

THE UNIVERSITY OF TOLEDO COLLEGE OF LAW

TRANSCRIPT

FALL 2008



Howard Malovany '77, Wrigley



Annette Johnson '76, NYU
Medical Center



Ed Wildermuth '00, The Florida Panthers



Lisa Kunkle '94, PolyOne Corp.

LEADING AMERICA'S BUSINESSES



In this issue of *The Transcript*, we celebrate the character and accomplishments of the two most important groups of people in our law school community: our current students and the former students who are now alumni and alumnae. In an article written by third-year law student Scott Neinas, we celebrate some of the many ways in which our students serve the community. They are truly engaged. Through our clinics, externships and our new Public Service Commendation Program, they learn about the difference a lawyer can make in a person's life, develop valuable practice skills, and reach an understanding of society's issues that will serve them well as lawyers and the leaders of the future. Through their fundraising efforts, clothing drives and volunteer homebuilding, they demonstrate a level of commitment and character which will make us proud to claim them as graduates of our law school.

Our alumni and alumnae are making a difference across the country and around the world. They serve in Congress, on the federal bench, on state supreme courts, as judges at all levels, in public service and legal aid, and in private practice where their commitment to clients helps make people's lives better. In this issue, we feature a few of the many who have risen to leadership positions in business and education. In these roles, they translate society's needs as expressed in the law into practical applications that help their clients create value in the marketplace. Their work helps maintain the continued employment of tens of thousands of people and they play vital roles in helping our economy stay strong. Very few lawyers have the opportunity to serve at these levels and their selection is a tribute to their legal expertise, their leadership skills and their personal character. Despite their responsibilities and workloads, they also find time to be engaged citizens. We congratulate them on their success and look forward to the doors they can open for those who follow.

In this issue, we also introduce and welcome Professor Lee Strang. An accomplished lawyer, teacher and scholar, he is a fine addition to our strong faculty. As we welcome Professor Strang, we bid farewell to Assistant Dean for Student Affairs Kathleen Amerkhanian '04. She has been an important part of our administrative team and had a large role in improving communication with students and planning student events. We all wish her well in her future endeavors.

Sincerely,

A handwritten signature in black ink that reads "Douglas E. Ray". The signature is written in a cursive, flowing style.

Douglas E. Ray, Dean



COLLEGE of LAW

THE UNIVERSITY OF TOLEDO

FALL 2008

The Toledo Transcript is published once a year by the College of Law Office of Alumni Affairs.

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College of Law News 3

Speakers 22

Graduation 26

Cover Story 29

Faculty Notes 43

Class Notes 48

Clothing 53

UT Law Students Serve the Community

By Scott Neinas '09

UT Law's administration, faculty, and student organizations have done much to strengthen ties this year between law students and the community they're educated in. Under the supervision of faculty members and seasoned lawyers in the region, students helped community members with legal issues such as bankruptcy and divorce. They also pitched in by organizing food and clothing drives to feed needy residents and keep them warm in the winter.

By giving of themselves, the students benefitted as well. There's the emotional reward of driving by a home they helped build for a needy family. But there are professional rewards as well, as students make connections with the legal community and learn practical advocacy skills.

The push toward more student involvement resulted from both administrative initiatives and student demand. In January 2007,

Dean Douglas Ray made public service a priority and initiated a public service commendation program. Jessica Mehl, assistant director of career services, assumed the role of public service coordinator for the law school, and administrates the commendation program. The program recognizes students who volunteer 30 hours or more of public service per semester.

"We've had this program for just over a year, and already there have been 90 people who stepped forward and became involved," Ray said. "I thought I would have to push and prod to encourage them, but instead it's been a matter of trying to stay in front. It's been hard to keep up."

UT Law students have compiled more than 7,000 hours of unpaid legal services since the program was launched in January 2007. It would take someone working full time for three and a half years to accumulate that many hours, Mehl said.

"Students have been eager to get involved and volunteer. Most of our students are giving more than 50 hours per semester when they're only required to give 30. They're going above and beyond what they're required to do," Mehl said.

While some students donate their time as individuals, many do it as part of a student organization. The Student Bar Association, which operates as an umbrella organization for student groups, coordinates public service with a pro bono committee. Michael Riesen, a 2008 graduate and immediate past president of the SBA, said organizations did a "stand up job" in recruiting student volunteers to work with Toledo's poor and underprivileged residents.

"We have nearly 20 student organizations, each representing a variety of interests and each connecting to a particular slice of the community. The resources available to the students are fantastic."

Cece Lamoreau '09 chaired the SBA's pro bono committee, which organized the 2008 5K Ambulance Chase. Proceeds from the run went to Rusty's House, which provides treatment and counseling to teens and young adults with substance abuse problems.



The Public Interest Law Association held its second annual Wine Tasting and Silent Auction at the Secor Gallery in downtown Toledo. The event brought faculty, students and alumni together to raise money for public interest fellowships.

“We chose Rusty’s House because it’s a local group,” Lamoreau said. “The thinking was the money would have a greater effect on a local group as opposed to a national organization. We know we’re helping people in Toledo.”

While money always helps, sometimes good old-fashioned sweat and muscle does the trick. Students volunteering with the American Bar Association’s Law Student Division (ABA/LSD) partnered with the Toledo Bar Association and Habitat for Humanity to build a brand new home for a Toledo family on Upton Drive. About a dozen student volunteers leveled turf, spread grass seed, planted shrubs and placed flooring during a cold November morning last year. The home was for a disabled, single mother with two children and was specially designed with wide doorways and ramps.

The contingent of volunteers included Jenn Less, who was president of the UT Law chapter of the ABA/LSD at the time, who organized the effort. Less said she’s rewarded every time she drives by the home.

“It’s a good feeling to see the lights on inside, or see children playing in the yard, and know that I did something to help,” Less said.

Habitat for Humanity’s carpenters were patient but instructive. They didn’t take over the job, but simply showed the students how to do the

work. “You don’t feel like you’re just an extra hand, you feel like you actually made something, which is a great feeling,” Less said.

The ABA/LSD also organized a warm clothing drive for the Cherry Street Mission in the fall. The mission, which operates a homeless shelter, had so many clothes from UT Law donations and from others that UT Law volunteers helped fold, sort, and organize the clothing.

“It was like a department store in their basement,” said Dan Coughlin, a 1L at the time.

Phi Alpha Delta, a UT College of Law fraternity, also organized a collection for the Cherry Street Mission. “Canned Immunity” brought in 1,500 cans of food for the mission last fall by pitting class sections against each other. All three 1L contracts classes competed to see which class could bring in the most cans. Each had a separate box for cans to be dropped off in. Two sections of Professor Rebecca Zietlow’s constitutional law class played the same game. Each winning class received treats as a prize, but residents at the homeless shelter were the true beneficiaries.

Lynn Taylor and Adam Gedling, both 2Ls at the time, organized the effort. “We were pleasantly surprised with the outcome,” Gedling said. Canned Immunity is part of a program that the fraternity does nationwide. At some schools, a student who brings a can

to class gets “immunity” that day from class participation. That concept didn’t fly at UT, however.

“We were very pleased with the professors’ cooperation, they just didn’t want students to be unprepared for class,” Taylor said.

The UT Law branch of the Public Interest Law Association (PILA) provided a significant amount of free legal services to community residents and also organized a fundraiser to help raise money for students working in unpaid public service positions over the summer. In February, PILA held its second annual Wine Tasting and Silent Auction at the Secor Gallery. The event brought faculty, students and alumni together to raise money for a good cause, netting \$2000 toward public interest fellowships. PILA also sent trained volunteers to help Toledo Bar Association lawyers at juvenile, divorce and bankruptcy clinics last year, giving students a good introduction to working with real clients. The juvenile and divorce clinics are held once a week. Students help the clients understand documents and forms needed for custody or visitation issues.

Camille Gill ’08, president of PILA during her third year in law school, volunteered at the clinic.

UT Law students have compiled more than 7,000 hours of unpaid legal services since the Public Service Commendation program was launched in January 2007. It would take someone working full time for three and a half years to accumulate that many hours.

-- Jessica Mehl, assistant director of law career services and pro bono coordinator

“The problem is sometimes the clients don’t understand the terms in the document. It seems simple to us, but it’s a very serious thing in their lives. We just walk them through it and make sure their questions are answered,” Gill said.

At the juvenile clinic, volunteers helped parents or guardians get increased visitation rights, or even custody, of their children. Divorce clinics provided inexpensive (\$10) divorces for clients who couldn’t afford lawyers otherwise. At the bankruptcy clinic, UT Law volunteers would interview clients and help them get their paperwork together. That saves the attorneys working with the Toledo Bar Association time, and they can handle more cases as a result. More than 30 UT Law students volunteered for the bankruptcy clinic alone, Gill said.

“The clients are just very gracious for our help,” Gill said. “It’s intimidating enough being a law student and filling out those forms, but for the average person to fill them out, and their child is at stake, it’s very scary.”

Gill remembered one woman who had come to the divorce clinic and had avoided a divorce for years.

“She said she just didn’t have the funds for an attorney. Now this problem she’d had for so long was just alleviated,” Gill said.

Kristina Schultz ’08 is another student who has distinguished herself by helping others. Schultz was awarded the Patrick M. Burns Memorial Award for achievement in the Legal Clinic.

Schultz also participated in the Dispute Resolution Clinic by mediating cases at the Lucas County Juvenile Court and at the Toledo Municipal Court after receiving mediation training. (The Dispute Resolution Clinic is part of the academic program at the College of Law. For more information on highlights from the Dispute Resolution Clinic, the Legal Clinic and the Domestic Violence Clinic, see article on page 8).

“There were juveniles who had severe problems with their parents, and to help them come to a binding agreement, knowing it was something they were going to work on, was a great feeling. You don’t get that feeling sitting through class learning about theory,” Schultz said.

When Schultz wasn’t mediating disputes, she designed and created pamphlets that the juvenile court offered to the public. Schultz designed several of them for several different age ranges of children. The pamphlets educate parents about the developmental needs of their children. “It’s a good feeling to know that you’re using skills and tools to really help someone. I don’t think anything in law school really compares to that feeling,” Schultz said.

Most of law school, of course, consists of sitting through class lectures and learning rules of law that students may or may not ever come into contact with as practicing attorneys. But when students are exposed to “real



Phi Alpha Delta, a UT College of Law fraternity, organized a collection for the Cherry Street Mission. “Canned Immunity” brought in 1,500 cans of food for the mission.

world” situations through clinics and other involvement, they learn what it takes to be a lawyer. “Engagement of this type is the most valuable part of a legal education,” Dean Ray told award recipients at a public service commendation ceremony. “Even more important is that the uncertainty about ‘can I do this lawyer thing?’ has been resolved. Knowing that you have what it takes is an irreplaceable moment in your law career.” That moment came to Schultz while doing work for the Dispute Resolution Clinic.

“It really teaches you all the skills you need to know to be a successful attorney,” she said.

SBA President Riesen said one of the essential goals of student organizations is to get students into contact with clients and attorneys

who they’ll eventually work with. “I think it’s essential that we develop academically but also that we learn what it means to represent someone’s interests,” Riesen said. “It’s imperative that we go out and interact with the community. Not everyone will practice in Toledo, but everyone will practice in areas where there are people who have needs.”

Of course, the people who benefit most are those who make use of the food or clothes donated, or from the legal services performed. James Irmen, president of the Toledo Bar Association, said more UT Law student volunteers mean more people are helped.

“Pro bono work can really make a difference in people’s lives,” Irmen told students as he addressed

the commendation ceremony. “Imagine the situation that the person you helped would be in right now if you had not provided that assistance. There are so many that need the help that only you can provide.”

Students and the administration see legal services increasing in coming years. Gedling, of Phi Alpha Delta, said his group plans on doing an even larger canned food drive this coming year. Gill, of PILA, said her organization is working with the Toledo Bar Association to form a new clinic that will address the predatory lending issue.

There is plenty of room to grow. Bar association officials say they only serve 20 percent of their clients’ needs. “It’s astonishing that that many people go without legal services,” Gill said.



Proceeds from the Student Bar Association’s 5K Ambulance Chase went to Rusty’s House, a Toledo charity that provides treatment and counseling to teens and young adults with substance abuse problems.

Scott Neinas, a former journalist, is a member of the Class of 2009 and a note and comment editor for The University of Toledo Law Review.

UT College of Law Receives \$250,000 Gift to Benefit Legal Clinic

The College of Law had a chance to thank Jeff Bixler '72 and his wife, Kathy, in December, for their generous \$250,000 gift in support of the College of Law's Legal Clinic and Discretionary Fund. Jeff Bixler is a 1972 graduate of The University of Toledo College of Law and retired General Counsel of Manor Care, Inc.

Dean Douglas E. Ray, several College of Law faculty members and students joined the Bixlers for a reception in the recently renovated Legal Clinic on the

ground floor of the law school. College of Law students who have had the opportunity to represent clients through the Legal Clinic took time out from exam study to tell the Bixlers how their legal education has been broadened by the Clinic. The students also thanked the Bixlers for helping to ensure that others will continue to benefit from the Clinic's offerings.

The Legal Clinic provides opportunities for students to represent clients who would not otherwise be able to afford a

lawyer. Under the supervision of clinical faculty members, students have worked in a wide swath of legal areas, including immigration law, disability law, family law, health care law, housing issues, and others. Students in the Dispute Resolution Clinic have conducted mediations in juvenile and municipal courts, in public schools, and on The University of Toledo campus.



From left to right: Dean Douglas E. Ray, Jeff Bixler, Kathy Bixler, and Professor James Klein



Valerie Fatica '08 talks about her work as a student in the College of Law Legal Clinic.

Students Learn and Community Benefits Through College of Law Legal Clinics

College of Law Legal Clinic offerings are an important component of UT Law's curriculum, giving students a chance to hone the skills they need to represent and advance client interests. A classroom component complements actual client representation, mediation experience, or advocacy for policy change. Following is a list of just some of what students have accomplished in the Domestic Violence Clinic, Dispute Resolution Clinic, and the Civil Practice Clinic during the last academic year.

- The students in the Domestic Violence Clinic helped the Lucas County Commissioners and judges in the Domestic Relations Court open a Domestic Violence Resource Center in the Family Court Center. The Center provided a place where people could drop in for legal assistance in protection order cases and advice for managing specific situations. Through this community collaboration, students not only tried cases that secured protection orders for victims of domestic violence, but also conducted workshops and made presentations to social service agencies and community groups all across town.
- Advanced Mediation Clinic students served as truancy mediators in several of the elementary schools in the Springfield School District.
- Students in the Legal Clinic represented clients in a variety of matters during the year, including adoptions, domestic violence, foreclosures, discrimination, divorce and parental rights, consumer protection, estate planning, political asylum and guardian ad litem work. In addition to their case work, students made presentations on peer harassment to teachers and children throughout the community and consulted with school districts in developing anti-bullying policies. Several students also worked with the National Center for Parents at The University of Toledo to address the growing problem of cyber-bullying.

Law Students Pitch in to Help Home for Battered Women

College of Law students Lindsay Suckow '08, Cristen Bartus '09 and Sarah Vidal '08 teamed up last summer with volunteers from Legal Aid of Western Ohio, FOCUS and Bethany House to help secure continued block grant funding for Bethany House, Toledo's only long-term transitional housing facility for battered women. At the time, the City of Toledo had recently instituted a requirement that all Community Development Block Grant recipients participate

in city-wide clean-up programs, a requirement that was particularly risky for Bethany House residents.

"The residents of Bethany House essentially 'live underground' and can not safely be seen on the street without the potential of having their whereabouts found out by their abuser," says Gabrielle Davis, director of the Domestic Violence Clinic at the College of Law. So, Toledo Law students, serving as proxies for Bethany House residents, headed for a nearby neighborhood to help clean up, thereby helping Bethany House comply with the city requirement.



Pictured in front of FOCUS in downtown Toledo: Art Jones (former Toledo City Council member and Bethany House Board member); Kathy Griffin (Executive Director of Bethany House); College of Law students Lindsay Suckow '08, Cristen Bartus '09 and Sarah Vidal '08; and Gabrielle Davis, director of the Domestic Violence Clinic at the College of Law.

Blog Authored by UT Law Emeritus Professor Picked as One of the ABA Journal's Top 100

Religion Clause

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof... --US Const., Amend. 1

A blog authored by a professor at UT Law was selected by the *ABA Journal* as one of the top 100 best websites by lawyers, for lawyers. The *ABA Journal* is the flagship magazine of the American Bar Association, covering trends, people and finances of the legal profession.

Through *Religion Clause* (<http://religionclause.blogspot.com/>), **Howard Friedman**, Distinguished University Professor of Law Emeritus at UT, provides almost daily commentary on developments in church-state and religious liberty issues.

"I saw the need for an objective, non-ideological source of news on developments in church-state and religious liberty issues, and have developed a loyal group of daily readers from all sides of the religious and political spectrum," said Friedman. "Maintaining the focus and objectivity of *Religion Clause*, and furnishing extensive links to primary materials, remain my goals."

Friedman isn't the only UT Law faculty member whose blog has been recognized as providing a valuable forum for discussion of legal issues. Associate Professor **Geoffrey Rapp** is one of four authors of *Sports Law Blog* (<http://sports-law.blogspot.com/>), which was recognized in 2006 by *Fast Company Magazine* as one of the top three sports business blogs. The blog is also regularly in the top 15 in terms of traffic among law professors.



Professor Emeritus Howard Friedman

In addition, Rapp and Professor **Joseph Slater** have served as Guest Contributors on *Prawfsblawg* (<http://prawfsblawg.blogspot.com/>) and Associate Professor **Ben Davis** regularly contributes Guest Commentary to *Jurist* (<http://jurist.law.pitt.edu/>). These two blogs – *Prawfsblawg* and *Jurist* – appeared along with *Religion Clause* on the ABA Journal's Top 100 list.



Professor Geoffrey Rapp

College of Law Faculty Member Documents Trends and Risk Factors for Domestic Violence Fatalities

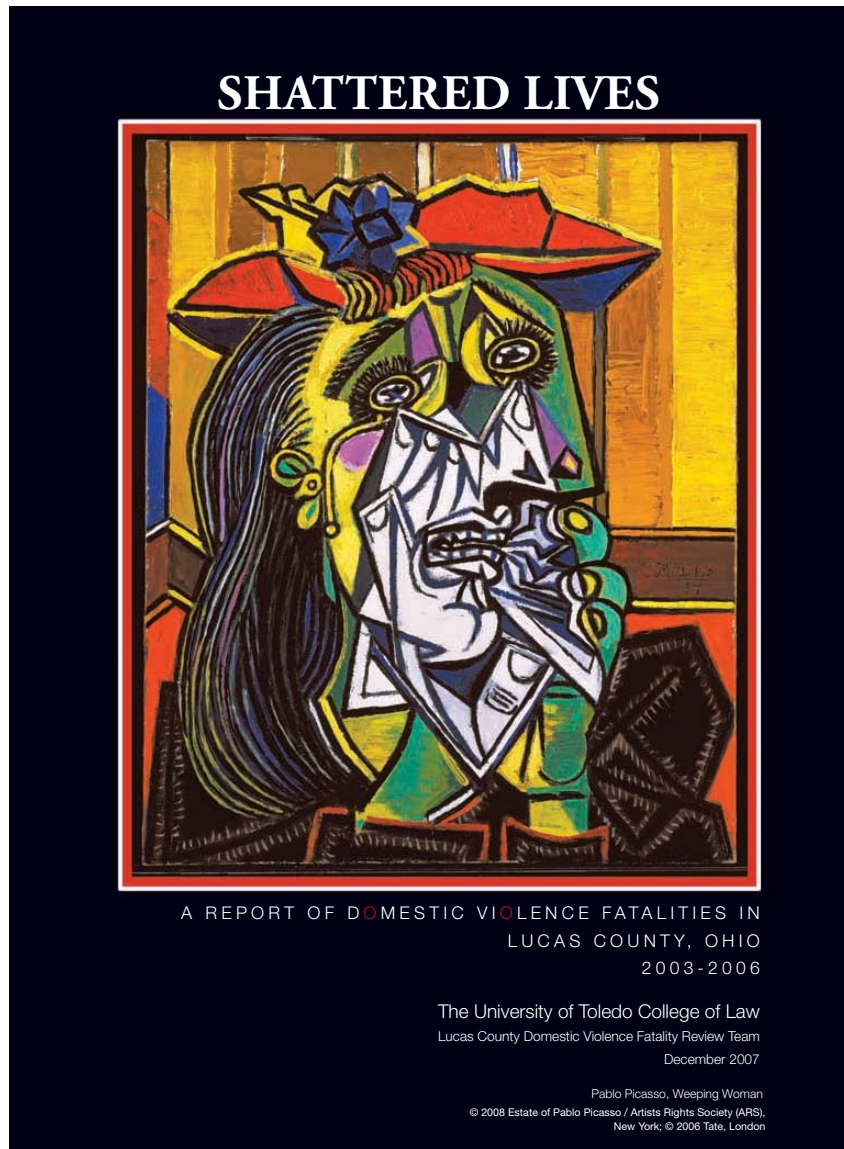
The University of Toledo College of Law and the Lucas County Domestic Violence Fatality Review Team released a study in January 2008 that revealed trends and risk factors for domestic violence fatalities at a time when deaths due to domestic violence continued to climb in the community.

The study, led by College of Law Clinical Professor Gabrielle Davis and funded with a \$200,000 grant from the U.S. Department of Justice, examined all domestic violence related deaths in Lucas County between 2003 and 2006. The study aimed to identify trends, pinpoint characteristics of people most at risk, and make recommendations to local officials and policy makers on how to stem the tide of these preventable deaths.

Deaths from domestic violence tripled in Northwest Ohio from 2003 to 2006, and domestic violence was the number one cause of local murders in 2007.

“This study points to a need for a comprehensive, community-wide domestic violence prevention plan that focuses on stopping violence before it starts,” says Davis, who served as principal investigator in the year-long study.

For the full text of the report’s Executive Summary, which outlines the study’s main findings, go to <http://www.utlaw.edu/students/faculty/GDavis/DVReport.pdf>.



Regionalism Key for Future of Toledo, Northwest Ohio, College of Law Conference Speakers Say

By Jim Winkler '86

Education, an entrepreneurial culture and a regional approach to economic development are the keys to securing northwest Ohio's place in a changing world economy.

That was the consensus that emerged March 14 as more than 125 attorneys, local government officials, community leaders and economic development officials attended a program, "Successful Economic Development in the 21st Century, Revitalizing Center Cities in an Era of Globalization, Technology and Changing Legal Regimes," sponsored by the College of Law and organized by The University of Toledo Law Review.

Toledo and northwest Ohio are in a period of economic transition. Jobs in the manufacturing sector are disappearing and will never return. But conference speakers emphasized that Toledo and northwest Ohio, nevertheless, can successfully compete in the world economy by moving from an industrial to a

knowledge economy, where intellectual property and innovative ideas fuel business and job growth.

It is imperative, several speakers said, that cities, townships and counties become more regional in their approach to economic development and begin marketing themselves jointly with one voice. Northwest Ohio needs to begin thinking of itself as a region consisting of a historic central city — Toledo — surrounded by cities, towns and counties that have a shared identification, function as a single zone for trade, commerce and communication, and are socially, economically and environmentally interdependent.

Other topics included efficient land-use and reuse strategies, center-city redevelopment, assisting entrepreneurship and small business development, utilizing emerging technology as an economic development driver, state tax structures and the use of tax incentives.

Speakers included Steven Kaufman of Thompson Hine, LLP; Scott Ziance of Vorys, Sater, Seymour and Pease, LLP; Patience Crowder of the University of Tulsa College of Law; John Garman of Thomas Goode Jones School of Law; Peggy Kirk Hall of The Ohio State University; Dan Johnson, president emeritus of The University of Toledo; Richard Pomp of the University of Connecticut Law School; Nathaniel Alston, Jr., of The Horizon's Group, LLP; and Darian Ibrahim of the University of Arizona Rogers College of Law.

Jim Winkler is a 1986 graduate of the College of Law and a staff writer for The University of Toledo.

Northwest Ohio needs to begin thinking of itself as a region consisting of a historic central city — Toledo

UT Law Graduate and Current Students Receive Fellowships

Marie Schumack '08 was chosen as one of 54 lawyers across the country to receive a postgraduate legal fellowship from Equal Justice Works. The Equal Justice Works Fellowship Program, the largest postgraduate legal fellowship program in the U.S., is dedicated to creating a sustainable pipeline of lawyers entering public service following law school.

Ms. Schumack will be working on housing issues and homelessness prevention with the Legal Aid and Defender Association, Inc., in Detroit, Michigan. More than 275 lawyers submitted applications for an Equal Justice Works Fellowship.

"Our students have had great success in obtaining prestigious national fellowships in recent years," said Jessica Mehl, assistant director of law career services and pro bono coordinator. "These students have dedicated many hours to public service activities while in law school, and now have the opportunity to serve the public after law school."

Other UT Law students received fellowships that enabled them to pursue public interest opportunities over the summer. Cristen Bartus '09 was the recipient of a Janet D. Steiger Fellowship, a program designed to

give law students the opportunity to work in the consumer protection and antitrust departments of state and territorial Offices of Attorneys General throughout the United States. Ms. Bartus spent her summer working in the Alaska Attorney General's Office.

The eight-week paid Fellowships were initiated in 2004 by the ABA Section of Antitrust Law, in cooperation with the National Association of Attorneys General ("NAAG"), as a consumer protection outreach initiative to introduce law students to the rewards of legal careers in public service.

In addition, the College of Law administered selective fellowships that went to UT Law students who

secured public interest work over the summer. The Bruce Comly French Public Interest Fellowship went to Nicole Naeser '10, who worked with Legal Aid of Western Ohio.

The Cooper & Walinski Public Interest Fellowship went to Denay Knope '10, who worked in the Sandusky office of Legal Aid of Western Ohio. A PILA/University of Toledo College of Law Fellowship was awarded to Rumzi Araj '09, who worked for the Center for Constitutional Rights in New York; and also to CeCe Lamoreau '09, who spent her summer with Legal Aid of Western Ohio in its Lima Office.



Students Honored for Service

Six members of the Class of 2008 were chosen to receive Dean's Service Awards for their commitment to the law school community. The recipients are pictured with Dean Douglas E. Ray. From left to right in the front row: Boyd White III, Michael J. Riesen, Stephanie R. Hanna, Lindsay N. Riesen, Candice L. Kline and Erik C. Stein.

Stoepler Professor of Law and Values Appointed to ABA Ethics Committee

The College of Law's Susan R. Martyn, Stoepler Professor of Law and Values, has been appointed to a national body that interprets rules of ethics and professionalism for all lawyers in the United States.

The American Bar Association's Standing Committee on Ethics and Professional Responsibility is charged to interpret the Model Rules of Professional Conduct, which has been widely adopted in most states. The appointment builds upon Martyn's previous experience as a member of the Ethics 2000 committee that extensively revised the Model Rules.

Martyn is the author of four books on legal ethics and professionalism, co-written with Philadelphia attorney Lawrence J. Fox. Her most recent book, *Your Lawyer: A User's Guide*, has been marketed in bookstores nationwide as a guide for clients to better understand their lawyers' ethical and professional responsibilities. Martyn and Fox have also collaborated on an ethics casebook, a handbook for lawyers, and a professional standards volume. The authors' overall goal is to "make legal ethics understandable, interesting and fun," says Martyn.

In addition to participating in national bodies that help shape and inform the laws governing lawyers, Martyn has also had an impact on the state level. She served as a member of the Ohio Task Force on the Rules of Professional Conduct, an 18-member group appointed by Chief Justice Thomas J. Moyer of the Supreme Court of Ohio to conduct a comprehensive review and make recommendations for a new ethics code for Ohio lawyers. The Supreme Court followed the task force's recommendation when the Court adopted the new Ohio Rules of Professional Conduct, effective February 1, 2007.

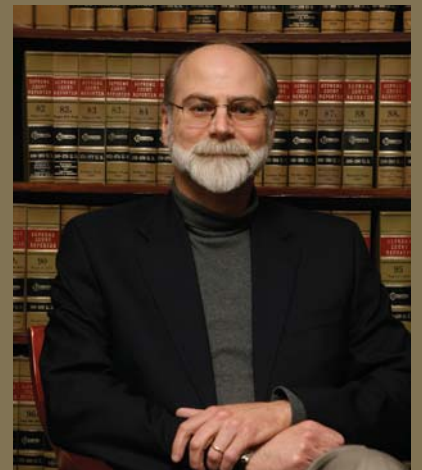


Professor Susan R. Martyn

Fulbright Grant Awarded to Professor Bruce Kennedy

UT Law Associate Professor Bruce Kennedy has been chosen to receive a Fulbright grant to teach in China and is the second UT Law faculty member in two years to receive that honor.

Kennedy will teach from February through mid July 2009 at Xiamen University School of Law. He will



Professor Bruce Kennedy

teach a graduate class in American Property Law and an undergraduate course in legal research, and will also be assisting the School of Law in developing its law library.

Xiamen University School of Law is located in a port town between Shanghai and Hong Kong situated across from Taiwan. Kennedy, a faculty member since 1993, joins three other College of Law faculty members who have received Fulbright grants – Professors Llewellyn Gibbons, who taught in China in 2008, Daniel Steinbock and Rebecca Zietlow.

Professor Kennedy is a graduate of the University of Michigan (AB), the University of Minnesota (JD) and the University of Michigan (AMLS). Prior to joining the UT Law faculty, Professor Kennedy held positions at the Cornell and Georgetown law libraries. While in Washington, he testified before Congress and federal agencies on a wide range of information policy matters.

Professor Kennedy has been active in a number of professional organizations including the American Association of Law Libraries. He previously served as Director of the LaValley Law Library at the College of Law. In addition, Professor Kennedy has published in the fields of privacy law and information policy. For six years, Professor Kennedy was a member of and principal draftsman for the AALL Citation Formats

Committee which is designing uniform citation standards for citing legal materials in printed and digital formats.

About 800 U.S. faculty and professionals are chosen every year to participate in the Fulbright program, sponsored by the U.S. Department of State. The program was established in 1946 by the U.S. Congress to increase mutual understanding between the people of the United States and the people of other countries.

progress in meeting the goals of a treaty aimed to eliminate all forms of racial discrimination. The U.S. ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1994.

Davis attended the meetings as a representative of the Society of American Law Teachers (SALT) to discuss the issue of diversity in legal education. He joined a group of about 50 representatives of other non-governmental organizations that raised a variety of concerns to members of the UN Committee for the Elimination of Racial Discrimination, which is the body charged with monitoring treaty progress. The International Convention on the Elimination of All Forms of Racial Discrimination has been ratified by more than 170 countries and calls for signatories to take a number of measures to eliminate racial discrimination.

International Law Professor Talks with UN

In February, Professor Ben Davis headed to Geneva to participate in discussions with United Nations officials about the United States'



Professor Ben Davis

Speakers Discuss Art of Give-and-Take at Law School Program on Negotiations

By Jim Winkler '86

When business deals, family disputes or labor negotiations reach an impasse, a variety of strategies and techniques are available to help the parties reach agreement, five speakers told Toledo-area attorneys and mediators and others at a May 30 continuing legal education program, "Getting Past Deadlock."

Sponsored by the Toledo Bar Association, UT College of Law, and Toledo Area Chamber of Commerce, the program featured talks by Nancy Hardin Rogers, former dean of The Ohio State University's Moritz College of Law and Ohio's interim attorney general; Douglas E. Ray, College of Law dean and professor; Robert Hopperton, professor of law; James S. Petas, senior mediator at the Toledo Municipal Court; and Toledo attorney Paul T. Belazis.

Rogers spoke two days after being named to the state's top law post by Gov. Ted Strickland.

"The topic is at the heart of the lawyering profession," Ray explained in introductory remarks. "Society

expects lawyers to be problem solvers, to resolve disputes and to be society's peacemakers."

The speakers discussed key strategies used in integrative bargaining and mediation that are helpful whenever parties who are trying to work out a deal face a stalemate, whether it's a divorcing couple dividing furniture or a labor contract.

Successful mediations are more likely if the parties work to identify barriers to agreement, including inconsistencies in approach, poor preparation, poor communication, and differences among the parties in areas such as risk preferences and time constraints, according to Hopperton.

Power differences between parties have significant impact on negotiations, Balazis noted. For example, large, wealthy corporations often can afford to take hard-line positions. Disputes involving deeply held, fundamental principles also can be thorny, and emotions such as fear and anger can also get in the way. Another barrier is aversion to risk. Parties with little aversion to risk will be more inclined to move early on a deal and will take more chances.

Those who are risk-averse are more likely to take a slower approach. Rogers, who will serve in the attorney general's post until a special election is held in November, noted the mediator's role is to help the parties find a solution, not to act as a judge. Successful resolutions of disputes and conflicts, she said, are often the result of understanding the other side's position. Negotiations should focus on the parties' interests, which motivates people, rather than their positions.

When an impasse looms, the mediator and the parties "should keep going and go behind the position and turn them into interests," she said. Mediations are dynamic, and each side has to keep considering its position in the light of new information.

Good negotiators and mediators, she said, get to know the parties beforehand, understand their motivations and interests before talks begin, and make sure there is trust in their communication.

Good mediators also will summarize periodically to recap what agreements have been

reached and to clarify which areas of disagreement remain, or to generally remind all of the parties of previous settlement offers or other information of importance, she said. Speaking about valuable lessons learned from labor disputes, Ray said that an important goal in negotiations is to resolve disputes in a way so that all sides feel they've won and that the agreement has value for each party.

"Make it easy for the other side to agree," Ray emphasized. "Figure out the story that the other side can carry back to its membership that will justify an agreement."

He noted that negotiators must be aware of the glare of the public spotlight and that many different groups — whether they are shareholders, bargaining-unit members, family members or the general public — are watching.

"Everyone is on stage," Ray noted. "What people do in negotiations will be reported to others."

The best negotiators are "good listeners" and "good persuaders," who have the ability to be quick readers of situations and people, according to Ray.

"There is an art to listening," Ray said. "If you show you have respect and collegiality for the other side, you will learn a lot."

Jim Winkler is a 1986 graduate of the College of Law and a staff writer for The University of Toledo.

Professor Lee J. Strang joins the College of Law Faculty



Associate Professor Lee J. Strang

Associate Professor Lee J. Strang joined the faculty this summer. He was a visiting professor at Michigan State University College of Law and an associate professor at Ave Maria School of Law. A graduate of the University of Iowa, where he was articles editor of the *Iowa Law Review* and Order of the Coif, Professor Strang also holds an LL.M. degree from Harvard Law School.

Prior to teaching, Professor Strang served as a judicial clerk for Judge Alice M. Batchelder of the U.S. Court of Appeals for the Sixth Circuit. He was also an associate for Jenner & Block LLP in Chicago, where he practiced in general and appellate litigation.

A prolific scholar, he has published in the fields of constitutional law and interpretation, property law, and religion and the First Amendment. Most recently, Professor Strang published "The Historical (In) Accuracy of the Brandeis Dichotomy: An Assessment of the Two-Tiered Standard of Stare Decisis for Supreme Court Precedents" in the *North Carolina Law Review*, and "Damages as the Appropriate Remedy for 'Abuse' of an Easement: Moving Toward Consistency, Efficiency, and Fairness in Property Law" in the *George Mason Law Review*. Among other scholarly projects, he is currently editing a case book on constitutional law for LexisNexis.

Professor Strang's course offerings include Constitutional Law, Constitutional Interpretation, Property Law, Administrative Law, Business Associations, Federal Courts, and Appellate Practice. He will be teaching Constitutional Law II and Administrative Law in the Fall, and Constitutional Law I and Property II in the Spring.

John W. Stoepler Golf Classic

On June 2, alumni gathered at Brandywine Country Club for the 2008 John W. Stoepler Golf Classic. Nearly \$8,500 was raised for the John W. Stoepler Scholarship Fund. The College of Law thanks all of the alumni and friends who participated and helped make the event a success. Save the date for next year's Tenth Annual Stoepler Golf Classic on June 8, 2009.

Winners:

1st Place

- Don Kincade '80
- Jeff Kuhn
- Mike Scalzo '79
- Diane French

2nd Place

- Dave Wicklund '74
- Tom Pletz '71
- Brandon French
- Joe Simpson '88

Longest Drive

- Men — Kevin Desmond
- Women — Mary Grace Trimboli '77

Closest to the Pin

- Men — Dave Wicklund '74
- Women — Suzanne Belot-Norton



Sarah McHugh '83



Susan Nelson '81



Marty Williams '69, Nate Aquino '07, Peter DeClark, Pat Williams



Mark Ozimek '04



Chad Tuschman '95 (Chair, John W. Stoepler Golf Classic)



Doug Chapman, Jim Yavorcik '79



Stu Cubbon '81

Reinberger Honors Program Enables Toledo Law Students to Work in Prosecutors' Offices Across the Country

Ten College of Law students went to work this summer in federal and state prosecutors' offices all across the country to learn first-hand what it takes to effectively prosecute crime. With the support of the Reinberger Honors Program in Prosecution, they spent seven weeks working side by side with prosecuting attorneys on actual criminal cases.

The Reinberger Honors Program in Prosecution was established in 1997 to attract highly qualified law students to careers in prosecution and to enhance prosecution placement opportunities. Through the program, past participants have had opportunities to interview witnesses, negotiate pleas and participate in trials. The program, supported by a

generous grant from the Reinberger Foundation, often affects career aspirations.

The 2008 Reinberger fellowship recipients, selected based on academic performance, commitment to public service and advocacy skills, are: Kelli Collins, Vanessa Duran, Josh Haberkornhalm, Katherine Hunt, Stacy Krueger, Seth McCloskey, Laura Monroe, Robert Platt, Kiel Smith, and Edward Stechsulte. They worked over the summer in federal and state prosecutors' offices in Texas, South Carolina, Illinois, Michigan and Ohio.



Summer 2008 Reinberger Fellows

Front (left to right): Dean Douglas Ray, Edward Stechsulte, Laura Monroe, Lucas County Prosecutor Julia Bates, Kiel Smith, Vanessa Duran, Assistant Lucas County Prosecutor Dean Mandross, Associate Professor Robin Kennedy

Back (left to right): Katherine Hunt, Josh Haberkornhalm, Robert Platt, Stacy Krueger, Seth McCloskey, Kelli Collins



Lucas County Prosecutor Julia Bates '76 speaks to the 2008 Reinberger fellowship recipients.

UT's Technology Transfer Program Gives Law Students Valuable IP Experience

By Scott Neinas '09

The University of Toledo's Tech Transfer program has had top tier results, and is benefitting UT Law students.

The University of Toledo Technology Transfer program allows UT faculty and students to use university resources to turn ideas into patents, inventions, and licenses. The program has recently been recognized on a national level as, over the last five years, it has produced 85 license agreements and 13 local start-up companies that have generated \$939,000 in revenue. UT's Tech Transfer program ranked third in the nation in terms of start-ups per million dollars of funding (Brigham Young University was first). In 2005, the program ranked sixth in the nation for the amount of licenses executed.

Inventions by UT students and faculty range from high-tech traffic lights, to chewing gum removers, to high-energy gamma ray detectors and solid oxide fuel cells. Because of the quality and quantity of intellectual property work to be done through the program, UT Law students interested in the field have gained valuable experience through the years as externs. Mentored by Dr. Daniel Kory, associate vice president of UT's Technology Transfer program, law

students are introduced to the nuts and bolts of patent law as they draft license agreements, confidentiality agreements and attend patent committee meetings.

Professor James Klein heads UT Law's Public Service Externship Clinic, which is offered in Fall, Spring and Summer terms and enrolls 80 to 100 students a year. Professor Llewellyn Gibbons runs the Intellectual Property certification program. Together they provide the Tech Transfer program with a steady stream of externs.

"Locally, this is the only Intellectual Property public service externship we have, so the placements are very competitive," Klein said. "Our students are getting on-the-job training by carrying out challenging assignments right on site, and the supervision is first rate."

The experience can not only be a valuable learning tool for students, but can give them an edge in landing a job after law school with a firm. Some students have found a job at the Tech Transfer office itself. Stephen Snider, a UT Law grad, has worked there five years. Mark Fox, a 2007 UT Law graduate, was recently hired.

There is good reason to believe the Tech Transfer program, already in the top ten nationally, will have better results in the future. Its top ten ranking was attained just before UT's merger with the Medical University of Ohio in July 2006.

"With the merger and the recent addition of a couple of new employees, we are really poised for continued, accelerated growth," Kory said.

That could be good news for Klein's externship program.

"I am hopeful that with the expansion of the Tech Transfer office, more placements will be available to law students," he said.

Scott Neinas, a former journalist, is a member of the Class of 2009 and a note and comment editor for The University of Toledo Law Review.

Toledo Law Administrators Play Leadership Roles in National Conferences

Two members of the College of Law administration recently played leadership roles in national conferences.

Dean Douglas Ray served as Conference Chair for the 46th Annual Labor Law and Labor Arbitration Course sponsored by the Center for American and International Law in Plano, Texas, April 21-25, 2008. This program, the most extensive of its kind, attracts attorneys from all over the country to hear some of the nation's top labor lawyers, law professors and National Labor Relations Board (NLRB) officials. Ray taught sessions on recognition picketing, secondary boycott law, enforcement of labor agreements and labor arbitration. He has chaired the program for the past ten years.

Heather Karns, assistant dean for law career services and alumni affairs, chaired a panel at the National Association for Law Placement annual conference in Toronto. The panel focused on how best to serve evening law students.

"We're always interested in finding better ways to connect with evening students and it's especially helpful to hear what other law schools do to support and serve their evening divisions," Karns said.

Karns heads the Office of Professional Development at the College of Law, committed to providing career services to all students and assisting students in the transition from law student to employed professional.



Dean Douglas E. Ray



Assistant Dean Heather S. Karns

Professor Slater to Publish Casebook

In June 2008, Professor Joseph Slater and his co-author Professor Seth Harris of New York Law School were offered a contract by LexisNexis to publish a casebook which will combine public and private sector labor law. Professor Slater is the author of the book *Public Workers: Government Employee Unions, the Law, and the State, 1900-62* (Cornell University Press 2004) and numerous articles and book chapters on labor law. In the spring of 2008, Professor Slater was honored with one of the four Outstanding Professor Awards from The University of Toledo for 2007-2008.



Professor Joseph Slater

College of Law Speakers

Open to the University and greater Toledo communities, the UT College of Law Speaker Series has become a noteworthy supplement to the law curriculum. “By providing easy access to lawyers, judges, and other experts involved with current legal and policy issues, the Speaker Series is an integral part of the College of Law’s educational program as well as our outreach to the community,” says Daniel J. Steinbock, Associate Dean for Academic Affairs. The 2007-2008 Speaker Series contributed to the College’s intellectual atmosphere with a variety of legally significant and enlightening speakers. This year’s roster included authors, a journalist, current and former U.S. Attorneys, judges, and professors all discussing legal issues as well as current events related to the law.



Thomas A. Karol,
Assistant U.S.
Attorney

The Fall Speaker Series at The University of Toledo College of Law kicked off on September 12 with Assistant U.S. Attorney Thomas A. Karol speaking on

“The Prosecution of Saddam Hussein’s Regime.” Karol spent six months in Iraq as a member of the Regime Crimes Liaison’s Office (RCLO), a Department of Justice organization that assisted the Iraqi High Tribunal in investigating and trying Saddam Hussein and members of the former regime for crimes against humanity, war crimes and genocide. Karol’s speech drew from his experiences in Iraq from September 2006 to March 2007, during which time Saddam Hussein was on trial for the Kurdish genocide and was executed for his role in the Dujayl killings. Karol participated in the investigation of the former regime’s response to the 1991 Shi’a uprising. Karol has spent 21 years with the U.S. Attorney’s Office in Toledo, the last 18 of which have focused on criminal prosecution. He received his B.A. from Washington University in St. Louis, and J.D. from George Washington University.

Jay Heinrichs, author

Jay Heinrichs, author of *Thank you for Arguing: What Aristotle, Lincoln and Homer Simpson Can Teach Us about the Art of Persuasion* (Three

Rivers Press 2007), spoke in September on the techniques of classical rhetoric. Heinrichs combined humor with modern applications and sources as diverse as Daniel Webster and Eminem to demystify and deconstruct the art of persuasion.

Heinrichs is a commentator for NPR’s “All Things Considered” as well as a frequent contributor to national magazines ranging from *More to The New York Times Sunday Magazine*. One of his rhetoric articles was nominated for a prestigious National Magazine Award. During his 30-year career in publishing, Heinrichs has supervised the creation or redesign of nine magazines. He currently travels the country speaking about rhetoric, and is writing his second book on the ancient art of persuasion.

Professor Douglas Branson

A nationally known expert in corporate law, Douglas W. Branson, W. Edward Sell Professor of Business Law at the University of Pittsburgh, visited UT Law and shed some light on the proverbial glass ceiling. During his talk, Branson spoke about the issues covered in his book, *No Seat at the Table: How Corporate Governance and the Law Keep Women Out of the Boardroom* (NYU Press 2006). The discussion included an examination of why more women than ever are earning MBA degrees, yet continue to struggle to attain high-level positions in corporate America. Branson suggested that in order for American businesses to utilize the abundance of available female talent, a major shift in the culture and values of corporate America must take place.



Matthew Cooper,
journalist

In October, Matthew Cooper was welcomed to UT Law. A former reporter for *Time Magazine*, Cooper recounted his experience as a journalist who was

forced to testify and reveal a confidential source in relation to the investigation of the Valerie Plame CIA leak case. Cooper’s talk raised important issues relating to freedom of the press and the First Amendment. Cooper, who faced jail time when a federal judge upheld a subpoena commanding the journalist to give up a confidential source, described in detail the timeline of events leading up to his testimony. Cooper eventually agreed to testify in the trial and wrote a piece for *Time Magazine*, “What I Told the Grand Jury,” to explain his testimony.

Cooper’s speech was co-sponsored by the Ohio Humanities Council, a state affiliate of the National Endowment for the Humanities, with funding from the “We the People Program.”

**Justice Jack Jacobs,
Delaware Supreme Court**

Justice Jack Jacobs of the Delaware Supreme Court spoke about corporate law, an area of law in which the state of Delaware plays a critical role. Jacobs' talk, "The Responsibilities of Directors in the New Millennium" addressed current trends in corporate law as well as issues of fiduciary duty, mergers and acquisitions, and corporate governance.

Justice Jacobs was appointed to the Delaware Supreme Court in 2003 after spending 35 years as an attorney and jurist in the corporate law setting. From 1985 to 2003, Justice Jacobs served as Vice Chancellor on the Delaware Court of Chancery, widely recognized as the preeminent forum for the determination of disputes involving Delaware corporations and other business entities. He began his career in 1968 in Wilmington, Del., practicing corporate and business litigation, and is a nationally known speaker on matters of corporate law.



**Professor Paul
Finkelman**

January 1, 2008 was the 200th anniversary of the prohibition of the importation of slaves into the United States. In observance of that anniversary, Paul Finkelman, noted legal historian and

professor at Albany Law School, kicked off the Spring Speaker Series at the College of Law with a talk titled "Affirmative Action for the Master Class: Slavery and the Creation of the American Constitution." Although the word "slavery" was purposely left out of the U.S. Constitution by the framers, slavery has shaped our country's constitutional law; Finkelman argued that its detrimental effects continue today. From the Electoral College to sentences that differ according to the race of the perpetrator, "we're still saddled in our Constitution by the legacy of slavery." Finkelman urged the current generation of law students to "improve upon the record of the struggle for equality."

The talk was co-sponsored by the UT Law Chapter of the American Constitution Society. A specialist in American legal history, race and the law, Finkelman is the author of more than 100 scholarly articles and more than

20 books. He was a Fellow in Law and the Humanities at Harvard Law School and received his Ph.D. and M.A. from the University of Chicago. His work on legal history and constitutional law has been cited by numerous courts and in many appellate briefs.



**Ron Shapiro,
Sports Agent**

Expert negotiator, sports agent, attorney, educator, civic leader, and author, Ron Shapiro came to the College of Law to discuss his new book,

Dare To Prepare: How To Win Before You Begin (Crown Business 2008). Shapiro's talk featured the argument that methodical preparation, rather than the "wing it" mentality facilitated by the age of technology and instant access to information, is the real key to success.

Ron Shapiro attended Haverford College and graduated Cum Laude from Harvard Law School in 1967. After moving to Baltimore in 1967 for a federal clerkship,

Distinguished Alumni Speaker Series: Daniel G. Bogden '81



The featured speaker in the Distinguished Alumni Speakers Series was former U.S. Attorney Daniel G. Bogden, a 1981 UT Law alumnus. He spoke about his distinguished career path in public service after graduating from UT Law and offered insights about his recent experience as one of the eight U.S. Attorneys dismissed, in a highly controversial decision, by former U.S. Attorney General Alberto Gonzalez. Bogden's talk depicted the events which led to his dismissal, but also touched upon the rewards of public service and the importance of carrying out one's career with integrity.

Bogden is now a partner in the Nevada law firm of McDonald Carano Wilson, LLP, practicing primarily in the areas of litigation, administrative agencies, appeals, government relations and criminal law. He began his law career in 1982, while serving as a member of the U.S. Air Force Judge Advocate General's Office. From 2001 to 2007, he served as U.S. Attorney for the District of Nevada. A long-time prosecutor and dedicated government employee, Mr. Bogden has tried more than 100 state and federal jury trials and argued numerous cases before the U.S. Court of Appeals for the Ninth Circuit.

Every year, the Distinguished Alumni Speaker Series features alumni from across the country involved in high-profile cases or national legal and policy discussions. The series serves to highlight the accomplishments of alumni and to educate and inspire current UT Law students.



UT Law Welcomed Authors, Academics, Scientists, Environmentalists and Attorneys to Seventh Annual Great Lakes Water Conference

The University of Toledo College of Law hosted its seventh annual Great Lakes Water Conference in November, bringing together experts from across the country to examine some of the issues most compelling to the Great Lakes region.

The conference featured speakers from a broad range of backgrounds to talk about invasive species, the challenges and opportunities presented by ethanol, and the most recent developments in efforts to ratify the Great Lakes – St. Lawrence River Basin Compact, created in part to guard against the diversion of Great Lakes water to other parts of the world.

Speakers included representatives from the U.S. Environmental Protection Agency, the American Great Lakes Ports Association, the Great Lakes Commission, Ohio Audubon, and the Ohio Department of Natural Resources.

Michael Walker '77, senior enforcement counsel for the U.S. EPA.

The conference also featured keynote speaker and UT Law graduate, Michael Walker '77. Walker is senior enforcement counsel with the U.S. EPA in Washington, D.C. His career portfolio has included a continuous conversation with the regulated community about national environmental goals and policies. He's worked in every statutory area that the EPA has to offer and has served as an advisor in the litigation of countless administrative and civil cases.

The conference, sponsored by the Legal Institute of the Great Lakes at the College of Law, was chaired by Kenneth Kilbert, associate professor at the College of Law.

Save the date for the Eighth Annual Great Lakes Water Conference on Nov. 14, 2008.

he began teaching law school in 1968. He has served as Maryland State Securities Commissioner and, in 1976, founded Shapiro, Robinson & Associates, a sports management firm that developed a national reputation through its approach to contract negotiation, financial management, and commitment to community involvement on the part of its clients. In 1995, he founded Shapiro Negotiations Institute, a negotiation seminar and consulting firm that has trained over 250,000 professionals in the art of negotiation.

The Honorable James G. Carr, U.S. District Chief Judge

James G. Carr, Chief Judge of the United States District Court for the Northern District of Ohio, and former University of Toledo law professor, spoke at the school in February. The American Constitution Society co-sponsored Carr's talk titled, "The Fourth Amendment, Law Enforcement Electronic Surveillance, and the

Foreign Intelligence Surveillance Act and Court: An Overview." Carr's presentation explored the impact of FISA on the use of electronic surveillance as evidence and its admissibility at trial.

Judge Carr is the author of the treatise, *The Law of Electronic Surveillance* (Thomson-West), and other books and articles on criminal procedure and juvenile law. He has served since May 2002 as a Judge on the Foreign Intelligence Surveillance Court. Prior to his appointment to the U.S. District Court, Northern District of Ohio, by President Clinton in 1994, Carr was a U.S. Magistrate Judge, having been appointed to that position by the District Judges of the Northern District of Ohio in 1979. From 1970 to 1979, he was a Professor of Law at The University of Toledo. A 1966 graduate of Harvard Law School, he practiced law in Chicago prior to moving to Toledo.

Professor Peter Linebaugh

Peter Linebaugh, professor of history at The University of Toledo, spoke at the College of Law in February about his most recent book, *The Magna Carta Manifesto: Liberties and Commons for All* (University of California Press: Berkeley, California). The book has been described as "groundbreaking" and praised for providing a sweeping history of the Magna Carta. In his talk, Linebaugh suggested that longstanding restraints against tyranny derived from the ancient document – the rights of habeas corpus, trial by jury, due process of law, and the prohibition of torture – have been abridged and need to be won anew.

A student of E.P. Thompson, Linebaugh received his Ph.D. in British history from the University of Warwick in 1975. A graduate of Swarthmore and of Columbia, he taught at Rochester, New York University, University of Massachusetts-Boston, Harvard and Tufts before joining The University of Toledo in 1994.

Harvard Professors Featured in Stranahan National Issues Forum



Harvard Business Professor
Regina Herzlinger

The Stranahan National Issues Forum is a joint program of The University of Toledo College of Law and its chapter of The Federalist Society. The endowed lecture series made its annual

contribution to the College of Law Speaker Series by bringing in two highly regarded professors from Harvard University.

Regina Herzlinger, one of the nation's most respected health care analysts, was the featured speaker for the Stranahan National Issues Forum in the Fall. She discussed her recently published book, *Who Killed Health Care? America's \$2 Trillion Medical Problem And The Consumer-Driven Cure* (McGraw-Hill 2007). Herzlinger summarized some of the forces she believes have caused the crippling of America's health care system as well as her plan for delivering affordable healthcare. Herzlinger is the Nancy R. McPherson Professor of Business Administration Chair and the first woman to be tenured and chaired at Harvard Business School. Herzlinger has built her career on investigating and dissecting health care in the United States. In fact, her expertise earned her the nickname of "Godmother" of consumer-driven health care by *Money* magazine.

The Spring Stranahan Forum featured Jack Goldsmith, Professor of Law at Harvard University. Goldsmith spoke about his most recent book, *The Terror Presidency: Law and Judgment Inside the Bush Administration*. The book is based on his experience serving as the Assistant Attorney General, Office of Legal Counsel, Department of Justice, from 2003 to 2004; and as special counsel to the General Counsel of the Department of Defense from 2002 to 2003. Goldsmith's speech included a snapshot of the daily terrorism intelligence feeds provided to the President of the United States each morning as well as the delicate task charged to the executive branch of both defending America and doing so within the bounds of the law. He is the author of numerous scholarly articles on public and private international law, civil procedure, and foreign affairs law.

U.S. Supreme Court Opinion Favors "Day After" Speaker Alan Gura

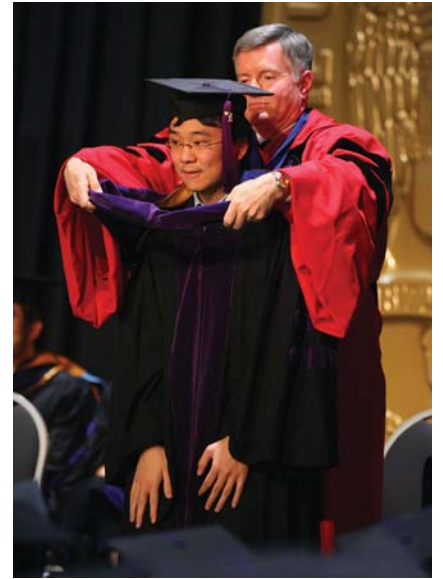
Each year, The University of Toledo College of Law invites one lawyer who is arguing a major case before the Supreme Court to serve as its featured speaker in the "Day After" Series. The tradition continued this year when the College of Law hosted attorney Alan Gura as the 2008 "Day After" Speaker co-sponsored by the Federalist Society. In the week prior to his visit to Toledo, Gura argued for the appellee in *District of Columbia v. Heller*, 128 S. Ct. 2783, a case before the U.S. Supreme Court that legal scholars predicted would directly test the scope of the Second Amendment.

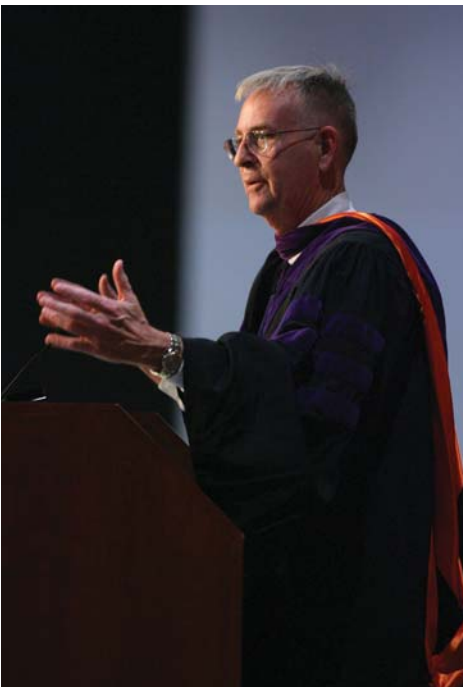
At issue in *District of Columbia v. Heller* was whether the city of Washington's ban on the private possession of handguns violated the constitutional amendment that guarantees "a right to keep and bear arms." The D.C. Circuit ruled that it did, and on March 18, 2008 Gura argued to the Supreme Court why that decision should be upheld.

In its decision dated June 26, 2008, the Supreme Court issued a 5-4 split opinion that ultimately upheld the judgment of the lower court. The Court held that "the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense."

In addition to his successful appeal in the highly publicized *Heller* case, Alan Gura is a partner in a firm he founded, Gura & Possessky, PLLC, focusing primarily on civil and appellate litigation, with an emphasis on intellectual property, constitutional law, and civil rights. He began his career as a law clerk to the Honorable Terrence W. Boyle, U.S. District Judge for the Eastern District of North Carolina, then went on to serve as deputy attorney general for the state of California. Gura has also worked in private practice with the Washington, D.C., offices of Sidley & Austin, and he served for a year as counsel to the U.S. Senate Judiciary Committee, Subcommittee on Criminal Justice Oversight.

Congratulations to the Class of 2008





Professor Douglas Chapman was chosen as Outstanding Professor by the Class of 2008.



Dean Douglas E. Ray opens the graduation ceremony for the Class of 2008.



Outgoing Student Bar Association President Michael J. Riesen '08 addressed the graduating class.



Joseph J. Farnan, Jr., U.S. District Judge for the District of Delaware, served as keynote speaker at the ceremony. Judge Farnan is a 1970 graduate of the College of Law. In the audience was the Judge's son, Michael, who is a member of the class of 2008.



Jeanne M. Whalen '08, valedictorian of the Class of 2008, addresses her classmates.



Leading America's Businesses

As General Counsel, Toledo Law Alumni
Guide Major Corporations & Institutions

By Barbara Goodman Shovers

They came to Toledo Law from varying backgrounds and left with offers that took them into industry, government, public service and firms. But what our alumni who now work in general counsel positions have in common is that each enjoys the involvement of reporting to a single client and that most never expected to be where they are—they simply took opportunities that by serendipity, connections and hard work presented themselves.

The individuals you'll meet on these pages carried with them lessons learned at Toledo Law, applied them to their jobs, and watched the companies and institutions they work for grow, merge and change. Despite the turmoil, excitement, and challenges, each remained curious and eager to master the details of his or her specific client, to be part of the business, to dedicate time and energy to memorizing the minutiae of the organization and to build for its future.

Like all good lawyers, general counsel know the law. But the best are also astute business people, team players, watchers of the bottom line, and wise counselors. Here are ten who've made it to the highest levels, each with impressive levels of skill, knowledge and wisdom.

Howard Malovany '77



Howard Malovany '77, Wrigley

Howard Malovany graduated from UT Law in the middle of his class. He sent out 500 resumes and got one job offer. But that offer, back in 1977, was from NCR, then a Fortune 100 Company. Realizing his good fortune, Malovany focused hard, put in long hours and paid attention to details. Thirty years later, he's Senior Vice President, Secretary and General Counsel of the Wm. Wrigley Jr. Company, the iconic Chicago gum and confectionary company. "It's not your beginning that counts," Malovany says, "but where you go from there."

In his last year at the College of Law, Malovany knew litigation wasn't for him: "I didn't want to bring in clients," he says, "I didn't want to be motivated by billable hours." He also didn't know what to expect when he started at NCR as assistant secretary to the board chairman. He quickly realized he was looking at an opportunity to not just practice law, but to learn about business, too.

At NCR and Outboard Marine, where he worked from 1985 through 1996, Malovany took advantage of on-the-job training in securities law, employee

benefits, finance and M&A, as well as specific-to-industry issues like real estate, corporate governance and environmental regulation. Along the way he picked up an M.B.A., then in 1996, answered an ad in *The Wall Street Journal*. Wrigley, he read, was seeking an assistant corporate secretary.

At the time, the maker of Doublemint® and Juicy Fruit® had sales of \$1.8 billion, and most of its legal work was outsourced. What they needed, Malovany quickly realized, was a general counsel.

He got the secretary job and two and a half years later was elected the company's first GC. Ten years on, with sales topping \$5.4 billion, Malovany has a staff of 30 attorneys and a new challenge.

In April, Wrigley, a public company, announced the signing of a merger agreement with privately-held Mars, Inc. Among other things, this means Malovany and his department must complete the proxy statement, prepare for the special shareholder's meeting to approve the merger, monitor and complete more than 15 international merger filings, and coordinate a battery of lawyers and advisors on both sides of the transaction.

It's a task that requires focus, long hours and the close attention Malovany's been honing since his days at NCR.

"You have to be grounded in the details," Malovany says when asked to advise others aspiring to GC. "You have to know what your customer — management — doesn't have time to know. You have to think through, ahead and around problems that might not even be recognized as such."

In the commencement address he delivered to members of the 2003 College of Law graduating class, Malovany took this theme further: "At the end of the day," he said, "all legal decisions are business decisions. If we

are not trying to sell more product or doing whatever it takes to move the business forward, we are not doing our job.

"In each career move I made, I made sure that I quickly learned the business, and my staff learned the business as well. In-house lawyers cannot make decisions in a vacuum."

Malovany is clearly pleased with the route his career has taken. "I never thought I'd be sitting in this chair," he muses. "I'm proof that you don't have to be at the top of the class to make it, you just need to remain positive and do what it takes to get there."

Lisa Kunkle '94



Lisa Kunkle '94, PolyOne Corp.

When **Lisa Kunkle** worked as an attorney at Jones Day, it was her job to keep billable hours up. As General Counsel at PolyOne Corp, it's her job to keep them down.

Kunkle, who made the switch in-house a year and a half ago, still spends plenty of time with her former colleagues, though now she calls them "outside counsel." At PolyOne, where she manages five other attorneys, she spends more time on administrative matters like budgets, strategic planning, performance appraisals and, yes, invoice reviews. Like any business, the Avon Lake, Ohio-based provider of specialized polymers keeps its eye on cost control.

"In industry, it's all about the bottom line—company performance and profits," Kunkle says. "Unlike at a firm where outside lawyers can in many cases avoid so-called 'business decisions' the management team expects me to consider what's in the best interest of the overall company, not just the legal department. Since I'm the one who's accountable, I think long and hard about everything I sign off on."

Does she like the change? "It's exhilarating," she says, "and riskier. But it's an exciting challenge."

Kunkle entered UT Law with a B.S. in business and a hunch that litigation wasn't in her future. After clerking for Judge Don John Young of the U.S. District Court, Northern District of Ohio, she was hired as an associate at Jones Day. There, after normal newbie rounds, she found herself attached to the M&A practice and carved out a niche in executive compensation. The Toledo native had just made partner when Wendy Shiba, then PolyOne's General Counsel and a Jones Day client, asked if she might want to move to the other side of the desk.

Kunkle accepted the assistant GC offer partly because of "lifestyle" issues—at the time she had two young

children. Six months later she was offered the top legal slot when Shiba took a job at another company. In retrospect, Kunkle says, her workload hasn't lessened, but it's more predictable. "When I was doing M&A I had to be available every second. It's not that I don't need to be accessible now, but it's unlikely I'll be working all weekend."

Another difference between outside and in-house is the variety of individuals with whom Kunkle works. At Jones Day, her colleagues were other lawyers, while at PolyOne, a NYSE listed company with 2007 sales of \$2.6 billion and a workforce of about 4,800, she's more likely to spend her day with engineers and HR

professionals, manufacturing and sales teams. "The people I work with are less homogenous," she says. "That's kind of fun." Kunkle adds that because of the less hectic pace, in-house is an excellent place for women trying to combine family with careers yet wanting high-level positions. "It seems easier to have control over your schedule on the inside," she says. "Industry is more balanced. There are fewer Type A personalities."

Or rather, she admits, there are plusses and minuses to both sides. "I'm glad I've had so many different experiences," she says, recalling her clerking days at Toledo's Cooper & Walinski. "Now I'm blessed to be where I am."

Mike Cavalier '79



Mike Cavalier '79, New York Stock Exchange

Mike Cavalier '79 began his career as an English teacher at a parochial high school. Three decades later, he works as Associate General Counsel at the New York Stock Exchange. What might these diverse jobs have in common?

"Writing," says Cavalier, who as a Toledo Law student served as associate editor of the *Law Review* and clerked for the public defender's office. "Writing is an important skill for anyone entering law and it's particularly important in securities law."

After receiving his J.D., Cavalier spent a year at the Michigan Court of Appeals then headed to Washington where he

worked for five years at the U.S. Securities and Exchange Commission (SEC).

“The federal government is an excellent place to gain experience,” says the Philadelphia native who describes his time at the SEC as “exciting and stimulating” and encourages new graduates to consider the application process at one of the major D.C. bureaus. “The body of knowledge you can acquire at the Trade Commission or the Energy Department...it’s invaluable in familiarizing yourself with specific agency operations as well as laws, regulations and people.”

Cavalier, who earlier earned a master’s degree in English, didn’t plan on working for either the SEC, the NYSE, or between his stints at both, the American Stock Exchange, but he determined that his skill set was a good match for securities law. “It worked in my favor that I’m both detail-oriented and a generalist,” he says. “I found my niche and stayed.”

Securities law is particularly writing intensive, Cavalier says, ticking off the types of documents he has worked on or now deals with on a daily basis: rule proposals, comment letters, testimony and SEC matters. His particular expertise is with a type of derivative called Exchange-Traded Funds, securities he describes as being “similar to mutual funds except ETFs are traded like shares of stock that can be bought and sold throughout the day.”

Like any in-house lawyer, Cavalier has to keep his eyes on the business needs of the NYSE, but he’s also responsible for attending to the demands of the companies that list on it. Operations of all exchange members, broker-dealers, and the secondary securities markets in general are governed by the Securities Exchange Act of 1934, so Cavalier must be extremely specific with public filings and interpretations.

“Exchanges don’t operate like loose cannons,” he says dryly, noting that though his

responsibilities don’t include regulatory work, increased competition from overseas and domestic exchanges keep him on his toes about new trading models and products.

Like other GCs interviewed for *The Transcript* Cavalier enjoys the stability that reporting to a single client allows. “I can keep up with cutting edge issues, focus on what’s happening now.

“Laws don’t get changed that often, but anything an exchange does, any new policy, procedure, anything that affects the markets, needs to be filed with the SEC and all that needs to be consistent with the law.”

For that reason, Cavalier puts in a lot of time writing and thinking. “It’s intellectually stimulating work,” Cavalier says. “For me, it’s a really good fit.”

Annette Bergman Johnson ’76

In the early 1970s, when **Annette Bergman Johnson** decided to come to law school, she already had a Ph.D. in English literature and a job as a continuing education administrator.

She recalls, “I cared about civil rights and education and I figured that becoming a lawyer would be a way to get involved.”

Johnson’s involvement began almost immediately. At Toledo Law, she worked on an education law conference and when she graduated as class valedictorian, her commencement speech so impressed Dean Frank Beytagh he offered her a position on the faculty. Five years later, former Toledo Law professor Harry First, then at New York University, remembered his top student and recommended

her for a job as Assistant General Counsel at New York University’s Office of Legal Counsel.

“It seemed the perfect opportunity to combine law and education,” she says, remembering her delight at the job offer. Six months later, an even more significant opportunity arrived, which changed the course of her career. The attorney for NYU’s medical center campus announced his future retirement and his



Annette Bergman Johnson '76, NYU Medical Center

willingness to spend a year training a lawyer from the central legal office in health law, a nascent specialty at the time. “There were eight other lawyers in the office at the time, but no one else wanted to do it. I thought it was the greatest opportunity in the world. So, even though I was the most junior attorney, it fell to me.” After completing a year’s apprenticeship, Johnson

assumed ever-increasing responsibility over the years for the medical center’s legal affairs. Johnson, a San Antonio native, has been at NYU since 1981 and presently serves as Senior Vice President and General Counsel at the University’s NYU Langone Medical Center, an integrated academic medical center comprising an 800-bed hospital, multiple satellite physician practices, and the New York University School of Medicine. She heads a six-attorney legal office, a much larger audit and regulatory compliance staff, and also has responsibility for government relations.

“We need to be highly transparent in all our dealings,” she says, referring to the public and regulatory scrutiny in which the nation’s highly visible academic medical centers operate. “I am charged to assure our professional and business affairs are conducted in accordance with the highest standards, that we’re in compliance with federal and state

law, that conflicts of interest are addressed when our researchers partner with the biotechnology and pharmaceutical industries, and that NYU exceeds public expectation in terms of integrity and service.”

Johnson says she particularly enjoys the intellectual stimulation of working in a culture that values academic research, innovation and serving the public good. As general counsel, she’s part of a strategic team tasked to anticipate change and she finds the goal of shepherding health care to be even more fulfilling than what she anticipated in civil rights.

“I can’t think of any position more satisfying,” she says, adding that she looks forward to new challenges she foresees as the next federal administration unveils plans for universal health coverage or other assistance to the underserved, and as her own organization strives to maintain excellence in patient care, research and training of new physicians.

Thom Sheets '75

Because utilities are highly regulated, many of the almost-30 years **Thom Sheets '75** has worked in the industry have been spent testifying in front of federal and state rate commissions trying to “educate” commissioners about ways to move the industry along. Things haven’t always progressed as quickly as he would have liked.

“The utility industry is a slow-moving beast,” he says, but that doesn’t mean his career hasn’t had its volatile moments or that he doesn’t recommend it to others.

“The lack of a cohesive national energy policy is a major issue that has to be addressed,” says the

Ashland, Ohio native who is now Senior Vice President and General Counsel of Southwest Gas Corporation. “We need people with vision, people who don’t want to be pigeonholed into one area of law. There are lots of opportunities for smart, young lawyers who want diverse experiences and who see themselves as agents of change.”



Thom Sheets '75, Southwest Gas Corp.

Sheets got into the business through a post-UT stint at Toledo Edison where, in 1976, he was hired as one of the electric company's first in-house lawyers. At the time, the company thought it might be more efficient to bring legal work inside. Sheets, who admits to the nickname "Mad Dog," looked forward to taking on litigation that was previously handled by outside counsel. "I got to do that and more," he says, including representing the company before the Public Utilities Commission of

Ohio and advising on real estate and worker's comp matters. Six years into his tenure, he was recruited by Nevada-based Sierra Pacific Power Company which was seeking expertise in, among other areas, dealing with the Federal Energy Regulatory Commission.

As the population of the southwestern United States multiplied, and power plants and pipelines were built to serve it, Sheets found himself with plenty of civil litigation, regulatory and eminent domain work. In the mid-80s, family matters took him back to Ohio, but by then he and his wife Sandy considered themselves Westerners. In 1987 he readily accepted an offer from Las Vegas-based Southwest Gas.

As Southwest's GC, a position he's held since 1996, Sheets is responsible for all legal affairs of the company and its subsidiaries. "We have over 1.8 million customers and distribute gas to most of Nevada, much of Arizona and parts of southern California's high desert," he says adding that Southwest's wholly-owned pipeline construction company, NPL, is active in over 20 states. He's also worked for 20 years as a pro tem judge: "My pro bono," he says. In addition, in his spare time, he's devoted ample time to public service. Among other

activities, he's a member of the Nevada Standing Committee on Judicial Ethics and Election Practices and a former member and Chairman of the Nevada Commission on Ethics.

Despite the slower-moving climate of the utilities industry, Sheets, who plans to retire this fall, recalls several moments of sheer terror. One involved an aborted merger that went south when a hostile bid was put in play. "We were juggling seven lawsuits in six states," he says in a tone that nine years after the fact sounds almost sentimental. "It was what I call 'the adrenaline practice of law.'"

He also makes a sports analogy, comparing in-house counsel in the utility industry to a ball game of singles and doubles. "This probably isn't the job for people who swing for the fences, but when it comes to a steady diet of interesting work and plenty of challenges"—not to mention defined benefits, profit sharing, stability, and freedom from billable hours—"for a smart lawyer, it's a great career choice."

"We need people with vision, people who don't want to be pigeonholed into one area of law. There are lots of opportunities for smart, young lawyers who want diverse experiences and who see themselves as agents of change."

Russ Austin '86



Russ Austin '86, Battelle Memorial Institute

“If you don’t like complexity, ambiguity and change, you’re not going to be happy working here,” **Russ Austin '86** says of his employer, Battelle Memorial Institute. Founded in the 1920s by industrialist Gordon Battelle, the Columbus-based charitable trust is one of the world’s largest research and development organizations, an institution that played significant roles in the invention of the Xerox machine and the compact disc and presently manages or co-manages seven national laboratories for the U.S. Department of Energy and the U.S. Department of Homeland Security. Battelle conducts \$4 billion in global research and development and oversees 20,400 worldwide employees, but according to Austin, “remains at its core a central Ohio company.”

Austin joined Battelle in 2001 after practicing business and securities law at the Columbus offices of Schwartz, Kelm, Warren & Rubenstein and Arter & Haden. During his tenure at Arter, he was appointed Acting General Counsel for CompuServe, the pioneering online service provider that was acquired by AOL. While working in-house he discovered how much he enjoyed “being close to the business.” He began his career at Battelle as Associate General Counsel knowing he was being groomed for the Senior VP, General Counsel and Secretary slot, a title he gained in fall 2006. Presently he supervises Battelle’s 18-person corporate legal department as well as maintaining dotted line responsibilities for another 50 or so legal staff members at the national labs.

Having a liberal arts — as opposed to tech — background has not been an issue for Austin, who prior to Toledo Law majored in political science at Central Michigan University. “It took a while getting my head around all the things we do,” he admits “but I had five years to learn and one of the things I got from UT was learning how to learn.” He also says the scientists he works with are great educators—“if they weren’t here, they’d be at some major university” — willing to fill him in and “not get distracted by the big words.”

Because of its complex organizational structure—Battelle owns or controls several for-profit businesses in addition to its government contracts and charitable work—Austin stays immersed in both the for-profit and not-for-profit worlds. He particularly enjoys the collegial, intellectual and profes-

sional culture offered by working for a place that operates like a family-owned company with family values. “We have a history of high ethical standards and a diverse workforce,” he says. “Sustaining a culture based upon respect for individual differences is a foundational element of our innovation mindset.”

Austin also feels strongly about the technologies developed by Battelle and its affiliates. Asked to comment on a project he’s particularly pleased to be associated with, the Detroit native offers the extensive work Battelle has done for the government since the terrorist attacks on September 11th. “I know we’ve contributed to saving lives,” he says proudly.

Young lawyers interested in technology-based practice should be sure to get a solid grounding in business, tax, antitrust, international and patent law, he suggests, and it wouldn’t hurt to know a little about history or psychology.

“Research is all about looking for new and better — it’s not about doing the routine. It takes a certain mindset, but for those who thrive on change” — people like Austin, apparently — “it’s a great fit.”

Kathy Diller '80



Kathy Diller '80, Hamilton Beach

A phrase that keeps popping up in **Kathy Diller's** recap of her 28-year legal career is “good people.”

She met “good people” at UT Law from which she graduated in 1980. She worked with “good people” at Owens Corning where she took her first job. At Cooper Tire there were plenty of “good people” as there are at the headquarters of her present employer Hamilton Beach Brands. Is it any wonder then that at Hamilton Beach Brands, Diller manages not only an eight-person legal department, but also the ten-person office services and human resources group?

“Throughout my career,” Diller says, “I’ve had people who took an interest in me, who helped me develop. Now it’s my turn.”

For Diller, whose official title is Vice President, General Counsel & Secretary, one of the first to take an interest was former College of Law Dean John Stoepler with whom she studied land use planning. “What would you think about working for Owens Corning?” he asked in a casual hallway conversation the spring of her third year. It’s unusual for a student to go straight from law school to industry, Diller says, but she jumped at the opportunity, one she describes as “very fortunate,” and which sparked her interest in the world of business.

“I was hired into OC’s litigation group, but I kept volunteering for new experiences. Over time, I worked in antitrust, SEC, regulatory, contract, licensing, M&A. Everything except maybe employment and patent.”

Diller, who financed her undergraduate degree at Defiance College by working for a local insurance agent, says it might have been that experience that piqued her curiosity about management and business in general. Or, she admits, it might have been random: “I was looking for a new challenge and this was what I was offered.” Still, over the years, as she’s piled on experience and deepened her knowledge of manufacturing, marketing, sales, distribution, corporate compliance and other components of the business environment, she’s come to think that law schools should offer a course in “Management 101.” “Even if you

spend your entire career inside a firm,” she suggests, “it’s important to know how to work with people.”

In the seven years she’s been at Hamilton Beach, a purveyor of home and commercial appliances based in Glen Allen, Va., Diller has seen the company evolve from manufacturing to marketing prominence. Despite the business changes, she says the skills needed to provide sound solutions remain consistent. “I’m the one responsible for providing creative, efficient and effective business legal services. Often I have to think, ‘Does it make sense to call in outside counsel or is this something we could do in-house?’ Often it’s a combination of the best thinking on both sides.” Though Hamilton Beach prefers new hires to have several years of legal experience under their belts, Diller suggests that if in-house counsel seems like an attractive career path, students might consider entry-level jobs at regulatory agencies — she mentions the FTC, SEC and Justice Department — or law firms. Then follow a tried and true method for success:

“Find senior people willing to invest in you, keep your eyes open for opportunities, develop your interpersonal and problem solving skills and stay curious.” It’s how, of course, you become “good people.”

Ed Wildermuth '00



Ed Wildermuth '00, The Florida Panthers

Ed Wildermuth took some time off between college and law school. Twenty years or so.

Currently VP of Business Affairs and In-House Counsel for The Florida Panthers Hockey Club, the Gallipolis, Ohio, native started his career in 1979 at Coopers & Lybrand (now PricewaterhouseCoopers) then served as director of finance for a large Florida law firm. In the mid-90s, he met his wife, Elena, a Ukraine native and aspiring lawyer, and in a move Wildermuth describes archly as “an act of solidarity,” the couple took the LSATs together. After graduating from

UT Law they spent another year on their LLMs, traveled the world, then wound up back in Florida.

“Now what?” he thought. A C.P.A. with an M.B.A. from Ohio University, Wildermuth expected he’d join a legal firm and specialize in international tax law, but while conducting his job search, he got a call from Alan Cohen, the pharmaceutical entrepreneur who’d recently bought the Panthers, an NHL expansion team. Cohen was looking for someone to keep tabs on his investments and run his family businesses, and he’d heard about Wildermuth’s work as a tax expert and organizer of sporting events:

Before law school, Wildermuth served on South Florida’s Super Bowl Committee and later worked with members of the Olympics and Orange Bowl Committees on bids for the 1998 Goodwill Games.

At first, Wildermuth refused Cohen’s overtures. He’d gone to law school because he wanted to change careers and he was looking for a mentor, someone to show him the legal ropes. But Cohen, who owns not only the Panthers but also the company that operates the arena they skate in, several publishing ventures, and a nearby practice rink, was persistent.

After four calls, Wildermuth met with Cohen and realized he was being offered the opportunity to hone a full range of financial and legal skills including real estate, negotiations, contract, transaction and tort law. Then, a year after accepting Cohen's offer, the General Counsel position was created for him.

"I turned out to be extremely lucky," said Wildermuth who as a student at Ohio University moonlighted as a radio play-by-play announcer. "I work in a leisure industry with a great group of

people happy to be doing what they're doing. And at games...what a thrill to be surrounded by 20,000 cheering people!"

One of Wildermuth's current projects involves helping reposition the Panthers as part of a broader entertainment spectrum. This shift makes sense since the arena — officially the BankAtlantic Center — already hosts music and events, and another part of Wildermuth's job is negotiating with talent agencies and booking agents. Since so

many hockey players come from overseas, the job also gives him exposure to the international community.

The single thing Wildermuth regrets — though just a little — is that he never got his mentor. But there's always Elena — now a successful corporate lawyer — to bounce things off of. "I'm very lucky," he repeats. "It took time, but I'm where I want to be."

Kathryn Brown '87



Kathryn Brown '87, University of Minnesota

As Vice President and Chief of Staff at the University of Minnesota, **Kathryn Brown** no longer does legal work. But, she says, it was her experience at UT that helped her realize she wanted to work in education and labor law. After receiving her J.D., Brown accepted a job at the Columbus firm of Squires, Sanders & Dempsey where she advised clients on education and employment issues, and the satisfaction she took from that job further convinced her to concentrate on public service.

In 1992 Brown answered an ad in *The Chronicle of Higher Education* and moved to Minneapolis-St. Paul to assume the role of Associate General Counsel at the University of Minnesota (UMN). "I was certain I didn't want to teach law," she says, "but I wanted to marry law with education."

Working with UMN's diverse populations of students, faculty and staff, Brown discovered a zeal for connecting people with learning, and seven years later she was appointed Assistant Vice-President in the University's Office of Multicultural and Academic Affairs.

In quick succession, this post led to a new assignment as Vice Provost of Student Affairs, and soon Brown was Chief of Staff to University President Robert Bruiniks. In this role, her responsibilities include forwarding the president's agenda, establishing and implementing University policy, serving as liaison to the Board of Regents, and providing oversight to several administrative units, most notably UMN's Department of Intercollegiate Athletics.

Brown describes her career path as “synchronicity,” but says she had a hunch early on her passion for learning would fit in with higher education. Before entering UT, the Wooster native received bachelor’s and master’s degrees in education and also coached high school sports. While in law school, she excelled in academics, becoming a member of both the appellate advocacy team and Law Review.

“I’ve always been interested in how the world looks to people who come from different places,” Brown says. At UMN, a Top Ten land-grant research facility with five campuses, 20,000 staff members and 65,000 students, she’s had plenty of opportunities to explore that.

The Twin Cities campus, Brown says, is a city unto itself, complete with the challenges of any urban environment: employment and safety; access, boundaries and zoning; transportation; vocal constituents with conflicting agendas. With so much coming at her from so many directions, Brown says she particularly values her legal training because it helps her analyze, sort and prioritize what needs doing in what order.

But even though she’s juggling multiple projects, responsibilities and leadership, she’s working toward a particular end for a single client. “Everything I do is geared to making the University an exceptional place to study and work,” she says. Presently a key goal is strategic repositioning

of the University to enhance its image as a top public research institution. Another “fun project” is bringing football back to campus: In 2009, Minnesota’s Golden Gophers will be returning to a stadium built just for them. “Athletics serves as the front porch to the University and a new stadium plays a big part in community building,” Brown says.

Brown is pleased with the direction her career has taken and foresees no immediate changes. “There’s a lot to do here. Building and maintaining a top university is a never-ending job.”

Peter Papadimos '80



Peter Papadimos '80, The University of Toledo

One thing **Peter Papadimos** likes about working for The University of Toledo is that “it feels like home.”

That’s because it is. Not only is Papadimos UT’s Vice President and General Counsel, but he’s also a graduate of its College of Law.

The son of popular Toledo restaurateurs, Papadimos left Toledo in 1980 to take a job as legal counsel at the Ohio Civil Service Employees Association/ AFSCME Local 11 in Columbus. “I hadn’t planned to move away or concentrate on labor or personnel, but I was offered the job and it turns out I was good at it,” he says. “Probably because I had good teachers.”

His work with the union impressed the Ohio Attorney General's Office where two years later he accepted a new position in the Ohio Department of Transportation and for almost a decade served as one of the ODOT's lead attorneys on issues relating to eminent domain, human resources, civil rights, contract and railroad matters. He could happily have continued in that position, but as his parents aged, he felt drawn back north.

"I wanted to be closer, and in 1995 I heard about an opening at UT," he says. Family matters aside, the job was a logical next step career-wise because of the relationship between the AG and the University. The UT legal department is organized along the same lines as the Attorney General's, and Papadimos reports directly to Columbus as well as to UT President Lloyd Jacobs and the

school's Board of Directors. "I already had good relationships in place. There was a trust factor from the very beginning."

Hired initially as the first associate GC on the pre-merger campus, Papadimos took on a roster of assignments including litigation and advising on matters relating to employment, civil services, collective bargaining, public records, ethics, privacy, and academic policy. As VP and General Counsel, a role he stepped into in 2007, he's responsible for special projects and serves as legal liaison to the Board of Trustees.

Since the merger between MUO and UT, Papadimos, who studied political science at Heidelberg College, has reorganized the legal office to accommodate the demands of a metropolitan research university that's home to a medical college

and hospital facility. This has entailed a realignment of positions to include attorneys who are involved in non-medical related business including employment and transactional services related to the health science campus. "It used to be we needed generalists, but now I'm looking for specialists," he says. "At the moment I'm thinking about someone to handle technology transfer issues, someone with an IP and copyright background."

Would he look to his alma mater for new hires?

"Absolutely. The standards at UT are higher than ever," he says. "I'd be happy to give someone else a chance to stay here."

Barbara Goodman Shovers is a freelance writer living in the Toledo area. She has written for the Toledo Blade, Toledo Free Press, and Toledo Area Parent News. She has an M.B.A. from Northwestern University and an M.F.A. in creative nonfiction from Goucher College.

Magazine space limits our ability to profile all of the alumni who have used their law degrees from The University of Toledo to launch successful careers as general counsel and business leaders. Following is a list, by no means exhaustive, of other alumni who have found success in the business world:

James Baehren '77, Senior Vice President, CAO, and General Counsel, Owens Illinois

Robert Pike '66, Executive Vice President, Allstate Insurance Companies (retired)

Jack Wyatt '73, Secretary and Senior Counsel, Nestle USA, Inc. (retired)

Warren Dettinger '80, Vice President, Secretary and General Counsel of Diebold, Inc.

R. Jeffrey Bixler '72, Vice President, General Counsel and Secretary at HCR ManorCare (retired)

Veronica Hrdy '78, Vice President and General Counsel, Chanel

Joseph Bauer '81, Vice President and General Counsel of The Lubrizol Corp.

Thomas Dattilo '77, former Chairman, President and Chief Executive Officer of Cooper Tire & Rubber Company; currently Senior Advisor for Cerberus Operations and Advisory Company, LLC

Sharon Speyer '85, President of Northwest Ohio Region, Huntington Bank

Carol R. Marshall '80, former Vice President, Ethics and Business Conduct, at Lockheed Martin Corp.

Joel M. Sowalsky '76, Vice Chairman and General Counsel, Environmental Interiors, Inc.

Kathryn Surso-Rodriguez '92, Vice President of Business Development and Counsel, Salon Media Group

Alan Sankin '75, Vice President of International Tax, Oracle Corporation

William Logie III '83, Vice President for Administration, The University of Toledo

Dale Fallat '70, Vice President, The Andersons

Thomas Iskalis '82, Senior Vice President, Northern Trust Co.

Robert Rogers '82, President, Findley Davies, Inc.



Ben Davis, associate professor of law, had two articles accepted for publication: *Refluat Stercus: A Citizen's View of Criminal Prosecution in U.S. domestic courts of high-level U.S. civilian authority and military generals for torture and cruel,*

inhuman or degrading treatment, St. John's Journal of Legal Commentary (Forthcoming 2008) and *A Citizen Observer's View of the U.S. Approach to the "War on Terrorism"*, University of Iowa's Journal of Transnational Law and Contemporary Problems Vol. 17:2 (Forthcoming 2008). He also provided a book review of Ian Clark, *INTERNATIONAL LEGITIMACY AND WORLD SOCIETY* (Oxford University Press) for the *American Journal of International Law*.

Prof. Davis comments frequently on torture in domestic and international law for the popular legal web site Jurist (www.jurist.law.pitt.edu), and gave numerous presentations around the U.S. throughout the 2007-2008 year. He was appointed Chair of the Peace Post 9/11 and Human Rights Committee of the Society of American Law Teachers (SALT). He represented SALT at the UN Committee on the Elimination of Racial Discrimination during the U.S. hearings at the Palais des Nations and the Palais Wilson, held on February 21-22, 2008, in Geneva, Switzerland. He spearheaded SALT's "Statement on Investigation and Prosecution of Promoters of the Use of Torture" of May 5, 2008.

Prof. Davis coached the Willem Vis International Arbitration Moot Court (the Toledo team placed in the top 32 of 203 teams worldwide) and the Jessup International Law Moot Court teams. He continued his work with the Teaching International Law Interest Group (TILIG) of the American Society of International Law, the ABA Competitions Committee, and the Online Dispute Resolution Committee. He has been named one of the Program Chairs for the ABA Section on Dispute Resolution Annual Meeting in 2009.



Gabrielle Davis, clinical professor of law, published *Shattered Lives: A Report of Lucas County Domestic Violence Fatalities*, which summarizes the results of a federally funded study of local domestic violence-related deaths. She

presented her findings to governmental bodies across the state, including the Supreme Court of Ohio, the Ohio Office of Criminal Justice Services, the Ohio Attorney General's Office, and the Lucas County Commissioners. Prof. Davis appeared on the local PBS community affairs show *Deadline Now* with Jack Lessenberry and frequently contributed to newspaper and television coverage of domestic violence issues. She presented a paper entitled, *Against the Tide: Feminist Resistance to Violence Against Women*, at the 2008 National Women's Studies Association conference. Her most recent article on case outcomes and recidivism, co-authored by Dr. Lois Ventura, was reprinted in a new domestic violence casebook and has been extensively cited by leading authorities on the law of domestic violence.



Maara Fink, clinical professor of law, was elected President of the Ohio Mediation Association, a statewide organization for mediators and mediation advocates that serves as a forum for

networking and the education of its members and the public. Fink was also elected as Vice-President of the Toledo Women's Bar Association and was appointed to the Board of Directors for Planned Parenthood of Northwest Ohio.

In addition, Prof. Fink presented to several groups and organizations on various topics related to the field of alternative dispute resolution, including *Mediation Strategies for Difficult Cases* (Regional Training Conference, Association of Family and Conciliation Courts, September 2007) and *The Role of the Attorney in ADR* (New Lawyer Training, Ohio State Bar Association, December 2007).



Richard W. Edwards, Jr., professor of law (emeritus), was a speaker in the Symposium on the Future of Law and Policy in Global Financial Institutions at the University of Kansas School of Law on October 26, 2007. Prof. Edwards' article entitled "The Role of

the General Counsel of an International Financial Institution" was published in 17 Kansas Journal of Law & Public Policy 254 (Winter 2007-2008).



In addition to his time devoted to teaching and lecturing in a number of foreign countries (see related box on page 47), Associate Professor **Llewellyn Gibbons** has written two law review articles

with co-author Xiao Li Wang, *Striking the "Rights" Balance Among Private Incentives and Public Fair Uses in the United States and China*, 7 J. Marshall Rev. Intell. Prop. L. (2008), and *Perfecting the IPR System: Potential Threats to Copyright Fair Use and Excused Infringement in China*, which is to be published in the Intellectual Property

Rights Annual Journal in 2008; a book chapter, Intellectual Property and the Crisis of New Technologies: The U.S. Experience in Three Models, U.S.-H.K. READER ON U.S. LAW (book forthcoming); and worked on his forthcoming trademark book, MASTERING TRADEMARK LAW with co-author Lars S. Smith, due to the publisher in December 2008. In spring 2008, Prof. Gibbons participated in the Annual Meeting of the American Association of Law Schools as a member of the Executive Committee of the Minority Section.



Melissa Hamilton, assistant professor of law, taught Criminal Law and Criminal Procedure in Szeged, Hungary, as part of a program with the University of Szeged, whereby UT law professors teach American law to Szeged law students. Prof.

Hamilton also gave a presentation at the Law & Society conference in Montreal in June 2008. In addition, she moderated a debate on the efficacy of the death penalty. Hamilton is working on a book that will provide an interdisciplinary perspective on domestic violence and the law, with a projected publication date of winter 2008.



Last summer, Associate Professor **Bruce Kennedy** was invited to participate in "To Collect the Minds of the Law," a conference in Malmo, Sweden on the collection and use of rare law books. He was also invited to speak on the History of the Development of

the Universal Citation at the 2008 annual meeting of the American Association of Law Libraries, in Portland, Oregon. Kennedy was recently chosen to receive a Fulbright grant to

teach in China, the second Toledo Law faculty in two years to receive that honor. Kennedy will teach from February through mid-July 2009 at Xiamen University School of Law, located in a port town between Shanghai and Hong Kong, situated across from Taiwan.



Associate Professor **Ken Kilbert's** article, "Re-Exploring Contribution Under RCRA's Imminent Hazard Provisions," was accepted for publication in the fall 2008 edition of the *Nebraska Law Review*.

In November 2007, Prof. Kilbert

organized the 7th annual Great Lakes Water Conference sponsored by the College of Law and its affiliated Legal Institute of the Great Lakes. In January 2008, he appeared on "Deadline Now" on Toledo's public television station discussing Great Lakes environmental and water issues, and in May 2008 he was a guest on "Detroit Today" on Detroit Public Radio discussing the Great Lakes - St. Lawrence River Basin Water Resources Compact. Kilbert provided legal analysis in support of the Compact to the Ohio Department of Natural Resources, and his comments regarding the Compact also were noted in the Ohio General Assembly, newspapers and on television.



James Klein, professor of law, was recently designated as the College of Law representative on the new Ohio State Bar Association (OSBA) Task Force to consider the conclusions of the recently issued Carnegie Foundation Report on legal

education. The charge of the Task Force is to make recommendations on changes in legal education in Ohio as well as changes that will

enable Ohio law schools to adopt some of the Report's proposed reforms, including modifications to the Ohio bar exam.

Prof. Klein taught Civil Procedure in Szeged, Hungary, as part of a program with the University of Szeged, whereby UT Law faculty members teach American law courses to Szeged law students. In spring 2008, he also taught Civil Procedure as a Distinguished Visiting Professor of Law at Charleston School of Law in Charleston, South Carolina. Prof. Klein stepped down as UT's NCAA Faculty Athletics Representative after 18 years of service in that position. He continues to serve as a member of the NCAA Legislative Review and Interpretations Committee. He also served as president of the Morrison B. Waite Chapter of the American Inns of Court, which is comprised of Toledo area judges and attorneys, and UT law students, and promotes professionalism and ethics in the legal profession. Prof. Klein was elected to be a member of the UT Faculty Senate. He also was elected by the Senate to serve as one of its representatives on the UT Athletic Committee and the University Sabbatical Committee.

In the fall 2007, he served as Chairman of the UT Service Learning Committee, as a board member of UT Student Legal Services, and as a member of the Toledo Labor Management Citizens Committee. In addition, Prof. Klein served as a consultant on accreditation matters for a startup law school, Charlotte School of Law in Charlotte, North Carolina. He also co-authored the 2008 annual service to Klein and Darling's OHIO CIVIL PRACTICE published by Thomson West.



Jessica Knouse, assistant professor of law, joined the faculty in fall 2007. She teaches Constitutional Law, Family Law, and Sexuality and the Law. She received a summer research grant to develop two articles. The first, *From Identity Politics*

to *Ideology Politics*, critiques identity politics and advocates a reformulation of equality law to facilitate a move to "ideology politics." The second, *Employer Control over Employee Gender Identity and its Effects on Democratic Participation*, elaborates on ideas she initially presented at Yale Law School's 2007 "Next Generation Legal Scholarship Symposium."



Susan Martyn, Stoepler Professor of Law and Values, has published three books in the past year, all with Lawrence J. Fox as co-author: the second edition of their casebook, *TRAVERSING THE ETHICAL MINEFIELD* (Aspen), the 5th edition of their Rules

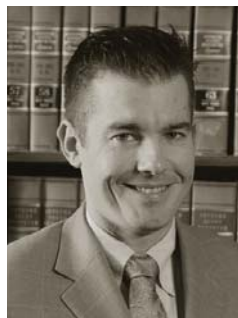
supplement, *THE LAW GOVERNING LAWYERS*, and a mass-market consumer volume for clients entitled *HOW TO DEAL WITH YOUR LAWYER*, published as part of the Legal Almanac Series of Oceana/Oxford University Press.

Prof. Martyn and Prof. Robert Salem also published an article about their joint teaching experience with a traditional/clinical practicum at Toledo Law, entitled *The Integrated Law School Practicum: Synergizing Theory and Practice*, 68 *Louisiana L. Rev.* 715 (2008).



Nicole Porter was promoted to associate professor of law effective August 2008. In October 2007, Porter presented a paper at the Second Annual Colloquium in Labor and Employment Law, at the University of Denver Sturm

College of Law, and at the University of Colorado Law School, titled: *A Foursome of Flaws: Identifying the Four Most Common Errors Made in Proposals to Remedy Caregiver Discrimination*. She also had two papers accepted for publication: *The Perfect Compromise: Bridging the Gap between At-Will Employment and Just Cause*, forthcoming in volume 87 of the *Nebraska Law Review*; and *From Law School to Law Practice: Seamless Transition or Giant Leap?*, published in the Summer 2008 issue of the *St. Louis Bar Journal*. In March 2008, she, along with Prof. Slater, was an advisor for the College of Law's Labor and Employment Law Moot Court Team. The team earned a place among the Octo-Finalists (top 16 teams) in the 32nd Annual Robert F. Wagner National Labor & Employment Law Moot Court Competition at New York Law School.



Over the past year, Associate Professor **Geoffrey Rapp** wrote an article on the tort standard of recklessness, *The Wreckage of Recklessness*, which will be published in the *Washington University Law Review*, and an essay, *Can You*

Show Me How To...? Reflections of a New Law Professor and Part Time Technology Consultant on the Role of New Law Teachers as Catalysts for Change, which will be published in the *Journal of Legal Education*. Prof. Rapp's article *Gouging: Terrorist Attacks, Hurricanes, and the Legal and Economic Aspects of Post-Disaster*

Regulation, was reprinted as a chapter in *DISASTERS AND THE LAW* (published by the Institute of Chartered Financial Analysts of India University Press).

Prof. Rapp spoke at the Annual Meeting of the Association of American Law Schools, at the November 2008 Ohio Division of Securities Conference in Columbus, and served on the Lucas County 21st Century Government Committee. Prof. Rapp's paper, *Sirius Black: A Case Study in Actual Innocence*, will be presented at "Terminus 2008," a conference for educators on the Harry Potter books.

Prof. Rapp was interviewed on NPR's *Morning Edition*, and quoted in *The New York Times*, *Christian Science Monitor*, *Washington Times*, *Toledo Blade*, *Athletic Business*, *Daily Pennsylvanian*, *IP Law & Business*, and *Politico*.



Rob Salem, clinical professor of law, developed an anti-bullying training curriculum for secondary school teachers and administrators through a Program for Academic

Excellence Grant. The curriculum has been used to train approximately 1,000 teachers and school staff throughout the year on their legal and professional responsibilities to properly address harassment at their schools. Salem also developed a model anti-harassment policy that was used by school districts across Ohio to adopt progressive policies in compliance with the law. Salem has given numerous presentations on school harassment throughout the Midwest.

Prof. Salem recently received an Individual Faculty Award from The University of Toledo Office of Service Learning and Community Engagement for incorporating service learning pedagogy in his courses.

Prof. Salem also published an article with Prof. Susan Martyn entitled *The Integrated Law School Practicum: Synergizing Theory and Practice*, 68 Louisiana L. Rev. 715 (2008). He presented this work at the Midwest Clinical Legal Education Conference in Des Moines, Iowa in October 2007.

In addition, Prof. Salem was recently appointed to the National Advisory Board of Equal Justice Works in Washington, D.C. He also serves on the Board of the ACLU of Ohio, the Ohio Drug Assistance Program, and various other organizations.



In June 2008, Professor **Joseph Slater** and his co-author, Prof. Seth Harris of New York Law School, were offered a contract by LexisNexis to publish a casebook that will combine public and private sector labor law. In the spring of 2008, Professor Slater received the

University Outstanding Professor Award for 2008 (he was one of four chosen from over 250 nominations from the entire University faculty). In late 2007, he was named the Eugene N. Balk Professor of Law and Values.

In the past year, Prof. Slater has published a book review of James Jacobs, *MOBSTERS, UNIONS, AND FEDS*, 26 Law and History Review 224 (2008); a book review of Dennis Gaffney, *TEACHERS UNITED: THE RISE OF NEW YORK STATE UNITED TEACHERS*, 94 Journal of American History 1011 (2007); and a professors' update for the casebook *PUBLIC SECTOR EMPLOYMENT: CASES AND MATERIALS* (with Profs. Martin Malin and Ann Hodges). He presented papers on the meaning of the term "collective bargaining" in public sector labor law at the Law & Society Annual Meeting, in Montreal in May 2008, and at the Second Annual Colloquium on Current Scholarship in Labor & Employment Law in September 2007 in Denver.

In addition, Prof. Slater was an invited commentator on a panel on comparative and international labor and employment law at the Law & Society Annual Meeting in Berlin, Germany in July 2007. He was on sabbatical in the spring of 2007, but he has now returned to teaching Torts and Labor and Employment law courses. In his spare time, he enjoys discussing Godzilla with his son Isaac.



Associate Professor **Lee J. Strang** visited at Michigan State University College of Law over the past year where he taught Administrative Law, Business Enterprises, and Property law. He published two articles, *The*

Historical (In)Accuracy of the Brandeis Dichotomy: An Assessment of Justice Brandeis' Claim in Burnet v. Coronado Oil & Gas Co., that the Supreme Court's Historical Practice was to Give Constitutional Precedent Less Deference than Statutory Precedent, 86 N.C. L. Rev. 969 (2008) (with Bryce G. Poole), and *Damages as the Appropriate Remedy for "Abuse" of an Easement: Moving Toward Consistency, Efficiency, and Fairness in Property Law*, 15 Geo. Mason L. Rev. 933 (2008). Among other scholarly projects, he began work editing a constitutional law case book for LexisNexis.

Prof. Strang presented papers at a number of conferences and workshops including papers on constitutional interpretation and property law at the University of Colorado, Notre Dame University, the American Association of Law Schools annual conference, and the Law and Society Association annual conference. He also participated in a debate on constitutional interpretation, and commented frequently in the media. Prof. Strang was most recently quoted by the Associated Press, the *Lansing State Journal*, and the *Detroit News*.



Visiting Assistant Professor **Patricia Wise** joined the law firm of Cooper and Walinski, LPA, as a shareholder, making the Toledo firm the largest majority-wom-

en-owned law firm in the United States (see related article on page 50). The second edition of Wise's book, *UNDERSTANDING AND PREVENTING WORKPLACE RETALIATION*, was published in 2007 by the Thompson Publishing Company.



Rebecca Zietlow, Charles W. Fornoff Professor of Law and Values, recently published *The Judicial Restraint of the Warren Court (and Why it Matters)*, 69 Ohio State L. J. 255 (2008) and

had another article accepted for publication: *Congressional Enforcement of Citizenship Rights*, Drake L. Rev. (forthcoming 2008).

This year, Prof. Zietlow presented several papers, including: *The Promise of Congressional Enforcement of Section Two of the Thirteenth Amendment* at the 2008 Annual Meeting of the Law and Society Association, May 2008; *The Dis-aggregation of Race and Class in United States Civil Rights Law* at the 2008 Annual Meeting of the Law and Society Association, May 2008; and *Congressional Enforcement of the Privileges or Immunities of Citizenship* at the 2008 Drake Constitutional Law Center Symposium, "The Forgotten Constitutional Amendments," April 2008. In addition,

she was invited to participate in the University of Maryland Constitutional Law Symposium, March 2008.

Prof. Zietlow was also co-organizer and plenary panelist of the program, *Gender and Class, Voices from the Collective*, at the American Association of Law Schools 2008 Annual Meeting.

Toledo Law Professors Speak at National Conference on Legal Education

Three professors from The University of Toledo College of Law made presentations at the 2008 Annual Meeting of the Association of American Law Schools (AALS) in January, demonstrating their commitment to furthering legal scholarship and legal education on a national scale. The annual meeting of the AALS is the largest annual gathering of legal educators in the world.

Rebecca Zietlow, who is the Charles W. Fornoff Professor of Law and Values, as well as Associate Professors Ben Davis and Geoffrey Rapp spoke at programs presented by, respectively, the AALS Section on Women in Legal Education, the AALS Section on International Law, and the AALS Section on New Law Professors.

AALS is a non-profit association of 168 law schools dedicated to the improvement of the legal profession through legal education. The 2008 meeting was titled "Reassessing Our Roles as Scholars and Educators in Light of Change."

Professor Gibbons' IP Scholarship Keeps Him Moving

Llew Gibbons' teaching and scholarship has taken him around the globe over the last two years. It all began with the news in 2006 that he had been chosen to receive a Fulbright grant to teach in Wuhan, China. So, in January 2007, the IP law professor took off for Wuhan, China, to live, teach and study in a country currently wrestling with critical issues of how to regulate the Internet, govern e-commerce, and enforce intellectual property rights. After finishing the spring 2007 semester as the J. William Fulbright lecturer at Zhongnan University of Economics and Law (ZUEL) in Wuhan, China, his adventures had only begun. Prof. Gibbons traveled to Buenos Aires, Argentina where he participated in the Annual Meeting of the International Association for the Advancement and Teaching of Intellectual Property (ATRIP). There, he delivered a presentation on the Family Movie Act and the obligation of the U.S. to protect a movie director's moral rights. He went on to teach Intellectual Property and Torts as part of the American Law Certificate program at Szeged University in Hungary. Then it was back to the U.S., where he participated in a symposium at the University of South Carolina.

After spending the Fall 2007 semester back at the College of Law, Prof. Gibbons was given the unique opportunity to have his Fulbright grant renewed to teach another semester in China. So, he returned to the Zhongnan University of Economics and Law (ZUEL) in Wuhan, China for the Spring 2008 semester, teaching a graduate level introduction to U.S. intellectual property law, and working with graduate students and faculty on issues related to U.S. or international IP

law. "I was amazed by and had the greatest admiration for the hard work and dedication of the Chinese students towards their studies and eventual legal careers," Gibbons recalled. "Also, the warmth, hospitality, and support of the faculty and students at ZUEL made it feel like a second home."

While in China, Prof. Gibbons spoke at the 2008 Nanhu International Conference on "Implementing IPR Stratagem and Perfecting IPR System," where he discussed the economic significance of intellectual property "fair use" provisions as a development issue. In addition, Prof. Gibbons was the only intellectual property law professor to speak at the University of International Business and Economics (UIBE), "Innovation and Competition: Forum on IPR Related Antitrust Rules," where he discussed limitations on IPR. Participants in the forum included high-ranking government officials, distinguished academics, IP counsel representing major U.S. and EU corporations, and judges of the Supreme People's Court of the PRC.

At the conclusion of two years of itinerant teaching, lecturing, and scholarship, Prof. Gibbons is extremely happy to be back at the College of Law and is looking forward to a sustained period in the heartland of the United States.



Connie F. Zimmelman '81
Judge, Lucas County Court of Common Pleas,
Juvenile Division

**Letter from the President
of the UT Alumni
Association's Law
Alumni Affiliate:**

As we embark on the coming year at The University of Toledo College of Law, I am excited about the fact that with each year our Law School becomes more prestigious. As a result we are able to attract and retain extremely competent professors who are able to furnish a quality legal education to students, in addition to publishing scholarly works. Students who learn from these professors achieve a formidable legal education, which enables them to become successful legal practitioners, business professionals, judges, and government and legal aid lawyers.

As alumni you are among these students who benefited from the fine education offered at the College of Law. The focus of the Law Alumni Board this year will be to engage as many alumni as possible in the Law School's activities. I firmly believe it is critical to reach beyond the

geographic vicinity of northwest Ohio, and give recognition to our alumni who live outside of this area. To that end we will continue to network by hosting receptions throughout the country, our newsletter will be highlighting alums from other regions, and we have now dedicated an annual award for a distinguished alumnus or alumna outside of the Toledo area.

I am hopeful that our efforts will continue to strengthen the bond that each of you has with your law school, or re-form that bond if you have felt a bit disconnected. We are working hard for the school, its students and you! We welcome you all – near and far – to be an active part of it.

I look forward to hearing from you with any suggestions you have as the year progresses. You can contact me through the College of Law Alumni Office at 419.530.2628 or at law.alumni@utoledo.edu.

*Judge Connie F. Zimmelman, '81
President, Law Alumni Affiliate
UT Alumni Association*

1966

Murray K. Lenson, a partner at Ulmer & Berne of Cleveland, Ohio, has been named to Best Lawyers in America, Legal Malpractice and Professional Malpractice Law, Woodward/White (2008). He was also named an “Ohio Super Lawyer” in a survey of Ohio lawyers by *Law & Politics* and *Cincinnati* magazines.

1968

Lou Bertrand was elected as mayor of Hiram, Ohio in northern Portage County.

1969

Jeffrey H. Kay is now the Sr. Assistant U.S. Attorney for the Chief of Economic Crime Section in the U.S. Attorney’s Office of Fort Lauderdale, Florida.

1971

Neil Breslin, a New York State Senator representing the 46th District, has joined the Albany law firm of Hiscock & Barclay. Breslin specializes in real estate, torts litigation and trusts and estates.

1973

Daniel P. Ruggiero has become a Fellow of the American College of Trial Lawyers. He was inducted during the 2007 Annual Meeting of the College in Denver, Colorado.

1974

William Cunningham, “the voice of the common man” started a syndicated talk show beginning on Sunday nights in October 2007. WLW – AM (700) can be heard from New York to Los Angeles.

1975

Nancy A. Lawson, a commercial litigation specialist with Dinsmore & Shohl of Cincinnati, Ohio, was named one of The Best Lawyers in America.



1978

John H. Brandt, a partner in the Ft. Wayne law firm of Beckman Lawson, LLP, was the recipient of the 2007 Niemann Citation for Excellence and Professionalism awarded by the Allen County Bar Association.



1979

Oksana M. Ludd joins the Albany, New York office of Hiscock & Barclay as partner in the real estate and public finance practice areas.



Gerald T. Welch has joined Sonnenschein Nath & Rosenthal as a partner in the Intellectual Property & Technology Practice assisting clients with the procurement, development, licensing and management of intellectual property.

1980

Gregory L. Arnold has been appointed by the Ohio Supreme Court to a three-year term of the Board of Commissioners on Character and Fitness.

Harry R. Gensler, was appointed as Judge Pro Tempore by the Nye County (Nevada) Board of County Commissioners.

Mark T. Slavens was appointed by Michigan Governor Jennifer Granholm as Judge of the Third Judicial Circuit of Michigan serving Wayne County.

Michael L. Squillace, a workers’ compensation lawyer of Dinsmore & Shohl in Cincinnati, was named one of The Best Lawyers in America.

1981

Daniel G. Bogden has joined the Reno law firm of McDonald Carano Wilson LLP as Partner, specializing in commercial litigation, employment and criminal law.

R. Kevin Greenfield, a shareholder in the law firm of Franklin & Greenfield of Toledo, was selected for inclusion in The Best Lawyers in America for 2007 in the area of labor and employment law.



Grace A. Szubski of Garson & Associates in Cleveland, was chosen as an Ohio Super Lawyer 2008.

Tyrone K. Yates is a third term member of the Ohio House of Representatives serving on Finance, Ways and Means, Criminal Justice and Agriculture and Natural Resources Committees. Yates is also a member of the Ohio Arts Council and Criminal Institutional Inspection Committee, president of the Ohio Legislative Black Caucus and Chairman of the Ohio Legislative Black Caucus Foundation. He is the 2008 local host chairman of the NAACP National Convention.

1982

Edsel M. Brown, Jr. has been appointed as Chairman of Economic Development for the Maryland State Conference of NAACP branches. He will serve on the Executive Committee and lead the organization in guiding the states’ NAACP branches in tackling economic development issues including personal and family wealth building, minority business development and economic empowerment.



Elena Kusky graduated from U.S. Army War College with a Masters in Strategic Studies. Kusky took command of the 78th Legal Support Organization in Los Alamitos, California.

1983

Sue Mota was named Distinguished Teaching Professor at Bowling Green State University (Ohio).



1985
Jeffrey K. Haidet, of McKenna, Long & Aldridge in Atlanta, Georgia has been re-elected as Chair of the Firm overseeing the development of firm marketing and recruiting strategies, along with

the implementation of professional development programs.

Kenneth Holder was elected to the Civil Court in 2005 and later elected to the State Supreme Court in 2007, after serving 20 years as Chief of Narcotic Prosecution in the Office of the Queens District Attorney's Office.

Kathrin E. Kudner, of the Detroit firm of Dykema, specializes in health care law and has been named one of The Best Lawyers in America 2008.

Patti Wise joined the Toledo law firm of Cooper & Walinski as partner to make this one of the largest majority-women-owned law firms in the nation.



1986
Brian Kerns has been named a Trustee of the Ohio Association of Civil Trial Attorneys. In 2007 he was named a Fellow of the Ohio State Bar Foundation and has served on the Ohio State Bar Association's Council of Delegates since 2000 and is Chair of the Personal Injury

Defense Committee of OACTA. He practices law in the Cleveland area and lives in Medina, Ohio with his wife, Therese, and three children.

James D. Thomas has returned to the law firm of Squire Sanders, joining the Miami office, and leads the firm's litigation practice group. His practice is focused on complex business litigation, restructuring-related litigation and white-collar corporate investigations. Prior to his return to the firm he served four years as Magistrate Judge for the United States District Court, Northern District of Ohio.



Tygh M. Tone was elected Judge of the Erie County (Ohio) Common Pleas Court, General Division for a six-year term which began in January, 2005.



Debbie Buckholz Williams has joined the faculty of the University of Phoenix and has received course approvals to teach eight different courses to undergraduate students.



1988
Jonathan D. Cox has been named Secretary of the Buffalo Arts Studio Board of Directors. Jonathan is an associate specializing in civil litigation and insurance defense at the Buffalo, New York-based firm of Cohen & Lombardo.

Elizabeth Guerra Simcox was appointed to the position of Vice President for Student Services at Harrisburg University of Science and Technology. As the chief student services officer, she will be responsible for creating, maintaining and evaluating services and programs for the student community. Prior to accepting this position, Ms. Simcox was Dean of Students at Widener University School of Law in Harrisburg, Pennsylvania.

Timothy J. Walker was sworn in as New York State Supreme Court Justice.

1990
James A. Adams is serving as a legal advisor on product safety & liability issues for automotive batteries and on environmental laws & regulations as impacted by IOS_14001. James and his fiancé Angela M. (Palazzolo) Heflin have a June 2010 wedding planned. He has two sons at Toledo's St. John's Jesuit High School, Ryan P. Adams '10 and Brendan J. Adams '11.

1994

Jim Barone was appointed Chief Sales Officer of ARAG, a leading company in the legal insurance industry. Prior to this new post, Barone's career included positions as Vice President of Sales and Marketing with Luxottica Retail, and as a sales and marketing executive for Anthem Blue Cross and Blue Shield.



Lisa M. Kavalhuna was named a member of the Bloomfield Hills (Michigan) based law firm of Hertz Schram. She is a member of the firm's Corporate Law and Medical-Dental Professional Practice Groups.

Lisa K. Kunkle is now the Vice President, General Counsel and Secretary for PolyOne Corporation in Avon Lake, Ohio near Cleveland.

Thomas Wynne is now General Counsel for The Interlake Steamship Company in Cleveland.

1995

Jeffrey Kass has joined the St. Louis law firm of Gallop, Johnson & Neuman as a partner specializing in intellectual property and business litigation. Jeff is licensed in Missouri and Illinois as well as numerous federal courts across the country.



Laura Selzer has been promoted to the position of Shareholder at Martin, Bacon & Martin, P.C. in Mount Clemens, Michigan. Her practice consists primarily of medical malpractice defense and product liability claims.



1996
Thomas R. Biehl, Jr. has been promoted to partner in the Indianapolis firm of Baker & Daniels where he practices in the labor and employment group.

Michael D. Halffish, a partner in the firm of Tunney and Halffish, was appointed as co-chair of the NJ State Bar Association's Consumer Protection Committee. Halffish was also a featured speaker at the ATLA-NJ Meadowlands Conference, presenting on the topic of piercing the corporate veil. He also conducted training for NJ Legal Services on the topic of Litigating Auto Dealer Fraud cases.

1997

Jennifer Gajak, a Legal Placement Consultant for Ajilon Legal in Dallas, Texas, has been nominated to Ajilon Legal's Superstars, an honor awarded to the top five performers company wide.



Jennifer Grieco of Maddin, Hauser, Wartell, Roth & Heller of Southfield, Michigan, has been named as one of Michigan's Super Lawyers.

1998



Shawn Harpen is a partner in the Securities and Shareholder Litigation & SEC Enforcement Practice Group of Jones Day, in Irvine, California. Her practice focuses on complex commercial litigation, with an emphasis on the defense of directors and officers in securities class and

derivative actions. For the past several years, she has been named one of Los Angeles Magazine's "Southern California Super Lawyers Rising Stars."

1999

Traci L. Curth was hired as the Editor, Media Relations for Continuing & Extended Education at Bowling Green State University (Ohio). She and her husband Kevin have two daughters, Olivia and Emma.

Christopher Junga, a public defender for Franklin County (Ohio) Public Defender's Office, was named as a rising star in the 2007 issue of Ohio Super Lawyers. Chris and his wife Melinda welcomed baby Sophia in June 2007.

2000

Paul Olah, Jr. was named partner in the Sarasota, Florida law firm of Gurley-Dramis-Lazo. He and his wife Marcy welcomed their first child, daughter Ashley, in April 2007.

2001

Michael R. Limrick, formerly with McTurnan & Turner of Indianapolis, Indiana is now with Bingham McHale due to a merger of the two firms.

Jennifer O'Dell was recently quoted in an article that appeared in *The Globe and Mail* (theglobeandmail.com), a nationally distributed newspaper based in Toronto. Jennifer is the Assistant Director for the Department of Corporate Affairs at the Laborers' International Union of North America.

2002

Todd M. Burger has recently been named as Senior Counsel for Parker Hannifin in Cleveland.

Matthew Condon has opened a rehabilitation center in Kansas City. The company, Athletic & Rehabilitation Center, has four main business practices: referrals from physicians for physical therapy, workers' compensation, on-site services and sport medicine/performance training.

Phillip Heebsh was invited to be a partner of the Toledo firm of Reminger Co., LPA. His practice consists mainly of general liability, commercial transportation, insurance coverage and workers' compensation defense.

R. Chuck Mason was hired as a Legislative Attorney in the American Law Division of CRS, responsible for Military/Defense Law, Veterans' Affairs, and Base Realignment and Closure Committee (BRAC) issues.



Hans A. Nilges has been recognized as a 2007 Ohio Super Lawyer - Rising Star. Hans is an associate with the law firm of Brouse McDowell in Akron, Ohio and specializes in labor & employment issues, litigation, and legal issues confronting water technology professionals.



2003

Jennifer Watkins, formerly a partner with the Detroit firm, Honigman Miller Schwartz and Cohn, has joined one of the largest law firms in Michigan, Warner Norcross & Judd

LLP as an associate. Jennifer's practice focuses on employee benefits, qualified retirement, welfare, and executive compensation plans.

Daniel P. Zellers formerly of Cadwalader, Wickersham & Taft, has accepted a position with Powell Goldstein in their recently opened Charlotte, North Carolina office. Mr. Zellers will help expand their real estate and capital markets practice in the Charlotte area.

2004

Kori Anne Bagrowski has joined the Washington, DC law firm of Foley Hoag as an associate in the litigation group.

David M. Beller has joined Recht & Kornfeld located in Denver, Colorado as an associate.

Ahmed Hassouna is an associate attorney at Tanoury, Corbet, Shaw, Nauts, & Essad, PLLC, located in Detroit, Michigan.

Christy A. Prince has been named an associate at the Columbus, Ohio law firm of Kegler, Brown, Hill & Ritter. She will practice all aspects of litigation.

Brad TenBrook is an Assistant Attorney General for the Arizona Attorney General's Office in Phoenix Arizona. He and Kylie Crawford '05 were married in February 2008.

Kristi K. Wilhelmy has joined the Columbus firm of Vorys, Sater, Seymour and Pease LLP as an associate. After graduating from the College of Law, she clerked for U.S. District Judge James G. Carr of the Northern District of Ohio, and for Judge Mary Beck Briscoe of the U.S. Court of Appeals for the Tenth Circuit. She and her husband Brad have a three-year-old son, Aiden.

2005

Gretchen Carroll, Owens Community College Professor of Marketing and Management, received the fifth annual Presidential Citation Award for outstanding dedication and service to higher education.

Kylie B. Crawford has joined the Phoenix firm of Ford & Harrison, focusing her practice on representing employers before administrative agencies charged with investigating employment claims, and in courts of various jurisdictions.

Amy Ducat and her husband have welcomed a son, Mason Dean Ducat, in April of 2007.

John Strickland is currently an Assistant Solicitor for Spartanburg County (South Carolina).

2006

Sarah Branam is working for Library Cooperative in Dublin, Ohio. Her husband Scott Branam is an attorney for the Ohio Attorney General's office.

Scott France has joined with Jaime Agnew '05 and created the new Toledo law firm of Agnew & France, LLC.

Zachary Prendergast has accepted an associate position with the law firm of Graydon, Head & Ritchey in Cincinnati. He will be practicing in the firm's banking and financial services practice group.

2007

William B. McKinley has joined the workers' compensation group in the Cleveland, Ohio law firm of Calfee.

Firm Founded by Toledo Law Alumni Meets Milestone

Toledo Law graduates Cary Cooper '64 and Richard Walinski '69 seem to have found a recipe for legal success with the recent expansion of their firm, Cooper & Walinski, LPA. In the last year, the firm opened an office in Cleveland and also became one of the largest majority-women-owned law firms in the United States with the addition in 2007 of Patricia Wise and Renisa Dorner, formerly of Wise & Dorner, Ltd. Attorneys Cooper and Walinski attribute this distinctive demographic in ownership to their 38-year focus on selecting and retaining the best attorneys who would enhance the firm's reputation of diversity, experience, and commitment. Wise '85 is also a Toledo Law graduate specializing in labor & employment, and is currently a Visiting Assistant Professor of Law at Toledo.

In Memoriam

Frank L. Baird '50

David C. Christensen '54

Donald A. Schlatter '56

Suzanne N. Rauh '58

Patrick C. Mattimoe '64

Harry Behrendt '67

Ralph Zuzulo '68

Carol Ann Beale '72

Theodore Gersz '72

Helen M. Coe '73

Denver G. Bechtol '76

Donald O. Nickey '78

Michael D. Reed '78

Col. Jacqueline R. Little '84

Brendan W. Delley '88

Sharon S. Hendel '94

Steven Scott Everhart – would have graduated in May '08

Former Faculty

Prof. Abe Abromovsky 12-17-07

Rev. Robert Kirtland 2-3-08



Prof. John T. Vance 1-15-08

By Judge Roderick T. Kennedy '80, New Mexico Court of Appeals

In 1979, a notice posted on the Dean's bulletin board announced a new professor who had been the Chair of the U.S. Indian Claims Commission, just disbanded in 1978. John Vance arrived that fall. Former city attorney for Helena, MT, he was storyteller more than academic, role model for a lawyer more than professor. He embodied the intergenerational oral tradition of the law. He explained appellate law: "they could've done just the opposite, but they didn't." He approached students with great joy and excitement for law, and its possibility to elevate the human condition. His explanation of law practice—"What do you do? You do what you can and sometimes you take a terrible beating" is unassailable. As he drafted coal contracts with the Southern Ute Tribe (that later financed their purchase of much of Denver's skyline), he taught energy and property law ("Real property doesn't move—except in California.") John Vance was involved in awarding the Lakota interest on the debt from the theft of the Black Hills, and understood why it has not been collected. He was a gentleman, exceptional lawyer, sailor, descendant of a U.S. vice president, cousin to a Secretary of State, was saddened by his divorce and overjoyed by his daughters. He considered with wonder the gift of his life and what filled it. He told us: "One guy's fine line is another guy's breadline, and thank God there are so many of 'em, because that's what keeps us all working."



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UPCOMING EVENTS

SPEAKERS AND CONFERENCES

Former FBI Director Louis Freeh – October 6
U.S. News and World Report columnist Michael Barone – October 27
Eighth Annual Great Lakes Water Conference - CLE opportunity – November 14

Watch for more information about upcoming speakers and conferences on the College of Law Website
(www.utlaw.edu/news/speakers.htm).

ALUMNI EVENTS

Homecoming Festivities: CLE, Job Fair and Family Picnic – October 3 & 4
Dearborn/Detroit/Detroit Suburbs Alumni Reception – October 6
Atlanta Alumni Lunch – October 8
Washington, DC Alumni Reception – Nov 6

Other Upcoming Alumni Gatherings: Cincinnati (November), San Diego (January), Phoenix (January), Dallas (February),
Florida (February/March), Indianapolis (April), Chicago (April), Cleveland-OSBA Annual Conference (May 13-15)

Watch for more information about upcoming alumni events on the College of Law Website
(www.utlaw.edu/alumni/events.htm).

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