time on lab protocols, ac-

creditation, qualifications of analysts, and the role of judges as gatekeepers.

What the audience seemed to respond to most was the use of DNA to free the innocent and those wrongfully imprisoned because of flawed eyewitness testimony and prosecutorial misconduct. The audience perked up when I spoke about the Sheppard murder case. Quite a few had lived and studied in the U.S. and knew of the TV show, “The Fugitive.” The questions were on a high order and ignited a debate over the flaws in the Pakistani justice system. I was shocked to hear that the conviction rate is less

than ten percent because of the problem of getting witnesses to show up in court for fear of reprisals. Many see DNA as a way of overcoming obstacles and achieving greater accountability. After the seminar, there were more refreshments, group photographs, requests for email addresses—all in the midst of an atmosphere of eagerness to bring about a modern, fair, and responsible legal system.

Whether that can be accomplished remains to be seen. But I was uplifted by people who seemed smart, inquisitive, and willing to put themselves on the line to fight forces of corruption and ignorance and to seek justice in the face of daunting odds in a troubled region.

The trip went fast. Before long I was back on the long flight home. Being one of a handful of Westerners on the plane, I sensed that despite our influence on the world—mostly through economic and military strength—we are but a small fraction of what makes up this planet. I was in a city of seven million people and felt almost irrelevant. The Pakistani people have lived a certain way for generations, and they will evolve and change in accordance with their own belief system. I was happy to add a tiny bit of knowledge to their evolution. But I also realized that we, as Americans, need to respect their way of life while helping such countries with our special talents and resources. But we can no longer afford to be arrogant, exploitive, and view ourselves as superior. We have already seen the consequences of that, and it's not a pretty picture. ■

Two New Associate Deans:

Phyllis L. Crocker and Patricia J. Falk



Last year Dean **Geoffrey S. Mearns** appointed Professors **Phyllis L. Crocker** and **Patricia J. Falk** Associate Deans. Professor Crocker is now Associate Dean for Academic Affairs, and Professor Falk is Associate Dean for Faculty Development and Student Achievement. Both Deans are members of the law school's criminal law faculty and both were instrumental in creating the Criminal Justice Forum speakers series, which every year brings scholars from many disciplines to speak to the campus and community on challenges confronting the criminal justice system.

Associate Dean **Phyllis Crocker** is a graduate of Yale University and Northeastern University School of Law. Following law school, she clerked for the Honorable Warren H. Fergusson of the United States Court of Appeals for the Ninth Circuit.

She wanted to be a lawyer for the best of reasons: "I wanted to be a lawyer because I wanted to work for social change." She got that chance, dramatically, from 1989 to 1994, when she was a staff attorney representing death row inmates in post-conviction appeals at a federally funded death penalty resource center in Austin, Texas. "What I found out is that society does not take seriously human vulnerabilities and weaknesses, and we choose to ignore the role that our culture plays in creating those vulnerabilities. In other words, the justice system often misplaces blame."

Phyllis began representing death-row prisoners in 1989, three years before Barry Scheck and Peter Neufeld founded the first of the numerous innocence projects now operating throughout

the country. And she worked in the state whose record for capital convictions was one of the highest in the nation and whose subsequent record for DNA exonerations has been equally startling. To gauge how well she served her challenging clients, you have only to step into her office to see the many hand-made tributes prisoners created from "found" objects for the young woman who listened to their stories and understood them in a larger, more merciful context.

She joined the Cleveland-Marshall faculty in 1994. Teaching promising students to be conscientious lawyers and public servants is also a way of making sure the law works to effect social change—of making sure that society reckons with the conditions that foster criminal behavior. And teaching in a law school with a legacy of public service such as ours turns out to be an especially appropriate setting for Phyllis.

Phyllis's scholarship is reflective of her misgivings concerning the criminal justice system. She is the author of articles such as *Not to Decide Is to Decide: The U.S. Supreme Court's Thirty-Year Struggle with One Case About Competency to Waive Death Penalty Appeals* (49 WAYNE STATE LAW REVIEW (2004)) and *Is the Death Penalty Good for Women?* (4 BUFFALO CRIMINAL LAW REVIEW (2001)). She is co-author of KATZ & GIANNELLI, *CRIMINAL LAW* (2nd Ed. 2003) and is presently at work on an article titled *Hastening Death: Comparing How Courts and Mental Health Professionals Treat the Request to Die by Death Row Inmates and Terminally Ill Persons*.

In her new job as Associate Dean, Phyllis has broad supervisory authority over our student services staff—the admissions, financial aid, career planning and records administrators—in short, the men and women who first meet our students and those who help them throughout their law school years, from their first day until graduation. In addition, she is responsible for making sure that the curriculum is inclusive and that courses are scheduled to accommodate both our

full and part-time students. She also has responsibility for hiring and supervising our adjunct faculty members. Her administrative workload is demanding, but, as she notes, "Serving as an associate dean allows me to work more closely with faculty, staff and students to create the best possible legal education for our students."

Associate Dean **Patricia Falk** earned her undergraduate degree, *summa cum laude*, from Union College in Schenectady, New York, and both her law degree with distinction and her PhD in psychology from the University of Nebraska in Lincoln. Following graduation from law school, she clerked for United States Magistrate Arthur L. Burnett, Sr., for a year and then spent the next six years in the Antitrust Division of the United States Department of Justice in San Francisco, where she was a trial attorney prosecuting major criminal bid-rigging and price-fixing cases under the Sherman Antitrust Act. She joined the faculty of the law school in 1991.

"I have wanted to be a lawyer ever since junior high school," Patti explains. "I was young and I wanted to save the world. I thought law was a good way to do it. Then, in college, I was influenced by reading psychologist Elizabeth Loftus's studies on memory and the influences that create and distort recollections, especially her work challenging the reliability of eyewitness accounts, and I thought psychology and law were compatible disciplines. Nebraska had a joint degree program in law and psychology and that's why I chose Nebraska for law school." In law school, Patti had a "fantastic" criminal law class. "It was the early 80s, and the world was changing for women: Sandra Day O'Connor had just been appointed to the Supreme Court, our teacher was the only woman on the faculty, and criminal law was generally considered a 'male practice' so I *had* to do well." Apart from feeling she had to distinguish herself as a woman, there was

a more important moral component to her growing interest in criminal law. "The more I learned, the more I understood that, especially in criminal law, the power of the state can so easily overwhelm individual rights. I was hooked." In fact, she need not have worried about doing well: She walked off with the highest grade in the class.

Psychology, especially social psychology, and law have served her well in her scholarship: Among her journal articles are *Rape by Drugs: A Statutory Overview and Proposals for Reform* (44 ARIZONA LAW REVIEW 131 (2002)); *Second Parent Adoption* (48 CLEVELAND STATE LAW REVIEW 93 (2000)), and *Novel Theories of Criminal Defense Based Upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage* (74 NORTH CAROLINA LAW REVIEW 731 (1996)). Her current research includes an article on Ohio's rape laws, which she has tentatively titled *Critique of Ohio's Rape and other Sexual Offense Statutes*.

Patti's new job involves both students and faculty, and she is well prepared for the task. The Dean has asked her to support faculty teaching and scholarship through networking, discussions, draft-reviews of work in progress and other means. On behalf of our students, she continues the work of past years: Patti has been a long-time leader in developing strategies and projects to help students master their courses and pass—on the very first try—the bar examination in Ohio and elsewhere. It is especially fitting that, in her new role as an Associate Dean, she oversees the law school's Academic Excellence Program.

Patti is comfortable with her new responsibilities. "I think of this job as a kind of public service—something I can do as a faculty member beyond my classes or regular committee assignments to strengthen our law school. I am happy to be here in this school at this time in its history and in my career." And, then, characteristically, she adds, "I hope to do well." LFM

Naples Reception:

Graduates and friends gathered at the Royal Poinciana Golf Club in Naples, Florida, in February. Special thanks to our “southern” host and hostess, Chuck & Liz Emrick!



Evelyn Moya '97, Barbara Litten '97 & Beverly Blair '85



Hosts Liz & Chuck Emrick '58



Sam Bartlo '50 and Hon. V. Paul Timko '65



Chuck Emrick '58, Jay & Barbara Swallen, Dean Geoff Mearns



Larry Russell '68 & Pat Russell



Jennifer Mearns, Ethel & Pat Moran '60, Jim Proud



Mary McKenna, Sam Bartlo '50, Geoff Mearns



Geoff Mearns, Pat Moran '60, Joe Ciulla '63 & Don Corcelli '63



Harriet & Arnold Herzog '57, Chuck Emrick '58



Don Corcelli '63, Mary Corcelli, Pat & Joe Ciulla '63

Life After Law School: Lessons Learned Living in the Far East

When I was a 2L, an interviewer asked me to describe "one life lesson" I had learned. I came up with an answer, but, the true answer was that in my lifetime I had learned I had not lived enough.

By Concetta F. Grimm '06



I decided to pursue law during my senior year of high school, and spent the next ten years of my life working toward that goal. I had built a solid resume in terms of my work and educational achievements, but I had done so without ever living outside of the eastern Cleveland suburbs. At one point, I talked with an attorney friend of mine about my lack of diversity. Her response was that there would be plenty of time to become well rounded after law school.

I truly loved law school, but was unsure if practice was for me. The summer after my second year, I had the opportunity to visit Japan with my husband, Joel Grimm. My husband's interest in the country was in place long before I met him. As I did research to prepare for our trip, I began to understand his passion for it. The three weeks we spent there were eye opening. On the way home, we met a person who was living in Japan, working as an Assistant Language Teacher (ALT) for the Japan

Exchange and Teaching (JET) Program. I researched the program and decided to apply. I was offered a position and accepted it. As a result, I had to prepare for a move to the other side of the planet while finishing my third year of law school and studying for the bar exam. I sat for the bar exam exactly one week before I departed Detroit for Tokyo. It was a whirlwind and extremely stressful. I still can't believe I passed the bar and survived.

Upon arrival, the culture shock was intense. My husband and I were placed in a rural town on a peninsula birthed by a volcano whose eruption approximately 200 years ago is still regarded as Japan's most destructive natural disaster. Likewise, its eruption 15 years ago entirely destroyed the town just north of us. There is a memorial to that eruption consisting of homes almost completely buried in mud. In addition, settling in was complicated. We were rendered almost incompetent by the language

barrier, and the simplest of matters were painstaking tasks. The frustration caused me to doubt my decision. Staying in, however, has proven very rewarding.

Strictly speaking, I am an Assistant Language Teacher recruited and overseen by the Japan Ministry of Education's JET Program. My immediate employer is the Minamishimabara City Board of Education. The city is made up of eight towns, mine being Futsu. My job duties include working in the Futsu Junior High School three days a week to assist a Japanese Teacher of English with English language instruction. I spend two days a week at two different elementary schools, working with the homeroom teachers of each grade to expose the children to English. There, I teach basic nouns and sentences through songs, scenarios, and games. The position is unique in that I get to work with all of the town's children between six and 16 years old.

Although we are technically here to teach English, my husband's presence and mine go far beyond language instruction. One of the major goals of the program is "grassroots internationalization." Although the large cities in Japan are international, the rural outskirts are not. During the past eight years that Futsu has had ALTs, we are the first Americans and the first married couple to live here in that role. As a result, we stir up much curiosity. We have nowhere to hide; I am often told by fellow teachers that they saw my husband or me (or both of us) riding our bikes to such and such a place, shopping at the grocery store, taking out our rubbish, or hanging our laundry out to dry. My students are truly interested in everything that I do.

As a result, this experience is one of cultural exchange. In December, my husband and I taught a Christmas lesson. He surprised the children by coming in halfway through the class dressed as Santa Clause (known as *Santa-san* here in Japan). The children and teachers loved it. At the same school, I am involved in a "culture club" with fourth and fifth grade girls; there are only girls because the after school activi-

ties are divided by gender. During the first meeting, the students determined the activities of future meetings. They wanted a lesson on cooking American food. I was a bit nervous about this, since it had to be something that could be completed, from preparation to clean up, in 45 minutes. Finally, I decided on the all-American Rice Krispie treat. The only problem was that the cereal is difficult to come by in the outskirts of Japan. Thankfully, some thoughtful family members sent it on time from



Rice Krispies treat time

the States. The box of American cereal fascinated the students, and the teachers jokingly referred to its largeness as "American sized." Everyone had a great time, and the students still talk about that meeting.

Outside of school, we've made many Japanese friends. Their patience and generosity are astounding. Although we are working diligently to learn Japanese, we have not yet completely mastered it. Yet, many people here invite us into their homes and take us sightseeing around the peninsula. They try their best to meet us halfway with English. In fact, a family that lives near us has taken us in; they invite us to attend their children's school events and call to check on our wellbeing if they haven't heard from us in more than a week. We spent our first "*oshogatsu*," the three-day New Year holiday, with them and their extended family. They have already asked us if their children can come stay with us when we return to the States. We have known them for only six months, yet they treat us as if they have known us forever.

Though I initially had doubts and en-

dured criticism for "throwing away my career" to embark on this journey, I have no regrets. I miss the law, but I am enjoying the present and learning many things. I am becoming an open-minded and flexible person, and am experiencing Japan in a way that big-city life could never provide. Further, I see many opportunities to segue back into the law when that time comes. There are a few LLM programs in Japan that are taught in English, and opportunities for research abound. For example, the Japan Ministry of Justice is currently re-designing the criminal justice system. Set to begin in 2009, it will change from a judge-only system to one that incorporates the citizenry as lay judges chosen by lot. It is certainly an interesting time to be in Japan, and the prospect of studying law here is an exciting one.

Presently, however, I am expanding my education by completing a language course offered through the JET Program. I also plan to sit for the Japanese Language Proficiency Test in December 2007. I find the Japanese language challenging and fascinating. Currently, I am able to read and write the *hiragana* and *katakana* syllabary systems, as well as some *kanji* characters. It is very satisfying to be able to make some sense of a language that was completely foreign and incredibly daunting only six months ago. Each day presents new challenges, victories, and chances to learn and grow. I practice Japanese *Taiko* drumming once a week, and often sit in on calligraphy classes with my students. I teach English conversation one Saturday a month at my local Board of Education, and have been recruited to teach English to a three-year-old child in my town. I also participate in a reading club with local children and read traditional Japanese stories to them, in both English and Japanese. At times, it feels surreal that I am here. I have fond memories of my law school days and plan to practice in the near future. But for now, I am enjoying my current journey and expanding my horizons in ways I never imagined; I can say with confidence that I am learning many life lessons. ■

Sheila Wright's Multi-Generational Legacy



"But what of black women? . . . I most sincerely doubt if any other race of women could have brought its fineness up through so devilish a fire."

W.E.B. DuBois (1868-1963)

Sheila Wright's mother was 17 when Sheila was born; Sheila was 17 when her first daughter was born and 22 when her second daughter was born. For a long time, Sheila did not have dreams for herself—only dreams for her daughters: dreams of making a new life for them, of finding a school that would be like a parent to them, and, above all, dreams of sending her two girls to college. Today, her younger daughter is a tenth-grader at Laurel School and her older daughter, a Laurel alumna, is a student with a full scholarship at Hampton College, an historically black college in Virginia. And Sheila? Today, she is a *cum laude* graduate of Cleveland State University; in May of 2008, she will be a graduate of Cleveland-Marshall College of Law.

Where did Sheila find her own dreams?

Tales from the Village

She found her own dreams in her village. According to Sheila, everyone has a village, that place of support and encouragement that either you are born into or you seek and find on your own. Sheila's village is inhabited almost entirely by women, and its cornerstone is her own mother, Colleen Wright. "My mother gave me a great gift. She introduced me to books, and she made me read the way she made me take vitamins or the way she sent me to church. She prescribed them as if they were life-giving, and they were."

Her daughters are in the village too, the young girls she also made read, whom she pushed and prodded and took from school district to school district—from parochial school to Berea to Cleveland Heights and ultimately to Shaker Heights—until she found the school that saw in them the abundant promise their mother and grandmother had seen. And, as Sheila expresses it, "I talked college, college, college." Then one day, "My older daughter looked at me and said, 'You always talk to us about going to college. Why aren't you in college?' I realized that if I wanted my daughters to reach for the stars, I had to reach for the moon. I earned my GED when I was 25 in 1995; then I enrolled at Cuyahoga Community College." Two years later she was at CSU, a Presidential Scholar, working part time and

“My older daughter looked at me and said, ‘You always talk to us about going to college. Why aren’t you in college?’ I realized that if I wanted my daughters to reach for the stars, I had to reach for the moon.”

attending school part time with a major in Black Studies. “Sometimes I worked two and three jobs. It was a hard time. Little things—like I didn’t have a computer. I had to drag the girls downtown on the bus after they finished school, so I could use the computers at Tri-C and CSU.” Sheila graduated from CSU in 2002.

“I had it in my mind that I would like to go to law school, but I had already been in school so long; my girls were growing up and it had been hard on my family. So I went back and forth.” And then the doors of the village swung open, and in came a new resident, **Peggy McNally**, former Cleveland-Marshall Assistant Dean of Admissions, who told Sheila reassuringly, compellingly: “You’ll be fine. You can do it. Just do it. Right now!” And she did. “If it hadn’t been for Dean McNally, I might still be pondering the question, pondering my future. She’s really the reason I’m here now.”

Sheila’s village is a place of many mothers. As she explains, “I found women I admired and forced them into my life”:

Dr. Ellen Rome, for instance, a specialist in adolescent medicine and member of the faculty in the Division of Adolescent Health at the Case Western Reserve University, attorney and close friend Vanessa Whiting, and City of Cleveland Councilwoman Nina Turner. There are men in her village too: former Cuyahoga County Prosecutor Anthony Jordan, for whom she clerked in the domestic violence unit, Assistant U.S. Attorney Marlon Primes, and Tucker Ellis West attorney Sanford Watson. They, and many others, have been involved in making her the formidable young woman she is today—in helping her re-imagine herself as an accomplished and productive member of a very large community.

The Atticus Finch Factor

“Law has sharpened me intellectually. It’s helped me see issues from many perspectives. It has helped me locate a common human thread in others’ lives, and I think that will make me a better lawyer,” says Sheila. “But I haven’t lost those romantic notions about fighting injustice. I believe you can be a gracious lawyer without sacrificing intellect, that you can communicate to your clients that they count.”

Right now, there are 40 teenage mothers who are learning they count, and the person who is telling them is Sheila Wright. She is working in a City of Cleveland-sponsored program, MomsFirst, in which she teaches basic health care and parenting skills; however, the greatest lesson she teaches these young, often inexperienced, often confused mothers is the lesson of what she is and has become. It is a value-laden lesson of breaking molds and defeating the statistics of teenage pregnancy and mothering. And, as with her own children, on the subject of education, she is doggedly persistent. “I want them to take another look at life and at themselves, to think past high school to college. I speak to them of potential, of stopping cycles, of the legacies they want to leave their own children.”

Expanding the Talented Tenth

African American scholar, political writer, and sociologist W.E.B. DuBois advocated cultivating and educating the “Talented Tenth” of his race, a group of exceptional men “who through their knowledge of modern culture could guide the American Negro into a higher civilization.” Though Sheila is a great admirer of Dr. Dubois, she believes his “one tenth” asks far too little of her people. For one thing, his tenth ignores half of humankind: women. In response, Sheila has created and named a blog, “Expanding the Tenth,” in which she speaks not just to the other 90 percent of Dr. DuBois’s black male population but to the entire world—male, female, black, white, and especially to the young.

Her voice throughout the blog is unmistakable: the voice of a mother, a teacher, your best aunt, your favorite grandmother—urging and cajoling young people, selling them on their world and on their own potential. And always there is the prolonged cheerleading for education, the lore of the village, the belongingness of each of her young readers and the reminder that each of them is the creator of a legacy.

About Those Legacies

In general, when we speak of legacies, we think of a gift that an older generation hands down to a younger one. In Sheila’s case, her legacy has reached forward to her children’s generation and back to her mother’s. Last year, Colleen Wright, the village’s cornerstone, followed in her daughter’s footsteps and enrolled in Cuyahoga Community College. That Sheila is just an all round good example!

Or, as Dr. Dubois observed, even the most devilish fires can’t touch the fineness of a good woman. We look forward to seeing how far Sheila’s journey into law will take her. At least to the moon. We know that. **LFM**

What I Did Last Summer: A Few Thoughts on Getting Tenure



By Christopher L. Sagers
Associate Professor of Law

I believe that the Communications Coordinator of the Cleveland-Marshall College of Law is a remarkable person. Though she is a force behind *LAW NOTES*, a writer and poet, an advocate (“a woman’s place,” she told me, “is in her union”), and wit, her presence in *LAW NOTES* is explicitly visible only in the occasional attribution “LFM.” But I believe the very soul of our uncommonly good alumni magazine is in its uncommon editor. I very honestly read every issue, and not only to see my own name in lights or because Louise and her twin sister share a birthday with my one-year-old. So when Ms. Mooney asked me to contribute something to *LAW NOTES*, I could not say no.

The problem was that she asked me to give my reflections on my recent award of tenure, and worse yet that she hoped they would be “humorous.” Now, this could be my insecure inner Iowan talking, but I feared that few *LAW NOTES* readers would be exactly electrified to learn about the banal administrivia that makes up much of a law professor’s daily life (e.g., the process of getting tenure). Also, from my perspective, the actual experience of pursuing tenure was almost precisely as humorous as the typical colonoscopy. Admittedly, there is a humor surrounding the institution of tenure. I have never met an untenured person who was not freaked out by it, no matter how good that person’s chances were. That sort of thing breeds a certain humor for the same reason that nervous, shoosh-ified jokes during funeral par-

lor visitations are extremely funny. (For example, my wife told me she came *this* close to ordering a cake to celebrate my tenure that would say “Fire Me Now, *Biyatch*.”) But that kind of humor is only the jittery, mutually supportive commiseration of the untenured. I suppose there is also a darker humor shared behind the closed doors of the tenured, about their junior colleagues’ futures. But the experience of the process itself is not very funny. It is lonely.

There was a different reason this seemed like a hard assignment. Though I think it is not likely to be mentioned in *LAW NOTES* very often, we graduates of law schools all understand the unfortunate and sometimes not very friendly cultural divide between the profession and the academy that enjoys a monopoly

on training it. I suspect this may have something to do with the institution of tenure, and I feared that writing about it would focus on me the profession’s frustrations with the academy. It may very well be that we in the ivory tower have preserved a system that is too detached from real legal institutions, and it may be that we have failed in many ways to prepare students for real practice. With the luxury of tenure we are very admittedly removed from the pressures that might make us pay more heed to these real world complaints. I will have more to say about that below.

But the thing is, even if tenure is not really all that *funny*, and even if it courts some controversy, it turns out that it is nevertheless *really* interesting.

With what I expect will eventually be an immense sense of relief once it actually sinks in, the Board of Trustees of Cleveland State University earlier this year approved my tenure as an Associate Professor within the law school. Thus ended what really was a process that began probably 12 or 14 years ago, when as a law student with a lot to learn I first thought about an academic future, and when I first got on the basically thankless treadmill that is the effort to get a teaching job. The treadmill starts during your own law school years, when you start trying to publish your first piece or trying to land a judicial clerkship, and when you start talking to sympathetic faculty about what you’re supposed to do to get into teaching. For me the bureaucratic part of the process began in about 1999, the year of my first attempt to get through the complex, opaque and

basically pretty icky system through which almost all law professors are hired. The system is an extremely competitive one, culminating every year in a conference known without affection as the "meat market." The conference always takes place in the same gargantuan Washington, D.C., hotel, and for about three days turns it into a seething, dark cave of awkwardness, anxiety and sidelong silent recrimination. Several of the participants each year will have written one or more *books* by the time they get there, and there also will be quite a few Supreme Court clerks, persons with Ph.D.s in cognate disciplines as well as their J.D.s, and *hundreds* of people who have managed to publish one or several law journal articles since graduation from law school. Virtually all of them do these things while also working full-time in law jobs, and occasionally a few of them will combine most or all of these traits in one package. There also happen to be perennially too few jobs available for those who show up to find them. So the meat market ends in failure for most applicants every year, as it did for me two years in a row.

But, fortunately, getting the job turns out to be one of the few genuinely negative parts about it. It turns out that teaching law is simply the best job in the world, and the really good part is definitely not the getting of tenure in itself. The good part starts almost as soon as you start teaching (though in the beginning it can be an amount of work that is just shy of apocalyptic), years before you first meet your own dark self-doubts about losing your job. I will have quite a bit more to say about this, too.

Formally, the grant of tenure at Cleveland-Marshall doesn't require that much, and it doesn't require that much at most law schools. Cleveland-Marshall requires one to teach here for five years, to demonstrate skill as a teacher and commitment to internal "citizenship" within the school, and to produce a certain stated minimum of scholarship. I expect that meeting those objective standards will rarely be the problem for any law professor who is denied tenure, here or elsewhere. The problem will come either from the law professors from other schools who are asked to review the candidate's published work, or from the personal opinions of the candidate held by the tenured faculty (the granting of tenure is first voted upon by all of the candidate's tenured colleagues, and then goes through a few stages of review by the central university administration and the university's overseeing board). Academic bureaucracies are notoriously slow, so the formal process by which tenure is granted takes a *long* time—literally about one calendar year. Anyway, that year pretty much is where the process becomes a lonely one, and can involve certain cold realities also familiar to those who've served in a law firm of any size. It is inevitably a matter of frank criticism among persons who will remain intimate colleagues indefinitely; though Cleveland-Marshall has not denied tenure in many years, *everyone* who goes up for tenure appears to receive at least one negative vote and will never know who the no-voters were.

But, to be honest, none of that seemed to me like what

was actually interesting about tenure. Two things seemed much more interesting: What is it about teaching that makes it such a rewarding job, if it isn't the fact that you more or less can count on not being fired, and why, if the job is great aside from the job security, we have tenure at all.

The reason this is the greatest job in the world is not because it is easy work. I was amused by a recent Internet screed entitled "Law School: The Big Lie," posted anonymously by a disgruntled Arizona State University law graduate. Among many other gripes, he said this:

"Law professors earn six figures and only have to work six hours a week. And they get summers off too. How much better can it get? . . . The only time that law professors have to do any real work is when they grade exams. And law school exams are only given once at the end of the semester. So we are talking about two weeks of real work at the end of each semester."

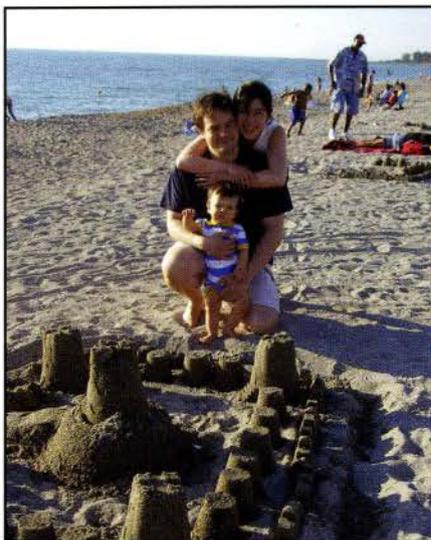
This, I thought, was simply priceless, as I now work harder than I can ever remember working any time since law school. To be sure, it would be possible for a law professor to develop a pretty easy life, if he or she had taught the same classes every year for quite a while, wrote no scholarship, and did no outside consulting or public service work. But that describes almost none of us, at C-M or elsewhere, and indeed most of us seem more or less personally consumed with publication and teaching. Admittedly, law teachers enjoy a few truly exceptional institutional advantages. I run basically my own little fiefdom at the school, as I don't really have a boss; I don't have much of a schedule, I don't have any clients, and instead of co-workers I have the much preferable alternative body of *colleagues*. And let us not forget the summers (I once had a job interview with a senior and gray-haired law professor who said to me, "Chris, I am now going to tell you the three most important things about law teaching"; after I had prepared myself for some truly sage confidence, he said: "June, July and August"), though a real surprise in teaching is how fast the summers go and how much you need them to rest up for another year of classes. But the point is, no one would be well advised to choose law teaching to reduce their work load.

The reason this is the best job is also definitely not the lavish pay, because there isn't any. (I believe the majority of law profs, by the way, do not earn six figures, including me.) I took an honest-to-goodness 50 percent pay cut when I first took this job, and even the best-paid, most senior law profs mostly earn less than first-year associates now make at many large firms.

But still there is something, and again it is not tenure. To some large extent it is the teaching itself; nothing in prior life compares with the experience of teaching students. As an identity, I can't imagine what else would fill me with the pride and satisfaction of my identity as "teacher," with which I would feel comfortable as the inscription on my grave.

Each year the fall semester welcomes the warm, returning familiarity of our buzzing law school atrium, and I look out at

the eager young faces I do not yet know—the new 1Ls and the returning students I haven't met yet—with a peculiar satisfaction. Most of them don't even know I work here (they seem to think I look too young to be a professor, and I wear a suit only rarely and under protest), much less that I will get to know most or all of them personally sooner or later, as their teacher and sometimes as their confidant and advisor. The beginning of each new class each semester is like meeting the cast of a new season of MTV's *The Real World*; there might be the Smart Aleck, the Valley Boy, any number of Book Worms, Gunners, or the Quiet Ones, the young man who begins with long hair and a goatee and slowly morphs into an Alex P. Keaton (that was me back in the day), or what have you. That is fun in its own way, but what is rewarding is to watch those reductive objectifications wear off, as each student's real personality and potential break through and prove to be so different from first impressions. An ultimate reward is knowing long before they will even realize it that their years in our classes will be some of the most significant years of growth and identification of their lives. I also love the students' ignorance of just how much I can see from behind the podium, not only about what they are actually doing and saying during class time,¹ but in the larger sense, about who they are as people. I have now taught upwards of 1,000 students in my classes, and I am continually surprised by how clearly I remember their names and details. Those students are *much* more surprised than I when they realize it too. In a way I even love the naive ingratitude of students like the anonymous Internet poster from Arizona State, since I can hope that with time and more mature reflection it will be replaced. This is like the way parents can love their children for not yet knowing that life isn't fair for *anybody*. In the end, I believe I can honestly point to only one or a few out of all those hundreds and hundreds of students about whom I can't find something to admire and value, and I feel bad about even those few.



Chris, Annie Wu and their son, Jonah

Another aspect of the humane mission of teaching students is sometimes manifested in behaviors we can indulge here that would be out of line in other lawyerly work settings. I deliberately never wear a suit to work unless I have to, and the large window on my office that faces into the hallway is littered with cartoons, fortune cookie fortunes, my own self-consciously politicized palaver and absurd and silly things I've cut out of the paper. A similar purpose is served by the fact that I have never posted the "Safe Space" sticker on my office, which would indicate that I am part of a campus program for faculty sympathetic to the problems of gay and lesbian students. I am *definitely* that and I have always worried that not having the sticker would give GLBT students the wrong idea. The problem is that having the sticker might turn away conservative or religious students; I am not afraid of offending them personally, but of giving them a frightening misperception. I am afraid they will think that a left-leaning professor (which is what students think every one of us is) actually dislikes

those who disagree, and that I am not safe for *them*. These things reflect the terrible psychological power that can be abused from the teacher's position and the satisfaction of behaving in ways that convince students they are safe with you in spite of it. Law students are predominantly fresh and untried young people whose hopes can seem very fragile.

But in a way, everything I have said really just begs the question of the existence of that thing about which Ms. Mooney asked me to write. It begs the question why we need tenure. I won't dwell on the common defense of academic freedom, as from my mouth at this time I think it would be self-indulgent and pedantic (though times like these show the value of even clumsy and imperfect institutions to preserve freedom for dissent). I think there are other reasons that tenure and the open dialogue it fosters are really important.

One critical freedom is the luxury of extended self-reflection. Some readers will recall the several years of self-conscious navel gazing touched off by an infamous 1992 MICHIGAN LAW REVIEW article by Judge Harry Edwards of the D.C. Circuit that attacked the academy for its "low regard for the practice of law" and for its focus on theoretical abstraction, which he said had "produced profound and untoward side effects." Another such round may get started by a recent symposium on the value of legal scholarship at the Cardozo Law School. There Second Circuit Judge Sonia Sotomayor accused law professors of believing "that judges are not as capable of creative thought as [they] are . . ." She ended with this: "My question to academics [is,] do you really think you're serving some function to someone?" On the one hand, this sort of thing is aggravating personally. In the history of academic publishing, no one has ever convened a conference

¹ No one in the back row ever appreciates just how clearly they can be seen talking, laughing, or occasionally sleeping. I once had a little fun during class time at the expense of a student whom I saw sleeping in class, though I didn't identify her by name. That evening, I swear to god, I got not one, not two, but three separate emails, from different students, saying roughly the following: "omigod prof. s . . . i'm *so* sorry i was sleeping in ur class."

at which eminent personages consider whether the *AMERICAN SOCIOLOGICAL REVIEW* or the *JOURNAL OF AMERICAN HISTORY* deserves to exist on the basis of their usefulness to government officials. No one very often argues that universities should disband their fine arts programs because they are of no service to public policy. An academy of thinkers about law could develop a critical or social scientific perspective on legal phenomena that

has its own intrinsic value, even if they don't continue producing the long, dry doctrinal memoranda that once were legal scholarship, and that went almost completely unread by anyone. But on the other hand, it seems incumbent on the academy always to question itself, and also to bear with respect the criticism of third-party observers. The price of freedom, after all, is responsibility. Tenure makes this reflection possible. It would be awkward seriously to question whether your job is worthwhile if you also had to defend its continued existence at taxpayer expense.

In a way, the very existence of tenure raises the same question that Edwards and Sotomayor asked. The problem underlying tenure is the problem of scholarship, and it is also the only real answer to the question I asked before—why we need tenure in the first place. Indeed, if it weren't for scholarship, law teaching probably would be a comparatively easy job, and the complexion of legal education would probably change a lot. So if the price of freedom is responsibility, then the price of tenure is to question the purpose of legal scholarship.

If you asked me, there is a *lot* wrong with legal scholarship as it has existed, and it doesn't seem like anyone actually disagrees. Even as we churn out paper after paper in the traditional mold, one often senses in the academy itself a feeling that we are secretly only playing out a game without much evidence it is worth playing. Much of what is wrong is imposed by the frankly absurd institution



The future Professor at his law school graduation from the University of Michigan

of student-edited journals, which must bear some of the blame for the great length of the articles and the huge amount of introductory explanatory material each of them begins with, and which should probably be dramatically overhauled or disbanded. But the blame for it is not with the students, who perform their one or two years of journal service in innocence. The blame is solely with the academy. We've all been talking about doing away with student journals for decades and we haven't done it.

But we also simply don't know quite what we are supposed to be doing just yet. We remain in a state like that of political science at the turn of the 20th century. Until then political scientists wrote almost exclusively about very abstract, metaphysical questions, like how the scope of "government" should be defined. The pursuit came to seem pretty hollow, as nothing ever seemed to get proven, nothing about it seemed especially scientific, and pretty much nobody ever read what was written. Through a process of careful self-reflection about purpose and methodology the discipline changed itself into something quite different, and while the discipline may still have its critics, no one seems to think it was really better in its earlier form.

In fact, in the legal academy, too, waves of methodological debate have come and gone, over and over, and they have done so at least since the early 20th century. We happen to be in one such wave right now, though many legal aca-

demics don't seem to know it. There is a movement afoot to make legal research "empirical," and there has also been a large surge of interest in norms and institutions and other non-"legal" phenomena that have traditionally been the concern of sociologists. Admittedly, for some reason our discipline has never quite made the divorce from scholastic metaphysics that the other human sciences did 100 years ago. So these recurrent waves of

self examination may be cyclical and ultimately unavailing. But I would still like to believe they have been at least dialectical, especially now that there are plenty of people in the academy paying attention to the whole history of the debate and all that's been said before. (A great example is our next annual Baker-Hostetler Visiting Scholar, who will be with us this fall. Brian Tamanaha is not yet a brand-name law professor, but I expect he will be, for his work in importing insights from the sociology and anthropology of law. Though borrowings from the social sciences have been made before in the familiar "law &" movements, Tamanaha's work has been in the much deeper philosophical and methodological problems associated with making some genuinely new social science of law.)

In short, I think one of the best explanations for tenure at this point in time, and the main thought that came to mind when Louise asked me to write this, is not that legal scholarship is so valuable that it must be protected from the judges, university budget officials, and others who may not like it. It is that it remains so bad—so immature and inchoate—that there should be freedom for those within the academy who want to change it. I think there is promise in the present self-conscious moment, even if it turns out to be only one more in a series of waves. I think it will be very exciting to be part of what comes next, and I think it is absolutely wonderful that we can each be a part of it even if it is different from what others have done before. ■

Did You Know...

That Professor **Michael Davis** & Five Trademark, Patent, and Copyright Students Protested a Beverage Manufacturer's Attempt to Trademark COCAINE as the Name of a Soft Drink?

Americans spend \$58 billion a year on soft drinks, and since most soft drinks are simply sugar, soda water and artificial flavorings—barely distinguishable one from another—competition among manufacturers is brutal. But a soft drink named “Cocaine?” That nasty white powder that reduces human beings to drooling bipeds? That people rob and kill for?

Cocaine is indeed the name that Redux Beverages, a Las Vegas company, chose to call its new “high-energy” potion and sought to have trademarked as its exclusive own.

By September, MySpace and other

Internet sites were promoting Cocaine as a legal alternative to the illegal drug, and bottles of the new drink were already being sold in convenience stores in California and New York. Then, in October, the United States Patent and Trademark Office published “cocaine” as the new soft drink’s trademark. Publication brought Redux one step closer to registering “cocaine” as a federally protected trademark. And it brought five Cleveland-Marshall students in Professor Michael Davis’s Trademark, Patent and Copyright class out of the classroom and into the glare of national publicity when they lodged a complaint with the PTO opposing the trademark.

The students, **Matthew Delaney**, **Jessica Fajfar**, **Angela Simmons**, **Irina Vinogradsky**, and **Mike Wendolowski** are members of the Progressive Intellectual Property Law Association. They filed the action on behalf of PIPLA and Americans for Drug-Free Youth Inc, a national anti-drug organization, against James T. Kirby, owner of Redux Beverages.

The students argued that the trademark violates federal law and the PTO’s own rules, which forbid “immoral” or “scandalous” trademarks.

Professor Davis, a leading expert in trademark, patent, copyright and intellectual property law, described the project: “The students did the legal and factual research, much of the client contact, and drafted the various documents.

“Apart from the legal issues,” Professor Davis continues, “there is the hypocrisy that an arm of the federal government, which so fiercely and self-righteously opposes drugs and spends millions of dollars each year fighting drug traffic,

should so cavalierly grant federal trademark protection to the name of a drink that equates high energy with getting high and that is falsely promoted to young people as a ‘legal’ cocaine product.”

Immediately after the students filed their opposition, reporters from the local TV and print media came in search of the cocaine-opposition. And, before the month’s end, media across the country—from Cleveland to Law Vegas to the venerable *NEW YORK TIMES*—were telling the David-and-Goliath story of the five Cleveland-Marshall law students and their professor who struck a blow against a cynical corporate enterprise and took on a department of the government of the United States.

As Professor Davis noted, with pride, “Unlike this faux cocaine beverage, you might call this student project ‘the real thing,’ which in itself is a federally protected trademark.” **LFM**



L to R: Michael Wendolowski, Irina Vinogradsky, Professor Davis, Angela Simmons, Matthew Delaney

Cleveland-Marshall Student Angelin Chang Wins Grammy Award: Student Honored for Classical Music

By Daniel Kelly '08

Reprinted with permission from THE GAVEL, MARCH 2007

On February 12, 2007, Cleveland-Marshall College of Law student **Angelin Chang** picked up an unusual honor for a prospective lawyer: a Grammy Award.

The award for her performance of the virtuoso solo part in French composer Olivier Messiaen's 1955 masterwork *Oiseaux Exotique* or "Exotic Birds" came against tough competition. Some of the premiere players in classical music, such as the Gewandhaus Orchestra of Leipzig and pianist Leif Ove Andnes, were nominated in the same category.

Though Dr. Chang is the first Cleveland-



Marshall law student to win a Grammy, she is not the first to be nominated for a Grammy. Musician and composer **Mark E. Avsec '94**, Benesch Friedlander & Aronoff partner, has been nominated twice for Grammys and has won an American Music Award.

Dr. Chang is head of keyboard studies and a professor of piano at Cleveland State University, where she established New Trends in Piano: A Practical Seminar for Performing Musicians, Teachers and Students. She plans to use her legal credentials to help other musicians.

Did You Know...

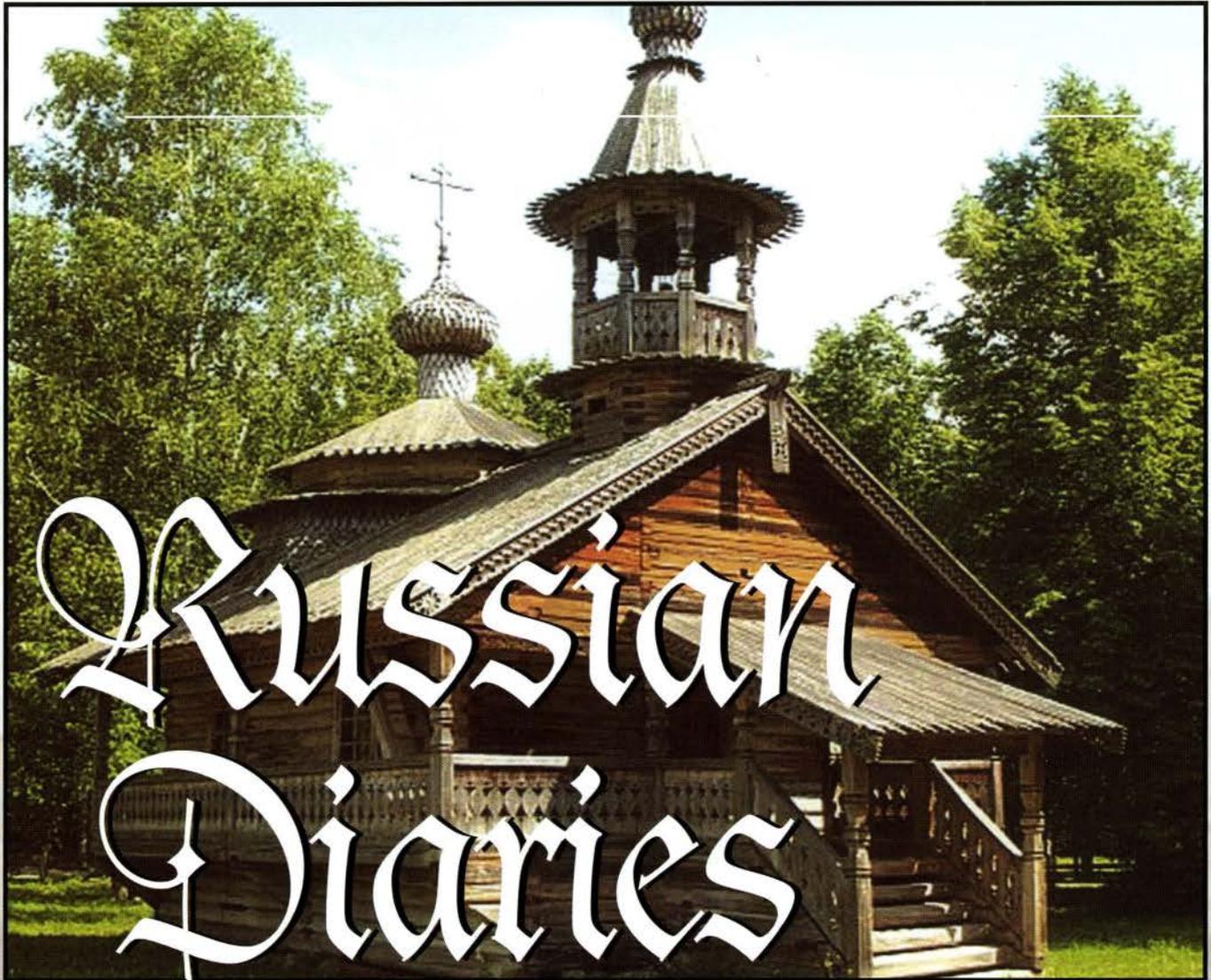
On February 23rd and 24th, Cleveland-Marshall was honored to host the prestigious North Central Regionals of the Jessup International Moot Court Competition. Teams from 14 law schools competed in the event, which tests students' mastery of issues in international law. Winners of the Jessup regionals advanced to the national finals at the end of March.

Approximately 100 practitioners and judges from the Cleveland area—many of whom are alumni/ae—volunteered to judge oral arguments and score briefs. According to Professor **Karin**

Mika '89, Moot Court Advisor and organizer of the event, participants praised the quality of judges, the efficiency of our student-bailiffs, and the overall friendliness and helpfulness of the law school's staff and students.

Because the regionals were held at our law school, contest rules prohibited Cleveland-Marshall's own team of **Alin Rosca**, **Mike Tripi**, **Daniel Thiel** and **Mary Malone** from competing in their home city; instead, they traveled to Los Angeles, where they performed admirably and swept the oralist awards. Alin

Rosca survived 49 challengers and walked off with the Best Oralist Award, Daniel Thiel received the second place Top Oralist Award and Michael Tripi received the fifth place Top Oralist Award. The team placed fifth overall. Squire Sanders & Dempsey attorney **Siegmund Fuchs** coached the home team, as he has done since graduating from Cleveland-Marshall in 2004; this year he enlisted several of his SS&D colleagues to serve as judges in the Cleveland competition. We are grateful to all who helped make this event a huge success.



by **Charles L. Northcutt '08**

In the summer of 2006, Cleveland-Marshall law student Charles (Chuck) Northcutt was one of 25 American and Russian students enrolled in the law school's Summer Institute in St. Petersburg. The following article is based on the notes he took during the month in Novgorod and St. Petersburg.

Here is one of my favorite memories of St. Petersburg, Russia: a group of American law students (I am one of them) at a Japanese sushi restaurant in St. Petersburg, toasting a Russian-American law professor who defected to America from the former Soviet Union over 20

years ago. That scene sums up one of the most valuable lessons I learned during the law school's 2006 study abroad program in Russia. That lesson is simply that we truly do live in a much smaller world than I ever realized. I learned this and many other valuable lessons while I participated in the St. Petersburg Summer Law Institute sponsored by three American law schools – Cleveland-Marshall College of Law, the University of Arkansas School of Law, and the University of the Pacific McGeorge School of Law – and two Russian law schools – Novgorod State University and St. Petersburg State University. While I joined this program to

Photography by Charles Northcutt
and Michael Whitaker

seek adventure and earn five credit hours, I came back with new friends, both American and Russian, and a new appreciation and respect for what it means for our nation to be a member of the international global community. Thanks to all of the scheduled tours after class, I also came back to America with a great fascination and appreciation for the thousand-year-old culture and history of the Russian people.

As with any good story, I must start at the beginning. That would, of course, be the day I flew into St. Petersburg, Russia, and set foot on Russian soil for the very first time in my life. For one of the few times in my life, I was a stranger in a country whose language I could neither speak nor read—this, after a lifetime of complaining about people in *my* country who can't speak *my* language. The number of Russians who speak English made this American ashamed he couldn't speak their language! I made it a point to learn to read the Cyrillic alphabet and to learn the Russian for "please" and "thank you."

After everyone from our group arrived, we climbed aboard an ancient double-deck bus and headed to Novgorod, the ancient Slavic city that would be our home for the next week. The ride gave me a chance to enjoy the Russian countryside. The landscape reminded me a great deal of the landscape in my home state of Ohio—flat with open fields and forests. Unlike Ohio, however, the Russian countryside is dotted with crumbling shanties and shacks that house the poor. This son of a truck driver also observed that there were plenty of semi trucks on the highway, despite my dad telling me that there would be no truckers out here.

On our first full day in the beautiful and historic city of Novgorod, we met our Russian student counterparts. They were extremely accommodating and took us on a tour of the city, pointing out the bank where we could exchange currencies, the places to eat, the Internet café and the post office. Founded in 859 AD by the Vikings, Novgorod, the original capital of Russia, is largely enclosed by an ancient brick fortress or kremlin. Within the Kremlin is the magnificent five-domed Santa Sophia, the oldest church building in Russia, built from 1045 till 1052. The city's 20th century history is notable also: During the Second World War, Novgorod was occupied by the Nazis for two-and-a-half years.

I was pleased to find that Novgorod, with its underground walkways, was easy to navigate. During the day, merchants come in and set up shops in the tunnels and pack up at the end

of the day. Just outside the Kremlin is a popular beach on the Volkov River, where locals go to swim and play volleyball.

I also found the local food quite good, especially the Russian version of kebobs, *shishlick*, at a tent restaurant just outside the Kremlin by the Volkov River. In addition to *shishlick*, I also noticed other Arabic influences on Russian cuisine, such as the tasty Sharma wrap. And I was surprised to find a papaya drink available in this small Russian city, so far from Hawaii and its tropical homes.



L to R: Drew Legando, Karl Vogel, Terri Glisson, Professor Dena Davis, Colleen Cassidy, Mike Whitaker, and Chuck Northcutt

My last few days in Novgorod were equally exciting and educational. One of our tours took us into the countryside to learn more about the history of the people of this region of Russia. We first visited Yuriev Monastery, a collection of domed white churches built during the time of the Czars. Hidden behind a fortified wall on the coast of the river, the monastery is a magnificent sight. Later that day, we saw a collection of centuries-old wooden structures and buildings that had housed the earliest Russians. They reminded me of old wooden Appalachian buildings that I had seen in America—

only those houses were only a few hundred years old, and these Russian structures might have been a thousand years old! Most striking to me were the churches whose onion domes were made of small wooden shingles. Sun reflecting from the shingles turned the domes silver and made the invading Mongols ride more swiftly towards the settlements. Imagine the disappointment and surprise when they realized the domes were made of wood!

After a night out with our new Russian friends, we toured the local prison to see how Russian prisoners are treated. The field trip was part of a lecture on human rights arranged by Valentina Grohotova, Novgorod State University Associate Professor of International Law. If I was surprised that I was going to visit a Russian prison, I was even more surprised at what I saw: Instead of the hardcore, gulag-style prison one might expect, I saw a prison with amenities that would be unheard of in our country. Amazingly, paintings hang on the walls throughout the prison, as if the prison were an art museum. The prisoners are given the choice of working or not working. The ones who work learn a trade that will help support them once they are free. Many work with wood and become skilled wood craftsmen/artisans. These prisoners have even built their own wooden church. Others work in a greenhouse or outdoor gardens, which supply much of the prison's food. I saw an inmate making a metal boat hull by welding sheets of metal together. Yes, I actually walked by a prisoner

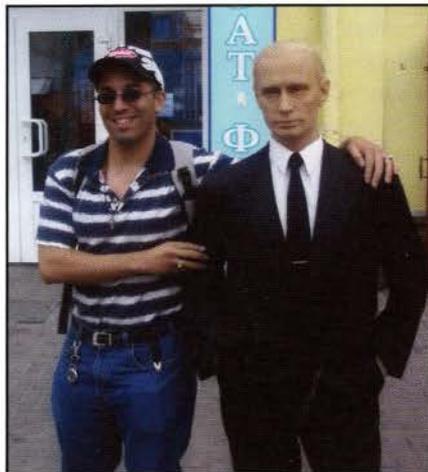
with a weld gun and two prisoners armed with axes, working on wooden projects. Our safety never really seemed in danger though, and the prisoners appeared to be happy in their work. We also visited a theater where the inmates put on productions that their families could attend.

One could imagine my original skepticism, and, in fact, one of my Russian friends told me of other, harsher prisons called “red” prisons, which are reserved for the worst of the criminal element. Still, as our prison hosts guided us through the prison, they repeatedly assured us that what we were seeing “wasn’t just for show.”

Later that night, after some earlier classes and last minute walks to see historic Novgorod a last time, I joined our group on an overnight train into the Russian capital of Moscow.

Oh my, was Moscow the experience of a lifetime!! The first half of the day we saw most of the important sites in Red Square—the beautiful domed churches, the Kremlin, an all red palace, and, yes, this American capitalist even viewed Lenin’s Tomb. Despite a very good day, there were disturbing moments: I watched a small group of Communists, mostly older people, parading through Red Square, carrying Soviet flags and a boom box that played the old Soviet anthem. Later, in a section of Red Square lined with monuments to former Soviet leaders, including one to Stalin, I sadly noted that, despite murdering millions of his own countrymen, Stalin’s monument had more flowers on it than on any of the others. I understood both these incidents to be the testaments of an aging generation still clinging to Communism—a minority, to be sure, but worth noting.

That said, if you had told me 20 years ago as a young child growing up in the Reagan Era of the 1980s, that I would one day be in Red Square as a free American citizen, I would not have believed you. Even ten years ago, when I was serving as a Marine during the 1990s under President Clinton, I still would not have believed that one day I would be a law student gambling and winning in a casino



Chuck and President Putin in wax

in Moscow. The trip to Moscow has certainly taught me more than anything else how the world can change in places where you least expect it.

After walking through a trendy district with outdoor patio cafés and bars, we took the night train to St. Petersburg, capital of Czarist Russia. There, we would spend the last three weeks of our trip.

After the all-night train ride, we checked into a fortress-like hotel, built during the Soviet era for the sole purpose of having education seminars for Russian atomic scientists. While the hotel is still used for this purpose, it also allows other organizations such as ours, to use their training classrooms and facilities for a fee—like anything else in Russia. Later, we took the Metro, which goes under the River Neva, to Nevsky Prospect, the heart of the city, where we boarded a boat to ride through the canals and river that run through St. Petersburg. The city that Peter the Great built to be the Venice of the North, with its western European architecture, is even more impressive seen from the water than from the streets. I was impressed with the tall, modern-day, luxury sail ships, which, I was told, have become a new trend in Russia for the wealthy, and, as a jet skier myself, I enjoyed seeing two jet skis racing through the canals, reminiscent of a James Bond movie!

In St. Petersburg during the time of the czars, it appears that every czar built his own palace. At the Catherine Palace,

there was a room whose walls were made entirely of amber. And there were other rooms, adorned from floor to ceiling with gold artifacts. Some of the churches I saw were equally as impressive: for example, just off Nevsky Square, the Church of the Spilled Blood, built on the site where Czar Alexander II was assassinated. We were able to view the entire St. Petersburg skyline from the top of St. Isaac’s Cathedral, yet another of the city’s breathtaking cathedrals. The climb to the top of St. Isaac’s up a long spiral of stairs left this Marine veteran breathless. Inside the Peter and Paul Fortress we saw the final resting place of many of Russia’s czars, including Peter the Great and the last of the Romanov Imperial Dynasty, murdered by the Bolsheviks over 80 years ago.

We traveled to the Peterhof Palace by sea in a hydrofoil. As awesome as were the palace, its fountains and gardens, the best thing about this excursion was the 40-minute trip. Invented in the early 1970s by the Soviets, the hydrofoil is a passenger boat with a low, sleek shape that propels itself on top of the water, much like a hovercraft, and glides over the waves. I chose to enjoy most of the ride from the outdoor deck, where I could enjoy the smell of the sea air, sounds of the vessel’s engines, and the sites along the coast first hand.

You cannot speak of St. Petersburg without speaking of the Hermitage Museum, housed in the Winter Palace of the Czars. Its collection is so vast that even after a full day of exploring its many rooms, I had barely scratched the surface.

The G-8 Summit also took place during our visit in St. Petersburg, attended by all the heads of state, including President Bush. I found it ironic that my President was in St. Petersburg while I was there.

In addition to the many fine dining establishments I visited, which included both Vietnamese and Greek restaurants, one of my favorites in St. Petersburg was an Irish Pub with live Irish music playing. Yes, Russia has Irish pubs!! I had a gigantic hamburger there—one of the best I ever had, especially when accompanied by a pint of Guinness. Our last dinner together as a group was as grand as our

first together: various meats of elk, lamb, fish, and bear, of which, I sampled a little of each. That last meal though, missed the excitement of the first as there was a more somber mood among us in the realization that this great trip was about to come to an end and we would be leaving behind the friendships we had made over the month.

I was leaving behind new friendships and new cultural experiences but I was taking back with me a greater understanding of the part that international law must play in our world. I was privileged to have had an educational experience that enriched my understanding of the Russian civil law system, of the organization and work of the United Nations, and of how international law applies to subjects as diverse as human cloning and antitrust regulations. Though the five credits I had earned were a great incentive to join the program, nothing prepared me for the richness of the cultural education.

I hope that this article provides a glimpse of how valuable, how enlarging the St. Petersburg experience was for me. Prior to leaving the U.S. for Russia, I had more than one person ask me why I would even want to leave America, let alone go to Russia. I even had one friend warn me not to become "brainwashed" by "UN types" and to stay true to American values! In fact, this trip reinforced my belief that in order to appreciate America and to better understand other parts of the world, one absolutely must travel abroad. More important than that, though, on a personal level, I can honestly say that because of this trip, because of what I learned inside and outside the classroom, because of what I observed and the wonderful people I met, I am truly a more enriched and better person for having gone to school in Russia.

* The University of Arkansas is currently administering the St. Petersburg Summer Law Institute in joint sponsorship with Cleveland-Marshall College of Law and the University of the Pacific McGeorge School of Law. You may find information about the 2007 Summer Institute for Law Students in St. Petersburg, Russia, on the law school website: <http://www.law.csuohio.edu>

The St. Petersburg - Cleveland-Marshall Case Western Reserve University Law Student Exchange Program

In the fall of 1993, Cleveland-Marshall Professor of Law **Jane M. Picker** and her husband, Case Western Reserve University Professor of Law Sidney Picker, created the two schools' first Russian-American law student exchange program with a single student from St. Petersburg State University in St. Petersburg, Russia. In subsequent years, with federal funding, as many as ten students spent the entire academic year at the two schools. By then, a handful of students came from Novgorod State University and occasionally from Volgograd State University, though the majority remained St. Petersburg students. When Jane and Sidney retired in 2002, they continued their work in bringing Russian law students to study in America through their private foundation, the Russian Legal Education Fund or RUSLEF. According to Sidney Picker, now a Professor Emeritus, through the original grant and RUSLEF funding, 50 Russian students have participated in the program.

Last summer, Jane Picker (now Professor Emerita) got together with some of the Russian alumni/ae of the program and posed for this picture. All have profited by their American experience and all have remained close to the Pickers.



Top row (l to r): Sergey Lomakin (2003-2004), Baker & McKenzie, Moscow; Dmitry Tetyushev (1994-1995), Ernst & Young tax partner, Moscow; Olesya Trusova (1995-1997), Philip Morris now Altria; Konstantin Osipov (1994-1995), Chadbourne Park, St. Petersburg

Bottom row, (l to r): Diana Fatkullina (2002-2003), White & Case, Moscow; Professor Picker, Alexey Trusov (1995-1997), Baker & McKenzie, Moscow

Did you know...

That in November, 15 Cleveland-Marshall Graduates Were Sworn in Before the Highest Court in the Land?

On a clear, crisp morning in November, as various family members in the gallery looked on, 15 Cleveland-Marshall College of Law alumni and alumnae stood before the nine Justices of the Supreme Court of the United States of America. Not a sound was uttered as General William Suter, Clerk of the Supreme Court, announced the court was in session:

"Oyez, oyez, oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court."

Cleveland-Marshall Dean **Geoffrey S. Mearns** confirmed to the Court that each was of suitable character.

Special thanks to **Christopher W. Vasil '75**, Chief Deputy Clerk, Supreme Court of the United States, for his assistance with this memorable event.

Gary S. Adams '83
Wendy Weiss Asher '97
Henry W. Chamberlain '90
Timothy J. Cosgrove '87
Thomas E. Downey '74
Honorable Nancy A. Fuerst '88
Honorable Bohdan Futey '68
M. Colette Gibbons '76
Patrick F. Haggerty '84
Ronald E. Hurst '88
David M. Lockman '89
Lillian Ortiz '99
Royce (Rob) Remington '88
Oscar E. Romero '93
Joseph H. Weiss, Jr. '70

Melody J. Stewart '88

A New Judge on the Ohio
Eighth District Court of Appeals



Michaeline Carrig, Judge Stewart and Noelle Short at the Judge's swearing-in ceremony

Melody Stewart has worn many hats at our law school: Soon after graduation she began teaching in the legal writing and advocacy program; in 1990, she was named Assistant Dean for Student Affairs and later taught as a Visiting Assistant Professor of Law in the criminal law program. In 1998 she taught at Toledo Law School and then, in 1999, returned to Cleveland to serve as Case Western Reserve University School of Law's Director of Student Services. In 2003, Dean Steven H. Steinglass went in search of a new Assistant Dean of Admissions and came back with Melody Stewart. Eventually, the dean expanded her responsibilities and named her the law school's first Assistant Dean for Admissions and Financial Aid. In short, Melody Stewart had been a student, a Cleveland-Marshall instructor, lecturer, visiting professor, assistant dean of student affairs, assistant dean of admissions and, lastly, an assistant dean of admissions and financial aid. You might say, she kept coming back like a song, but, in truth, it was more like a crescendo that ended in wild applause, because . . .

Now Melody's a Judge!!

In the November 2006 elections, Ohioans (finally) got a lot of things right. And one of the things they *really* got right was the election of Melody J. Stewart to the Ohio 8th District Court of Appeals. There she will be among familiar company: Of the ten judges on the court, eight earned their law degrees at our law school.

Melody will be a wonderful judge: Her core sensibility, conscientiousness, good humor and command of the law are winning jurisprudential attributes. Of course, we miss her, but what's good for the state of Ohio is good for all of us. **LFM**

New Faces in Student Services



Christopher R. Lucak:
Assistant Dean of Admissions and Financial Aid

In February, **Christopher R. Lucak** joined the law school as its new Assistant Dean of Admissions and Financial Aid. A graduate of Muskingum College, Chris began working in university administration while pursuing his M.Ed. in higher education administration and student personnel at Kent State University. In 1993 he began a new job in Oberlin College's Admissions Department, first as an admission counselor and then as an assistant director. He was Oberlin's Senior Assistant Director of Admissions, when he moved to Davie, Florida, in 1999 and took a new job as Associate Director of Admission and Director of Recruitment Operations at Florida Atlantic University's Broward campuses, where his work focused on upper-level division transfer and graduate level student recruitment; during his stay in Florida he was instrumental in increasing student enrollment rates by six-and-a-half percent. In 2001, he returned to Ohio to a job in admissions that would be especially relevant to his work at Cleveland-Marshall: From 2001-2004, he was Director of Admissions and from 2004 till 2007 he was Director of Admissions and Student Financial Services at Case Western Reserve University's School of Law. Chris directed Case law school's national recruitment effort and supervised the evaluation and selection of applicants. In this capacity, he oversaw a recruitment and enrollment program that resulted in a larger applicant pool, higher LSAT scores and an increase in minority representation. We are fortunate to have a person with Chris's aptitude, abilities and experience helping us attract promising law students to Cleveland-Marshall.



Monica L. Wharton:
Financial Aid Administrator

The law school's new financial aid administrator, **Monica Wharton**, holds three degrees from Cleveland State University: a Bachelor of Business Education, a Master of Public Administration, and a Cleveland-Marshall Juris Doctor degree. She joined the law school's students' services staff as our Financial Aid Administrator in June 2006 after many years in clerical and administrative appointments in the University's Office of Treasury Services. There, she became expert in money matters, mastered the intricate operations of a large institutional treasury and grew proficient in the University's complicated online systems of accessing and retrieving student data. She was repeatedly promoted and eventually found herself helping graduate and undergraduate students find the financial resources that would allow them to earn their own university degrees—just as she had done herself. Of course, at the law school, we already knew Monica as a conscientious part-time student, the kind we easily recognize as a student who embraces challenge and will succeed. Now, we know her as an accomplished woman whose skills and educational experiences will serve our students well. Monica is a member of Delta Theta Phi Law Fraternity and was featured in the seventh edition of the *INTERNATIONAL WHO'S WHO OF PROFESSIONAL AND BUSINESS WOMEN* (seventh edition) and *WHO'S WHO IN BLACK CLEVELAND*. Recently, she became a Life Member of the Cleveland-Marshall Law Alumni Association, and that is something of a first for a colleague who has barely worked here a year. We thank her for her generosity.



Marcie J. Rechner:
Records Officer

Marcie Rechner, the law school's new Records Officer, has assumed one of the law school's most important administrative positions—as important to students as to graduates—the collecting, recording and maintenance of student records: their grades, their awards, their class rank, their graduation dates and bar passage dates—services that require accuracy, confidentiality and sensitivity to the weight that grades carry in the lives of law school graduates. Marcie's own record indicates she is imminently qualified for her new job. As a student and as an administrator, she has been at Cleveland State University for over two decades: her undergraduate degree in Communications and her Master's degree in Education with a concentration in Adult Learning and Development are from our University, and for the last 17 years she has worked in the Maxine Goodman Levin College of Urban Affairs, first as an Administrative Assistant and then as a Program Manager/Adjunct Instructor at the Levin College, where she devised outreach strategies for two educational opportunity programs, created and maintained databases to track student enrollment and financial data, and created an online portfolio development course. From 2004 until she joined our staff in 2006, she worked as a Levin College recruiter and adjunct instructor, speaking publicly at various events to promote the reputation of the University and the Levin College. She is a member of several professional organizations, including the Ohio Association for College Admission Counseling. ■

The Mystery of David Barnhizer

By Sheldon Gelman
Professor of Law

With David Barnhizer's retirement this spring, Cleveland-Marshall will lose one of the longest serving faculty members in its history. It will also lose one of its most distinguished faculty members ever, and at six foot four inches in height, one of its tallest.

David carried his distinction lightly—a remarkable and unusual trait in anyone and particularly in a law professor. We are not known for our modesty. In David's case, the trait is mysterious, as well as remarkable because he is not an unusually humble person.

When asked to write this article, I began to think about David's career. And what came to loom large in my mind was this mystery—a towering colleague, who does not seem self-effacing, but who somehow is. Few realize it, but David is an enigma.

In fact, most people have no idea of what David has accomplished during his career at Cleveland-Marshall. To take one example, David and I have been friends for years—but until I saw his resume I myself had little idea. Why can I tell you about other colleagues' achievements off the top of my head but not David's?

Articles on the occasion of a law professor's retirement often follow a certain format. First, the accomplishments of the retiree are assumed to be widely known. Second, the article portrays the honoree in slightly more intimate terms than usual: the first name of a spouse may be mentioned, for instance. Next, readers can learn about the retiree's avocations and hobbies, his or her second home or beloved farm. If an undesirable personal attribute is well known—in the generation before David's, for example, many law professors apparently were rude or even mean to students—we will learn that appearances are misleading. "Professor Farmworthy could seem abrupt at times," we might read, "but those who saw him with his beloved Alice

and his dogs near the lake appreciated the gentleness of his soul."

David is unique, and so I am going to depart from the usual format. There are no unpleasant traits to explain away; there will be no references to his family or his farm. Nor, given what has been said already, will I assume a familiarity with his accomplishments. In fact, I assume the opposite.

David Barnhizer came to Cleveland-Marshall 35 years ago, in 1972. The year before his arrival he had been a Ford Urban Law Fellow at the Harvard Law School. He taught in Harvard's clinical program, and in fact participated in the program's design. David also participated in intensive seminars on urban legal issues at the Columbia Law School, taught by some of the prominent legal scholars in America. Before that, he was a legal aid attorney in Massachusetts and a Reginald Heber Smith Community Lawyer Fellow at the University of Pennsylvania, which assigned him for two years to a legal services office in Colorado. And before that, he graduated *summa cum laude* from the Ohio State University College of Law, where he served as Articles Editor of the OHIO STATE LAW JOURNAL.

David was Director of Clinical Legal Education at Cleveland-Marshall from 1972 until 1979. In that role, he raised the law college to national prominence. In 1981 his accomplishment was recognized with the first William Pincus Distinguished Clinical Teacher Award, given to David by the Association of American Law Schools' Section on Clinical Legal Education. Subsequent recipients include Professors Gary Bellow of Harvard, Anthony Amsterdam of NYU and William Greenhalgh of Georgetown University.

In 1980 David turned his attention to traditional scholarship and professional service. Over the next two-and-a-half decades he wrote or edited seven books; put on law

school conferences and edited law journal symposia issues; and authored as many law review articles as perhaps any member of our faculty ever has. He consulted with the Mongolian government on a program for that nation's future, and he assumed leadership roles on a variety of international economic and environmental issues. He served as the President of the Board of Trustees of an independent local arts center and also served as the general counsel to an environmental organization, Earth Summit Watch. For eight years he held the position of Senior Advisor to the International Program of the Natural Resources Defense Council. He has also served as Executive Director of The Year 2000 Committee, a Washington, D.C.-based 17-member group concerned with government action to protect the environment. Among the committee's members were two former Secretaries of State, a former Secretary of Defense, the majority leader of the United States Senate, and veteran TV news anchor Walter Cronkite.

There is no need to belabor David's accomplishments, and I've provided only a brief outline of them here. Within his remarkable record, however, some things seem especially remarkable. Consider, for example, the geographical range of David's professional involvements. They extend from Geauga County to Mongolia, and from coast to coast within the United States. The substantive range of his activities is equally broad, extending from the environment to the arts, from economic development to legal education. David's publications deal with all of these subjects and more, covering a truly phenomenal range. Much of this writing, like much of his professional life, dealt with the overarching subject of justice—and with the roles of law schools, universities and law in achieving a free and more just world.

David's enormous scholarly productivity over the course of his career actually obscures what he accomplished over the past ten years. In the professional life cycle of a law professor, the last decade is rarely the most productive. David's last decade,

however, has been especially admirable. During this period he has written or edited five books and 17 law review articles or book chapters—not counting his shorter, occasional pieces. Moreover, these are serious and often profound works, reflecting a lifetime of reading and thinking about important issues.

They are also unusually courageous works. David has become concerned about the culture of free speech and free university inquiry and has taken some unpopular positions on those issues. Even his work in what might seem a relatively non-controversial area—lawyers’ strategies—was both highly original and controversial. *THE WARRIOR LAWYER* appeared in 1997, a time when “getting to yes” was a prominent theme in a popular and academic writing about negotiation. Taking matters a step further, David’s book asked: “What if you try to get to ‘yes,’ but they still say no”? Here is an excerpt from the *HARVARD LAW REVIEW*’s comment on *THE WARRIOR LAWYER*:

This book cleverly and creatively draws lessons for lawyers from Sun Tzu’s classic, THE ART OF WAR, and Miyamoto Musashi’s THE BOOK OF FIVE RINGS. The author acknowledges that “the lawyer’s code of ethics differentiates law practice from hand-to-hand combat” (p. 19), but he nevertheless derives strategies for “guerrilla lawyering”...

All of this deepens the mystery I described earlier. We recognize David as a fine faculty member, but why do we overlook his distinction? This question applies to local as well as national and international achievements. David received Cleveland-Marshall’s award for distinguished scholarly writing, for example, yet few remember that he did so. He received a “Teacher of Year Award” in 2002, but the award is largely forgotten.

Woody Allen’s creation, Zelig, was an unassuming man of absolutely no accom-



Sheldon and David at work

plishment who invariably appeared at significant events. David is Cleveland-Marshall’s anti-Zelig. He’s a person of outstanding accomplishment, and not unassuming—but we still can’t remember his achievements. Unlike Zelig, David really was really “there”—but we overlook or forget it. Why?

Before attempting an answer, we should briefly consider other events in David’s life at Cleveland-Marshall—events that are either undocumented or undocumentable. In these cases, you will have to take my word for it.

First, in the early 1990s David foresaw with great accuracy the problems about to engulf the law college, problems that we have recently solved with the Bar Passage Plan and other well-known measures. This act of foresight is not only documented, but it was much discussed by faculty members at the time. David distributed a memorandum outlining his views, a document that came to be known simply as “the Barnhizer memo.” Neither before or later has the faculty identified a document with an author in the same way; the “Barnhizer memo” marks a unique chapter in the annals of the College of Law. The fact that David wrote it demonstrated both his courage—few wanted to hear what he was saying—and also his mastery of issues in legal educa-

tion, strategy and planning—the things he wrote about in his published work. The fact that we have largely forgotten the Barnhizer memo only underscores the anti-Zelig mystery. So does the fact that the memorandum’s content transfixed the faculty at the time, but we still paid little attention to what it said.

Second, and you may think irrelevantly, David years ago proved himself a terrible poker player. When playing cards, he didn’t do any of the things that his own strategy books recommended. He never attempted to put himself in the position of

his adversary—a colleague looking at his own poker hand. David didn’t ask himself what his adversary was thinking. Nor did he practice deception. If David had good cards, he bet them up; if he had bad cards, he folded. Consequently, we always knew what was in his hand. For his part, he never guessed why we usually folded when he had good cards, and he cursed his luck when his good own cards lost to our better ones.

How could someone as capable as David, with his profound gift of foresight and his knowledge of strategy, play poker the way he did? Now that David is retiring, I think after all these years that I finally understand. The answer to this seemingly trivial problem, I believe, may also help us understand the larger enigma of David Barnhizer.

Consider again the broad range of David’s scholarship. David writes about fundamental values like Justice and Truth, but he also explores detailed strategies for achieving any objective at all. This combination of value and strategic concern is unusual. Someone who reflects on values often leaves detailed strategies to others, while those who focus on strategy often ignore values or make assumptions that ignore serious value problems. David, on the other hand, was committed deeply to problems of

value and problems of strategy.

Or so it seemed. I have come to think, however, that David's commitment to values is much more fundamental. And that his concern with strategy functioned at times almost like a mask, obscuring his deepest commitments. David's interest in strategy began when he represented indigent legal services clients. Did he really believe, however, in the value of lawyers' strategies, apart from the uses to which someone put them? Did he admire a legal strategy equally whether it aided an indigent client or advanced the cause of a predatory installment seller? Reading much of *THE WARRIOR LAWYER*, you would think that strategies existed independently of causes and values. Reading David Barnhizer, my colleague, I think a different answer emerges.

Lacking a worthy cause—oppressed clients, the earth's environment, sustainable lives and global development, the fate of his law school—I don't think David can bring himself to strategize. Hence, he played poker badly. With nothing of real value at stake his heart just wasn't in the game. And despite what he sometimes writes, David's head follows his heart. Conversely, when his heart was engaged David was brilliant. He understood the College of Law so well only because he loved it so much. Love and courage can explain a lot.

David's commitment to the law college is more than just a matter of inference. Over the years he has contributed generously of his money. Perhaps more important, he has declined numerous offers to join other law faculties. I hardly need add, of course, that these facts are little known—as are other incidents that bespeak his courage and commitment to our college.

What has all this to do with the enigma of David Barnhizer? When he authored the Barnhizer memo, David presented himself as a strategist. But if I am correct, he was more a prophet than a warrior lawyer. We expect warriors to appear imposing, to puff themselves up and try to seem larger than they really are. Prophets do the opposite, however. They prefer to shrink in comparison with their message.

I submit that David is more a prophet than a warrior, and that unconsciously everyone knows this. For that reason, like prophets generally, he seems diminished in stature—unless you attend to what he says. Of course, he is a strategist too, but that quality somehow only enhances the effect and the illusion. In any event, the classic fate of a prophet is to be ignored. And a warrior who attempts to awaken our consciences is an enigma.

Such an explanation is not completely satisfactory, even to me. But I think it moves us in the right direction. It also comports with another odd aspect of how others perceive David. Everyone knows that he is tall, of course. Yet I believe that we in general underestimate his height. The most obvious reason is that David does not try to loom over anyone, not in conversation, not in any other way. He stands upright, but when talking with him you quickly lose any sense that he is so tall. Nor is this a matter of his being modest. Some very tall Hollywood actors project modesty, but they seem all the taller for it. And David doesn't really seem modest, in any event. It's not that he's immodest; rather, neither modesty nor immodesty seems to have much to do with his character.

The picture that accompanies this article shows David and me with shovels. The difference in our heights, as depicted by the photograph, truly shocked me. After years of talking to David in person and, I thought, face to face, I simply had no idea that the height disparity was so great. Neither did my wife, who finds the picture very funny.

Perhaps I have not resolved the mystery of David Barnhizer. But I hope to have demonstrated that a mystery exists. I also hope—indeed, I predict—that the mystery will soon disappear. The photograph of David and me captured a moment in time, turning it into a set piece that made David's height unmistakable. With his retirement, we will be able view his Cleveland-Marshall career in a similar way, as a single set piece. Looking at it that way, his enormous academic stature and accomplishments will become unmistakable, too.

Arthur Landever

“And gladly wolde he lerne, and gladly teche”

Chaucer

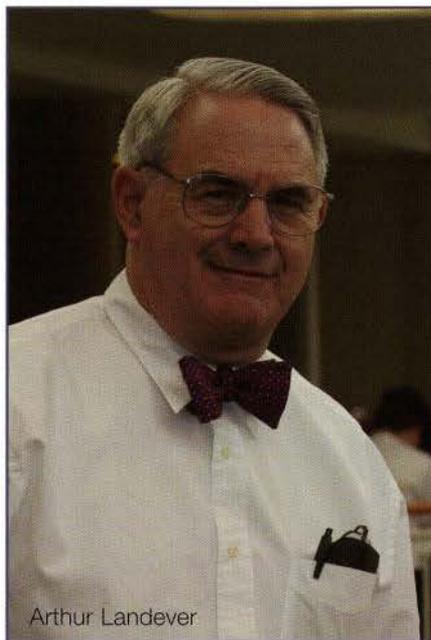
After 35 years teaching law to students of Cleveland-Marshall College of Law, this spring Professor Arthur Landever is spending his last semester with us as a full-time faculty member. When we next meet him, we will greet him as Professor Emeritus, a teacher of great merit. And that will be a well-deserved title for a man who has dedicated over three decades of his life to a career that is as much avocation as vocation.

Arthur came to the law school in 1972. A graduate of Columbia University, where he had earned an AB, a JD and a PhD in Political Science, he had been in private practice in New York City, a lecturer in history at Brooklyn College of City College of New York, an instructor in political science and history at Long Island University in Brooklyn, and an Assistant Professor of political science at the University of Minnesota. He was young, handsome and enthusiastic. In a 1985 schoolroom picture, he wears what will become his sartorial signature—a bow tie—and appears, characteristically, fully attentive and fully engaged with his students.

Today, Arthur Landever is still an accomplished, dedicated teacher, and he remains fully engaged, not only with his students, but with the world: with politics, history, literature, law school committee work, his family and his grandchildren. He has been a good steward of the curriculum and observant of the changes in legal education, and, during his tenure, he has been effective in translating those changes into our own curriculum. His lifelong interest in Constitutional Law and the Supreme Court is reflected in his writing and teaching; more recently, he has done pioneering

research on the lives and careers of Ohio's earliest women lawyers. And, in recent years, he has been an invaluable asset in projects aimed at increasing our students' bar passage rate.

But that's not quite enough about Arthur Landever: By nature he has an expansive, fun-loving and generous personality. If asked, he will sing for you; he may even sing one of his own musical compositions; he will recite poetry, and even do a modest soft shoe. Reading over his class evaluations, I find his students regard him as accessible, dramatic, enthusiastic, unflappable, or, to sum up his performance in the words of one student, "a great person and a great teacher." And, yes, he is still handsome and still wears a bow tie. In fact, if I see him and he doesn't have on a bow tie, I'm sure I won't have a good day. **LFM**



Arthur Landever

Law Notes thanks Professor of Law Stephen R. Lazarus for allowing us to reprint his reflections on Arthur's law school career, which he delivered on May 8 at Professor Landever's retirement party.

**

Some words on Arthur Landever's retirement from his colleague, Steve Lazarus

This school is going to miss Arthur and each of us will miss him in our own way. Here are a few of mine.

I'll miss Arthur's generous assistance in helping fledgling teachers like me to get started. Arthur, as you know, had a good deal of teaching experience when he came to Cleveland-Marshall in 1972. He had taught History and Political Science for eight years, so, unlike most lawyers beginning an academic career, he had a good sense of the classroom.

Fortunately for me, I'd been asked to teach several courses that Arthur had already mastered: Constitutional Law, First Amendment and Legal Ethics. Arthur was always there when I had a question, always had time to engage in discussions about the subject, and, even more important, was always willing to hear me out on some untested interpretation of the law and then,

gently, to set me straight when I had overreached or misunderstood.

Arthur has never abandoned his interest in Political Science or History, and that has enhanced our teaching, scholarship and service. We've been enlightened by his writings on, among other subjects, the Articles of Confederation, on the first Justice Harlan and his dissent in *Plessy v. Ferguson*, and on the experiences of the first women lawyers in this nation and in Ohio. Arthur expanded his notes on Constitutional Law and transformed them into a highly useful text reflecting his intellect and his creativity. Arthur was the driving force behind this school's organization of and participation in the "Great Stories Program" in which academics and members of the community meet to discuss works of literature touching upon various aspects of the law.

Arthur has also made two contributions that have provided me much personal satisfaction. First and foremost, he provided the law school with his daughter, **Michelle Landever Bond**, who graduated in 1993 as one of our outstanding students. She was a gem of the classroom, and I have to give Arthur at least some of the credit for raising her, although I know his wife, Debbie, deserves even more. Second, Arthur provided me with a memory I will

always cherish, laughingly. Justice Scalia, on one of his visits to our University, was expounding on constitutional originalism, a methodology holding that constitutional decisions must be based on the meaning of the text, as accepted publicly, at the time the text was adopted.

He allowed for questions and Arthur stood and said, as I recall, "When the equal protection clause was adopted in 1868, 'equal' did not likely mean, in the public view, that racial integration was required. Even in Massachusetts, for instance, a state that led the way on abolition of slavery and on the 14th Amendment, public schools were racially segregated. So does that mean, Justice Scalia, that if the issue were to come before the Court again, that you, as an originalist, would vote to reverse *Brown v. Bd. of Education*?" Justice Scalia paused a long second and then said, "I'm an originalist, but I'm not crazy!"

But here's what is, to me, Arthur's greatest contribution to this school. When he started here there was terrible conflict and dissension among the faculty, some of whom supported the dean at the time, some of whom did not. That kind of internal turmoil is poisonous. Since then we've had some rough spots, but nothing like the early 1970s. The more collegial atmosphere we've enjoyed since then has not only provided a more pleasant place to work, it has enabled our work product to improve and thrive. I think a reason for the greater sense of collegiality is a willingness on our part to monitor and sometimes submerge our egos (not easy for legal academics). If I had to choose one person from among us who has shown the way toward a willingness to extend courtesy and respect to everyone (even those we personally suspect don't deserve it), there is no doubt in my mind it would be Arthur Landever. I know many of us feel this way. Where did Arthur develop his ability and willingness to be so kind and generous a person? Maybe it was his experience teaching in such diverse environments as Brooklyn, New York and Minneapolis, Minnesota. Or maybe it was innate. I don't know, but I do know the

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word “gentleman.” It’s old-fashioned and seldom used, but it is so very appropriate for Arthur. He has truly provided a model for us all. So much of what is “good” about this place is something that Professor Landever has, by his words and by his actions, exemplified for us.

Thank you, Arthur.

Vicki Plata: Minding the Store, Watching the Till

Vicki Plata, a 1971 CSU *cum laude* alumna in Psychology, has often remarked that if there had been no Cleveland State University, she would never have been able to go to college. Whatever the University has done for Vicki she has repaid. Over and over again. She has worked at the University for 36 years; the last 21 have been at the law school. From 1971 until 1986, she worked in the Engineering Technology Department, the Office of the Provost, and the Division of Continuing Education. The scope of her responsibilities was large: from secretarial work to new faculty and staff orientation to summary reports to program planning and publicity. And, always, in every office, she was learning the basics of sound financial planning and budget management until she became a master of both.

She has held three job titles at the law school: Assistant to the Dean, Budget Manager and Director of the Law Budget and Administration. No matter what title she wore, she has always had the onerous task of balancing the law school budget, and that, as we shall see, is a history in itself. In June, when she retires, the law school will experience the loss of an indispensable administrator.



But first: Vicki Bachenskas

Vicki Bachenskas’s father, Alphonse, was a factory worker, a machinist, a shipping clerk; her mother, Theresa, was a homemaker. Vicki attended the local parochial elementary schools and graduated from St. Joseph’s Academy, an all-girls’ west-side Catholic school with which she maintains a strong bond. From St. Joseph’s she went straight to Cleveland State University. She was precisely the kind of promising student that the new University had been created to serve, the first person in her family to go to college. “I always loved school, and I loved Cleveland State,” she says. Our University was three years old when Vicki enrolled. From her classrooms or from her student assistant’s office in the Psychology Department, she watched carpenters, steel workers and the construction crew building Rhodes Tower, at that time the signature building of the city’s young university. And in a study room in Mather Mansion, she met and fell in love with a young history major, Jack Plata. The couple married within two years of graduation and relocated for a year in Atlanta, where Jack was completing his military service in Atlanta at Fort McPherson. **Joyce Zabor**, who is now the Budget and Donor Relations Manager in the Department

of University Advancement, was working as a secretary in the Psychology Department when Vicki was a student. “I have known Vicki over 35 years. CSU has been blessed to have an employee as skilled and conscientious as Vicki.”

A good day for the law school

Her skills and her conscientiousness were soon put to the test at our law school. When Vicki arrived in 1986, **Bob Bogomolny** was the dean. Though she had been dealing with budget matters for years, she soon discovered she had stumbled into a briar patch of challenges: “There were no computers; there was an adding machine and there were these clumsy green ledger sheets. A librarian had been doing the budget. I had dealt with budget matters in all my jobs, but now I was ‘it,’ and really there was no one who could help me decode the system the school had been using. Bob Bogomolny was great, but even he didn’t know the ins and outs of the process. When he left the law school for a new job in Chicago, there was no one to do faculty and staff raises. So I called Bob and we did them over the phone.”

A seasoned administrator

It is perhaps good seasoning to be called upon to deal with difficult issues from your earliest days on a new job. In Vicki’s case, there has rarely been a year that was not difficult. In past biennia, the University, always at the mercy of the state budget, has experienced a series of fiscal crises often requiring cuts in services, hiring freezes, and even mandatory layoffs. All this Vicki has borne with equanimity. As Dean Emeritus **Steven H. Steinglass** noted recently, “Vicki’s ability to understand and work with the Byzantine university policies involving budgeting, personnel, buildings and grounds, purchasing, and much else was lifesaving.”

According to Vicki herself, “The last few years have really been the hardest.” In 2001, Dean Steinglass promoted her and gave her a new title: Director of the Law

Budget and Administration. In her new job, she assumed many of the responsibilities formerly held by an Associate Dean: She supervised the school's support services managers and continued to deal with grant monies, contracts, endowment money and all the revenue streams that sustain the law school. The most challenging aspect of her responsibilities, however, has surely been her supervision of the building. Not just the old building with its leaking roof, faulty plumbing and structural flaws, but the building now being renovated. Vicki has almost single-handedly planned and managed the movement of materials and people out of old offices and into new, makeshift ones. She has dealt with architects, construction workers, movers and, yes, critics. I am sure she knows the blueprints by heart, and, certainly, the smooth transition during preparations for tearing down walls, ripping up carpets, ripping out wiring and moving the earth owes a great deal to our budget officer.

The Dean-teacher

Vicki has helped orient four deans to their new jobs: Interim Dean **Lizabeth Moody** ("she inspired confidence"); Dean **Steven R. Smith** ("a sweetheart"); and Dean Steinglass ("incredibly supportive"). And now Dean **Geoffrey S. Mearns**, who says of Vicki, "She is a truly skilled and dedicated administrator, fully devoted to the mission of our law school and our university. I am also personally indebted to her. When I started as dean, she was planning to retire. But she chose to stay on for two more years to help me during the transition. She has been an advisor and a friend. I will miss her." And what does Vicki say about Dean Mearns: "Geoff's a gift to all of us!"

The law school's budget officer has been a gift to all of us as well. And, in parting, she has left behind a donation of her own. She and her husband have established the Vicki and Jack Plata Law Library Book Fund at the law library. So, as always, it's "Thank you, Vicki." Again and again. **LFM**

A Tribute to Barbara J. Tyler '89

by **Karin Mika '89**
**Professor of Legal Writing,
Research and Advocacy**

Everyone in the law school knew Barbara Tyler. She was the one sitting in the cafeteria surrounded by four or five others talking about the law at levels that few of the rest of us understood. Everyone knew that she was doing the impossible – mother of six, attending law school full time, while running the emergency room on weekends at Metro. It was no surprise. A tough job for a tough lady.

Many law students joke about being called on in every class, but I knew for certain that Barb could claim that distinction with honesty. In Con Law during our second year, we could always count on Professor **Stephen Gard** saying at some point, "Ms. Tyler...?" By this time, I was working my traditional two jobs, so I would take the time I had in Con Law (confidently knowing "Ms. Tyler" would provide the correct answer), and work on writing motions or memos. That's probably why "Ms. Tyler" got a better grade than I did in Con Law—and in probably all of our other law school classes as well. By the time we reached our third year, Barb and I were friends and she affectionately labeled me "the walking hematoma" based on my coating of bruises – acquired by my other job at the end of the candle, sorting packages for United Parcel Service.

After graduation, Barb went on to clerk for Judge Krupansky on the Ohio Eighth District Court of Appeals, and I stayed behind at Cleveland-Marshall to become the new "Assistant to the Director of Legal Writing." During that year, **Deborah Klein '78**, at that time Director of the Legal Writing Program, worked



Barbara J. Tyler

very hard to lobby the administration to fund the position of a new full-time Legal Writing Professor.

The pay for the position was slated at \$25,000, and I was charged with going through the applications. The mix was "eclectic" to say the least. We had our share of disbarred attorneys, retired judges, and those who wished to supplement the income in their practices. Most notable were the hand-written cover letters received on stained Holiday Inn stationery, and the resume from the certifiably "mentally disturbed" woman who appeared at an interview (okay, I didn't know she was mentally disturbed until she showed up) with salary and tenure demands. Among those applications, however, was a well-written letter from a person who indicated that she really, really wanted to teach. I took Barbara Tyler's resume into Debbie's office and said, "We have our new Legal Writing Professor."

Barb's first days were somewhat inauspicious, at least in her point of view. The school placed her in an office far away from Debbie Klein and me, and she started literally just a couple of days before orientation week began. I distinctly remember the first day of orientation. I was walk-

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ing into Room 11 and she was walking into Room 12, all the while asking me what she was supposed to talk about. "Introductions," I told her. "The court system, cases, briefing, intro to citation, *stare decisis*. Just talk about that stuff." Talk about on-the-job training. Yet, even then, I had no doubt she would do just fine.

The year was 1991 and the rest, as they say, is history. Barb has been an omnipresent part of my personal and professional life ever since. There have been few days in the last 16 years when we did not speak with one another, whether we were conferring on a personal basis or a professional basis. We have watched each other's children grow up, dealt with aging parents, traveled to conferences, and always, always (with our other colleagues, of course) worked toward the development of establishing what we hoped would become, and believe has become, one of the most stable, comprehensive, and high quality Legal Writing programs in the country.

Barb is a go-to-person—unlike any other go-to-person that one could have in her life—with an undeniable stamina. Back when oral arguments were part of the first-year curriculum, Barb and I agreed that we would judge one another's students' arguments in order to avoid having to recruit additional judges. There was a nasty virus going on at the time and I'm pretty sure both of us had it. Nonetheless, I recall spending two 12-hour days of doing nothing but judging arguments, and, in the end, being as sharp (intellectually, that is) as we were at the onset. On top of that, when we compared our scores, we were often within a point of one another on the scores of over 100 students.

There was and still is a synergy that few people have the privilege of experiencing

in their lives.

There are also few law school events that Barb did not attend and/or promote, and there was never a student who came to her for help whom she did not go overboard to help. She not only knows her students, she knows their families—their kids, parents, and grandkids. This kind of trust develops only when you know you are with a woman who has made it clear that she will be there, no matter the adversity.

Another distinct memory of Barb will always be what occurred after my older daughter was diagnosed with leukemia. My daughter had gone into surgery for the official diagnosis, and I was sitting in a surgical waiting room at the Cleveland Clinic. I hadn't slept, eaten, or changed clothes for a couple of days and was sitting there, head in hands, with a terrible headache. The door opened, and in walked Barb, having waded through the selection of some 30 different doors to track me down, simply to be with me. It was the single kindest act I have ever experienced or likely will experience in my life.

This spring Barb announced she would retire in July.

How do you say good-bye to the person who has been there for 16 years sharing every hope, dream, and vision you ever had? To the first person you called from the recovery room after the birth of your child? The person you never had to ask because you knew that wherever and whenever you needed her, she would drop everything to be there?

I hope this is not really good-bye, for me or for Cleveland-Marshall. I hope Barbara Tyler will be close enough at hand to continue to be the amazing asset she has been for this school, and the friend she has been to all of us.



Did you know...

about the law school's faculty exchange with the University of Westminster in London, England?

During spring semester Cleveland-Marshall College of Law Professor **Heidi Gorovitz Robertson** taught at Westminster University School of Law, and Westminster School of Law Principal Lecturer **Lisa C. Webley** taught Comparative International Law at Cleveland-Marshall College of Law. Both faculty members were taking part in the two law schools' exchange program. Professor Webley received her LLB from the University of Birmingham (England); her Post Graduate Diploma in Legal Practice from the College of Law in Chester (England); and her MA in Legal Practice Distinction from the University of Westminster. She is presently a candidate for the PhD from the Institute of Advanced Legal Studies at the University of London. She is the author of the forthcoming *THE FUNDAMENTALS OF PUBLIC LAW: TEXT CASES AND MATERIALS* (Oxford University Press) and co-author of *A REVIEW OF HOW OTHER COUNTRIES PROVIDE ADVICE TO THE VULNERABLE ON CONSUMER AND SOCIAL ISSUES* (London: Department of Trade and Industry, 2006).

... about Tom Swanson?

First-year law student **Thomas Swanson**, MD, neurologist and epileptologist, member of the Oberlin College Department of Neuroscience adjunct faculty, and CEO of Midwest Neuroscience, Inc, a Cleveland based neurology medical group, has been named one of America's top doctors in 2006 by consumer reports.

Professor David Forte, Peripatetic Scholar

David Forte's article, *Regime Change*, a review of *THE FAILURE OF THE FOUNDING FATHERS JEFFERSON, MARSHALL, AND THE RISE OF PRESIDENTIAL DEMOCRACY* by Bruce Ackerman, was published in the summer 2006 issue of *THE CLAREMONT REVIEW OF BOOKS* and republished in *THE WALL STREET JOURNAL Online* on September 29. In December Professor Forte published *Encicliche Sociali, Capitalismo e Socialismo* in the Italian journal, *ATLANTIDE*. On October 6-7, he attended the Philadelphia Society's meeting on "The Contested Roots of American Liberty" in Pittsburgh; on October 20, he attended the Annual Meeting of the Ohio Association of Scholars forum on "The Michigan Civil Rights Initiative" in Columbus.



Professor Forte, frequent guest lecturer here and abroad, presented the following addresses from September 2006 through March 2007:

- **On September 1**, "Originalism and Conservatism" at the American Political Science Association Annual Meeting in Philadelphia;
- **On September 6**, "The Constitution and the New Supreme Court" at the Acton Institute in Grand Rapids, Michigan;
- **On October 3**, "*Gonzales v. Oregon*," at the law school's First Monday in October Faculty Forum;
- **On October 6**, "U.S. Constitutional Law for Judges and Magistrates" during a meeting of The Ohio Judicial College in Independence, Ohio;
- **On October 16**, a commentary on the Alliance for Justice Film, "Quiet Revolution," for the American Constitution Society at the Cleveland office of Calfee Halter & Griswold;
- **On October 17**, "Election Time: Where We Are, Where We Need to Go," a 2006 forum held at the First Unitarian Church in Shaker Heights, Ohio, with Case Western Reserve University Emeritus Professor Norman Robbins and Cleveland-Marshall College Professor **Candice Hoke**, Director of CSU's Center for Election Integrity;
- **On December 19**, Professor Forte and **Stephen R. Lazarus**, "U.S. Constitutional Law Update," which considered the 2004 and 2005 terms of the U.S. Supreme Court in a program presented by the Supreme Court of Ohio Judicial College in Columbus, Ohio. Professors Forte and Lazarus had presented earlier versions of the lectures at the Judicial College's Cleveland program on October 6;
- **On January 20**, "What Will Justice Kennedy Do?" Keynote Speaker, Mercer County Annual Pro-life Prayer Breakfast, Hermitage, Pennsylvania;
- **On February 3**, "Government and Religion: What the Constitution Says" at the First Unitarian Church of Cleveland in Shaker Heights;
- **On February 12**, "God, Nature or Man: Whose Law for a Free People? The Experience of Islam" at Princeton University as part of the "America's Founding and Future" series sponsored by the James Madison Program in American Ideals and Institutions;
- **On February 19**, "The Ten Commandments and the Establishment Clause," Washburn University School of Law, Topeka, Kansas;
- **On February 20**, "Islam and Pluralism," University of Kansas School of Law, Lawrence, Kansas;
- **On February 21**, "Originalism and the New Supreme Court," University of Missouri at Kansas City School of Law, Kansas City, Missouri;
- **On February 22**, Debate: "Is Islam Compatible with Democracy?" with Professor Abdi Sheikhosman, University of Minnesota School of Law, Minneapolis;
- **On February 23**, "How Justice Cardozo Nearly Saved the Commerce Clause," University of St. Thomas School of Law, Minneapolis, Minnesota;
- **On March 20**, Bill of Rights Institute, Seminar for high school teachers on the First Amendment, Western Reserve Historical Society, Cleveland.

■ Alumni Happenings

1943

Wyatt C. Brownlee, a former Assistant Ohio Attorney General and Municipal Court Judge, was the guest of honor at his 100th birthday celebration in Cleveland in March. Mr. Brownlee currently resides in Lauderdale Lake, Florida.

1952

Former Cuyahoga County Common Pleas Judge **John L. Angelotta** was featured in a news article in the Florida newspaper THE VILLAGES DAILY SUN.

1958

James P. Conway has returned to Case Western Reserve University as a senior advisor to the University's Development Office. Mr. Conway retired from Case in 2002 after 30 years of service during which he helped build the university's endowment from \$77 million to \$1.6 billion.

1967

Stanley Morganstern of Morganstern MacAdams & Devito in Cleveland was named chair of the Ohio State Bar Association's specialization committee.

1968

The OSBA named **Thomas J. Escovar** of the Cleveland firm Steuer Escovar Berk & Brown chair of its judicial administration and legal reform committee.

U.S. Court of Claims Senior Judge **Bohdan A. Futey** received the James Madison Award at the Court's 19th Annual Judicial Conference. The award is given to a member of the court who has contributed notably to the advancement of justice and the rule of law. Judge Futey has been actively involved for many years with democratization and rule-of-law programs in developing democracies, organized by the Judicial Conference of the United States, the Department of State, and the American Bar Association in Ukraine and Russia.

1969

Human Arc, the Cleveland provider of health care reimbursement solutions and services, named **Jerry P. Widman** to its strategic advisory board.

1970

Jeffrey L. Weiler, partner in the estate planning and probate practice group in the Cleveland law firm of Benesch Friedlander Coplan & Aronoff, was elected to the board of the Piano International Association of Northern Ohio.

1971

Timothy M. Bittel is a partner in the Cleveland firm of Hahn Loeser + Parks, where his practice is focused on litigation, construction, and labor and employment.

1974

Howard E. Rose was sworn in as an immigration judge for the Houston, Texas, Immigration Court. Judge Rose served with the Department of Homeland Security, Bureau of Immigration and Custom Enforcement from 1982 to September 2006 in the following capacities: from 1987 to September 2006 as a Special Assistant U.S. Attorney with the U.S. Attorney's Office for the Southern District of Texas; from 1983 to 1987 as District Counsel in Miami; and from 1982 to 1983 as a trial attorney in Miami. From 1976 to 1978 and 1980 to 1982, he served as an assistant county prosecutor for the Cuyahoga County Prosecutor's Office and he served as an assistant attorney general in the Attorney General's Office, Territory of Guam, from 1978 to 1980. He also served as a law clerk and assistant director of law in the City of East Cleveland Law Director's Office from 1972 to 1976, in the U.S. Army from 1966 to 1971, and in the U.S. Army Reserve from 1971 to 1994.

J. Michael Monteleone, the senior partner in Jeffries, Kube, Forrest & Monteleone in Cleveland, was named one of Naifeh & Smith's THE BEST LAWYERS

IN AMERICA in 2006, an Ohio Super Lawyer by LAW & POLITICS MEDIA, INC. and a 2006 Leading Lawyer by INSIDE BUSINESS. Mr. Monteleone's practice focuses on medical negligence law.



LAW AND POLITICS MEDIA INC. named **Michael C. Hennenberg** a 2007 Ohio Super Lawyer in the area of criminal defense. Mr. Hennenberg, of counsel at Dinn, Hochman &

Potter in Mayfield Heights, is certified by the NBTA as a criminal trial advocate and is a Fellow in the American Board of Criminal Lawyers.



Leonard D. Young joined the Cleveland law firm of Walter & Haverfield as a partner in the firm's business section, where he practices in several areas: general counsel services,

business services, international transactions, corporate governance and mergers, acquisitions and divestitures.

1975



Jose C. Feliciano, a partner in Baker Hostetler's Cleveland office, has been appointed to the American Bar Association's Standing Committee on Federal Judiciary. The appointment

is made by the President of the ABA and is based upon reputation for professional competence, integrity and devotion to public service.



LAW AND POLITICS MEDIA, INC. named **L. Richard Musat** a 2007 Colorado Super Lawyer. Mr. Musat has extensive trial experience in aviation law, products liability, contractual

disputes, fires and explosions, professional liability, recreation torts, and personal injury and wrongful death actions. Mr. Musat, a

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pilot, has been trial counsel in federal and state court jury trials involving aircraft crash wrongful death actions throughout the United States and has coordinated the defense of multiple wrongful death and injury actions from air crash disasters that have occurred outside the U.S.



Alan G. Starkoff, a partner and leader of the commercial litigation practice group in the Columbus firm of Schottenstein Zox & Dunn, was appointed to a two year term on the Law Firm Alliance Executive Committee, an informal network of mid-sized firms bringing together the expertise of more than 2,300 attorneys offering a wide range of legal and industry specialties. LAW & POLITICS MEDIA, INC. also named Mr. Starkoff an Ohio Super Lawyer 2007 in the area of business litigation.



Schottenstein Zox & Dunn partner **Robert D. Weisman**, who practices in the firm's labor and employment and workplace safety practices groups, has been selected Secretary of the Columbus Zoo and Aquarium Board of Trustees for 2007. Mr. Weisman was also named an Ohio Super Lawyer 2007 in the area of employment and labor law by LAW & POLITICS MEDIA, INC.

1976

Stephen P. Bond joined the Elyria office of Brouse McDowell as a partner.



Stuart I. Garson, managing partner for the Cleveland firm of Garson & Associates, was named by LAW & POLITICS MEDIA, INC. as an Ohio Super Lawyer 2007.

The California Press Association has named **Harold W. Fuson, Jr.** the Justus

F. Craemer Newspaper Executive of the Year. Mr. Fuson is the senior vice president and chief legal officer for the Copley Press Inc., publisher of THE SAN DIEGO UNION-TRIBUNE. He is the 41st recipient of the award, which is given to publishers, editors-in-chief or equivalents who have involved themselves in the directions of the editorial and news side of their newspapers by showing exceptional editorial achievement.

M. Colette Gibbons, a partner in the Cleveland office of Schottenstein Zox & Dunn, was named an Ohio Super Lawyer 2007 in the areas of bankruptcy and creditor/debtor rights by LAW & POLITICS MEDIA, INC.

John R. Hlavka joined the Cleveland firm of Tarollio, Sundheim, Covell & Tummino as a partner.

Minnesota Governor Tim Pawlenty announced the appointment of **Frank J. Kundrat** as Judge of the Seventh Judicial District in St. Cloud.

1977



Carolyn M. Cappel was reelected Assistant Managing Partner in the Cleveland firm of Weston Hurd. Ms. Cappel focuses her practice on personal injury and products liability.

Donet D. Graves, a partner in the real estate and personal services practice groups at Buckley King in Cleveland, was appointed to the board of trustees of the Cleveland Zoological Society.

LAW & POLITICS MEDIA, INC. named **Rubin Guttman** an 2007 Ohio Super Lawyer. Mr. Guttman's firm, Ruben Guttman & Associates in Cleveland, focuses on serious person injury and business litigation.

John W. Waldeck, Jr. was appointed to the real property law specialization board

of the Ohio State Bar Association. Mr. Waldeck is a partner and chair of the real estate group in the Cleveland law firm of Walter & Haverfield.

1979

The National Labor Relations Board appointed **William B. Cowen** as Solicitor, the Board's chief legal officer and advisor on questions of law and policy arising from the Board's administration of the National Labor Relations Act.

Kenneth B. Liffman, managing partner in the Cleveland law firm of McCarthy, Lebit, Crystal & Liffman, was named to BEST LAWYERS IN AMERICA 2007.

1980



Susan L. Gragel, partner in the Cleveland firm of Rotatori, Bender, Gragel, Stoper & Alexander, and her husband, Tom Goecke, are the proud parents of Anna Yi Goecke, age 2.

Anna was born in Henan Province, China, and has received a warm welcome from her older brothers, Alec, Andrew and Adam, who are very happy to have a little sister.

Pennsylvania's Forest County President Judge William F. Morgan appointed **Dennis R. Luttenauer** to serve as its district attorney.

Jack L. Petronelli joined the labor and employment law practice group in the Cleveland law firm of Mansour, Gavin, Gerlack & Manos.

1981



Kathleen S. Grady joined the Cleveland firm of Walter & Haverfield as an associate in the firm's tax and wealth management and business services sections.

Roy G. Mienk was elected to a newly created judgeship in Clare and Gladwin Counties in Michigan.

■ Alumni Happenings

Steven S. Smith of West Publishing Company was named chair of the Ohio State Bar Association's administrative law committee.



P. Kelly Tompkins was elected executive vice president and chief administrative officer of RPM International Inc., a NYSE-listed \$3 billion holding company that owns subsidiaries in specialty coatings and sealants. Mr. Tompkins will oversee all of the company's worldwide financial, legal, public affairs and risk management functions. He is a past president of the Cleveland Bar Association and former chair of the Cleveland-Marshall College of Law Visiting Committee.

THE BEST LAWYERS IN AMERICA 2007 recognized Ulmer & Berne partner **Frederick N. Widen**. Mr. Widen's practice focuses on representing real estate developers, professional corporations, health care providers and other clients in numerous taxation, real estate and employee benefits matters. He is a past president of both the Cleveland-Marshall Law Alumni Association and Northeast Ohio Health Services, Inc.

1982

Outgoing Governor Bob Taft appointed **Marilyn B. Cassidy** Judge of the Cleveland Municipal Court.

The Tennessee District Attorneys General Conference hired District Attorney **Jim Camp** of Green Lake, Wisconsin, as the second traffic safety resource prosecutor in Tennessee. Mr. Camp will assist in law enforcement training at the Tennessee Highway Patrol Training Academies and in the mentoring and development of new prosecutors concerning all traffic safety issues.

Solon City Councilman **Edward H. Kraus** and **Mark E. Mastrangelo** were appointed by Ohio Attorney General Marc Dann to co-lead the agency's Cleveland office.

Cuyahoga County Court of Common Pleas Judge **Nancy Margaret Russo** was named to the Ohio Supreme Court Committee on the Library of Reasoned Orders. She has also been named as a member of the Lorain Community College Advisory Board of Curriculum for the Departments of Public Administration and Geographic Intelligence Systems.

1983

Judge **Frank D. Celebrezze, Jr.**, Judge of the Ohio Court of Appeals for the Eighth District for the past six years, has been named that district's Administrative Judge for the year 2007. The Eighth District, which covers all of Cuyahoga County, is the largest appellate court in the Ohio court system.

Arthur M. Kaufman, a partner in the Cleveland firm of Hahn Loeser + Parks, was elected president of the Northern District of Ohio Chapter of the Federal Bar Association.

The Best Lawyers in America 2007 recognized Ulmer & Berne partner **F. Thomas Vickers** who chairs the firm's construction litigation group and represents public and private owners, contractors, architects and engineers in all phases of construction-related matters. Mr. Vickers is a former president of the American Inns of Court.

1984

Hunter S. Havens was included in the 2007 edition of THE BEST LAWYERS IN AMERICA in the specialty of transportation law. Mr. Havens is a partner at the Cleveland firm of Hermann Cahn & Schneider.

Pamela MacAdams of Morganstern MacAdams & Devito in Cleveland was named chair of the OSBA's family law committee.



LAW & POLITICS MEDIA, INC. named **David L. Meyerson**, workers' compensation litigation practice leader for Garson & Associates, a 2007 Ohio Super Lawyer.

Mary Segulin joined the real estate practice group in the Cleveland firm of Kahn Kleinman.

Carter E. Strang, a founding partner with the Cleveland law firm of Tucker Ellis & West, was elected secretary of the Federal Bar Association's Northern District of Ohio Chapter. Mr. Strang is a member of the Cleveland-Marshall Law Alumni Association's Board of Trustees and of the College of Law's Visiting Committee. He was also appointed to the Board of Advisors of the Kent State University Honors College and is the author of "RCRA Citizen Suits in a Post-Cooper Era," which was recently published in both the Cleveland and Federal Bar Journals.

Karl R. Wetzel was named vice president of e-discovery services for Visual Evidence/E-Discovery, which provides electronic data discovery for law firms and in-house counsel.

1985

Peggy Foley Jones is a partner with the Cleveland firm of Giffen & Kaminski, offering ways to resolve litigation, troubled business relationships, and other disputes.



Mary Forbes Lovett joined the Cleveland firm of Ulmer & Berne as a partner in the firm's real estate group.

Russell Kornblut joined the Cleveland firm of Buckley King as a partner in the business and financial services group.

Alumni Happenings ■

1986

Daniel S. Kalka is president of the Cleveland Intellectual Property Lawyers Association.

Cuyahoga County Prosecutor **William D. Mason** was recently honored with the National Internet Crimes Against Children Leadership Award by the U.S. Department of Justice. He was recognized for his leadership in spearheading the Ohio Internet Crimes Against Children Task Force, the only national task force of its kind run by a county prosecutor.

Shawn R. Russell is a partner at the Cleveland firm of Ulmer Berne, where her practice is concentrated on corporate law, securities, regulatory compliance, banking and commercial finance, corporate governance, and mergers and acquisitions.

1987

Kathleen Sasala of the Cleveland Law Library was named chair of the Ohio State Bar Association's law libraries and legal information services committee.

Former Municipal Court Judge **Joan Synenberg** was elected to the Cuyahoga County Common Pleas Court.

Timothy P. Trainer spoke at the U.S. Patent & Trademark Office's IPR Enforcement Academy's program for judges and prosecutors, as part of the Middle East Partnership Initiative in June '06. Thompson-West published his book, *PROTECTING INTELLECTUAL PROPERTY RIGHTS ACROSS BORDERS*, in August 2006. Mr. Trainer conducted a series of intellectual property workshops in the Philippines and Brunei in August 2006 and spoke at several universities, addressing law, business and economics majors, regarding the importance of intellectual property in economic development. He also conducted a series of IPR workshops with government and business leaders in Prishtina, Kosovo, in October 2006. Mr. Trainer is the president of the Global Intellectual Property Strategy Center.

1988



Debora Lasch was elected 2007 President of the Cleveland chapter of CREW (Commercial Real Estate Women), an international network of real estate professionals working to advance the success of women in commercial real estate. Ms. Lasch is a partner with the Cleveland firm of Cowden, Humphrey, Nagorney & Lovett, where she focuses her practice on real estate and urban development.

Howard B. Newman joined the Chicago Symphony Orchestra Association as vice-president of development, with responsibility for planning and managing all fundraising efforts of the Association.

Frank Aquila was named of counsel with McGown & Markling in Akron.

Mary Beth Duffy is an associate with the Cleveland firm of Hurtuk & Daroff.

Laura M. Simon is the director of leadership development at Brown & Brown, Inc., in Tampa, Florida.

1990

David J. Chernosky is the litigation manager of the Westlake, Ohio, firm of Perry, Chernosky & Associates.

The Franklin County Democratic Party appointed **Edward J. Leonard** to serve the remainder of Ohio Treasurer Richard Cordray's unexpired term as the county's treasurer. Mr. Leonard will run in the November 2008 election for a full four-year term.

Toni E. Marsh was appointed Director of the Paralegal Studies Graduate Programs at The George Washington University in Washington, DC. The programs offer graduate certificates in paralegal studies with legal specialties in government law, intellectual property law, and international law. She is also the author of *JUVENILE LAW*.

1991



Sophia M. Deseran was elected President of the Greater Cleveland Mortgage Bankers Association for 2006-2007. Ms. Deseran is a partner with the Cleveland firm of Walter & Haverfield, where she focuses her practice on real estate and commercial lending.



Patricia A. Poole, a partner in Baker Hostetler's Cleveland office, is the president of The Legal Aid Society of Cleveland's Board of Trustees.

1992

Janet Lowder of the Cleveland firm Hickman & Lowder was named chair of the OSBA's elder law committee.



P. Kohl Schneider has become a partner in the Cleveland law firm of Gallagher Sharp in the firm's general litigation, professional liability, and product liability practice groups. Mr. Kohl represents businesses, insurance companies and individuals in a wide variety of civil litigation and defends construction companies, real estate professionals, manufacturers and their insurers throughout Ohio.

1993



Donald G. Drinko is a partner with the Cleveland firm of Gallaher Sharp where he is active in the firm's general litigation, insurance, and business and employment practice groups.

THE BEST LAWYERS IN AMERICA 2007 recognized Ulmer & Berne partner **Thomas W. Ostrowski** who has extensive experience in commercial banking, corporate

■ Alumni Happenings

finance and real estate financing. He also has experience in commercial real estate and corporate finance matters, asset-based finance and structured and secured finance.

1994

Andrew J. Dorman was named managing partner of the Broadview Heights firm of Janik & Dorman.

Baker & Hostetler partner **James A. Dimitrijevs** is president-elect of the Cleveland Intellectual Property Lawyers Association.

Peter Kraguljac, a partner with the Cleveland firm McDonald Hopkins, was appointed chair of the firm's intellectual property practice group.

Kurt S. Siegfried is senior counsel in the Cleveland firm of Ulmer & Berne.

Carrie Roads Wilson was appointed as the first general manager of the Cleveland BoyChoir. Based in Chagrin Falls, Ohio, and serving the city of Cleveland youth, the Cleveland BoyChoir is a non-profit organization whose mission is to enrich the lives of inner city boys by providing life-changing opportunities through their exposure to music.



Deborah Yue has become a partner in the Cleveland firm of Gallagher Sharp where she is active in the firm's general litigation and insurance practice groups. Ms. Yue represents

businesses, insurance companies, and individuals in a wide variety of civil litigation, including third-party lawsuits arising out of motor vehicle accidents.

1995

Mark E. Avsec, a partner in the Cleveland firm Benesch Friedlander Coplan & Aronoff, was appointed to the Board of Directors of the Contemporary Youth Orchestra, a nonprofit youth orchestra in residence at Cleveland State University.

Mr. Avsec is a member of the firm's intellectual property practice group where his practice focuses on copyright trademark and e-business matters.

Graf Tech International's corporate counsel **Cynthia Binns** was elected to the Board of Directors of the Northeast Ohio Chapter of the Association of Corporate Counsel.

Suzanne M. Conroy is Of Counsel in the Cleveland law firm of Frantz Ward, practicing in the area of commercial real estate.

Michael P. Foley is a member of the Ohio House of Representatives, District 14. Mr. Foley is the former Executive Director of the Cleveland Tenants Organization.

Michael S. Owendoff was named a partner in the Cleveland office of Jones Day where he practices real estate law.

Marc L. Stolarsky has formed Marc L. Stolarsky Law LLC, practicing mainly in the areas of estate planning, including wills and trusts and probate assistance.

1996

Bruce L. Decker, Jr., is a partner in the Erie, Pennsylvania, law firm of MacDonald Illig Jones & Britton where his practice is focused on workers' compensation, civil litigation, insurance defense, state, local, and municipal law, municipal employment, and social security disability.

Linda L. Johnson is a partner and shareholder in the Cleveland firm of Mansour Gavin Gerlack & Manos.



Todd A. Schrader was elected a shareholder and partner at Wickens, Herzer, Panza, Cook & Batista, where he practices in the business organizations and tax and real estate departments.

Mark J. Stockman is an associate with the Cleveland firm of Kahn Kleinman.

1997

Timothy J. DeGeeter was sworn in as the state representative for the 15th Ohio House District in January.

Elizabeth A. Jerdonek was elected a partner in the Cleveland firm of Ulmer & Berne.

Mario J. Russica joined the Youngstown office of Reminger & Reminger, where his practice focuses on general liability, medical malpractice, and transportation liability matters.

1998

Shawn A. Cormier is a partner with the Cleveland firm of Davis & Young.

Sara M. Donnersbach was selected for the 2006 CRAIN'S CLEVELAND BUSINESS "40 Under 40" list, which recognizes the top 40 entrepreneurs in the Greater Cleveland area under the age of 40. Ms. Donnersbach is a partner in Weltman, Weinberg & Reis and practices in the complex collections and governmental collections departments of the Cleveland office.

Suzanne M. Fisher has become a partner in the Cleveland firm of McMahon DeGulis. Ms. Fisher is a litigator with a wide range of experience in environmental law including brownfield redevelopment, asbestos litigation, and counseling for real estate development and transactions.

Michele Berencsi Friend is an associate with Fox Spillane Shaeffer in Los Angeles, where she handles litigation and appeals in the areas of business, intellectual property, breach of contract, breach of fiduciary duty, fraud, unfair competition, media law, entertainment, defamation, rights of privacy and publicity, and freedom of speech. Ms. Friend is a past president of the Beverly Hills Bar Association Barristers.

Alumni Happenings ■



Robert E. Goff, Jr. was elected partner in the Cleveland law firm of Weston Hurd. Mr. Goff's practice is focused in the areas of e-commerce and internet law, employee

benefits, products liability and insurance matters including coverage, general defense and life, health and disability.

The National Elder Law Foundation, the only organization approved by the American Bar Association to offer certification in the area of elder law, announced that **Rachel Kabb-Effron** of the Kabb Law firm in Beachwood, Ohio, has successfully completed its examination and is now a certified elder law attorney.

Steven E. Seasley was named partner in the Cleveland office of Hahn Loeser + Parks where he focuses his practice in the labor and employment area, including Title VII, Age Discrimination in Employment Act, wrongful discharge, civil rights, collective bargaining and National Labor Relations Board issues.



Randy L. Taylor was elected partner in the Cleveland law firm of Weston Hurd, where his litigation practice concentrates on insurance coverage, bad-faith and business

litigation, employer tort, legal and medical malpractice, premises and products liability, construction, railroad and contract law and appellate matters.

1999

Rebecca F. Emmons, an attorney with Stewart & Evans in Vero Beach, Florida, was appointed to the Indian River Board of Children's Home Society, Treasure Coast Division.

Tamzin Kelley O'Neil was named a director in the Akron firm of McGown & Markling in the public entity, construction, zoning and real estate practices.



Kristin K. Going was named a partner in the Washington, D.C., office of Drinker Biddle & Reath, where she is a member of the corporate restructuring practice

group. Ms. Going's practice concentrates on creditor's rights, litigation and bankruptcy.



Matthew T. Norman is an associate in the professional liability and mass torts practice groups at the Cleveland firm of Gallagher Sharp.



The Cleveland firm of Millisor & Nobil named **Melanie L. Webber** a partner. Ms. Webber counsels employers on a wide array of employment and labor law issues and

practices in the areas of employment litigation, labor relations and human resource management. She currently chairs the law firm's human resources management group, M&N Employment Solutions, which assists employers in formulating positive employment practices utilizing tools such as effective employee communications and handbooks, human resource practice audits, employee opinion surveys and supervisory training.

2000

Ryan Burns is the Director of Legal Recruiting and Professional Development with the Cleveland firm of Benesch Friedlander Coplan & Aronoff. Ms. Burns is responsible for later, new, and summer associate hiring for the firm's Cleveland and Columbus offices as well as ongoing professional development for the attorneys.

Alexander E. Gertsburg is vice president and general counsel in the Cleveland telecommunications company, Broadvox.



Victor T. DiMarco was elected partner in the Cleveland law firm of Weston Hurd, where his practice includes litigation in the areas of long-term

care, construction law, insurance coverage, personal injury, products liability and employer intentional tort.

Stephen Michniak is an assistant prosecutor in the Portage County Prosecutor's Office.

Arthi K. Tirey, an associate with Benesch Friedlander Coplan & Aronoff, is secretary of the Cleveland Intellectual Property Lawyers Association.

2001

Mayor **Frank G. Jackson '83** appointed **Kimberly R. Barnett** first assistant prosecutor for the City of Cleveland.

Maria Citeroni is a law clerk in the U.S. District Court, Northern District of Ohio, for Judge Kathleen O'Malley.

Scott Claussen is an associate in the Cleveland firm of Plevin & Gallucci.

Joseph DiBaggio is an associate with the Cleveland firm of Joseph B. Jerome & Associates.

Elizabeth Z. Golish joined the Cleveland firm of Calfee Halter & Griswold as an associate in the firm's real estate group.

Beth Ann Schenz is an associate with the Cleveland office of Weltman, Weinberg & Reis in the bankruptcy department.

Lauren P. Steiner of the Achievement Centers for Children was elected vice-president of professional development of the Greater Cleveland Chapter of the Association of Fundraising Professionals.

Albert Vondra of Pricewaterhouse Coopers was elected treasurer of the Northern District of Ohio Chapter of the Federal Bar Association.

■ Alumni Happenings

2002

Jess E. Gamiere joined the Cleveland firm of Ulmer & Berne as an associate in the business litigation group. Mr. Gamiere focuses his practice on general business litigation, including contract disputes, insurance coverage, products liability defense, employment-related matters, landlord/tenant issues and claims related to the Racketeer Influenced and Corrupt Organizations Act.

Phillip King, an associate with the Willoughby firm of Schraff and King, published an analysis of *Washington v. Glucksberg* in the summer 2002 edition of the JOURNAL OF LAW AND HEALTH, which the editors of the Greenhaven Press in the United Kingdom hope to use in a library anthology entitled "Issues on Trial, Euthanasia."

Jennifer Lukas-Jackson is a trial attorney in the Environment and Natural Resources Division of the U.S. Department of Justice in Washington, D.C.

William F. Perry is the managing partner of the Westlake firm of Perry, Chernosky & Associates.

Giffen & Kaminski associate **Tracy Turoff** is the recipient of the American Marshall Memorial Fellowship, created by the German Marshall Fund of the United States to introduce a new generation of European leaders to America's institutions, politics, and people and to expose future U.S. leaders to a changing and expanding Europe. Founded in 1972 through a gift from Germany as a permanent memorial to America's post-WWII Marshall Plan assistance, GMF maintains a strong presence on both sides of the Atlantic.

2003

Lacie O'Daire joined the Cleveland firm of Walter & Haverfield as an associate.

Jason Rothman is an associate with the Cleveland firm of Calfee Halter & Griswold.

Heather B. Vlasuk joined the Cleveland firm of Walter & Haverfield as an associate.

Hahn Loeser + Parks associate **Ann C. Ziegler** is president of the Cleveland Professional 20/30 Club.

2004

Susanne M. DeGennaro is an associate at Roetzel & Andress where her practice focuses on municipal and local government with an emphasis on land use, planning, and zoning issues.

Julie A. DiBaggio is an associate in the probate (deceased collections) area of the Cleveland firm Weltman, Weinberg & Reis.

Siegmund F. Fuchs has accepted a federal clerkship with the Honorable James L. Dennis of the U.S. Court of Appeals, Fifth Circuit, in New Orleans for the 2007-08 term. Mr. Fuchs is currently an associate with Squire, Sanders & Dempsey.

Cecilia J. Hyun is an associate with the Beachwood firm of Siegel, Siegel, Johnson & Jennings. Ms. Hyun's practice is concentrated on state and local real estate taxation and general civil litigation.

Gordon C. Short is a member of the Cleveland Bridge Builders' Flagship Program 2007.

2005

Christopher P. Adkins joined the Cleveland firm of Weston Hurd practicing in the areas of estates, trusts and probate.

Joshua R. Angelotta is an associate with Williams Sennett & Scully with offices in Cleveland and Twinsburg.

Terry M. Billups is an associate in the Cleveland firm of Squire Sanders & Dempsey.

Daniel S. Burley is an associate in the general liability practice group in the Youngstown office of Davis & Young.

Katherine E. DeBoer is an associate with Gallagher Sharp in Cleveland.

Max Dehn, an associate with the Cleveland firm of Cavitch, Familo, Durkin & Frutkin, published an article *How It Works: Sobriety Sentencing, the Constitution, and Alcoholics* in 10 MICHIGAN STATE UNIVERSITY JOURNAL OF MEDICINE & LAW 256 (Spring 2006).

Stacy L. Emhoff joined the Cleveland office of McDonald Hopkins as an associate in the intellectual property practice group. Ms. Emhoff focuses her practice on intellectual property protection and enforcement, including preparing patent applications in the mechanical arts and preparing patentability opinions.

Edward W. Hastie III is an associate with the Columbus firm of Newhouse, Prophater & Letcher where his practice is focused on representing liquor permit holders.

Ian R. Luschin joined Williams Sennett & Scully as an associate in the firm's Cleveland and Twinsburg offices.

Monique A. McCarthy is the Assistant Director of Admissions - Recruitment at the University of St. Thomas School of Law in Minneapolis.

John O. Storey is an associate with the Cleveland firm of Cowden, Humphrey, Nagorney & Lovett practicing in all areas including corporate, securities, and real estate/urban development.

2006

Bryan W. Conway is an associate with the Cleveland firm of Collins & Scanlon focusing his practice on the areas of estate planning and related documents, Medicaid planning, social security and elder law.

Nadine J. Ezzie joined the Cleveland firm of Rademaker, Matty, McClelland & Greve as an associate practicing in the areas of municipal, banking, small corporate, and workers compensation law.

William R. Fisher is an associate with the Cleveland firm of Curatolo Sidoti.

David J. Herman is an associate with the Cleveland firm of Nurenberg, Paris, Heller & McCarthy.

Nicole M. Hitch is an associate with the Cleveland firm of Brouse McDowell.

Jason D. Hochman joined the Mayfield Heights firm of Dinn Hochman & Potter.

Stephanie M. Holland is an associate in the Cleveland firm of Squire Sanders & Dempsey.

Evelyn K. Holmer is an associate in the corporate and securities practice group of the Cleveland firm Benesch Friedlander Coplan & Aronoff.

Gregory C. Johnson joined the Cleveland firm of Reminger & Reminger concentrating his practice on corporate planning and transactions, mergers and acquisitions, estate planning and real estate development, sales and lease contracts.

Mary Beth Klemencic is an associate practicing insurance defense with the Solon firm of Mazanec, Raskin, Ryder & Keller.

Aubrie A. Knight joined the Cleveland firm of Hahn Loeser + Parks as an associate.

Jason B. Mizak is an associate with the Cleveland firm of Singerman, Mills, Desberg & Kauntz.

Thomas E. Stuckart III is an associate with the Avon firm of Wickens, Herzer, Panza, Cook & Batista.



Amy L. Scheurman is an associate in the business and litigation practice in the Cleveland office of Buckingham, Doolittle & Burroughs.

Thomas E. Stuckart III is an associate with the Avon firm of Wickens, Herzer, Panza, Cook & Batista.



Interested in joining the first C-M College of Law Cycling Team to participate in Pedal to the Point?

On August 18-19, 2007, C-M students will cycle 150 miles to Sandusky, Ohio, and back to Berea, Ohio, to raise money for the National MS Society's Pedal to the Point Bike Tour.

The ride is open to all members of the Cleveland-Marshall community.

If you are interested in participating in this year's event, OR if you cannot participate but wish to make a contribution to the C-M team, please contact Tia Suplizio at 440.749.0244 or by email at

tia.suplizio@law.csuohio.edu

OBITUARIES

David Seigel '48

Paul P. Chalko '52

Gerald J. Murphy '54

Josephine Walker '54

Myron E. Jackson '58

Joseph P. Pidala '58

John Zajac '60

Pancratius "Pete" Mrachko '63

Steven K. Birch '66

M. David Smith '70

Thomas P. Gill '73

Frank J. Pokorny '73

Gary M. Gilmartin '76

Michael T. Hauch '76

John A. Doganiero '78

Louis C. Damiani '79

Roberta M. Reed '81

Mark Sullivan '81

Daniel Olenick '88

Steven K. Birch '96

Diane Lynn Mealey '01

■ Faculty & Staff Notes—May 2006–April 2007

On September 12, **Gordon Beggs** spoke to the law school's Christian Legal Society and guests on "Christianity and the Study of Law."

Michael Borden's article, *The Role of Financial Journalists in Corporate Governance*, is forthcoming in *FORDHAM JOURNAL OF CORPORATE AND FINANCIAL LAW*. On November 2, Professor Borden spoke on "Mistake and Disclosure in a Model of Two-Sided Informational Inputs" at Capital University Law School as part of its Faculty Luncheon Speaker Exchange program with faculty from Cleveland-Marshall. In February, Professor Borden delivered the same lecture at the Third International Conference on Contracts. The Conference was co-sponsored by the South Texas College of Law and the Texas-Wesleyan University School of Law.

Dena S. Davis published *Moral Ambition: The Sermons of Harry A. Blackmun* in 72 *BROOKLYN LAW REVIEW* 211 (2006) and *The Puzzle of IVF* in the Symposium 2006 issue of the *HOUSTON JOURNAL OF HEALTH LAW & POLICY*. On September 15, Professor Davis was one of three plenary speakers at "Finding the Genome: Group Interests in Genetic Research and Testing" at the University of North Carolina—Chapel Hill; on September 16, she took part in "The Human Genome and Being Human: A Community Conversation on Our DNA, Health, Values and Heritage" in Durham, North Carolina. On December 16-17 she attended a conference on "Ethical Issues and Genetic Counseling in Mental Illness" held at Ram Manohar Lohia Hospital, New Delhi, and funded by the Fogarty International Center at the National Institutes of Health.

Kathleen C. Engel's reputation as an expert in predatory lending practices has crossed the Atlantic. In April she spoke at the International Association of Consumer Law's 11th Internal Conference on Consumer Law in Cape Town, South Africa; her topic was "From



Credit Denial to Predatory Lending: The Challenge of Sustainable Minority Homeownership," and, next fall, she will be the keynote speaker at the Consumer Law Roundtable in Brisbane, Australia.

In the meantime, she continues to write and speak nationally on the societal harm wrought by unprincipled mortgage-lenders. Often, she speaks and publishes with her former Cleveland-Marshall colleague, now University of Connecticut Professor of Law, **Patricia McCoy**. *Turning a Blind Eye: Wall Street Finance of Predatory Lending*, which is forthcoming in *FORDHAM LAW REVIEW*, is a recent collaboration; on September 29, Professors Engel and McCoy co-authored an op-ed piece in the *CLEVELAND PLAIN DEALER*, "Mortgage Rate Disparities Hurt Borrowers, Communities." In addition, Professor Engel is widely sought by the media: On September 11, she was quoted in *BUSINESS WEEK's* cover story, *Nightmare Mortgages: They Promise the American Dream: A Home of Your Own—With Ultra-Low Rates and Payments Anyone Can Afford. Now, the Trap has Sprung*, by Mara Der Hovanesian. In the September 17 issue of the *CLEVELAND PLAIN DEALER*, reporter Mark Gillispie quoted Professor Engel in an article, "Subprime industry explodes along with profits." Throughout the past year, she has been a frequent commentator, lecturer and presenter at national conferences. On October 20, she described her research on the economics and impact of predatory lending at the law school's Fair Housing and Fair Lending Conference; in November, she attended a conference engagingly titled, "Brother Can You Spare a Basis Point? High Cost Lending and Federal Preemption of State Regulation Conference" at the University of Connecticut. Professor Engel and a team of economists received an award of \$280,000 from the United States Department of Housing and

Development for a project entitled, "A Study of High Cost Loans and Fair Lending Compliance." In addition, she has received a \$2,000 award for her submission to the American College of Financial Services' Lawyers Writing Competition. She is a recently appointed member to the Board of Directors of Americans for Fairness in Lending, a national non-profit organization.

Patricia J. Falk published *The Three Marital Exemptions in Ohio's Rape Statute* in 88 *LAW & FACT* in 24 (2007), a publication of the Cuyahoga County Bar Association.

Deborah A. Geier published *Murphy and the Evolution of Basis* in 113 *TAX NOTES* 576 (2006). In May, she will speak on the Murphy case at the ABA Tax Section Teaching Taxation Committee.

In November **Carole O. Heyward** spoke on "Universal Design; Principles, Standards & Resources" at the Ohio Housing Finance Agency's Conference on Affordable Housing in Columbus



These days, any reporting on **Candice Hoke** generally focuses on the work she is doing as founding Director of CSU's non-partisan Center for Election Integrity, a two-year-old partnership between the law school and the Levin College of Urban Affairs. The Center, founded in 2005 after a problematic 2004 presidential election and recount, has as its laudable mission "to assist Ohio in becoming the national leader in transparent, legal, efficient and accurate elections by 2008." Cuyahoga County, the largest in the state, is one of the Center's most challenging focal points. Following charges that voting in Cuyahoga County's May 2006 primary—the County's first experience with electronic voting—had been compromised by

Faculty & Staff Notes ■

ill-trained poll workers, faulty technology, and poor oversight by executive election officials, the Cuyahoga County Board of Elections appointed a three-member panel to conduct a comprehensive, independent review of the County's elections systems, to identify deficiencies, and to make recommendations for "achieving the highest standard in election administrative performance." Professor Hoke was one of the Election Review Panel's three experts and co-author of the Panel's 400-page report issued on July 20, 2006. Shortly afterwards, the Cuyahoga County Board of County Commissioners appointed the Center to a two-year term as Public Monitor to oversee conduct of coming elections "with the goal of ensuring a lawful, equitable, and secure electoral system that produces accurate and verifiable election results." The County's electoral difficulties were not over, however. The November 2006 general election, while much improved over the May primary, experienced an array of problems. Once more, politicians and the media demanded a full accounting. That job fell to the independent Public Monitor. The Public Monitor's report, "Possible Legal Noncompliance in the November 2006 Election" written by Professor Hoke and other Center staff, was issued on February 22 and has received wide media coverage. In fact, from the 2004 Presidential election through the November 2006 mid-term national election and after, Professor Hoke has been a frequent commentator on Ohio's flawed elections, election law, electronic voting, and poll worker training and has been featured and interviewed on such outlets as CNN, NPR, Fox News National, the *New York Times*, *USA Today*, local media and various other print and on line publications.

In February, **Lolita Buckner Inniss** was awarded an LLM with Distinction from Osgoode Hall Law School, York University, Toronto, where she continues as a candidate for the PhD. In the fall of 2006, while at Osgoode, Professor Buckner Inniss participated in "Feminist

Fridays" at the Institute of Feminist Legal Studies and spoke on "The 'Black Woman Question': The Challenges of Articulating a Unique African Diasporic Legal Identity for Black Women in Canada and the United States." At the January 2007 annual meeting of the Association of American Law Schools, she presented "Critical Legal Rhetoric and the Case of *In re African-American Slave Descendants* Litigation." Professor Buckner Inniss has created a blog on comparative racism and the law: <http://racelawinniss.blogspot.com/>

W. Dennis Keating presented a case study of the history of diversity policy in Oak Park, Illinois, at the annual meeting of the Association of Collegiate Schools of Planning on November 9. On November 15, he read his paper on the causes, prevention, and amelioration of housing abandonment at the Harvard University Joint Center on Housing Studies during the Revisiting Rental Housing Summit, sponsored by the MacArthur Foundation. Professor Keating is co-author of *The Long-Term Impact of CDCs on Urban Neighborhoods: Case Studies of Cleveland's Broadway-Slavic Village and Tremont Neighborhoods* published in *COMMUNITY DEVELOPMENT: JOURNAL OF THE COMMUNITY DEVELOPMENT SOCIETY*, Vol. 37, No. 4 (Winter 2006). And he is the new President of the Housing and Built Environment Committee of the International Sociological Association. In April, he presented a paper on "Inclusionary Housing" and participated in a panel on the Right to Housing at the annual meeting of the Urban Affairs Association in Seattle. His co-authored article on fighting suburban decline in Cleveland is forthcoming in the June 2007 issue of *OPOLIS: AN INTERNATIONAL JOURNAL OF SUBURBAN AND METROPOLITAN STUDIES*.

Kenneth Kowalski was quoted in an article by Alan Johnson in the September 25, issue of *THE COLUMBUS DISPATCH*, "Minimum-Wage Battle Rages: Issue 2 Foes Raise Privacy Concerns; Supporters Call That a 'Red Herring.'" Professor

Kowalski participated in the 9:00 a.m. call-in program on WCPN (90.3 FM) on Friday, March 23, in which participants discussed the affect that distractions, such as sports, political or celebrity news, have on the workplace.

In October, **Arthur Landever** facilitated a Great Stories and the Law program, "When the Laws of the Land Fail to Serve Justice." Twenty-five alumni/ae and law school friends discussed three works of fiction and two relevant Supreme Court cases: Alice Walker's "The Revenge of Hannah Kemphuff"; Sophocles's "Antigone"; E.L. Doctorow's "Child, Dead in the Rose Garden"; *Plessy v. Ferguson* and *Bradwell v. Illinois*.



On December 7, **Kermit Lind** presented "Implementing H.B. 294 For Fast-Track Tax Foreclosures: City, County and CDC Roles" during a workshop sponsored by the Vacant Property Coordinating Council in Cleveland. On December 8, Professor Lind lectured on "R.C. § 3767.41 Receivership: Practice and Procedure in the Cleveland Municipal Court, Housing Division" during an event co-sponsored by the Cleveland Housing Court, the law school's Urban Development Law Clinic and Neighborhood Progress, Inc.

In August, shortly after revelations concerning the National Security Agency's warrantless surveillance program, **Geoffrey S. Mearns** participated in a call-in show on Cleveland's public radio affiliate, WCPN (90.3 FM). On December 18, Dean Mearns was quoted by Alex Koppelman in an article, *The Terrorist You've Never Heard Of* on SALON.COM. On January 9, Dean Mearns participated in a call-in show on WCPN (90.3 FM), in which he addressed Ohio Governor Ted Strickland's proposal for dealing with ethi-

■ Faculty & Staff Notes

cal violations by government employees. On January 10, Dean Mearns and CWRU School of Law Dean Gary J. Simson led a Cleveland Clinic-sponsored public forum at Cleveland's InterContinental Hotel, in which both deans questioned United States Associate Justice Antonin Scalia on a variety of legal issues and fielded questions for the Justice from the audience. The following day, THE PLAIN DEALER reviewed the event in an article by Patrick O'Donnell, "High court's Scalia advocates against 'activist' judges." On January 19, he was quoted in an AP article by Joe Milicia, "University shooter may take stand; defense says he's sane but delusional," which appeared in various media, including the AKRON BEACON JOURNAL and the online edition of the CINCINNATI ENQUIRER. On March 15, as a participant in the Cleveland Alumni/Ae Clubs of the Ivy '15's 2007 Distinguished Scholar Lecture Series, the Dean spoke on "The Oklahoma City Bombing Trials: A Prosecutor's Perspective" in Conway Hall of the University School. Finally, Dean Geoffrey Mearns was quoted in the March 23 edition of the AKRON BEACON JOURNAL in an article by Phil Trexler and Dennis Ward regarding the release from prison of convicted murder-accomplice Cynthia George.

Karin M. Mika '89 has been appointed to the Scholarship Committee of the Legal Writing Institute. The committee is charged with proposing guidelines and procedures for awarding summer research stipends and for proposing guidelines and procedure for awards for various categories of scholarship.

Kevin Francis O'Neill's article, *Privatizing Public Forums to Eliminate Dissent*, has been accepted for publication in the spring 2007 issue of the FIRST AMENDMENT LAW REVIEW, published by the University of North Carolina School of Law. In October, Professor O'Neill appeared at Cleveland Public Theatre to offer commentary and answer questions following a play about the "enemy combatants" detained at Guantanamo Bay,

Cuba. On previous nights, Professors **James G. Wilson** and **Brian Ray** participated in the program.

On January 1, **Kunal Parker** became a new member of the Editorial Board of the journal, LAW AND SOCIAL INQUIRY.

Brian Ray worked with Bob Rawson of Jones Day to help plan and organize for the American Bar Association's Commission on Civic Education and the Separation of Powers. Mr. Rawson is the Commission's chair, and the honorary co-chairs are Ohio Supreme Court Justice **Maureen O'Connor '80** and former U.S. Senator Bill Bradley.

Laura E. Ray, the law school's Educational Programming Librarian, will be presenting two two-hour workshops at the 2007 Annual Scientific Meeting of the Association of Rheumatology Health Professionals (ARHP) and American College of Rheumatology (ACR). In "Identifying and Navigating Web-Based Educational and Networking Resources for Rheumatology Health Professionals and Patients" she will identify and highlight substantive resources on key rheumatology-related Web sites and discuss incorporating Web resources into professional and patient education and networking. In the second workshop, "Efficient and Effective Research on the Web for Clinicians and Educators," she will demonstrate how to search efficiently and effectively Web-based databases and how to examine methods for increasing rheumatology health professionals' Web-searching and Website critical evaluation skills. Before coming to Cleveland-Marshall in 1989, Ms. Ray was the librarian at the Northeast Ohio Multipurpose Arthritis Center, directed by Dr. Roland Moskowitz, a co-discoverer of the Osteoarthritis gene. In addition to her Cleveland-Marshall duties and extensive professional activities with the American Association of Law Libraries, she has continued to stay involved with the ARHP, ACR and Arthritis

Foundation. Ms. Ray was a member of the ACR 2001 Web Editor Selection Committee and 2000-2001 Applications of Next Generation Technologies Task Force, twice chaired the ARHP Internet/Web Applications Task Force, and has chaired the Ohio Council of Arthritis Foundation Chapters, an advocacy coalition since 2000. In 2005 she was one of 37 recipients of the ARHP 40th Anniversary Star Award, recognizing her leadership in next generation audio visual and communication technology, and received the 2001 ARHP Addie Thomas Service Award in recognition of her continued commitment to rheumatology issues. Ms. Ray has presented numerous workshops and lectures at national and regional medical and library conferences since 1982, addressing a myriad of topics on the Web and Internet, legislative advocacy, audiovisual enhancement of learning, educational design and learning styles, as well as legal, medical, and information research. She is also the author of *Clinical Care and the World Wide Web* in the second edition of the ARHP's CLINICAL CARE IN THE RHEUMATIC DISEASES.



Marie Rehmar, the law school's Head Reference Services Librarian, has been named one of Cleveland State University's "Women Who Make a Difference." Ms.

Rehmar, who has worked at the law school since 1978, will receive this well-deserved award in the annual recognition program sponsored by the University's Women's Comprehensive Program and students in Women's Studies.

Alan Miles Ruben spoke on "New and Developing Arbitration Issues in the Interpretation of Collective Bargaining Agreements" at the ADR in Labor and Employment Law Committee's CLE program during the annual meeting of the

Faculty & Staff Notes ■

American Bar Association in Honolulu. Professor Emeritus Ruben was also inducted as a Fellow in the College of Labor and Employment Attorneys, a nonprofit professional association, headquartered in Washington, DC, that honors the leading lawyers nationwide in the practice of labor and employment law.



Christopher Sagers's article, *The Myth of 'Privatization,'* will appear this year in 59 ADMINISTRATIVE LAW REVIEW. On October 18, Professor Sagers testified in Washington, on behalf of the

American Bar Association's Antitrust Section before the U.S. Antitrust Modernization Commission, where he urged the Commission to recommend that Congress repeal the antitrust exemption contained in the Shipping Act, one of the last remaining outright antitrust exemptions. Professor Sagers was asked to testify for the ABA Antitrust Section because he had earlier drafted the comments the Section submitted to the Commission on this matter.

Michael J. Slinger was a member of the ABA Inspection Team for the University of Missouri-Kansas City School of Law on February 25-28. Associate Dean Slinger lectured on "Ohio Congressman Clement Vallandigham, the Copperheads, and Lincoln's Assault of Civil Liberties" at the Baldwin-Wallace College Institute on Adult Learning on February 20th in Berea, Ohio.

On October 25-28, **Lloyd Snyder** joined Capital University College of Law Dean **Jack Guttenberg**, former Cleveland-Marshall Associate Dean, and 23 other Ohio lawyers, judges, and law professors for a seminar on law and legal philosophy sponsored by The Justice Institute for the Legal Profession. Plato, Dostoevsky,

Martin Luther King, deTocqueville, Shakespeare, and the work of several legal scholars were among the writers on whom the seminar focused. The highlight of the program was a discussion with the Honorable Nathaniel Jones, retired Sixth Circuit Court of Appeals Judge and former general counsel to the NAACP. Judge Jones described the legal strategy leading up to *Brown v. Board of Education*. His session took place at the site of a fugitive slave trial held in Granville, Ohio, in 1841. Then, on December 15, Professor Snyder lectured on "The Ohio Rules of Professional Conduct: What's New, What's Not" during a meeting of the Federal Bar Association.

Steven H. Steinglass's SECTION 1983 LITIGATION IN STATE AND FEDERAL COURTS (Thomson/West) is due for completion in July 2008. His article, *The Supreme Court's Two Most Recent Terms*, which reviews recent decisions on federal jurisdiction and federal practice, was published in the February 2007 issue of THE CLEVELAND BAR JOURNAL. On February 5, Dean Emeritus Steinglass made a work-in-progress presentation at Akron Law School on "The Future of Home Rule in Ohio." His Akron lecture was the first of three presentations on various aspects of the Ohio Constitution. On February 7, he spoke on "Municipal Residency Requirements and the Ohio Constitution" at a faculty lunch, and that evening he discussed "The Future of the Ohio Constitution of 1851: Is It Rewrite Time?" at Associate Dean **Michael J. Slinger's** 2006-07 Faculty Speaker Series.

Milena Stereo's article, *Clash of the Titans: Collisions of Economic Regulations and the Need to Harmonize Prescriptive Jurisdiction Rules*, has been accepted for publication in the spring 2007 issue of the U.C. DAVIS JOURNAL OF INTERNATIONAL LAW AND POLICY.

On October 4, **Mark Sundahl** delivered a paper entitled, "Information Warfare:

The Legal Aspects of Using Satellites and Jamming Technologies in Propaganda Battles" at the 2006 International Astronautical Congress in Valencia, Spain. On February 23, he spoke on "Iraq, Secured Transactions and the Promise of Islamic Law" at Capital University. On March 27, Professor Sundahl described "Spaceports and Space Tourism: Legal Issues for the New Space Industry" to students and faculty in the last of Associate Dean **Michael J. Slinger's** 2006-07 Faculty Speaker Series.

Adam Thurschwell spoke at the "Centennial Conference on Levinas and Law" at McGill University on September 16-18, and at a symposium, "The New Exceptionalism: Law and Literature Since 9/11," at Cardozo Law School on October 29. On March 11, Professor Thurschwell was quoted in an article by Jonathan Glater in the NEW YORK TIMES, "Jury Pool Untainted, Barbeque and All," concerning the presence of lawyers and reporters serving on the jury for the trial of Louis Libby. Professor Thurschwell was a Visiting Professor at American University during in the 2006-07 school year and will remain in residence at American for the 2007-08 school year.

The national board of Delta Theta Phi International Law Fraternity presented **Barbara J. Tyler '89**, Director of the Legal Writing Program, with its award for National Outstanding Professor of the Year.

The 2007 edition of **Alan Weinstein's** treatise, FEDERAL LAND USE LAW AND LITIGATION (Rochester: Thomson/West Publishing), co-authored with Brian Blaesser, Esq., was published in January 2007. Professor Weinstein also published two articles, *Eminent Domain: Judicial and Legislative Responses to Kelo* in 58 PLANNING & ENVIRONMENTAL LAW NO. 11 (2006) and *Exactions, Dedications and Impact Fees* in the winter 2007 edition of THE COMMISSIONER: A PUBLICATION OF THE AMERICAN PLANNING

■ Faculty & Staff Notes

ASSOCIATION. On October 27, Professor Weinstein discussed "Eminent Domain in Ohio After *Kelo*, *Norwood* and the Legislative Taskforce Report" during the OPC/APA Zoning Workshop in Cleveland. On February 2nd, he spoke at the Ohio Township Association's Winter Conference in Columbus. His presentation, "Implementing H.B. 23: New Rules for Township Regulation of Adult Entertainment Businesses," considered a statute that went into effect in August 2006 authorizing townships to regulate the operational aspects of the adult entertainment businesses. The model township adult entertainment regulations adopted by the Ohio Attorney General are based on regulations that Professor Weinstein drafted for West Chester Township in 2003. On March 7, he participated in a panel on "The Socioeconomic Effect of Land Use Regulation in Northeast Ohio: Where Have All the Developers Gone?" during the CLE International Land Use Law Conference in Cleveland; the following day THE PLAIN DEALER published an article on the conference, "Is NE Ohio saying 'Keep Out?' Panelists contend policy stomps down potential growth," in which Professor Weinstein was quoted. Professor Weinstein has also been doing some traveling: In February, he spent two days in Los Angeles as a litigation consultant to the office of the L.A. City Attorney on planning law issues as the staff prepared for a trial on the remand of an adult entertainment case that was previously before the Supreme Court, *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002) and during spring break, he traveled to Indiana with colleagues from the Levin College to explore opportunities for faculty and student exchanges with Indian universities in New Delhi, Chandigarh (Punjab) and Hyderabad.

On September 15, the Cleveland State University Board of Trustees voted to recognize **Stephen J. Werber** as

a Professor of Law Emeritus. Shortly before the November election, Professor Emeritus Werber appeared on the Channel 3's Golden Opportunities program, hosted by Armand Budish, discussing aspects of the new election laws. He also joined with the 70 Cleveland-Marshall students, faculty, staff, and alumni/ae, led by Professor **Pamela Daiker-Middaugh '88**, who volunteered to teach civics to tenth graders at Cleveland's JFK high school. The law school team was participating

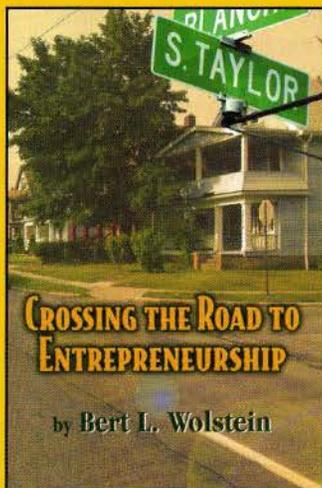
in the Cleveland Bar Association's 3 Rs Program, which seeks to teach basic constitutional law to high school children and to prepare them to pass their tenth grade proficiency tests. On Friday, March 9, he was the day-long speaker and discussion leader at the Clergy Institute held at Temple B'rith Kodesh in Rochester, New York, speaking to religious leaders of all faiths from throughout the Rochester area. His remarks focused primarily on the concepts of *lex talionis*.

Late Breaking News—Congratulations to Professor of Law **Stephen Lazarus** who has won Cleveland State University's 2007 Distinguished Teaching Award.

What others have said about 1953 Cleveland-Marshall graduate Bert Wolstein's autobiography:

CROSSING THE ROAD TO ENTREPRENEURSHIP

(Case, 2004)



"Bert Wolstein started out from very humble beginnings and turned the fruits of his entrepreneurial success into an asset for his community."

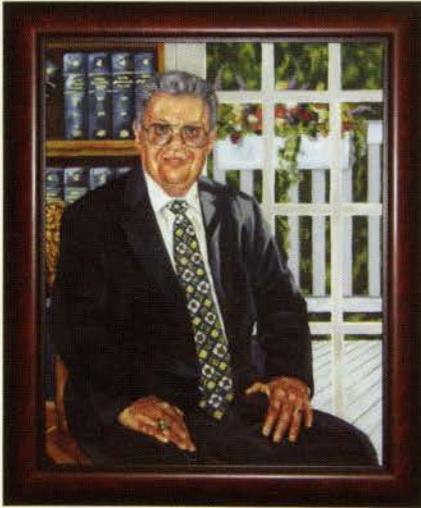
U.S. Senator George Voinovich

"[Bert's] special talent for entrepreneurship carried him to dazzling successes in business and in life." *Edward M. Hundert, M.D., former President, Case Western Reserve University*

"Anyone who believes you have to be born with a silver spoon in your mouth to be successful in life hasn't met Bert Wolstein." *Former U.S. Senator Bob Dole*

CROSSING THE ROAD TO ENTREPRENEURSHIP is available locally in Cleveland and at online book stores as well.

In Memoriam



Portrait of Earl Curry by his daughter, Sarah Curry

Earl Moss Curry, Jr. (1933-2007)

Cleveland-Marshall Professor of Law

by David Goshien
Professor of Law

Earl Moss Curry, Jr. was born September 20, 1933, in Logan, West Virginia, and grew up in Pineville, West Virginia. He earned a bachelor's degree and a law degree from West Virginia University, a master's degree in retailing from the University of Pittsburgh and an LLM from New York University Law School.

Earl taught at what is now the Cleveland-Marshall College of Law of Cleveland State University for 27 years, serving for several of them as an Associate Dean of the law school. He taught widely across his various fields of interest, including property law, estates and trusts, future interests and jurisprudence. He helped to pioneer the teaching of alternative dispute resolution here, building upon his expertise and experience as a labor arbitrator, an interest which he pursued avidly until only a few months ago.

Shortly before his death, Earl wrote, with advice and information from family members, a short history of his family forebears. He traced his male ancestors to one John Curry or Currie who was born

in 1736 in the state of Virginia. Earl's paternal grandfather, LVS Curry, married Laura Bell Farley, whose mother was a McCoy; it was her brother Randolph who led the McCoy clan in the famous feud with the Hatfields. Earl recorded the fact that grandfather LVS Curry and four of his brothers married five Farley sisters; he then supposed that at the time there was "no one else to marry that you weren't related to." As a result Earl's Dad had around 40 double-first cousins. Earl's father, known as "Moss," owned a furniture store in Pineville, West Virginia, and taught young Earl much about the importance of charity, which Earl practiced throughout his life.

Earl's mother was Lydia Margaret Johnson Curry whose family Earl was able to trace from North Carolina origins to Kentucky, with a two-year hiatus for homesteading in Idaho before they moved to West Virginia. His mother was a school teacher and principal who lost her job when she became pregnant with Earl; always the professional, she kept a close eye on his education until he entered college.

Earl Curry was an avid reader and had a keen interest in history, especially that of the English monarchy. His property course necessarily included much medieval British land law, and he taught his students that no one could understand the intricacies of feudal realty law unless she or he "knew the names and dates of all of the kings and queens of England." In our many discussions of real property, he proved that to me, former teacher of the subject, many times over.

He had a quiet, wry, almost British sense of humor and especially enjoyed telling any backwoods joke that had a twist to it in which the stump-jumper outwitted the sly city slicker—never more so than when the slicker came from Harvard!

He loved and he knew geography, on this continent and much of Europe. (Earl said this knowledge was necessary to his understanding of history.) His cases as a well-known and well-regarded labor arbitrator in this country took him to many

factory towns too small for an airport, so Earl learned all the closest airports and the best highway routes complete with shortcuts, historic inns worth traveling to stay in, and the best restaurants, whether multiple-starred fine dining or just the best roadside barbecue joints. The amazing thing is that he was always at ease and at home in either one. His European travels served to show his wife, **Virginia Wallace Curry '69**, and their girls, Sarah and Lucy, some of the finest cathedrals, hotels and restaurants of that historic continent.

Earl was always one to puncture pomposity if he thought he observed it in his students or his colleagues, and he was known for his contrarian attitude where organized religions were concerned. He called a spade a dirty shovel and reveled in "taking down a peg" those whom he considered too haughty for their station or this world. He was easy-going, well liked and easily approached; Earl was a refined, informed, educated, interested, interesting academic and practical version of the old-fashioned salt-of-the-earth.

He would, I hope, not mind too much if this eulogy closed with two quotations from the Pirkei Avot, a tractate of the Mishna known in English as the "Sayings of our Fathers." Earl might not like the proximity of the source to an organized (even if early) religion, but then he always liked a good quote and I would like to believe that both apply to Earl Moss Curry, Jr.

Avot ch. 4 #1 Ben Zoma said, "Who is wise? He who learns from all men, as it is written (Psalm 119:99) "I have gained understanding from all my teachers."

Avot ch. 4 #15 Rabbi Elazar ben Shammua used to say: "Let the honor of your student be as precious to you as your own; and the honor of your colleague as the respect due your teacher; and the respect towards your teacher as your reverence for God."

We shall miss Earl Curry, Jr.

Delivered by Professor Goshien at the Cleveland State University Faculty Senate Meeting, February 7, 2007

cmlaa

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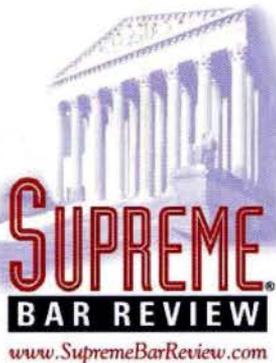
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