

Cleveland State University

LETTER OF THE LAW

Cleveland-Marshall College of Law Quarterly Newsletter

FALL 2007

A MESSAGE TO OUR STUDENTS FROM DEAN GEOFFREY S. MEARNS

WELCOME TO THE ENTERING CLASS OF 2007



“Welcome” is the word most often on our lips these first weeks of school. In the case of the entering class of 2007, it is a heartfelt greeting to each of you from the men and women who will teach you, the staff who will advise you throughout law school, the returning students with whom you will share the future and the community of graduates whose commitment to our students is one of our law school’s great strengths. Soon we will all know one another better; soon you will emerge from your transcripts and letters of recommendation as the promising future lawyer we hoped would choose our law school. For the time being, however, we know you are an exceptional class, and we have the statistics to prove it: You were selected from over 1,500 applications; your class’s median UGPA score is 3.37; its median LSAT score is 155; you enrolled from 85 undergraduate colleges and universities; 70 percent of you are studying law full time; 41 percent of you are women and 14 percent are students of color. Wherever you fit in these demographics, we know you are our kind of student; we know you will thrive in this challenging environment.

WELCOME TWO NEW FACULTY MEMBERS

This year the law school welcomes two new faculty members from two different spheres of legal practice.

Reginald Oh, the law school's newest faculty member, brings to Cleveland-Marshall nine years of teaching experience and a lengthy roster of publications and presentations in this country and abroad. His BA with high honors is from Oberlin College; his JD, magna cum laude, is from Boston College Law School, and his LLM is from Georgetown University Law Center. Professor Oh is a student of racial politics in geographical and historical contexts. In *Interracial Marriage in the Shadows of Jim Crow: Racial Segregation as Racial and Gender Subordination* (UNIVERSITY OF CALIFORNIA DAVIS LAW REVIEW 2006), for example, he argues that segregation laws went far beyond racial isolation to reinforce both racial and gender inequality and, in effect, worked in conjunction with miscegenation laws to regulate and prohibit interracial relationships between whites and blacks. In *Discrimination and Distrust: A Critical Linguistic Analysis of the Discrimination Concept* (UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 2005), he examines the use of the term “discrimination” in U.S. Supreme Court decisions and contends that the unacknowledged changing and shifting use of the term has influenced the substantive development of equal protection doctrine.

David Whitehead, a graduate of Cleveland State University and Cleveland-Marshall College of Law, is the law school’s first Distinguished Practitioner in Residence. He brings to our classrooms the experience of almost three decades in the electric energy industry, including more than a decade as a corporate officer. Professor Whitehead has recently retired from FirstEnergy Corporation, the fifth largest electric utility in the United States, where as Vice President and Corporate Secretary he

supervised many of the corporation's most important functions—from the day-to-day operations of the giant industry to real estate transactions, records management, internal facilities supervision as well as management activities related to the board of directors. He is also a conscientious public citizen—a member of the boards of the Cuyahoga Community College, the United Way, the Cleveland Scholarship Programs, Inc., the Cleveland State University Foundation and a valued member of the law school's Visiting Committee. He is the recipient of many awards, including the Black Professional of the Year (2005) and the African American Male Achiever (2006) from the 100 Black Men of Greater Cleveland organization. In the fall he will teach Corporations; in the spring he will teach a seminar in Energy Regulatory Policy in the Levin College of Urban Affairs, and throughout the year, he will assist us in recruiting and advising law students.

In the gifts and perspectives of both these teachers, their colleagues and students are fortunate.

AND WELCOME OUR RETURNING STUDENTS

Whether you are beginning your second, third or fourth year of law school, you are now ten months closer to a new life as a member of the legal profession. We applaud your commitment to becoming the kind of conscientious lawyer our 2007 graduation speaker [Tim Russert '76](#) called “foot soldiers of the law.” Tim's metaphor seems especially apt, for today many Americans feel that the rule of law is being severely challenged, both inside and outside our borders, and that we have a fight on our hands. It will not be a fight with weapons and armaments; it will be a fight that educated minds will win by maintaining an unwavering commitment to the principles upon which this country was founded. At our law school, we are preparing a generation of well-trained and conscientious lawyers whose vigilance will secure the liberties our Constitution guarantees. The students now learning law at Cleveland-Marshall are members of that generation. You will work hard and get the job done.

“FOOT SOLDIERS OF THE LAW”

Every year students come to our law school because they know that embedded in our school's mission is a century-old dedication to public service. They choose *this* law school because, quite simply, they want to serve others. And they don't wait until graduation to begin. Through our [Pro Bono Program](#), in project after project, you have reached out to the region's most vulnerable citizens: the poor, the working poor and inner-city youth. Last year, in an alliance with the Cleveland Bar Association and the Legal Aid Society of Cleveland, our Pro Bono students worked alongside volunteer attorneys in free walk-in legal clinics that provided legal counsel to the poor on both sides of the city. In another highly successful project, the 3Rs Program, 60 Cleveland-Marshall students and faculty joined 700 members of the bench and bar to help prepare 10th graders in every high school in the Cleveland Municipal School District for the state-mandated graduation tests. Other Pro Bono volunteers counseled the homeless through the Homeless Legal Assistance Project and computed and filed taxes for the elderly and working poor through the IRS-Certified Volunteer Tax Preparer Project. In yet another project with the Cleveland Bar Association and the Cleveland Municipal School District, our students coached area high school students competing in the city-wide Mock Trial Program. At the end of the school year, our students, our faculty and our graduates had donated 11,000 hours of free community service to organizations and individuals active in creating an educated citizenry and a lawful and prosperous region. We congratulate all of you and commend in particular five students whose extraordinary service merited the Dean's Community Service Awards: **Yohanna Allen '08, Alex Beeler '08, Lisa Mach '08, Maria Martuccio '08 and Laura Perme '08.** (To learn about Pro Bono opportunities, contact Professor [Pamela Daiker-Middaugh](mailto:Pamela.Daiker-Middaugh@law.csuohio.edu), who heads the program: Pamela.Daiker-Middaugh@law.csuohio.edu).

SPENDING THE SUMMER *PRO BONO PUBLICO*: SUMMER FELLOWSHIP RECIPIENTS

The law school's Pro Bono Summer Fellowships provided stipends to six law students to support

their volunteer work in community organizations and, in some cases, to continue with projects begun during the school year. The past summer's fellowships went to **Julie Clutter '08**, the Edith Simon Civil Rights Fellow at the Legal Aid Society of Cleveland; **Alison Foy '08**, the David C. Weiner-Charna E. Sherman Fellow at the Cleveland Mediation Center; **Melissa Kline '08**, Pro Bono Fellow at the Laurel Legal Services in Clarion, Pennsylvania; **Corey Harkey '09**, Pro Bono Fellow at the Legal Aid Society of Nashville, **Rod Mastandrea '08**, Pro Bono Fellow in the Cleveland Lutheran Metropolitan Ministry and **Mark Toskey '09**, Pro Bono Fellow at the Legal Aid Society of Ashtabula. (To learn how to qualify for these Summer Fellowships, contact Professor Pamela Daiker-Middaugh at Pamela.Daiker-Middaugh@law.csuohio.edu)

AND SPEAKING OF OUR STUDENTS' ACHIEVEMENTS

The law school's Moot Court Teams have been winners since the late 1970s, when the law school's first woman tenured faculty member, Professor [Ann Aldrich](#), now Senior Judge on the U.S. District Court for the Northern District of Ohio, initiated the law school's Moot Court Program. Today, Cleveland-Marshall teams enter several interscholastic appellate advocacy competitions each year and each year distinguish themselves in contest after contest. In the regional National Moot Court Competition last winter, under the guidance of Moot Court Faculty Advisor [Karin Mika '89](#), for instance, our team of **Kelly Means '07**, **Gregory Jolivette '07**, and **Karen Swanson '07** won awards for the best respondent brief, best brief overall, and best Ohio team, while Karen Swanson-Hahn walked off with the best oralist award. In February, the law school enjoyed the honor of hosting the Jessup International Law Moot Court Competitions. Fourteen teams from such prestigious law schools as the University of Notre Dame, the University of Michigan, Case Western Reserve University, and the University of Indiana competed against one another. (Our home team of **Alin Rosca '08**, **Michael Tripi '07**, **Daniel Thiel '07**, and **Mary Malone '08**, coached by Adjunct Professor **Siegmund Fuchs '04**, now clerking on the Fifth Circuit Court of Appeals in New Orleans, traveled to Los Angeles, where they performed admirably and swept the oralist awards.) In a stunning display of our law school's stature in the legal community, over 100 Cleveland attorneys and judges—the greatest number of whom earned their law degrees at our law school—volunteered to counsel and judged the teams.

Another successful national competitor was second-year law student **Jason D. Grimes**. Jason submitted an essay to the American College of Trial Lawyers Law Student Essay Contest and walked off with a check for \$10,000 for his winning essay, "Aligning Judicial Elections with Our Constitutional Values: the Separation of Powers." Congratulations to Jason.

AN INTERNATIONAL FACULTY

Our faculty are in demand as experts in many areas of the law, and from the closing days of the 2006-07 school year until the opening of the new school year, they have traveled far, attending and lecturing at international conferences and teaching at universities in this country and abroad.

In April, Professor [Kathleen C. Engel](#) 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." In November, Professor Engel will be the keynote speaker at the Consumer Law Roundtable in Brisbane, Australia.

In mid-May, Professor [Brian Ray](#) participated in a conference at Creighton University School of Law on Current Trends in Japanese Law and the Legal Profession, which brought together most of the leading scholars of Japanese law.

In June, Professor [Dena S. Davis](#) spent two weeks at Linköping University in Linköping, Sweden, as a Fulbright Senior Specialist attached to the University's Program in Health, Science, and Society. Professor Davis has had a long association with the Fulbright program as a scholar and grantee in

India, Indonesia, Israel, Sweden and our own country. In July, she presented a paper on "Non-Therapeutic Genital Surgery: Exploring Gender Differences" at the University College of London Interdisciplinary Colloquium on Law and Bioethics.

In June, Professor [Mark Sundahl](#) attended a meeting of the UNIDROIT Space Working Group in New York, where he led a discussion on the application of the Cape Town Convention to satellite components.

In July, Professor [Adam Thurschwell](#) presented a paper on "Benjamin between Agamben and Derrida: Some *Plumpes Denken* about Political Messianism," at a symposium in Lancaster, England, on *The Messianic Now: Philosophy, Religion, Politics*.

In late July, Professors [Kunal Parker](#) and [Brian Ray](#) attended the Law & Society Association's annual conference in Berlin, Germany. Professor Ray spoke on "Striking A Balance: The South African Constitutional Court's Socioeconomic Rights Jurisprudence" as part of a panel on comparative constitutional law, and Professor Parker spoke on "Historical Contextualization and Legal Thought."

In August, Professor [Candice Hoke](#), director of CSU's innovative [Center for Election Integrity](#), delivered a peer-reviewed paper to the Electronic Voting Technology/USENIX Conference in Boston. Her paper, co-authored with **Thomas P. Ryan '08**, "GEMS Tabulation Database Design Issues in Relation to Voting System Certification Standards," is published electronically. You may read the paper on [this link](#).

A LAW SCHOOL WITHOUT WALLS

Our law school is a place where teaching and learning occur not only within but beyond the classroom, as each year our faculty brings national and international scholars to campus to teach and lecture. They are philosophers, jurists, criminologists, journalists, forensic psychologists, historians and some of the country's famed practitioners. Often they are dissenters who challenge our most deeply held convictions about history, politics, culture and the rule of law. Always they enlarge our understanding and expand our notion of the role citizens must play in a democratic republic. For some of you the experience of hearing and meeting these outstanding men and women will remain among your best memories of your Cleveland-Marshall years. You will find a roster of this year's visiting scholars on [this link](#).

THE ONCE AND FUTURE LAW SCHOOL

Our law school, founded in 1897, is 110 years old. Our building, however, is a mere 30 years old. Its dedication in 1977 was the setting for one of the most memorable events in Cleveland-Marshall history: a visit by Charles, Prince of Wales, who was touring the country at the time and agreed to preside over the dedication service.

In 1977, the press hailed the new law school building as "a boon to the city." But in recent years the law building, especially when viewed alongside its handsome new library wing, was beginning to look like a distant relative. This summer construction crews tore into the sides of our 30-year-old building, ripped up carpets (including the signature fashion carpet in the "Garden Terrace Room") and ripped out walls and wiring. Hard-hatted men and women worked throughout the day and often, under bright lights, into the late summer nights on the building renovations that we have only known as an architect's renderings of the law school of the future. The handsome updated Moot Court Room is a sign of what's to come: a three-tiered glass entrance facing Euclid Avenue; a new law school conference room, walled on two sides in glass; new spaces for our clinics, student organizations and faculty conferences and a new walkway bridge from the law building to the College of Music and Communications. Already, thanks to better lighting and new and enlarged windows in the student services area and elsewhere, there is a sense of more light filtering through the building. The old, fortress-like building closed in on itself; the new law school opens outwards

in an architectural gesture that is perhaps symbolic of this law school's historic involvement with the world around, now captured in bricks and mortar. We owe this transformation to a generous gift from Mrs. Iris Wolstein in memory of her husband, the late [Bert L. Wolstein '53](#).

A PARTING WORD ABOUT THE LAW SCHOOL IN THE CITY, THE LAW SCHOOL IN THE NATION AND YOU IN THE WORLD

In Cleveland law is a major industry, a city of small practice-specific firms and a city of large firms with national and international practices. And our law school, in walking distance to the courts and downtown law offices, is a wonderful place to learn law. We belong to this city. And one of the most important lessons our students learn, inside and outside the classroom, is how much this public law school means to the community around us—from the poorest citizens for whom we are a source of opportunity to members of the bench and bar for whom we have been a source of exceptional legal talent for more than a century.

But we belong to the nation as well: Our graduates are everywhere in America. They distinguish themselves in private and corporate practices, head law firms, serve on every level of the judiciary, hold high office in state and federal government, create and develop businesses and corporations, chair non-profit organizations, teach in public schools and universities, serve in the military and, on behalf of the public good, donate countless hours to individuals, charities and community organizations. As a group profile, they are a remarkable portrait of a singular law school.

All of them began as you did: with your signature on an application to a law school you may not have known at all. Like you, they sought a career in law to make a living, to make a life, to make a better world, and they have done so. As you will.

Whether you practice law in Sandusky or in San Francisco or in Sao Paulo, we are preparing you to become a lawyer who will distinguish our law school and keep our profession an honorable one. The entire curriculum—courses, clinics, externships, concentrations—is designed around you and the hopes we all share for your future. Your job is to study hard, ask questions and challenge yourselves and your teachers. I know you will do your job well.

For further information about this newsletter and about the law school, please contact Louise Dempsey at louise.dempsey@law.csuohio.edu Our mailing address is 2121 Euclid Avenue, LB 138, Cleveland, OH 44115.

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