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Cleveland-Marshall College of Law

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Brian Glassman's "Saimo Gairdneri" (1988) Blown glass, sandblasted, 10 in. diameter
Dear Alumni:

As my term as President of the Cleveland-Marshall Law Alumni Association draws to a close, I am reminded of the words of Robert Frost, who after stopping his sleigh to enjoy a moment's solitude in the woods on a snowy evening, remarked: "The woods are lovely, dark and deep. / But I have promises to keep, / And miles to go before I sleep, / And miles to go before I sleep." Although it has been another great year of achievements for the Law Alumni Association, there is still much to be accomplished.

It has been an honor to serve as President of the CMLAA for the past year. I have had the pleasure of working with many outstanding alumni who are fine lawyers and caring individuals. They have worked hard to achieve the mission of supporting Cleveland-Marshall, its alumni, students, faculty and staff.

Members of our organization have banded together to act as mentors for law students, have provided minority students with opportunities to enhance their law school experience and have worked with faculty to counsel and assist students preparing for the Bar exam. Through our Life Member Scholarship Fund and the generous donations of individual alumni, we were able to present 11 students with $5,500 of scholarship money this year. The students receiving these scholarships qualified by making an impact on both the law school and the community through numerous extracurricular and charitable activities. In February, 30 attorneys representing 14 different practice areas volunteered for our Marvelous Monday program, which gives students their first look into the "real world" of practicing law and provides focus for the balance of their time in law school. We have sponsored 19 CLE programs this year ranging from Technology in the Courtroom to Ethics, Professional and Substance Abuse. Finally, this year, we honored two highly regarded and distinguished alumni at our Annual Recognition Luncheon: the Honorable Diane J. Karpinski '80 and Howard D. Mishkind '80, whose contributions to this association and the profession are innumerable. It has been a great year of "doing" for members of the Law Alumni Association. But as Robert Frost reminds us, there are miles to go before we sleep.

This Association is too dynamic ever to contemplate sleep, but that does not alter the reality that there is much yet to do, much left to accomplish. Challenges to the growth and enhancement of the law school, both financial and political, remain. With the crisis in the state's budget, our state's politicians will doubtless continue to propose heavy-handed cuts to higher education. Moreover, though there are promising signs that our bar passage rate is improving, the law school needs every graduate to participate in assuring that our students receive the help and counsel they need to excel on the bar exam and in their careers afterward. New challenges and new goals will evolve and we will persevere - for there are miles to go before we sleep.

For me, it has been a full and gratifying year and a great honor to work alongside so many generous-hearted and hard working colleagues. I thank you all.

Sincerely,

Richard J. Ambrose '87
Our cover artist
Legal Writing Professor Brian A. Glassman first learned glassblowing in 1979 at the Penland School of Crafts in Penland, North Carolina. He has also studied at the Pilchuk School in Stanwood, Washington, and the Cleveland Institute of Art. His work has appeared in numerous exhibitions and is represented in the collection of the Cleveland Museum of Art. Professor Glassman's law degree is from the Boston University School of Law.

Artist's Statement
I strive for balance in the way in which I create my work. The immediacy and excitement of glassblowing has always captivated me. But through sandblasting and painting of glass, I have also addressed the more contemplative side of my artistic process. Those methods have enabled me to explore several themes of enduring significance to me, including sea creatures, food, parenting, Native American pottery designs and celestial bodies.

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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. For comments and suggestions, please feel free to contact the Law Alumni Association Office at 216-687-2368 or by email at mary.mckenna@law.csuohio.edu. Law Notes, issued by the Cleveland-Marshall Law Alumni Association, 2121 Euclid Avenue, LB121 Cleveland, Ohio 44115

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A Tradition of Service
In 1897 when state appellate judge Willis Vickery founded the law school that is now Cleveland State University's Cleveland-Marshall College of Law, he was responding to the needs of citizens who wished for themselves and their children a chance for a better life as members of an honorable profession. And that is what our predecessor law schools offered this community: a life rich in promise by means of an accessible, affordable legal education, extended more often than not to our newest citizens, to women as well as men, to all religious, ethnic, racial, and nationality groups, and to those with families to support. Judge Vickery's vision transformed the legal landscape of Cleveland, created the law school that is now the foundation of the legal profession in Northeast Ohio, and built a stronger, more durable community of citizen-lawyers.

The tradition of community service passed readily from Judge Vickery's hands into those of subsequent deans, Judges David C. Meck, Lee Skeel '12 and the law school's most durable dean, Wilson G. Stapleton '34. In addition to his teaching and administrative duties, Dean Stapleton served his fellow citizens as Mayor of Shaker Heights from 1939 to 1943 and from 1956 to 1962; he was regional information officer of a five-state area for the Office of Price Administration from 1941 to 1943. Perhaps his greatest service to the community, however, was his three-decade stewardship of the men and women who graduated in the years before and after World War II, among whom are some of the area's most prominent and most community-minded attorneys. He was an exceptional human being, inspired by the law and inspiring to the profession. Appropriately, we have named our legacy or planned giving opportunity "The Stapleton Society."

Dean Stapleton retired in 1967. Thirty-six years later our university-affiliated law school is larger, its outreach wider and its educational program greatly expanded, yet our commitment to community service remains a vital component of our mission. Today it is expressed in countless lectures, conferences, projects and individual acts of students, staff and faculty. Our law school's enduring bond with this community is the subject of this column.

Faculty, Administrators and the Community
Our faculty and administrators are involved in local and national professional organizations and bar associations; they volunteer legal and other services in the law school's Pro Bono Program, in non-profit agencies, in their children's schools and in their churches and synagogues; and they enlarge our understanding of the teaching and practice of law through numerous scholarly publications, amicus briefs, research projects, public lectures, conferences and media appearances. They are indeed observing our founders' commitment to serving the public good.

At risk of omitting the names of some of my colleagues, I would like to offer a few examples of their good work outside the classroom. Professor Susan J. Becker '83, who is currently serving a two-year term as President of the Ohio Human Rights Bar Association, is also a member of the Ohio Supreme Court's Rules Advisory Committee as well as a member of the Advisory Committee of the U.S. District Court for the Northern District of Ohio. Along with Professors Dena S. Davis and Lloyd Snyder, she is a member of the Board of the ACLU of Ohio. Professor Louis Geneva is a Trustee and Secretary for the Community Fund Management Foundation, a statewide non-profit organization acting as trust advisor for persons with disabilities; he is also Legal Advisor and Finance Committee member for the Bowman Center, which supports education, the arts and empowerment in the Mt. Pleasant Cleveland area, and a trustee of the inner-city Beacon Street Performing Arts Ministry.

During his sabbatical last year Professor Frederic White served as a consultant to the Housing Division of the Cleveland Municipal Court. Professor Tayyab Mahmud is deeply involved in the arts community.
through his membership on the Board of Trustees of the Cleveland Public Theater and Cleveland Filmworks. Associate Dean and Professor Jack Guttenberg is a member of a new task force recently appointed by Ohio Chief Justice Thomas Moyer to review and recommend improvements to Ohio's current ethics rules. This spring Cuyahoga County Common Pleas Court Judge Bert Griffin appointed Professor Phyllis L. Crocker foreperson of the Cuyahoga County Grand Jury, a service previously performed by Professors Frederic White and Jack Guttenberg.

Professor David Forte, who will receive the Law Alumni Association’s Wilson Stapleton Award this year for faculty excellence, is credited with enriching our understanding of the nature of Islam and Islamic Law through numerous lectures to groups nationally and internationally. And the publication of Professor James G. Wilson’s book The Imperial Republic has inspired a number of organizations to invite him to reflect on the historical and political background of our country’s foreign policy decisions.

As Dean, I have tried to integrate my service to the law school and the profession with my service to the community. I currently serve as a Trustee of the Cleveland Bar Association, as a member of the Ohio State Bar Association’s Council of Delegates, as a member of the Board of the Ohio Legal Assistance Foundation, as a member of the Advisory Committee for the Greater Cleveland Drug Court, as a member of the state planning group for legal services and as a member of the Program Committee of the Cleveland City Club.

In engaging the community our faculty have proved exceptionally responsive and entrepreneurial. In the past four years they have organized public conferences—ten in all—on the "death tax" issue, genetic discrimination in employment, the protection of human rights throughout the world, banking reform, the challenges faced by women in firefighting careers and many other issues of national concern. In April, Professor Kevin O’Neill organized a conference on state constitutional law in celebration of the bicentennial of the Ohio Constitution and Professors Susan Becker and Arthur Landever presented a seminar on the billion-dollar settlement in the Sulzer artificial hip replacement case. A full roster of conferences and events is planned for the next academic year. In short, a sense of community responsibility and a keen awareness of our special mission as a public law school are the generative forces behind these important events for our students and our community.

The contributions of our administrators to community organizations are equally commendable. Assistant Dean Louise P. Dempsey ’81, for instance, serves on the board of the Cleveland Municipal School District, a group completely dedicated to restoring Cleveland’s public schools to their fullest potential for educating future citizens; she also serves on the board of ParkWorks, an organization involved in recreation and greenspace development and rehabilitation throughout the city. CMLAA Executive Director Mary McKenna is involved, along with a number of alumni, business leaders and sports figures, in bringing vitality to Cleveland through her service on the board of the Cleveland Baseball Federation, which underwrites baseball and youth-at-risk programs for over 8,000 boys and girls in the city of Cleveland. Career Planning Director Jayne H. Geneva ’87 focuses much of her community service on the public school system. She is a member of the Coalition for Greater Cleveland’s Children, which lobbies state representatives on issues of importance to area school children, and co-chair and co-founder of the Coalition for School Funding Reform, which seeks an equitable formula for school funding distribution. Interim Assistant Dean for Admissions Melody J. Stewart ’88 is President of the political information-gathering Citizens League of Greater Cleveland and a member of the boards of Beaumont School and Catholic Charities. She also spends many hours each month as a volunteer Magistrate Judge for the Cuyahoga County Juvenile Diversion Program in East Cleveland, where she hears cases involving

180 Cleveland-Marshall students... contributed 8,700 hours of volunteer service to charities and community organizations in Northeast Ohio...
first-time non-violent juvenile offenders, offering them the opportunity to participate in a program that may result in the removal of all charges from their record.

Clinical faculty member and Pro Bono Program Director Pamela Daiker-Middaugh '88 is a volunteer and former President of the Rape Crisis Center of Cleveland and co-chair of the Cleveland Bar Association's Education Initiative, which coordinates various tutoring and mentoring activities within Cleveland schools. Ms. Daiker-Middaugh also serves meals and helps in the Head Start Program at St. Catherine's, an inner city church, which is a sister church to her own suburban church. Clinical Professors Kermit Lind '85 and Gordon Beggs both serve on the board of Christian Legal Services, a non-profit firm that provides free legal counsel in civil cases to the poor of all religious persuasions. Law Librarian Laura Ray is national chair of the Council of Arthritis Foundation Chapters and chair of the Advocacy Committee of the Northeastern Ohio Chapter of the Arthritis Foundation, organizations active in the research and treatment of arthritis. Law Notes editor Louise Frazer Mooney is a member of the Ohio Humanities Council and of the boards of the Poets' and Writers' League of Greater Cleveland, the 106-year-old Novel Club of Cleveland and SEIU 1199, the union serving the University's professional staff.

**Our Students and the Community**

I could not write a column about this law school’s community involvement without mentioning the extraordinary contributions of our extraordinary student body to the well-being of our city. Our Pro Bono Program, under the direction of Pamela Daiker-Middaugh, is surely one of the country’s most ambitious, most successful such programs. Last year students provided legal counsel to the Homeless Legal Assistance Program, taught basic trial techniques to high school students in the citywide Mock Trial Competition and taught Street Law in the Cleveland Municipal School District. As participants in the Cleveland Bar Association Education Initiative they coached high school students on the citizenship portion of the proficiency tests and, together with lawyers volunteering with the International Services Center, helped new immigrants resolve various legal problems. Branching out from legal services, Pro Bono students helped build homes for Habitat for Humanity, packed and distributed food for the Food Bank, planted gardens in the inner city and fed the poor and homeless at various churches around town. At the close of the past school year, 180 Cleveland-Marshall students had contributed 8,700 hours of volunteer service to charities and community organizations in Northeast Ohio, and I am told that the 2002-2003 figures will be even greater. The aspiring attorneys in our Student Public Interest Law Organization and our Black Law Students Association sponsor programs of great public interest throughout the year, while the student editors of the Cleveland State Law Review and the Journal of Law and Health circulate nationally the lectures, proceedings and conclusions of our symposia and conferences.

Moreover, our clinical education programs have a strong community service focus. Students and faculty in our Employment Law Clinic offer free legal counsel to some of the area’s most vulnerable citizens, and students and faculty in our Community Advocacy Clinic are working with community organizations in restoring and rebuilding the economic vitality of older, at-risk neighborhoods. The Environmental Law Clinic enlists students in research that examines and proposes solutions to the area’s ecological problems, while the Housing Law Clinic, in conjunction with the public interest law firm of Housing Advocates Inc., offers legal representation to clients involved in housing disputes. In fact, last semester Housing Law students and faculty devoted many hours inside and outside the classroom to a brief submitted to the U.S. Supreme Court on behalf of a builder of moderate-income homes in a suburban community. Finally, the Law & Public Policy Clinic operates as a "think tank" for non-profit organizations, citizens groups and governmental agencies. In the past year, for instance, the Clinic conducted a study of legal issues associated with minority businesses and designed a race-neutral small business contracting and purchasing program for governmental agencies in Lorain and Cuyahoga Counties.

Students with an interest in public service earn academic credit through our Externship Programs, working and learning in the courts of federal and state appellate court judges and in the offices of the Federal Public Defender and the U.S. Attorney. Moreover, a student may propose an "independent externship" in a public interest firm or community agency. Through the Pro Bono Program, the law school’s clinics and externships, students at Cleveland-Marshall are learning and practicing the responsibilities of citizen lawyers within a working democracy.

As both Judge Vickery and Dean Stapleton surely knew when they opened the doors of opportunity to so many, education is the business of changing lives, and changed lives change society. At the law school we have always in mind that we are the Cleveland-Marshall College of Law, that is, Cleveland’s public law school, the foundation of the legal community in Northeast Ohio. And in that regard, I believe we have been successful throughout our history in creating a more perfect union with our surrounding communities.
Congratulations to the following alumni who passed the July 2002 Ohio Bar exam:

Beth M. Adams
Beverly A. Adams
David M. Allison
William H. Andrews III
Kenneth D. Baughman
Leigh A. Bayer
Shanda M. Behrens
Nancy L. Berardinelli
Joseph E. Bercik
Nancy L. Biddell
Kyde L. Bloor
Chet J. Bonner
Kimberly L. Brochert
Catherine L. Bozell
Kevin J. Brennan
David H. Brown
Michael J. Burgess
Heidi R. Carroll
Barbara A. Casey
Daniel A. Cleary
Michael W. Cochran
Jared D. Cook
Kimberly A. Cordas
Amy R. Cuthbert
Meghan M. Dargay
Kathleen E. Davis
Nicholas A. DiCello
Rocco W. DiPierro, Jr.
Michael K. Dolan, Jr.
Lane S. Duncan
James R. Fialk, Jr.
Sarah C. Flannery
Megan K. Fraser
Joan M. French
Jeffrey R. Froude
Gregory M. Galvin
Jess E. Gamiere
Amy E. Gerbick
Katherine H. Gibbons
Meghan E. Graves
Thomas E. Green
David D. Guerrieri
Pamala S. Harris
David A. Head
Timothy A. Hess
Brian P. Higgins
Kristi L. Hilbish
Peter A. Holdsworth
Christine J. Holt-Hudson
Christina M. Hronek
Jennifer A. Jackson
Lindsay C. Jenkins
Larry J. Jones
Melissa A. Jones
Sean S. Kelly
Thomas J. Kelly
Philip G. King
Marie A. Kondik
Roman A. Kostenko
David A. Kovass
Leah M. Kramer
Robert J. LaCivita
Sarah T. Lally
Jeffrey R. Lang
Lori R. Leskovec
Corey S. Lichtman
Khara M. Mack
Angela D. Marshall
Janine M. McClintic
Shawn A. McClintic
Maureen M. McGuire
Michele L. McKee
Nicholas J. Meanza, Jr.
Peter L. Mehler
Ryan K. Miltner
Gerard R. Morgan
Matthew B. Murphy
Helen Oroz
Dimitrios Petropouleas
David E. Phillips
Christopher J. Pierre
John D. Pinzone
Lindsey I. Placko
Victor D. Radel
Stacey Reid
John M. Rogers
Victor R. Rosenberg
Angelo Russo
Richard A. Schloss
Theresa Schnalcer
Frank H. Scialdone
Rosanne K. Shriner
John R. Sindyla
Stacey L. Skoczen
Michael J. Sourek
Martha R. Spaner
David J. Steiner
Kelly L. Summers
Heather M. Taylor
Jason L. Thompson
Mark A. Tumeo
Ann S. Vaughn
Leland G. Vincent II
Louis A. Vitantonio, Jr.
Jane F. Warner
Jamie M. Welford
Joanie L. Yakunovich
Robert S. Yalech
Brian M. Zaber
Renee Zaidenras
Christopher J. Zirka

Spring 2003
The Cleveland-Marshall Law Alumni Association Honors Two Outstanding Graduates:
The Honorable Diane J. Karpinski and Howard D. Mishkind
Every year the Cleveland-Marshall Law Alumni Association honors two graduates whose contributions to the profession, the Law Alumni Association and the law school announce to the world that Cleveland-Marshall College of Law is educating men and women of conscience and accomplishment. This year's honorees are both members of the Class of 1980: the Honorable Diane J. Karpinski, Judge of the Ohio Eighth District Court of Appeals, and medical malpractice and personal injury attorney Howard D. Mishkind. They were honored during the Annual Alumni Recognition Luncheon in the Grand Ballroom of the Renaissance Cleveland on May 15th.

Family members recall how the Honorable Diane J. Karpinski was pushed into politics at an early age. Literally! Long before the women's movement took hold of the American imagination and enlightened it, the Judge's mother, Helen Olszewski Karpinski, a feminist by instinct, was pushing the future Judge in a baby carriage packed with Democratic campaign literature through the east side Irish neighborhood where her large and energetic Polish family had settled. According to the Judge, "My sisters, Gloria and Mercedes, would run up to the front doors and deliver the flyers, while I slept in the buggy." Victory was pretty much a given with Mrs. Karpinski running the show. After all, on East 88th Street alone there were four Olszewski/Karpinski households of assorted cousins, uncles, aunts and grandparents, and not too far away in the shadow of St. Casimir's Church, the religious and cultural center of Cleveland's Poznan Polish congregation, was another Polish stronghold: Karpinski's Bar, owned by the Judge's grandfather and easily accessible from Sowinski, Kosciusko and Pulaski Streets—streets, others will tell you, the police largely ignored because they couldn't manage the spelling when they filled out police reports.

"My grandfather's bar was like the mead hall in 'Beowulf,'" remembers the Judge. "My grandfather was well known in the Polish community. Parades started from the bar on Polish Constitution Day. He housed new immigrants in the bar's back rooms, helped them get naturalized, found them jobs and made sure they registered to vote as Democrats. So politicians came to the bar to campaign. Newton D. Baker was a good friend. One of my aunts told me Mr. Baker came to the bar when he was running for Mayor, stood on the pool table and spoke in English, and my grandfather translated. Well, not exactly. According to my aunt, Newton Baker said what he wanted to say and my grandfather translated what he wanted the crowd to hear."

The Judge's father, John Karpinski, had a public presence as well. "My father was a natural athlete, a boxer, a Golden Gloves champion and extraordinarily agile. He competed as a welterweight. His footwork was so fancy journalists called him 'Kangaroo Karr'. He was the International Amateur Welterweight Champion of the World, but he gave up boxing when he developed a stomach ulcer. He then worked in the County Engineer's office. He was always very supportive of my mother and her politics." Recently, in fact, Judge Karpinski discovered that her father had given up his precinct committee chair so that his wife could run for—and win—that office. "At the time, that was very unusual for a man, for a Polish man in particular," the Judge observes. Eventually, Helen Karpinski—who never finished high school, who as a youngster had worked to help support her parents and ten brothers and sisters in the silk mills in Pennsylvania and later worked as a seamstress for the Joseph Feiss Company in Cleveland—became the first woman to run for Cleveland City Council under the current charter. "She came in second in the primary, but she defeated a former sheriff," says the Judge. "Defeat didn't stop her. She helped many women in campaigns and was President of the Federated Democratic Women of Ohio. President! Later she worked for the Jury Commission helping judges in their campaigns. And she was largely responsible for the election of Gertrude Donahay as Ohio's first woman State Treasurer."

Diane Karpinski went to elementary school at the church school of St. Thomas Aquinas and then to Notre Dame Academy, both in walking distance of her home. She earned both a B.A. and an M.A. in English Literature from Ohio State and after continued her studies at the doc-
because none of the answers were correct. But I knew it, I was admitted.

I took it and missed three questions in the English part of the test because none of the answers were correct. Gale Messerman was the Assistant Dean. I told her the test was flawed and asked her which one of us was going to call the test-makers in Princeton.

By then she was hooked on the practice, on her work in civil rights and on her clients. "I was the only attorney in the Cleveland office working in Civil Rights. I didn't trust some attorney from Columbus to come up here and handle those cases." She resigned from Cleveland State and eventually transferred from the Civil Rights Division into workers' compensation.

When she left CSU, she left behind 20 years of teaching and scholarship; her research and scholarship days were not over, however. "Much of my work in the Attorney General's office was in the Courts of Appeals throughout Ohio. I enjoyed the appellate courts because they are reading and writing courts," she explains. So, in that she was well prepared and especially fit for a scholarly court, when a vacancy occurred on the Eighth District Court of Ohio in 1993, she threw her hat into the ring. And, in a state in which certain family names circulate through generations of Ohio politics, Diane Karpinski won in the Democratic primary against a Russo, a Sweeney and a Patton and in the general election against a former Common Pleas judge.

Though she was new to the game, she had something even a Russo, a Patton and a Sweeney didn't have: She had the support of her mother and of the Polish community. Her mother, then in her early 90s with failing eyesight, campaigned for her in the place she new best; the church where she was baptized, Sacred Heart Church, with its aging and heavily Polish congregation. Leaving the church, she reassured her daughter that the elderly "parishioners not only would vote for her; they already had" through absentee ballots. Moreover, as the Judge explains, "I had been active for years in the community and had become a kind of scribe for Cleveland Poles. For example, I authored an article on Polish legends for a CSU publication. For eight years I was the parliamentarian of the Polish Congress, an umbrella group of Polish organizations." Later, she would become a frequent speaker at such events as Polish Constitution Day, Euclid Memorial Day and the celebration of St. Wenceslaus.

By 1993 the Karpinski bandwagon had increased by one ardent member: Peter Levitsky. After his brother died Peter sold the Delaware business and moved back to Ohio. "We didn't get married right away," the Judge explains. "A Polish girl doesn't marry until her man has a steady job." So, when Peter found employment as Head Chemist with the Northeast Ohio Regional Sewer Board, they married. "I kept my maiden name. Either way I could mar- 

"We didn't get married right away," the Judge explains. "A Polish girl doesn't marry until her man has a steady job."
that he is where he is supposed to be in the profession he was meant to choose.

Leonard Mishkind, as his son will tell you, never actually practiced law, but he used law to advance a successful career in the motion picture business. According to Howard, "My father's first love was always the theater business." In the late 1930s when Leonard Mishkind was studying law during the evenings, he was spending his days traveling the state as a salesman for Republic Pictures, working for an industry still young, still adjusting to sound and still feeling its way toward Technicolor. But just selling films was not enough for a man with a passion for the silver screen; Leonard Mishkind wanted to own theaters, and that is what eventually he did. "One day," his son remembers, "a theater in Orville, Ohio, came up for sale and my father bought it; that was the first one." The operation that Leonard Mishkind began in the 1940s became General Theaters Inc. with theaters scattered throughout Ohio's small towns—towns like Tiffin, Montpelier, Bryan, Cambridge and Kenton, where a trip to the movies was a major—often the only—source of entertainment, a place to celebrate a birthday, a place to take a date and a place to fall in love. Even baseball could not compete with the lure and glamour of the movies.

In the elder Mishkind's business, a business virtually invented by Jews, there was a colossal irony: In the early days he was forced to be a silent partner in many of his theater purchases. "A young Jewish person was not always welcomed," his son reports. "Small towns then were notoriously anti-Semitic, and in the end, my father was the unseen mastermind in a number of his early business dealings."

Leonard's son and his daughters, Ferne Mishkind Barr and Joni Mishkind Skeegan, were more fortunate. They grew up in a suburb of Cleveland, the city where their father and their mother, Cecile Schneider Mishkind, were born—a suburb where they raised their children and practiced their faith without comment. Howard attended elementary, junior and senior high school in Shaker Heights. He was Bar Mitzvahed at the orthodox congregation of Heights Jewish Center, where his father, who died last year on August 5th, spent all major Jewish holidays until failing health prevented him from continuing to attend. And, yes, Howard went to Hebrew School as well, spending several hours each week at Akiva High School.

Howard graduated magna cum laude in business administration from the University of Cincinnati in 1977. "I didn't take the traditional pre-law route majoring in political science or history. Of course, I always wanted to be a lawyer, and I thought a business degree would be essential," he reminisces, "but if you had asked me then whether I would ever be a personal injury lawyer I would have said, emphatically, 'NO!'"

"...but if you had asked me then whether I would ever be a personal injury lawyer I would have said, emphatically, 'NO!'"
His summer job turned into a full-time job: Graduating in May with the first class to spend its entire law school years in the building at 18th and Euclid, Howard took the bar in July and was hired as an associate by Mr. Weisman. He was now armed to meet the world head on.

In September of 1980, while waiting for the bar results to be announced, he attended a party at the home of classmate William Breitenbach, where he met, and was attracted to, a young woman who had just returned to her home in Cleveland from a job in Las Vegas. He left the party without knowing her last name, but in a marvelous instance of serendipity, a few days later while shopping with a friend for a new car, he met her again in a car dealer's show room. This time he did not fail to find the full name of the woman he would marry two years later: Jane Rosen. Howard and Jane celebrated their 20th wedding anniversary in December.

He was now thoroughly in love with life and with work. "Fred was great to work for. I learned so much from him. I really cut my teeth on the law at the Weisman firm. I was like Mikey in the cereal commercial, 'Let Mikey do it.' Only it was 'Let Howard do it,' so I was dealing with divorce cases, collections, business incorporations, everything. It was great training." And despite his early aversion to science, he was handling personal injury and malpractice cases as well. And finding it a very satisfying experience.

By 1994 he had been a partner in Weisman, Goldberg & Weisman for ten years. In 1995 he and Elyria attorney Michael F. Becker, with whom Howard had worked on cases for several years, founded Becker & Mishkind Co. L.P.A., today one of the most successful medical malpractice and personal injury firms in Northeast Ohio, with offices in Cleveland and Elyria and with seven attorneys assisted by three legal nurse consultants and a physician consultant, investigating approximately 300 to 500 cases a year and actually resolving by trial or settlement 75 to 100 cases annually. And you would have to say that Howard is on top of the world because he has found an area of the law that he dreaded to be in every way gratifying. Indeed, battling for compensation for clients or the survivors of clients afflicted with catastrophic medical problems would be a fulfilling vocation. He has handled cases involving various aspects of medical negligence, nursing home abuse, automobile accident cases, vaccine-injury claims, legal malpractice claims, as well as injuries caused by defective products, and those he has helped include persons of every age, from the unborn to very old men and women.

You cannot be with Howard long without realizing that he is not just a lawyer in a successful practice; he is instead a very committed victims' advocate, working in a job that requires as much emotional energy as it does legal skill: in short, a man who works not so much at winning as at helping. Given the burden of such responsibility it is no wonder that residents of Solon are used to seeing him running three to five miles every day, and good weather finds him gardening and riding on top of his tractor mowing the lawn. Then, there are the two other excellent antidotes to stress and weariness, his wife of 20 years, now a Ph.D. in holistic health science in practice as a pediatric psychotherapist, and his daughter, Beth, a junior in high school.

In addition to countless hours devoted to the Cleveland-Marshall Law Alumni Association, since 1999 Howard has taught medical malpractice as a member of the adjunct faculty of Cleveland-Marshall. His student evaluations are invariably excellent. I found out why myself.

When I spoke with Howard in late January, he was taking part in Associate Dean Jack Guttenberg's intensive two-week Trial Advocacy Program, which enlists local attorneys and judges in instructing and critiquing upper-level law students who spend their spring break learning the entire trial-advocacy landscape—from jury selection to opening statement to presenting evidence to closing arguments. Howard has been associated with the Program since its inception. I observed him in a class whose students were practicing direct and cross-examination in—fortunately for them—a fictional personal injury case, State v. Anderson.

And this is the teacher I observed: Our Professor Mishkind is a gentle critic and a meticulously thorough one; he tells students not to let repeated objections from opposing counsel rattle them, not to turn their case on the testimony of a single witness only, not to address witnesses by first name, not to ask opinion questions, not to say "OK!" and "Right!"; he tells them to diffuse negatives, to be specific in case the witness is nervous, to fine-comb the interrogation. He is wonderful to watch, and when he engages a student, it is very much a one-on-one meeting, as if there were only two people in the room or on the planet, and both are entirely dedicated to the lesson. Before I leave I hear him say, "Always, always, as you proceed through the profession, you must be absolutely courteous, ethical, and trustworthy."

So I know that everything we have ever heard about Howard Mishkind as a teacher of patience and thoroughness and as an attorney of conscience is true, that he probably inherited conscientiousness from his father and patience from his mother, and that we at Cleveland-Marshall are fortunate to call him our own. LFM
Carmela Calandra had two wishes for her sons: that they attend law school and that they become judges. The Honorable Salvatore R. Calandra fulfilled each wish: he graduated from the Cleveland-Marshall Law School in 1951 and was appointed Judge of the Cleveland Municipal Court by Governor John J. Gilligan in 1972. He was elected to the same court in 1974 and was reelected in 1980, 1986, and 1992, retiring in November 1997.

Prior to his appointment to the bench, Judge Calandra served as Assistant Director of Law for the City of Cleveland under Mayors Anthony J. Celebrezze, Ralph J. Locher and Carl B. Stokes. He was appointed Chief Assistant Director of Law in 1970 and Chief Counsel for the City of Cleveland in 1972.

A member of numerous professional and civic organizations, Judge Calandra formerly served as General Chair of both the Columbus Day and the Italian Day Committees of Greater Cleveland, and as former President of the Order of the Sons of Italy in America State Benefit Society, the Board of Directors of the St. Rocco Credit Union and the Federation of Italian American Society of Greater Cleveland. He was awarded the Outstanding Alumnus from St. Rocco School, Man of the Year from the Cathedral Latin Alumni Association, the Star of Solidarity by the Republic of Italy, and was inducted into the Hall of Fame of the Northern Ohio Italian American Trust Foundation.

Judge Calandra and his wife, Marie, live in Cleveland and will celebrate their 46th wedding anniversary in June.

Carter E. Strang, a 1984 graduate of Cleveland-Marshall, was a full time Social Studies teacher at Shaker Heights High School while pursuing his JD through C-M's evening program. Law school and teaching were not the only things that filled his days and nights: two of his three children were born while he was in law school, events that made study time even more scarce. Mr. Strang attributes his success in law school to the help of many good professors and the fact that he learned how to manage his time effectively. Prior to law school he attended Kent State University where he earned a B.S. and a Masters of Education.

Mr. Strang is a partner at Arter & Hadden LLP and a member of the Cleveland-Marshall Visiting Committee. He is a member of the Board of Directors of the Federal Bar Association, Northern District of Ohio and the sponsor of the Joel Finer C-M Criminal Procedure Award. A frequent CLE speaker, Mr. Strang is the author of "Assumption of Risk in Ohio - Primary and Secondary," "Contesting Conclusory Affidavits of Experts" and "Tort Reform in Ohio Revisited," and co-author of "Ohio Product Liability Update". He is admitted to practice in Ohio, in the U.S. District Court, N. District Ohio, the District of Columbia, and the United States Supreme Court.

Mr. Strang is a past president of the Shaker Heights Youth Hockey Association and a former Shaker High School and Shaker Youth Hockey coach.

**WELCOME NEW LIFE MEMBERS**

Hon. Salvatore R. Calandra '51  
James J. Brown '64  
Michael H. Gruhin '76  
Patrick R. Roche '78  
Peter J. Brodhead '79  
Gregory F. Clifford '80  
Peter W. Klein '81  
Mercedes H. Spotts '81  
Gary S. Adams '83  
Carter E. Strang '84  
Richard J. Ambrose '87  
Brian M. O'Neil '87  
Joyce Ann Hribar Fiebig '88  
Meena Morey Chandra '92  
Deborah S. Ferenczy-Furry '95  
Maureen Redlin Swain '95  
Leslie M. Huff '97  
Wendy Weiss '97  
Patricia McGinty Aston '99

**DID YOU KNOW...**

The International Supreme Senate of Delta Theta Phi law fraternity awarded Associate Dean Emeritus Carroll Sierk with its highest award, the Diamond Crowned Badge, at the fraternity's annual Founders' Day celebration on April 12, 2003. Delta Theta Phi Chancellor Vito Evola, reading from the nomination submitted by Dean of the Alumni Senate Linda G. Silakoski '97, noted Dean Sierk's support of the fraternity over many decades and praised his service as faculty advisor to the law school's Ranney Senate during his years at Cleveland-Marshall and his continuing involvement in the International Supreme Senate since his retirement from the law school faculty in 1996. Dean Sierk is one of only three members of the fraternity to receive the Diamond Crowned Badge who had not first been a Delta Theta Phi Chancellor.
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The Honorable Maureen O'Connor, Newest Justice of the Ohio Supreme Court

ON January 1, 2003, Maureen O'Connor, a 1980 alumna of the Cleveland-Marshall College of Law, was sworn in as the 148th Justice of the Ohio Supreme Court. Though she is not the first Ohio Supreme Court Justice to graduate from Cleveland-Marshall, she is the law school's first woman graduate to be elected to the state's highest court. There she will keep company with Justice Francis E. Sweeney '63 on a Supreme Court that is notable for having the first female majority in Ohio history. (And, as Dean Steven H. Steinglass, who presided at the newest Justice's public swearing-in ceremony on January 12, was quick to announce, the court is also notable in that six of the seven Justices graduated from Ohio's public law schools!)

Long before approximately two million Ohioans voted to send Maureen O'Connor to the high court, she had made a name for herself as an uncompromised and uncompromising keeper of the public trust. She had already been a Magistrate in the Summit County Probate Court (1985-1993), a Judge in the Summit County Court of Common Pleas (1993-1995), the Summit County Prose-
cuting Attorney (1993-1999) and Governor Bob Taft’s Lieutenant Governor (1999-2003). The message that one reads in the record of her accomplishments is that voters have invested in a woman who is protective of our most vulnerable citizens: children, the elderly and crime victims. As judge and prosecutor she ended the careers of murderers and other capital offenders and made sure that sexual predators, child molesters, domestic batterers, drug peddlers and other felons were kept out of neighborhoods and schoolyards and confined behind bars for as long as the law permits.

So it is no wonder that when Republican Bob Taft decided to run for Governor, he chose Maureen O’Connor as his running mate: their victory made our graduate the second woman in Ohio to hold the office of Lieutenant Governor. According to the Justice, the office of Lieutenant Governor might become, in different hands, a merely ceremonial sinecure. From her first days, it was apparent that this Lieutenant Governor had no interest in practicing ceremony for a living. Instead she elevated the office to its highest potential for serving the public good. As the Governor’s second-in-command and primary advisor on criminal justice issues she was involved in policy decisions for the Department of Rehabilitation and Correction, the Department of Youth Services, the Office of Adjutant General and the Office of Criminal Justice Services. And, in a break with tradition, she became the first Lieutenant Governor to be Director of the Ohio Department of Public Safety, which has broad supervisory authority over the Highway Patrol, the Bureau of Motor Vehicles, the Emergency Management Agency, the Investigative Unit and the Emergency Medical Services.

Moreover, as many came to understand, Ohio’s Lieutenant Governor did not shy away from danger. When Hurricane Mitch tore across Nicaragua, she traveled with the Ohio National Guard in 1999 to that battered country and was with the Guard again in Oman, Germany and Turkey. And she was present during a crisis she says "will never ever leave me." During the first and darkest days of the September 11 recovery efforts she accompanied the firefighters, medics, engineers and safety forces of Ohio’s Task Force One Urban Search and Rescue Team deployed to Ground Zero. "It is an indelible memory," she recalls, "viewing the destruction with the first responders. The smoke and swirling ash and the smell and massiveness of the effort to find survivors." Nevertheless, "I felt fortunate to be there with our team and fortunate Ohio had such a team during this terrible moment in our history."

Returning to Columbus she discovered her job had new dimensions as she became the Governor’s logical choice to chair the State of Ohio Security Task Force, which is the state’s liaison with President Bush’s Department of Homeland Security. "It was," she recalls, "a tremendously dramatic shift in focus: from issues of public safety like safe driving and boosting seatbelt usage, or emergency management of floods and tornados. And then all of a sudden 9/11 happened and 80 percent of my day was spent on homeland security. We brought together resources we already had in Ohio—perhaps 19 agencies—all the areas of expertise we needed to address the challenge and coordinated our efforts with Washington."

In manner and bearing, Justice O’Connor is direct and straightforward; it is not difficult to imagine the kind of jurist she has been and will be. Often labeled a conservative, she avoids the term when questioned about her judicial philosophy. She has written, "I am a common sense constructionist. I believe strongly that judges should limit themselves to interpreting the law and the constitution and leave policy debates where they belong—in the legislature."

In January Maureen O’Connor left behind a world of large and multi-faceted responsibilities for a world that might for many seem more sedate, more focused—staid even—and certainly less physically challenging. In fact, she reports she has been asked if she might not, in the surrender of her high profile job, be bored on this court. "Absolutely not!" she protests. "There is nothing boring about intellectual challenge and growing in knowledge and having a job that is vitally important to the community—that is, to the whole state and to our lives. The subject matter is fascinating, and you have the opportunity to hear some of the best minds in the profession arguing before the bench and to discuss and reflect with the other Justices." Besides, there is that slightly martial bit about defending the constitution. And we know this intrepid veteran of national and international, natural and manmade disasters is well prepared to defend the constitution and defend it staunchly. And that the playing field will be as level and smooth as glass. LFM

"I am a common sense constructionist. I believe strongly that judges should limit themselves to interpreting the law and the constitution and leave policy debates where they belong—in the legislature."

"There is nothing boring about intellectual challenge and growing in knowledge and having a job that is vitally important to the community—that is, to the whole state and to our lives. The subject matter is fascinating, and you have the opportunity to hear some of the best minds in the profession arguing before the bench and to discuss and reflect with the other Justices."
On January 11, retired Municipal Court Judge Jean Murrell Capers, Cleveland Law School Class of 1945, turned 90. On January 31, the University responded with an all-campus, all-community reception, organized by CSU Professor of History Regennia N. Williams, to celebrate the birthday and contributions to women and black Americans of the first woman of color to be elected to the Cleveland City Council, the Honorable Jean M. Capers.

Among those saluting the Judge were CSU President Michael Schwartz, CSU Director of Women’s Studies Marcyjoyce Green, CSU Library Director Glenda Thornton, Cleveland-Marshall Dean Steven H. Steinglass, personal friends of the Judge and Dr. Williams, who featured the Judge in her 2002 book on Black Clevelanders published in the Black America series.

Noting that the year in which Judge Capers was born—1913—was the year Harriet Tubman died, Dean Steinglass remarked, "All of us who have come here today know that, in January 1913, the Tubman spirit was reassigned to this earth and has resided ever after in the person of Jean Murrell Capers." The Judge graduated from Western Reserve College in 1932 and began teaching elementary school children in the Cleveland Municipal School District. "And then," the Dean continued, "sometime in the 1940s she decided she had something to say, not just to school children, but to the city and the world—something about being a black American—and that she needed to be a lawyer to say it."

A remarkable woman, she appears in her nine decades never to have had an idle moment. Indeed, long before there was a civil rights movement or a woman’s movement, there was Jean Murrell Capers. In addition to her three terms on the City Council, her two terms as a judge in the Cleveland Municipal Court and her service as an Assistant Ohio Attorney General, Judge Capers has organized 22 political clubs in Ohio, held membership in the NAACP, the Urban League, the National Association of Black Women Lawyers, the Council on Human Relations and many others. As a member of Cleveland’s early civil rights organization, the Future Outlook League, she participated in pickets and organized boycotts of companies and clubs that would not hire or admit black Americans. And in 1998, at the age of 85, she ran as an independent candidate for the U.S. Congress.

Judge Capers is still practicing law, and, as one of the birthday celebrants remarked, “She makes us all want to be 90!” LFM
Going Places: 
Visiting our Alumni Throughout the Country

In fall 2002 and spring 2003 faculty, staff and students traveled to cities around the country for receptions with alumni and friends sponsored by the law school and the Cleveland-Marshall Law Alumni Association.

In September, Larry James '76, a member of the law school's National Advisory Council, invited Columbus-area alumni to a reception at his downtown Columbus condominium. Twenty graduates visited with the Dean and Larry and reminisced about their lives as Cleveland-Marshall law students. In October, Dean Steven H. Steinglass hosted a reception for Washington, D.C., area alumni and friends at the University Club. Over 70 guests, 12 students, four faculty members and three administrators attended the event. The students, who were participating in a three-day Equal Justice Works conference, were pleased to meet and talk with so many of our graduates.

Later in October, Lillian Ortiz '99, Latin America Business Development Manager for Jones, Day and a member of the law school's National Advisory Council, hosted a reception at the Jones, Day office in New York City. Thirty graduates and friends met with the Dean and Lillian in a reception held in the Lola Johnson '94, Prof. Frederic White—Washington, D.C.

room where the firm's outstanding contemporary art collection is exhibited.

This February the Dean traveled to Philadelphia where he attended a small dinner arranged by National Advisory Council member Ron Hurst '87. Dean Steinglass, Cleveland State University President Michael Schwartz and Law Alumni Executive Director Mary McKenna visited with alumni in Florida in March. National Advisory Council members Leonard Kleinman '70 and David Burke '81 invited guests to the Tampa Club in Tampa; the following day Charles R. Emrick '58, a member of the Cleve-

Kendall Jackson, Prof. Candice Hoke, Michela Huth '03, Jennifer Lukas-Jackson '02—Washington, D.C.

Lola Johnson '94, Prof. Frederic White—Washington, D.C.

Olibisi Onisile '03, Elizabeth Pugh '78—Washington, D.C.
Bill Bransford '78, Prof. Jane Picker, Prof. Sidney Picker—Washington, D.C.

Land-Marshall Steering Committee, hosted a reception at Quail Creek, in Naples.

While the receptions were being held in Florida, Assistant Dean Louise P. Dempsey '81 went to Washington, D.C. to attend a “dutch treat” dinner for alumni. Washington alumna Jane Barrow '86 organized the dinner, the first of a number of quarterly events that she hopes to schedule for D.C. area alumni.

Dean Steven Steinglass, William Schmidt '68—Washington, D.C.

Prof. Deborah Geier—Washington, D.C.

Lizabeth and Charles Emrick '58, Patricia and Larry Russell '67—Naples

Lillian and Hon. George White '55—Naples
In 1980 artist Mark Matthews suspended his imposing balsa wood mobile, which he had named, inscrutably, "The Sentence," from the ceiling of the Atrium in the then-new law school building. Unfortunately, the mobile survived a mere half-dozen years, felled in the mid-80s by rambunctious students during an impromptu football game. Since then, its delicate aerodynamic balance having been compromised, it has been gathering dust in a law school storeroom.

It is now aloft, back where it is supposed to be. Through the generosity of the law school's Budget Director, Victoria S. Plata, the mobile is once again suspended from the atrium ceiling. Ms. Plata's gift was a memorial to her father, Alphonse J. Bachenskas (1917-2002), who died in February 2002. Jack Flotte, Associate Objects Conservator at Oberlin College's Intermuseum Conservation Association, completed the restoration in December, and it was rededicated in memory of Mr. Bachenskas on December 12. The law school is indebted to Ms. Plata and to Professor Patricia J. Falk, who provided invaluable assistance in bringing the project to completion. LFM
The law school welcomed a new Assistant Director of the Law Library and two international faculty visitors during the spring 2003 semester.

Jan Ryan Novak is the Law Library's new Assistant Director for Public Services. She is a 1980 alumna of Cleveland-Marshall and holds a Master of Library Science from Kent State University School of Library Science and a B.A. from Wittenberg University. Following her graduation from library school, she joined the staff of the Cleveland Public Library as a reference librarian in the Department of Science and Technology. Then, from 1974 to 1985 she was head of the Public Administration Library at the Cleveland Public Library, and from 1985 until 1987 she was an Assistant Librarian at the Cleveland Law Library Association and its Director from 1987 until joining the law school in February. Ms. Novak is also active in professional associations and is a former President of the Ohio Regional Association of Law Libraries and Chair of the Ohio State Bar Association Law Libraries and Legal Information Resources Committee. She brings to her new job the perspectives gained from years of service to members of the legal community and the hope that, as she writes, she will find "opportunities to implement some of those practice-world standards in our work for faculty and students."

Irene Lynch Fannon, Professor and former Dean of the law faculty of University College in Cork, Ireland, is spending the spring semester at Cleveland-Marshall as a scholar-in-residence teaching in an area in which she has considerable experience and scholarly credentials: Employment and Labor Law. Her 1982 law degree is from University College in Dublin, her 1996 post-graduate law degree with honors is from Oxford University, and her 1999 Doctor of Juridical Science is from the University of Virginia. She is a frequent guest lecturer and the author of numerous articles and book chapters. Her most recent book, Working Within Two Kinds of Capitalism: Corporate Governance and Employee Stakeholding - US and EU Perspectives, was published this year by Hart Publishing Company. Previous work includes Corporate Governance and Insolvency (Buttersworth 1996) and Labor Law in Ireland (Gill and Macmillan 1993), which she co-authored. Professor Fannon delivered the second 2003 Employment and Labor Law Lecture in February, "Are Americans Really Overworked? European Social Policy and Why Employment Laws Matter." At the law school she teaches a seminar, U.S. and European Comparisons.

Julian S. Webb, Professor of Law at the University of Westminster in London, England, is teaching a seminar in international law this spring as part of the law school's faculty exchange program with the University of Westminster. He earned his LL.M. in 1986 from the University of Warwick and his B.A. with honors in law in 1981 from the University of Central London. Professor Webb has published numerous works in the area of professionalism and ethics, including the forthcoming Lawyers in Transition: The Legal Profession in Late Modernity (Hart Publishing, Oxford) and A Handbook of Legal Ethics, which he co-edited (Hart Publishing, 2003). He is a member of the Institute for Learning and Teaching in Higher Education and a Council Member of the Society of Legal Scholars, as well as an Executive Committee Member of the Socio-Legal Studies Association and serves as the Education Advisor to the General Council of the Bar for England and Wales. In January 1999 he was elected a Fellow of the Royal Society for the Encouragement of Arts, Manufacture, and Commerce.
The Long and Winding Litigation Road of Race and Referenda

City of Cuyahoga Falls v. Buckeye Community Hope Foundation

By Ed Pekarek

The Cleveland-Marshall Fair Housing Law Clinic accepted a case seven years ago that has since wound its way down a long road, stopping at every level of both the Ohio and federal court systems. The last stop in the long line of litigation was the U.S. Supreme Court, one day after the Martin Luther King holiday. Cleveland-Marshall adjunct Professor Edward G. Kramer argued on behalf of Columbus-based developer, Buckeye Community Hope Foundation. Cleveland-Marshall
adjuncts, professors and students all played significant roles in bringing Buckeye's argument before the Court.

Kramer is the founder of the non-profit Housing Advocates, Inc., a firm active on behalf of tenants and others alleging discrimination under federal, state and local laws. He contended in oral arguments that the City of Cuyahoga Falls violated his client's due process and equal protection rights as well as the Fair Housing Act (42 U.S.C. § 3601 et seq.) when a 1996 referendum started a three-year delay of building permits for a controversial apartment complex. Buckeye's site plan for the complex, Pleasant Meadows, met and exceeded the city's zoning code and had already been approved by the requisite city officials when permits were denied.

Directly at stake were approximately $3 million in damages and $750,000 in legal fees based on the developer's 2001 victory in the Sixth Circuit. Buckeye's brief on the merits was drafted in large part by Kramer, Cleveland-Marshall adjunct Professor Diane Citrino and co-counsel Cleveland-Marshall Professor Kenneth Kowalski, with assistance from Cleveland-Marshall Professor Stephen Lazarus.

The case was laden with polarizing legal issues. The Buckeye lawyers asserted that city officials marched in lock step with racist residents to impede the developer's plans. According to St. Petersburg Times columnist Robyn Blumner, however "The Fair Housing Act cannot be used as a gag." The Florida writer decried Buckeye's legal claim, declaring that "public officials should be able to vote against these projects without worrying that their constituents' angry public statements will be imputed to them."

Citrino who with Kowalski sat second chair before the Supreme Court and had litigated the case throughout the lower proceedings. She contended that the case had broad national implications. A victory for NIMBY ("not in my backyard") voters would create a "blueprint" for other communities to exclude affordable housing from their neighborhoods.

**Muddy boots and foot-dragging - construction obstructions**

In 1995, Buckeye President Steve Boone proposed to Falls Mayor Don Robart a development for moderate income families called "Cuyahoga Terrace." Residents of the development were projected to earn less than 60 percent of the city's median income because the developer sought to build the controversial complex and benefit from certain Ohio tax credits provided for catering to affordable housing needs.

While Buckeye's plan for the six-acre site conformed with or exceeded every aspect of Cuyahoga Falls zoning, city officials urged Buckeye to change the name of the proposed development in order to "smooth the process." Buckeye acquiesced and presented plans for the renamed Pleasant Meadows but was met with a new obstacle. City officials expected Buckeye to construct an 11-foot-high barrier to separate the apartment complex from neighboring condominiums. City Planning Director Louis Sharpe later admitted during a deposition that it was the expected number of children who would reside at the apartments that had prompted the city to require the imposing impediment.

Citrino responded that the unprecedented barrier was designed to "ghettoize" the residents of Pleasant Meadows. It was no secret in the sleepy suburb that potential tenants would be disproportionately African-American families with children. The Fair Housing Act prohibits "mak[ing] unavailable or deny[ing] a dwelling to any person because of race, color, religion, sex, familial status, or national origin," which, according to Buckeye lawyers, also includes dwellings planned but not yet built.

Buckeye reluctantly agreed to the new terms and applied for building permits. The City Planning Department approved the site plan. The Planning Commission approved it. The City Council begrudgingly approved it as well. Although Mayor Robart had
vocally opposed the project, he abstained from the vote, a move known in political parlance as a “pocket veto.”

During the same time, various city officials took measures into their own hands to find ways to thwart the development. Buckeye lawyers contended that it was this “public-private partnership” with its alleged underlying racial animus that was the driving force behind delaying the building permits.

Fervent opponents of the project packed public meetings, and many made disparaging racial remarks on the record, even coining the phrase, “Pleasant Ghetto.” The city countered that other residents legitimately worried about an increase in drugs, crime and unsupervised children, as well as the potential impact on schools and the city's infrastructure.

Council minutes reflect the city's position in a literal sense, but include citizen “code word” comments such as, “They know what kind of element is going to move in there,” and, “I do not see that our school system is correct for these children,” or Citrino's personal favorite, “when they get that boom box going, it will be loud.”

Those are just a smattering of the “code word” comments contained in vitriolic diatribes that Council faced before reluctantly ratifying Buckeye's application. One council member, Sandy Rubino, even felt it necessary to apologize to his constituents for following the law, stating on the record, “I would hate like hell to have to vote yes for this project, but unless I hear something to the contrary from the Law Department, I do not have any choice.”

According to the deposition testimony, some council members trudged through the muddy building site in the hopes of finding wetlands, while others sent fliers to constituents urging them to organize and attend meetings. Council asked the Law Director to locate a “legal shred” to avoid approving the development. Mayor Robart used a city-owned building to host a meeting to devise what later became the voter-based initiative determined to halt construction.

Referendum strategem winds its way through the courts

The “Citizens for the Preservation of Voter Rights” circulated initiative petitions and not surprisingly garnered ample signatures to place the issue on the ballot. The November 1996 vote overwhelmingly rejected Pleasant Meadows, but a U.S. District Court Judge enjoined the Summit County Board of Elections from certifying the results by mutual agreement of the city and Buckeye. It may have been the jointly stipulated preliminary injunction that became Buckeye's undoing years afterward in the U.S. Supreme Court.

Buckeye lawyers asserted that Cuyahoga Falls' tactics nearly bankrupted the developer, and the state-backed incentives were jeopardized because Ohio rules required a developer to complete a project before any future project funding could be released. The referendum not only halted Pleasant Meadows, it also put Buckeye into a limbo that threatened its very existence. If Buckeye didn't finish the complex within two years, it would be forced to forfeit the financial backing for the project.

In addition to the federal litigation that eventually culminated in a hearing before the U.S. Supreme Court, the development was also the subject of a state court case dealing solely with the issue of the legality of the referendum under state law. The litigious development dispute stopped at every level of the justice system in both Ohio and federal courts. The case was twice considered by a divided Ohio Supreme Court.

A 4-3 decision on whether referenda regarding purely administrative measures comport with the Ohio Constitution first favored the city. That decision was reversed in 1998 when Justice Evelyn Lundberg Stratton changed sides, and a 4-3 decision distinguished administrative referenda from the legal variety and found the former to be unconstitutional in Ohio.

Justice Stratton concluded in her opinion that the “minutiae of everyday decision-making... could be subject to voter disapproval if an angered voter was organized or well-funded enough,” and warned, “Chaos and instability could result.” The second Ohio Supreme Court decision paved the way for Buckeye to break ground in 1999, four years after it had acquired the parcel, and the nondescript Pleasant Meadows was completed in 2000 without much fanfare.

The favorable Ohio Supreme Court holding also caused the Ohio Housing Finance Agency to reconsider its policies. The Agency established the “Buckeye Rule,” which provides abeyance for a participating developer who is unable to complete a delayed project through no fault of his/her own.

Buckeye also prevailed in the Sixth Circuit, in 1999, reversing District Judge Dan Polster's granting of the city's summary judgment motion. The Sixth Circuit reasoned, inter alia, that the actions of the city, in what Kramer called a “public-private partnership,” may have violated the federal Fair Housing Act as well as the due process and equal protection rights of the developer.

The Sixth Circuit specifically considered evidence of citizen bias: “Many of the statements made by Cuyahoga
Falls residents evidence a racial bias toward the prospect of a significant number of blacks moving into their community which is 98 percent white.” The appellate court's opinion, authored by Judge Nathaniel Jones, also stated that judges not only can but should inquire into voters' motives when assessing city officials' intent and found triable issues of material facts.

Pleasant Meadows is built, but a new path of litigation surfaces as tenants accuse Buckeye of violating civil rights

Pleasant Meadows resident Robert Evans simply values the practicability of his subsidized housing but also recognizes the project's unpopularity. “I can understand them not wanting to get lower income developments here because lower income has a reputation that it drags things down,” Evans told the Associated Press. Evans also added that he has not experienced any bigotry in Cuyahoga Falls and noted, “Everyone who’s minority is not ghetto.”

Most Falls residents remain tight-lipped about the case, and many even decline to acknowledge the development drama exists, while most of the principal players have repeatedly refused to comment on the record. Third-year law student Brendan Kohrs, a recent first-time homebuyer in Cuyahoga Falls, “has always been impressed with how the city treats its residents through its services.”

Kohrs, a Portage County Probation Officer, previously lived in the Northhampton neighborhood near the Buckeye site “which was mostly undeveloped land” when he was a renter. Kohrs said, “Cuyahoga Falls has not said much on the subject as far as I can tell.” He believes that economics, not race, was the likely culprit for opposition to affordable housing: “I think the reason the city wanted to avoid having low income housing is so that services would not be depleted for tax-paying citizens.”

The subsidy program under which Pleasant Meadows was constructed typically provides discounted rent for occupations as teacher, fire fighter and law enforcement officer, among many others. The distinction was apparently lost on many of the more virulent opponents of the apartments.

Housing Advocates senior attorney Citrino has since left the nonprofit housing rights firm to become the regional director of the Ohio Civil Rights Commission’s Akron office, just a few miles down the road from the Falls. Among the many twists and turns of this lengthy litigation, Pleasant Meadows tenants have filed dozens of O.C.R.C. complaints against the Pleasant Meadows complex, its owners and management firm.

Allegations range from a ban on skateboards that ostensibly targets children, to claims of evictions for a pet snake and a tenant leaving a chair outdoors as alleged pretexts for retaliation. Some tenants are entirely unsympathetic to the long road Buckeye traversed to build the complex. Among them is Dennis Ryan, who has filed multiple complaints. Ryan asked Scene magazine in a cover story by Sarah Fenske that chronicled the dispute (“Unpleasant Meadows”), “Why should the City of Cuyahoga Falls have to pay them anything?”

Another complaining resident was far more pointed in her attack. Janet Hutchins, a single mother pursuing a master's degree at Case Western Reserve University, told Scene, “I know Cuyahoga Falls is prejudiced, but this company should not get a penny because of how they treat people. What makes it right for you to sue someone when you’re just as corrupt as the person you’re suing?”

Buckeye Executive Director Gil Barno attributed the claims to tenants seeking a windfall. According to Barno, shortly after Buckeye settled a tenant complaint about inadequate wheelchair access (the Fair Housing Act also protects persons with disabilities), disingenuous tenants began filing complaints. Barno told Scene, “It’s been my experience that low income people are pretty good at playing the systems... [and] this may be one of those cases.”

A tailored theory and a new suit at the corner of Constitution and First

Kramer, sporting a cobalt pin-stripped suit custom-made for the occasion, told the Court that the vote was merely the culmination of an illegal and racially motivated campaign against Pleasant Meadows. The city stringently maintained that it merely followed its charter and allowed citizens to exercise their First Amendment right to vote on the controversial 72-unit apartment complex.

An alternate method of Fair Housing Act analysis assesses whether a disparate impact on protected classes results from official conduct. While
Buckeye prevailed on that theory in the federal appeal, the respondents withdrew the question altogether in order to simplify the issues before the High Court.

Kramer instead asserted that the totality of the tactics was illegal, racially motivated and unconstitutional. Kramer said to Chief Justice William Rehnquist, "The plaintiffs have been denied unlawfully their site plan and its benefits, including a building permit. City conduct. Nothing to do with referendums. Nothing to do with First Amendment rights."

As the inquiry moved toward the question of participatory democracy, Justice Antonin Scalia said, "The Federal Congress passes unconstitutional laws all the time. You are entitled to pass an unconstitutional referendum. We will ignore it, however." Scalia's levity drew light laughter from the crowded gallery.

Justice Stephen Breyer warned, "Once we got into the business of paying damages, because it turns out they are evil, that would, in fact, chill the legislative process, which is a democratic process." Kramer responded, "The referendum is only the culmination of the acts. There was a series of discretionary acts... The strategy of the city was to do two things. One was to delay this project because they knew there was a very finite period of time for our little non-profit tax-exempt developer to build this project or lose their financing. So they knew the longer they could delay, the more likely the project would die. And, second of all, they wanted to make the project more costly."

Justice David Souter employed a hypothetical in which city leaders "whipped up anti-black sentiment" to defeat an issue that would benefit minorities. The Justice asked whether there was "no way the city could be held liable." Justice Sandra Day O'Connor opined a slippery slope effect and potential government liability for every "nutty proposal" placed on a ballot.

Cuyahoga Falls Law Director Virgil Arrington, Jr., has publicly insisted the city neither endorsed nor opposed the referendum and did not discriminate against Buckeye, despite what the Circuit Court had characterized as "veiled underlying racial discrimination." The city's merit brief championed the right to participatory democracy and posited that racist remarks from a few bad apples should not negate an election on a facially neutral issue. "A person signing a referendum petition with a valid motivation should not be made to fear that others with unsavory motives are also signing the petition," Arrington contended in the brief.

The Circuit Court delved into the officials' and citizens' underlying motives in the actions designed to delay and found "triable issues of fact with respect to plaintiffs' equal protection, Fair Housing Act, and substantive due process claims." The city's merit brief further argued that the appellate ruling "threatens to hold municipalities liable for nothing more than the political speech of their citizens." Kramer disagreed with that notion, stating from the Court steps, "It is fundamentally unfair to submit a developer to a popularity contest."

Falls Mayor Don Robart discussed the application for certiorari with the Akron Beacon Journal and said, "We felt if we were able to address it on the Supreme Court level we'd get a fair and impartial ruling." Arrington added, "The mere fact the Court is hearing the case is an indication something was done wrong in the Sixth Circuit. That bodes well for us." Buckeye's Barno quipped, "It's the best bad news of my life."

The Bush Administration weighed in on the case when the U.S. Solicitor General argued as an amicus curiae that the Sixth Circuit's inquiry into the hearts and minds and "motives of those who supported a referendum threatens to chill important First Amendment activities." Cuyahoga Falls yielded one-third of its half-hour to Assistant Solicitor General David Salmons to present the government's free-speech position.

Salmons suggested to the Court, "The city's actions in giving effect to the properly filed referendum petition cannot give rise to liability under the Fair Housing Act or the Equal Protection Clause. It is undisputed that the referendum petition was facially neutral and that numerous reasonable, non-racial grounds supported it."

Salmons faced rigorous examination from the Court during a series of queries related to the petitioner's analogy of a First Amendment right to sue in an antitrust context. According to the theory, such a suit can be vitiated only by a "sham standard" finding, and the city's petition process was technically proper with neutral ballot language. Justice Breyer characterized the approach as "such a strange argument."

Kramer found the government's theory to be misplaced, asserting from the Court steps, "It's a travesty to ask voters to decide whether the site plan that the voters never saw, conformed with housing codes they never read. If that is not arbitrary and capricious, then I don't know what standard to impose."

The skeptical scrutiny of the free-speech theory was also welcomed by Professor Stephen Lazarus. As he re-
acted to the arguments from the corner of First Street and Constitution Avenue, his observations crystallized in the frigid January air. “I thought they (the Court) gave the other side a very hard time on the First Amendment issues — and that’s basically their defense to an intentional act of discrimination.” Lazarus illustrated what he saw as a flaw in the theory, noting, “If the referendum is only part of a process by which they deliberately discriminated, that still leaves us with very good statutory and constitutional arguments.”

Co-counsel and John Marshall (Chicago) Professor Michael Seng authored portions of the brief that addressed the unusual First Amendment approach. “I had problems from the beginning understanding the argument, and consequently it was hard to respond to because it didn’t make a lot of sense,” Seng said after the hearing. “It was interesting to see that the Justices were sharing those concerns and having similar problems understanding that argument,” he added.

Cuyahoga Falls retained the Washington office of Jones Day to handle the complex case at the Supreme Court level. Robart told the Beacon Journal, “When you’re up in the World Series, you want a guy batting clean-up who has hit 50 home runs and 200 RBIs.” The mayor added, “They (Jones Day) are passionate about this case. I think they would have done it for nothing.”

Boone remained cautiously optimistic after the hearing. “We’re anxious to get a ruling. It’s a very uncertain process (Cuyahoga Falls’ site plan approval). Zoning regulations are designed, or at least should be, to give development a level of certainty,” the Buckeye president said. Kramer agreed with Boone’s property rights concerns, saying the process was unpredictable and problematic. “The procedure itself was so fundamentally flawed as to violate substantive due process, so flawed that it could not possibly be a fair process,” he noted.

The loquacious litigator ultimately placed his faith in the Justices. “I’m confident the Court will see through the scheme of the city using the referendum as the last part to delay and cost my client more money [in an attempt] to force them to not build Pleasant Meadows... All we’re asking the Court to do is give us our day in court and allow us to present the evidence to a jury,” Kramer said, referring to the District Court’s favorable ruling on the city’s motion for summary judgment.

Kramer’s theory was supported by the fact that Robart openly gambled that Buckeye would be unable to afford to sue, and he first recommended the city reject the Buckeye plan. Robart said, “Will he [Boone] sue? I do not know. A couple things we do know. If he sues, guess what? We have got an in-house law department... I would doubt Mr. Boone has an on-staff law department. Which means what? He has to spend dollars. Well, if he has to spend dollars, he has to make a decision as to how long does he want to pursue this thing.” Robart’s risk was calculated, but little did the mercurial mayor know that the Cleveland-Marshall Fair Housing Law Clinic would become Buckeye’s “law department,” willing to take the case all the way to the corner of First and Constitution.

Court thwarts Buckeye’s trail to trial
The U.S. Supreme Court decided March 25 that courts cannot delve into the hearts and minds of voters and city officials when a claimed Equal Protection Clause injury derives only from a construction delay caused by a referendum process. The Columbus-based developer of moderate income housing had jointly agreed with the city in 1996 to allow a District Court Judge to enjoin the referendum results from Board of Election certification. This kept the approved building permit in place, but resulted in years of litigation and a stay on issuance of the permits. The case was reversed in part, vacated in part, and remanded.

The Court described the tactical decision as one that precluded it from relying on case law that, but for the injunction, may have otherwise permitted an analysis of whether city officials and voters had discriminatory motives. Cases where election results went into effect were “inapposite” because of the distinction, according to the 9-0 holding. Justice Sandra Day O’Connor wrote for the Court, “Respondents never articulated a cognizable legal claim.” Buckeye lawyers Kowalski, Citrino and Kramer submitted a variety of evidence suggesting discriminatory intent from both city officials and citizens, but the Court found it unpersuasive in that the election results were never certified.

O’Connor wrote, “In submitting the referendum petition to the public, the City acted pursuant to the requirement of its charter, which sets out a facially neutral petitioning procedure, and the city engineer, in refusing to issue the permits, performed a nondiscretionary, ministerial act consistent with the City Charter.”

Buckeye contended the vote was merely the culmination of a racially motivated campaign against the development, calling the effort a “posse” led by Falls Mayor Don Robart in its brief
on the merits. The city maintained it merely followed its charter and allowed citizens to exercise the right to vote on the controversial 72-unit complex.

The Court rejected Buckeye’s claims of discriminatory intent, stating, “By adhering to charter procedures, city officials enabled public debate on the referendum to take place, thus advancing significant First Amendment interests.” Furthermore, the Court did not believe that Buckeye “showed that the voters’ sentiments can be attributed in any way to the state actors against which it has brought suit.”

Scalia wrote separately with Justice Thomas joining: “Even if there had been arbitrary government conduct, that would not have established the substantive-due-process violation that respondents claim.” Scalia also stated, “Freedom from delay in receiving a building permit is not among . . . fundamental liberty interests.”

While Buckeye’s plan for the six-acre site conformed with or exceeded every aspect of Cuyahoga Falls’ zoning, city officials still urged Buckeye to change the name of the proposed “Cuyahoga Terrace” development in order to “smooth the process.” After that curious request, the city required Buckeye to build an 11-foot barrier between the site and adjacent condominiums. The Court said, however, “Respondents point to no evidence suggesting that these official acts were themselves motivated by racial animus.”

The Bush administration posited that the First Amendment right to participatory democracy far outweighed any alleged violation of Buckeye’s rights. The Court agreed and found that merely allowing the vote to transpire was not enough. O’Connor wrote, “By placing the referendum on the ballot, the City did not enact the referendum and therefore cannot be said to have given effect to voters’ allegedly discriminatory motives for supporting the petition.”

Evidence was adduced that city council members with a wink and a nod circulated opposition literature, sought to declare the site wetlands, urged the law director to find a “legal shred” to deny the development and the mayor boldly dared Steve Boone to sue in a public meeting. City Councilman Sandy Rubin even apologized to his constituents before voting to approve Buckeye’s conforming site plan.

After Robart’s “Will he sue?” gambit, he facilitated a meeting for opponents of the apartments at a public building, which Buckeye lawyers argued was an official imprimatur of the discrimination and eventually led to the initiative petition. Nevertheless, the Court found Robart lacked any culpability because the lower court dismissed the claim against him in his individual capacity and “found no evidence that he orchestrated the referendum.”

The decision was, of course, disappointing to the Buckeye principals and their legal team. Kramer called the seven-year case “a wild ride” with “many highs and lows along the way.” One of the highs was that the housing was eventually built. Kramer was on the cusp of a civil rights jury trial when the opinion was released and lamented, “I will put down the disappointment and let the hurt go away.”

Lazarus responded to news of the decision with sober reflection, “We’d all rather have won, of course, but in a way we made our point. Cuyahoga Falls paid a price for what it did, not only economically but also reputationally. None of us will forget this case, but neither will they.”

It’s no small wonder that the unofficial Supreme Court icon is a turtle. . . on this particular road, the wheels of justice indeed turned slowly. And on this road, it was the city of Cuyahoga Falls and the referendum supporters who won the race.

As a 3L student in the Fair Housing Law Clinic, Ed Pekarek helped research, write and edit the Buckeye brief; 3L student Michela Huth, also a Fair Housing Law Clinic student, helped research the brief. Both students traveled to Washington to hear the case argued. The photographs in this article are also Mr. Pekarek’s work.
Olabisi Onisile, whose name is surely one of the world's most littingly beautiful, graduated from the law school in May; soon after, she will begin a job in the Washington, D.C., office of Porter Wright Morris & Arthur LLP, a firm she has chosen because of its international law and white-collar crime practice. The Porter Wright firm is fortunate. Olabisi Onisile, speaker of Yoruba, Spanish, French and English, is no ordinary law student; in fact, in the way she has gone about preparing for her career, she has truly been extraordinary. For it appears that there is no educational opportunity that she has not grasped with eagerness. Before she had even walked into her first law school class or opened her first hornbook, she had found a job as an assistant with the law firm of Zuckerman & Daiker; she spent the summer after her first year clerking for Ehrenreich & Associates. During her second year she clerked for the United Transportation Union, and during the following summer she clerked for the Porter Wright firm. In the first semester of this year, she was an extern in the court of the Honorable Karen Nelson Moore, Judge on the United States Court of Appeals for the Sixth Circuit. Now in her final semester of law school, she is Professor Linda Ammons's research assistant and Managing Editor of the Cleveland State Law Review. When she receives her diploma this May, she will be one of the first law students to have taken part in the law school's new curriculum concentration in Employment and Labor Law.

Not only has Olabisi embraced legal education at Cleveland-Marshall fully and productively, she has also plunged wholeheartedly into the life outside the classroom. Weekdays might find her participating in the Pro Bono Program's Homeless Legal Assistance Program, and Saturdays might find her hammer in hand, working with other Pro Bono students for Habitat for Humanity or serving our homeless citizens breakfast at St. Augustine's Church in Tremont. She is also a member of the Black Law Students Association, the Entertainment and Sports Law Association and the American Inns of Court.

In other words, this young woman does not wander aimlessly on the periphery of life.

Olabisi is one of six children born in Ondo, Nigeria, to a teacher of high-school English and a university professor of history, French and geography. In Nigeria she attended Catholic schools, from which, following a showdown with a nun or two, she was... well, to use her own words, "kicked out" for hurling a sandwich against the distant horizon. (Did I mention that she is a very spirited woman?) Not a terrible misfortune, however, because thereafter she was more lovingly schooled at home by her parents and aunts.

When she was 12 she joined her mother who had immigrated to America, ultimately settling in Arlington, Virginia, where Olabisi completed high school. In December 1998 she graduated from George Mason College in Fairfax, Virginia, with a major in business communications and a minor in film and media studies. Though her family urged her to go to medical school like her eldest brother, she was, she says, "intrigued by the American legal system, especially when compared with Nigeria's" and was planning to enter law school in August 2001. After graduation, however, a friend invited her to come along on an excursion into D.C., where the friend planned to apply for a position as a flight attendant for United Airlines. As a lark, Olabisi, who loves to travel, also applied and was hired as a flight attendant on domestic and international flights.

She was working for the airlines and loving it and perhaps her law school dreams were beginning to lose their allure, except that she kept hearing people—other flight attendants, passengers, older people—saying wistfully, "I always wanted to be a lawyer" or others lamenting that they had never gone to law school. So, in the summer of 2001, she applied to Cleveland-Marshall and was accepted.

"At first," she says, "I thought I would just be here a year and then transfer to a law school in Washington, but when I visited Cleveland-Marshall in the summer, I was impressed with the law library and with the admissions staff." And there was something else: a confluence of events that convinced her she was meant to be educated at this particular law school. As she explains, "I had the newspaper and there was a job downtown as a legal assistant at a law firm, Zuckerman & Daiker. Paul Daiker ('93) interviewed me and he hired me. Just like that. Then I got a cab to take me around to some apartments that were listed in the classifieds. My cab driver looked at the address I gave him and said, 'You don't want to live there.' He turned the car around and headed west, to an apartment right on the lake, and the price was right. What is the chance of finding someone like that?" Olabisi received the Judge Lillian W. Burke ('51) scholarship and the Iris and Bert Wolstein ('53) scholarship. "They were," she says, "a great incentive for me to strive to do better in school and to better myself in general. Everything had fallen into place. I knew Cleveland-Marshall was where I was supposed to be."

To this observer, at least, it is hard to imagine that for Olabisi Onisile things will not always fall into place. Because she will make them do so, and in her career as a lawyer she will bring to the law firm that has hired her the same tenacity and perseverance she has brought to her legal studies. In short, Porter Wright and Cleveland-Marshall have a winner, and all eyes are on her bright future.
Moot Court Teams:

Bound for Glory!

When it comes to Moot Court competitions, Cleveland-Marshall College of Law Moot Court Teams are fierce contenders. In fact, triumph is a Moot Court tradition at our law school. Here follows a roundup of our students' successes so far this year.

In October the Moot Court Team of Christine LaSalvia, R.J. Roberto and Denise Salerno placed among the top eight teams in the John Marshall Information and Technology competition in Chicago.

Also in October the team of Tricia Hurst, Michelle Molzan and William Moore was awarded the prize for the third best brief at the Chicago Bar Association Moot Court Competition.

In the regional competition in November that precedes the National Moot Court Competition in New York, the Cleveland-Marshall team of Mark Gould, Donald Herbe, and Rhonda Porter took first place overall and first place in the brief competition, while the team of Renée Davis, Michael Hunter and Danielle McGill won second place brief and placed second overall. In the final round, Mark, Donald and Rhonda’s brief took third place in the competition. As Moot Court Program Director Karin Mika’ 89 notes, "Over 140 schools compete annually in this competition, and writing the third-place brief in the country is quite an accomplishment." Professor Mika also noted that last year the law school team of Nancy Bernardinelli, Denise Salerno and Peter Traska placed fourth in the same final round of the brief-writing competition. So congratulations to our Nationals competitors, this year and last year!

In the February American Bar Association regional competition, the brief of second-year students Brendan Doyle, Siegmund Fuchs, and Christos Georgalis was named best brief. In April they advanced to the quarter finals, lost by a 1.67% point margin to the Baylor University team and placed fifth in a contest that began with 133 contenders!

In the Benjamin Cardoza Entertainment Law Moot Court Competition, Benjamin Hoen and Matt Romano finished among the top four teams. Both team members had to argue both sides of a challenging copyright/trademark issue and did an exceptional job. The brief rankings have not yet been released; nevertheless, we are polishing up our accolades and expect to be congratulating them on their brief as well!

Right before Law Notes went to press, Professor Mika announced that Matt Basinger, Doug Smith, and Leo Wetula, aided by Jason Bristol '00, had finished among the top eight teams in the final competition of the year, the Ruby Vale Corporate Law Moot Court Competition in Wilmington, Delaware. Moreover, Professor Mika notes, this was an especially gratifying finish because team members were "stuck" with this competition when the one they were slated to attend was cancelled. At the onset, none of the members knew a great deal about Corporate Law, and on top of that, the competition did not identify the issues to be briefed. To complicate matters further, two of the team members were finishing their Law Review notes at the same time they were trying to give themselves a crash course in Corporate Law. A great ending to a great Moot Court year at Cleveland-Marshall.

Top to bottom: Don Herbe, Rhonda Porter, Michael Hunter, Mark Gould, Danielle McGill, Renée Davis
A century-old tradition of community responsibility has made Cleveland-Marshall a vital public forum for the discussion and debate of compelling local and national issues. The following is a listing of law school-sponsored events from September 2002 through April 2003.

**September 24:** Criminal Justice Forum I: University of Toledo Balk Professor of Law David Harris on "Racial and Ethnic Profiling Reconsidered in the Post 9/11 World"

University of Toledo Balk Professor of Law and Values David Harris, author of Profiles in Injustice: Racial Profiling Cannot Work (2002), opened the 2002-2003 Criminal Justice Forum lecture series with an examination of ethnic profiling in the wake of the September 11 terrorist attacks, arguing that racial profiling is wrong not only because it is unethical but also because it is bad law enforcement that could endanger our security and cripple our fight against terrorism.
James G. Wilson

September 30: Associate Dean Michael J. Slinger's Faculty Speaker Series opens with Professor of Law Alan Weinstein speaking on "What Do Nude Dancing and Churches Have in Common? Dealing with Legal and Policy Issues Where the First Amendment Meets the Streets."

According to Professor Weinstein, who is both a lawyer and city planner, local government zoning laws often have the effect of restricting rights guaranteed under the First Amendment. In fact, over the past 25 years, the U.S. Supreme Court has decided more than a dozen cases involving conflicts between zoning and the First Amendment, ranging from regulating nude dancing to the location of houses of worship. Professor Weinstein's address described and critiqued both the legal and practical aspects involved in these conflicts.

October 10: Associate Dean Michael J. Slinger's Faculty Lecture Series Features Professor Stephen R. Lazarus on "Classroom Professionalism."

According to Professor Lazarus, the legal profession has struggled in recent years with the concept of 'professionalism'. His remarks addressed the struggle within the profession and within the classroom.

October 15: Criminal Justice Forum II: the Law School and WCPE/WWIZ co-sponsor a "Roundtable Discussion on Ohio's Proposed Drug Treatment Amendment."

Attorneys, judges, social workers, psychologists, physicians, drug treatment experts and local and state government officials debated a proposed amendment to Ohio's constitution that would have allowed, under certain conditions, first-time and second-time non-violent persons convicted of illegal drug use the right to choose a drug treatment program over incarceration.


The Silha Professor of Media Ethics and Law at the University of Minnesota's School of Journalism and Mass Communication, Professor Jane E. Kirtley, has dedicated most of her professional life to preserving the guarantees of the First Amendment. Her Cleveland-Marshall lecture questioned whether lawmakers' response to the September 11 terrorist attacks would ultimately preserve or imperil our country's civil liberties.

October 23: The Inaugural Employment and Labor Law Lecturer Martin L. Malin Speaking on "Visions of Employment Arbitration."

Chicago-Kent College of Law Professor Martin Malin, founder and Director of the Chicago-Kent Institute for Law and the Workplace, questioned whether employment arbitration had become the new "Yellow Dog Contract" or a cost-and-time-efficient method by which employees could resolve workplace disputes.

November 21: Associate Dean Michael J. Slinger's Faculty Speaker Series Features Professor Adam Thurschwell Speaking on "Sovereign Responsibilities and Suicidal Murderers: Some Thoughts on Capital Punishment and the Practical Uses of Political Philosophy."

According to Professor Thurschwell, the dilemmas arising from convicted capital offenders who waive their rights to sentencing defense or appeals become less problematical when viewed not as an issue of individual procedural rights but as an issue of political legal philosophy—that is, the state's independent sovereign obliga-
tions when faced with the decision to kill one of its own citizens.

**February 5:** Political Activist, Historian, Civil Libertarian, Labor Lawyer and Prisoners' Advocate Staughton Lynd Delivers SPILO Lecture, "Who Killed Officer Vallandingham? Snitch Testimony and the Rights of the Accused."


**February 12:** Associate Dean Michael J. Slinger's Faculty Speaker Series Features Professor Arthur Landever on 'The Courageous' Plessy Dissenter, Justice John Marshall Harlan I, and his African-American' Half Brother,' Civil Rights Advocate, Robert Harlan of Ohio"

Historian and Professor of Law Landever questioned whether the lifelong friendship between Justice John Marshall Harlan, the son of slaveholders, and his slave "half brother," Robert Harlan, might have influenced the Justice's dissent in the 1893 "separate but equal" Plessy v. Ferguson" case.

**February 13:** Employment and Labor Law Speakers Series Lecturer Irene Lynch Fannon, Professor of Labor and Employment Law at Cork University Cork, Ireland, asks, "Are Americans Really Overworked? — European Social Policy and Why Employment Laws Matter."

Visiting Employment and Labor Professor Irene Lynch Fannon convincingly argued that because of shorter work hours and greater health and family benefits European Union workers enjoy a more satisfying work and family life than their brothers and sisters across the Atlantic.

**February 25:** Michael J. Slinger's Faculty Speaker Series Features Law Clinic Faculty Gordon Beggs, Pamela Daiker-Middaugh, Kenneth Kowalski and Kermit Lind on "Slices of Practice in the Clinics."

Clinic Faculty Gordon Beggs and Kenneth Kowalski of the Employment Law Clinic and Pamela Daiker Middaugh and Kermit Lind of the Community Advocacy Clinic described the nature of clinical legal education, the value of hands-on legal experience and the character of the cases undertaken by the Clinics and their clients.

**February 26:** Criminal Justice Forum III: Lecturer, University of Cincinnati Professor of Law Michael L. Benson Speaks on "Combating Corporate Crime: Are Local Prosecutors Taking on a New Adversary."

According to criminologist Michael L. Benson, who has examined the work of 600 urban-area prosecutors, nowadays the federal government often withdraws from cases involving corporate crime and hands the prosecution of white-collar felons over to local prosecutors. Dr. Benson evaluated the response of local prosecutors to consumer fraud, environmental offenses and other large-scale illegalities.

**March 19:** United States Supreme Court Justice Antonin Scalia teaches a Constitutional Law Class.

Justice Scalia described his reliance on an "originalist" approach in interpreting the Constitution and his struggles with both the text and his conscience in arriving at his decisions.

**March 20:** The Seventy-sixth Cleveland-Marshall Fund Visiting Scholar, former United States Solicitor General Drew S. Days III Describes "The Pleasures and Perils of a Repeat Player: The Solicitor General as Supreme Court Advocate."

Former Clinton Solicitor General Drew S. Days, now the Alfred Rankin Professor of Law at Yale Law School, discussed the risks inherent in the potentially contrary position of a Solicitor General when working for a President whose politics may differ markedly not only from that of the Supreme Court but also from that of the Solicitor General him/herself.

**March 24:** Associate Dean Michael J. Slinger's Faculty Speaker Series Features Professor Lloyd Snyder on "Law, Cultural Norms, and Dirty Words in Newspapers"

Professor of Law and former Chair of the ACLU of Ohio Lloyd Snyder spoke on the need for students and others to recognize that, despite the law school focus on cases and statutes, many inhibitions on conduct come
from norms that do not have legal sanctions attached.

April 2: Criminal Justice Forum IV: DePaul University Professor of Law Michelle Oberman on "Understanding Infanticide in Context: Mothers Who Kill, 1870-1930 and Today"

Professor Oberman's research focuses on health policy and the law with particular emphasis on women's and girls' health, poverty, and criminal law. She is co-author of Mothers Who Kill Their Children: Understanding the Acts of Mothers From Susan Smith to the 'From Queen' and numerous articles exploring society's expectations for women and girls and the medical, social and emotional contexts in which women raise children and which may place children at risk of harm. Her law school address drew on her search for explanations for the persistence of infanticide throughout human history.


According to Professor Schwab, employers feel overwhelmed with discrimination suits, while workers feel they rarely win a case. To reevaluate this dispute, Professor Schwab presented official data from the United States courts, comparing the Northern District of Ohio with federal courts in the rest of the country, and shared his findings on whether, at the appellate level, workers fare worse than employers.

April 7: Women Law Students' Association Presents Professor of Law Arthur Landever on "'Hard-Boiled Mary' (a Graduate of C-M's Predecessor, Cleveland Law School) and Other Pioneering Women Lawyers like 'Suitcase Mary,' 'Yellin' Mary,' 'Foul Mouth Flo' and the Cronise Sisters of Tiffin, Ohio."

Historian and law professor Arthur Landever described the challenges and triumphs of Ohio's earliest women lawyers, their careers, the response of male attorneys and the ill will underlying unflattering nicknames given women lawyers.

April 14: The Federalist Society Sponsors Two Attorneys with Opposing Points of View on Affirmative Action in a "Debate on the University of Michigan Affirmative Action Cases."

On April 1, the U.S. Supreme Court heard two cases challenging the University of Michigan's affirmative action policy, Grutter v. Bollinger and Gratz v. Bollinger, which were brought by the Center for Individual Rights in Washington. Two weeks later at the law school, the Center's President, Terrence J. Pell, debated the case with Raymond Vasvari, Legal Director of the American Civil Liberties Union of Ohio.


Author of an authoritative 1996 biography of the country's fourth United States Supreme Court Chief Justice, Professor Smith discussed the life and influence of Chief Justice Marshall as the virtual founder of the American system of constitutional law. His lecture is the first in a series of programs this year and next at the law school that commemorate the bicentennial of Marbury v. Madison.

April 22: International Criminal Law Expert Michael P. Scharf questions "War in Iraq: Legal or Illegal?"

Professor of Law Michael P. Scharf, Director of the Case Western Reserve University School of Law Cox Center War Crimes Research Unit, addressed the legal issues surrounding the war in Iraq from the perspective of his expertise as a scholar on international criminal law and international human rights.

April 24-25: Conference on the Bicentennial of the Ohio Constitution

The Honorable Shirley S. Abrahamson, Chief Justice of the Wisconsin Supreme Court, opened a two-day conference celebrating the Bicentennial of the Ohio Constitution with a lecture on 'State Constitutions: A View from the Bench.' The conference continued on the following day with speakers Michael E. Solimine, Donald E. Klekamp Professor of Law at the University of Cincinnati; Barbara Terzian, Professor of History at Ohio Wesleyan University; Jonathan L. Entin, Professor of Law and Political Science at Case Western Reserve University and others.


The symposium was inspired by a mass tort class action case in which hundreds of plaintiffs alleging faulty manufacture of artificial hip and knee replacements sued the company that had manufactured the parts, Sulzer Orthopedics. The negotiations culminated in a $1 billion settlement in 2002. The symposium examined class action cases in general and the Sulzer class action in particular. Speakers included Kathleen McDonald O'Malley, the federal judge who presided over the Sulzer Orthopedics settlement; Richard F. Scruggs, the plaintiffs' attorney; R. Eric Kennedy, the defendant's attorney and James J. McMonagle '70, the claims administrator.
Welcome. Each issue, I'll be providing a few words about the Law Library's recent acquisitions that may interest practitioners. All titles are available in the C-M Law Library. You are welcome and encouraged to come by and use our collection.

**Competition Laws Outside the United States.** Chicago, IL: ABA Section of Antitrust Law, c2001. K 3850.C66 2001. According to the Forward, this two-volume set, Aseeks" to provide a broad overview of international antitrust law and practice, while treating in greater depth the competition laws of ten jurisdictions in which U.S. businesses trade extensively. Its ten jurisdictions (each with its own chapter) are Australia, Brazil, Canada, European Union, France, Germany, Italy, Japan, Mexico and United Kingdom.

**Ohio Mechanics' and Materialmen's Liens.** 3rd ed. R. Russell O'Rourke. Suwanee, GA: Harrison Company, Publishers, 2001. RR KFO 155.5.D57 2001. Remember when you were clerking the summer between first and second year and that new associate demanded a memo regarding the law in Ohio on Mechanics' Liens? Your first thought may have been that she wanted to attach the car dealership that worked on her car. If only you had had this item in your library. O'Rourke starts with a brief history, ends with a nice set of usable forms and provides copious footnotes to the ORC and cases. If you plan on collecting for clients in Ohio, keep a copy of this book handy for reference by your clerks.

**Illinois Justice: The Scandal of 1969 and the Rise of John Paul Stevens.** Kenneth A. Manaster. Chicago, IL: University of Chicago Press, 2001. KFI 1725.5.D5 M36 2001. The briefs that needed polishing before tomorrow are done and already on the partner's desk. Most everyone else has gone home by now. Put your feet up on your desk and escape to a simpler time when the pre-Watergate scandals were somehow more understandable. This title recalls the participation by John Paul Stevens in cleaning up a scandal involving the Illinois Supreme Court. The now Justice Stevens of the US Supreme Court says he would likely not have his current title without his involvement back in 1969.

**Student Loan Law.** Boston, MA: National Consumer Law Center, 2001. KF4235.L66 2001. For all us finishing law school sans trust fund, this title provides step-by-step methods to deal with what is probably the major bane of our existence. Depending on your position in the legal profession food chain and the level of pain inflicted by the recent recession, you may want to purchase your own copy, sooner rather than later. A CD-Rom containing code, regs., applications and sample letters is included with the book.

**Basic Accounting for Lawyers.** 5th ed. Philadelphia, PA: American Law Institute-American Bar Association Committee on Continuing Professional Education, 1999. HF5686.P6 L36 1999. For those of you who never took the class or for those who did and cut it to go to one too many Indian night games, herein lies your penance. The Preface (and the physical size of the volume, 200+ pages) assures the reader that it is not the aim of the book to make the practitioner into an accountant. Still, a cursory glance at the decisions of the Ohio Supreme Court's Commission of Discipline and Grievances should nudge you into giving this title a closer read.

**Medicare and Medicaid Claims and Procedures.** 3rd ed. Harvey L. McCormick. St. Paul, MN: West Group, 2001. KF3605.M3 2001. Middle age was defined by someone as Ahaving two sets of kids.@ As our parents and in-laws and children get older, a whole new set of agencies that we may have only heard about on the news or during a presidential campaign will quickly invade and expand our new realities. An example is Medicare/Medicaid and this two-volume title provides an excellent overview of the invader. Nicely footnoted and with topical cross-references to CFR, these volumes should successfully guide you through this sector of the regulatory minefield.

**Other Titles of Interest:**

Alumni Happenings

1967
William W. Weaver was elected to serve a six-year term as Judge in Lake County's Juvenile Division.

1968
Herbert Palkovitz was selected to be honored and included in the 2003-04 edition of The Best Lawyers in America. Mr. Palkovitz, a past president and life member of the Law Alumni Association, is one of only two attorneys in Ohio who has been elected as a Diplomat in the American College of Family Trial Lawyers.

1970
Ted Boyd has become a member of the Pro Football Hall of Fame Board of Trustees.

1973
James Mitchell Brown was recently featured in an article in Tzedak V'Shalom, the Social Justice Magazine of Reform Judaism. Brown was recognized as chair of the Council Regional Social Action Chairs of the United States.

1974
Carl F. Noll has been elected to serve a three-year term as District 10 representative on the Board of Governors of the Ohio State Bar Association.

1976
Sandy Cameron has become counsel with Pepper Pike business and real estate law firm of Conway, Marken, Wyner, Kurant & Kern Co. LPA.

1977
Larry James was named co-chairman of the panel overseeing school construction of the Columbus Public Schools.

1978
Ronald F. Wayne has been certified by the Ohio State Bar Association as a specialist in Estate Planning, Trust and Probate Law. Mr. Wayne's practice at Buckingham, Doolittle & Burroughs in Cleveland focuses on estate planning, probate, asset protection, elder law and taxation.

1979
Peter J. Brodhead was sworn in as President of the Ohio Academy of Trial Lawyers.

1981
CMLAA Past President Dennis Lansdowne was the keynote speaker at the annual meeting of the Ohio Academy of Trial Lawyers.

1983
The Greater Cleveland Chapter of the National Coalition of 100 Black Women honored Warrensville Heights Mayor Marcia L. Fudge as its 2002 Woman of Vision.

1984
Amelia A. Bower has joined the Columbus law firm of Flunkett & Cooney as a member in the firm's title insurance law practice group.

1985
The board of trustees of The Catholic Foundation of Columbus recently announced the election of Michael A. Petrecca as a new member for 2002-2003. Mr. Petrecca is managing partner of the Columbus office of PricewaterhouseCoopers and partner-in-charge of the Middle Market Advisory Services Group in Columbus.
Robert Van Der Velde has accepted a position as Assistant Vice President for Academic Affairs at Eastern Michigan University.

1986
Ed Kraus of the Cleveland firm of Javitch, Block and Rathbone, has been elected to the Northern Ohio Credit Association as a Director.

1987
Cleveland-Marshall Law Alumni Association President Richard J. Ambrose has been elected a shareholder of the Cleveland business law firm of Christz McGarry Co. Mr. Ambrose focuses his practice on employment law and business litigation.

Ralph R. Lustri was named one of northeast Ohio’s top attorneys in the December 2002 edition of Inside Business.

Mark A. Smolik recently joined Satellite Glass Corporation in Columbus as Senior Vice President, General Counsel and Secretary.

1988
Pamela Daiker-Middaugh and Ken Middaugh are the proud parents of Daniel Cole Middaugh, born 12/05/02.

1989
LuAnn A. Polito has joined the insurance practice group in the Cleveland firm of Gallagher, Sharp, Fulton & Norman.

Joseph Saadi joined National City Corporation’s Private Client Group as a business development officer in the Youngstown area.

1991
Mary J. Giganti joined Waldheger-Coyne as a pension attorney concentrating on qualified retirement plans, executive compensation planning, general tax and corporate law and estate planning.

Paul F. Gianni has become a partner with the Fort Worth, Texas, law firm of Shannon, Gracey, Ratliff & Miller, where he practices commercial and ERISA litigation and general corporate law.

Jennifer Mottershead has become the Executive Director of The Catholic Charities Foundation in Washington, D.C. The Foundation is a newly formed separate corporation whose purpose is to develop and strengthen the financial resources of Catholic Charities of the Archdiocese of Washington.

1992
Carmen R. Adams has become Vice President and Assistant General Counsel in the Intellectual Property, E-commerce and Technology Law department of the Charlotte, North Carolina-based Wachovia Corporation.

1994
Robert G. Friedman of Krantz, Powers & Friedman in Beachwood spoke on Ohio Landlord Tenant Law to lawyers and real estate professionals for the National Business Institute in January.

Daniel A. McGowan is Litigation Supervisor for Caronia Corporation in West Palm Beach, Florida.

John T. Scanlon of the Akron firm of Scanlon & Gearinger was recently sworn in as the President of the Summit County Trial Lawyers Association.

Patrick J. Tully has earned the “certified specialist” designation in the area of estate planning from the Ohio State Bar Association. Mr. Tully is a member of the trusts and estates and tax groups in the Cleveland firm of Ulmer & Berne.

1995
Mark Leonardo was elected partner in the Boston firm of Brown Rudnick Berlack Israels where his practice is focused on intellectual property law.

1996
Steven Birch was elected 2003 Village Council President for Orange Village.

Melissa Krier joined the Ashland County Prosecutor’s Office as an Assistant Prosecutor handling juvenile cases for the county.

Todd A. Schrader joined the Avon firm of Wickens, Herzer, Panza, Cook & Batista as an associate in the business organization and tax and real estate departments.

1997
Theresa A. Richthammer has joined the insurance and appellate practice groups of the Cleveland firm of Gallagher, Sharp, Fulton & Norman.

1998
Shawn Cormier joined the Cleveland firm of Davis & Young as an associate.

Abby Gardner has joined the Cleveland firm of Gallagher, Sharp, Fulton & Norman in the firm’s insurance and professional liability practice groups.

Steven E. Seasly has joined the law firm of Hahn Loeser & Parks LLP as an associate concentrating on labor and employment and litigation areas.

Elaine L. Skorich has become an Assistant Attorney General with the State of West Virginia where she works in the higher education division representing the state colleges and universities in civil and administrative proceedings.

Stephen and Michelle Spira are the proud parents of their first child, daughter Jordan Deulaney, born in August.

Timothy A. Spirko has joined the Cleveland firm of Buckingham, Doolit-
Alumni Happenings

tle & Burroughs as a staff attorney in the firm's medical malpractice practice group.

Kenya Taylor has been appointed director of the City of Cleveland's Department of Consumer Affairs.

1999
Joseph M. Saponaro has joined the Cleveland business law firm of Walter & Haverfield. Mr. Saponaro is a member of the Cleveland-Marshall Law Alumni Association's Board of Trustees.

2000
Timothy T. Gardner has joined the 36th District Court in Detroit, Michigan as a staff attorney.

Kristina King has joined FirstMerit Corporation in Cleveland as a trust officer.

Stacee M. Kulick has joined the Detroit, Michigan law firm of Clark Hill as an associate with the firm's business practice group, where she will focus on corporate law, mergers and acquisitions, securities and taxation.

Holly M. Olarczuk-Smith has joined the appellate and mass tort practice groups of the Cleveland firm of Gallagher, Sharp, Fulton & Norman.

James Salamone has become an associate with the Cleveland firm of Davis & Young.

2001
Newton Cargill joined the Legal Aid Society of Cleveland as an attorney in the Criminal Division.

T.J. Dow has been appointed to the position of assistant manager of the registration department of the Cuyahoga County Board of Elections.

Anna Beth Ferguson's article, "Predatory Lending: Practices, Remedies and Lack of Adequate Protection for Ohio Consumers" published in the Cleveland State Law Review (2000), was cited in a lengthy article, "Who has the authority to regulate predatory lending?" in the fall 2002 Community Reinvestment Forum, a publication of the Federal Reserve Bank of Cleveland.

Kelly Horitz Kress has become the legal editor of the Missouri Lawyers Weekly.

Tom McGuire is an attorney with the Huron County Child Support Enforcement, a part of the Huron County Department of Job and Family Services.

Steven J. Moody has joined the Cleveland firm of Gallagher, Sharp, Fulton & Norman in the general liability practice group.

2002
Chet J. Bonner is an associate focusing on intellectual property law with the Cleveland firm of Calfee, Halter & Griswold.

Thomas Evan Green has joined the Akron firm of Kastner Westman & Wilkins as an associate practicing labor and employment law, including representation of employers in workers' compensation matters.

David A. Head has become an associate with the Cleveland firm of Welterman, Weinberg & Reis where he will work in the collection services department.

Leah M. Kramer joined the Cleveland firm of Gallagher, Sharp, Fulton & Norman in the firm's general liability and medical malpractice groups.

Lindsey I. Placko has joined the Cleveland creditor's law firm of Javitch, Block & Rathbone as an associate concentrating on collections.

Frank H. Scialdone has become an associate with the Solon firm of Mazanec, Raskin & Ryder where his practice will focus on civil rights and municipal law.

DID YOU KNOW...


OBITUARIES

Harriet Troseen More '38
Frank J. Sveboda '38
Ralph V. Greene '46
Elizabeth Boyer '47
Ralph R. Haas '48
Steve P. Mekedis '50
Norman T. Patton '50
James W. Male '51
Joseph M. Prokop '52
Ernest E. Fabian '55
Samuel Laderman '55
Ralph T. Nielander '56
Ford L. Noble '61
Leslie J. Spisak '70
Frank E. Ashbaugh '73
Virginia L. Heidloff '77
Barbara Brown-Tuffs '81
John J. Klocko III '85
Thomas E. Burns '95

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Cleveland-Marshall Law Library, in co-sponsorship with Case Western Reserve University Law Library, provided a site for the teleconference 'Safeguarding Our Patrons’ Privacy: What Every Librarian Needs to Know about the USA Patriot Act and Related Anti-Terrorism Measures," which was sponsored by the American Association of Law Libraries, American Library Association, Association of Research Libraries, Medical Library Association, and Special Libraries Association.

Awards for the Cleveland-Marshall Dean’s Recognition of Faculty Books went to David Barnhizer, Dena S. Davis, Michael Davis, David Forte, Deborah A. Geier, Sheldon Gelman, Alan Miles Ruben, Frederic White, and James G. Wilson.

Linda Ammons published "Why Do You Do the Things You Do? Clemency for Battered Incarcerated Women: A Decade’s Review" in the *American University Journal of Gender, Social Policy & Law*. Professor Ammons’ article "Dealing with the Nastiness: Mixing Feminism and the Criminal in the Review of Cases of Battered, Incarcerated Women-Tenth Year Reflection" was reprinted in *Social Justice: Professinals, Communities and Law*, published by West Publishing (Mahoney, Calmore & Wildman, eds.).

David R. Barnhizer published *The Blues of a Revolution: The Damaging Impacts of Shrimp Farming* (ISA Net) with I. de la Torre, ed.


Beverly J. Blair published Ohio STATUTORY CHARGES with West Group.


Phyllis L. Crocker has been named foreperson for the Cuyahoga County Grand Jury by Cuyahoga County Common Pleas Judge Burt W. Griffin.

Dena S. Davis published "Genetic Research and Communal Narratives" in *Jurimetrics*.

Eric Domanski moved to Cleveland-Marshall Law Library as its new Network Administrator.

Kathleen C. Engel presented "Predatory Lending and the CRA" at the OCRC Midwest Fair Housing Conference in Columbus, "Predatory Lending: Market Forces and Solutions" at the Real Estate Transactions Session at the AALS Annual Meeting in Washington, DC, and "Use of Genetic Information in Human Resources Decisions" at the Duvin, Cahn & Hutton Annual Labor and Employment Seminar in Cleveland. Professor Engel also published an op-ed, "Predatory Lending: Legitimate Lenders Can Be a Part of the Solution," in the *Community Reinvestment Forum*, a Cleveland Federal Reserve Bank publication.

Patricia J. Falk published "Rape by Drugs: A Statutory Overview and Proposals for Reform" in the *Arizona Law Review*. Professor Falk is the 2003 recipient of the University’s Distinguished Service award for her service in chairing the university committee that designed CSU’s new honors program for undergraduates.

Joan Flynn was appointed Visiting Scholar at New York University Law School.

David Forte was appointed to the Board of Directors for the Bishop Gassid Sudan Relief Fund, an organization dedicated to relief of war-induced famine in southern Sudan. Professor Forte published "Understanding Islam and the Radicals" in the *Journal of South Asian & Middle Eastern Studies*, "Who Was William Marbury?" in *Experience*, and "Lincoln, Marshall and the Judicial Role" in the *Georgetown Journal of Law and Public Policy*.

Faculty & Staff Happenings

Versus Financial Accounting for Advance Payments and Deposits to the Teaching Taxation Committee at the ABA Tax Section meeting in Los Angeles and then again at the law firm of McCarthy Lebit Crystal & Lifman in Cleveland.


Louis Geneva was named one of Delta Theta Phi's three Professors of the Year. The fraternity's Paper Book praises Professor Geneva's sponsorship of a biennial conference on Federal Wealth Transfer Taxation and the tax and estate planning institutes he has organized over the years.

Brian Glassman participated in a panel discussion on "Copyright Law and the Federal Visual Artists Rights Act of 1990" sponsored by the Artists Archives of the Western Reserve in Cleveland. CSU Art Gallery featured "Brian Glassman: A Twenty-Year Retrospective," an exhibit that included a collection of Professor Glassman's work in glass on display as well as a presentation by Professor Glassman about his work.

Holli Goodman was the recipient of the 2002 CSU Distinguished Service Award for Staff, thus joining the ranks of a long line of college administrators who have received this award—Michaeline Carrig, Laverne Carter, Sandra Natran and Marie Rehm.

Jack A. Guttenberg was appointed to the Ohio Supreme Court Task Force on Rules of Professional Conduct. Dean Guttenberg is one of 17 lawyers from around the state charged with reviewing the Ohio Code of Professional Responsibility and advising the Ohio Supreme Court on whether Ohio should adopt Rules of Professional Conduct and what code revisions should be made.

Lolita Buckner Inniss published "Bicentennial Man--The New Millennium Assimilationism and the Foreigner Among Us" in the Rutgers Law Review.


Kunal M. Parker published "History, Law and Regime Change: A Response to John Borneman" in the POLITICAL & LEGAL ANTHROPOLOGY REVIEW and "The 'Law'/Politics' Distinction in the Colonial/Postcolonial Context," in the AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY & LAW.

Jane M. Picker, Professor Emerita and her husband, CWRU School of Law Professor Emeritus Sidney Picker, participated in an April conference in St. Petersburg, Russia, on "Peace, Security and International Law," which was convened by Russian President Vladimir Putin and attended by 45 academics and French President Jacques Chirac and German Chancellor Gerhard Schroeder.

Heidi Gorovitz Robertson was a panelist at a symposium on "Pesticides: What Will the Future Reap?" at the College of William & Mary.

Christopher Sagers published "The Legal Structure of American Freedom and the Provenance of the Antitrust Immunities" in the Utah Law Review.

Lloyd B. Snyder published "Is Attorney-Client Confidentiality Necessary?" in the Georgetown Journal of Legal Ethics.


Melody J. Stewart '87 joined C-M as Interim Assistant Dean for Admissions. Dean Stewart, formerly an Assistant Dean at the law school, joined the Cleveland-Marshall administration from Case Western Reserve University School of Law, where she was the Director of Student Services.


Steven J. Werber was guest speaker for a combined luncheon meeting of the Cleveland Bar Association Health Law and Litigation Sections, where he addressed the new Ohio Medical Malpractice Act (Amend. Sen. Bill 282) focusing on its substantive provisions and likely constitutional challenges.


Gary R. Williams '84, Dean of Student Affairs, is an acclaimed artist who received his formal training at Cooper School of Art. Recently his works were featured in an art show at the Shaker Heights Public Library.


Rick Zhang joined Cleveland-Marshall as Network Administrator. Mr. Zhang holds a master's in computer science from Kent State University.
ALL THE NEWS THAT'S FIT TO PRINT

Please keep us informed for Alumni Happenings (and correct mailing address)

Name: ____________________________________________
Class of: __________________________________________
Address: __________________________________________
City: ________ State: _______ Zip: __________
Phone: __________ Email: ________________________

News, comments, interests, births, weddings, hobbies: __________________________________________

____________________________________________________

Mail to: Mary McKenna, Executive Director
Cleveland-Marshall Law Alumni Association
2121 Euclid Avenue, LB 121
Cleveland, Ohio 44115
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