

## **Michael E. Solimine**

Donald P. Klekamp Professor of Law  
University of Cincinnati College of Law  
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### **EDUCATION**

**NORTHWESTERN UNIVERSITY SCHOOL OF LAW**, J.D., 1981.

**Scholastic Honors:** Staff Member (1979-80), Articles Editor (1980-81), JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY; Dean's List.

Research Assistant, Prof. John Heinz (see John P. Heinz & Edward O. Laumann, CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR xxv (Russell Sage Foundation 1982)).

**WRIGHT STATE UNIVERSITY**, B.A., Political Science, 1978.

**Scholastic Honors:** Graduated *Summa Cum Laude*; University Honors Scholar; Dean's List all 12 quarters; Honors in Political Science; recipient of 4-year, full-tuition scholarship. Intern, Washington DC office of U.S. Representative Clarence J. Brown, Jr., (R-Ohio), Summer 1978.

### **TEACHING**

Donald P. Klekamp Professor of Law, 1994-Present. Courses: Civil Procedure I & II; Federal Courts; Conflict of Laws; Judicial Extern Program.

Professor, University of Cincinnati, College of Law, September 1991 - 1994. Courses: Civil Procedure I & II; Federal Jurisdiction; Conflict of Laws; Supervision of Judicial Extern Program (1991-2007).

Associate Professor, University of Cincinnati College of Law, September 1989 - August 1991. Courses: Civil Procedure I & II; Federal Jurisdiction; Conflict of Laws; Supervision of Extern Program.

Assistant Professor, University of Cincinnati College of Law, August 1987 - August 1989.  
Courses: Civil Procedure I & II; Conflict of Laws; Complex Litigation (seminar);  
Supervision of Extern Program.

Visiting Assistant Professor, University of Cincinnati College of Law, August 1986 - July  
1987. Courses: Civil Procedure II, Contracts I, Conflict of Laws, Trial Practice.

Recipient, Goldman Prize for Teaching Excellence (1991).

Recipient, Ohio State Bar Association Legal Education Committee Award (2003).

Recipient, The Harold C. Schott Scholarship Award (2003).

Recipient, The Harold C. Schott Publication Prize (2002, 2004, 2006).

## **SCHOLARSHIP**

### **BOOKS**

1. CASES AND MATERIALS ON APPELLATE PRACTICE AND PROCEDURE (Thomson/West, 2d ed., 2005)(with Prof. Emeritus Robert J. Martineau, Prof. Kent Sinclair, and Delaware Supreme Court Justice Randy J. Holland).
2. VOTING RIGHTS AND ELECTION LAW (LexisNexis 2010)(with Profs. Michael Dimino and Bradley Smith).
3. ANDERSON'S OHIO CIVIL PRACTICE, volume three, chapters 145-158 (Matthew Bender/LexisNexis, updated and published annually).
4. ANDERSON'S OHIO CIVIL PRACTICE, volume four, chapters 159-185 (Matthew Bender/LexisNexis, updated and published annually).
5. RESPECTING STATE COURTS: THE INEVITABILITY OF JUDICIAL FEDERALISM (Westport, CT: Greenwood Press, 1999; Contributions in Legal Studies, Number 92) (with Prof. James L. Walker).
6. OHIO CIVIL RULES PRACTICE (Matthew Bender/LexisNexis, updated and published annually)(with Judge John W. McCormac).

## ARTICLES and ESSAYS

### I. Sole Authorship

1. Casenote, *Fifth Amendment -- The Use of Grand Jury Testimony at Trial*, 70 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 424-32 (1979).
2. Comment, *The Constitutionality of Congressional Legislation to Overrule Zurcher v. Stanford Daily*, 71 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 147-62 (1980).
3. *Newsmagazine Coverage of the Supreme Court*, 57 JOURNALISM QUARTERLY 661-63 (1980).
4. *Adjudication of Federal Civil Rights Actions in Ohio Courts*, 9 UNIVERSITY OF DAYTON LAW REVIEW 39-63 (1983).
5. *Recovery of Economic Damages in Products Liability Actions and the Reemergence of Contractual Remedies*, 51 MISSOURI LAW REVIEW 977-95 (1986).
6. *Enforcement and Interpretation of Settlements of Federal Civil Rights Actions*, 19 RUTGERS LAW JOURNAL 295-339 (1988).
7. *Ideology and En Banc Review*, 67 NORTH CAROLINA LAW REVIEW 29-76 (1988).
8. *An Economic and Empirical Analysis of Choice of Law*, 24 GEORGIA LAW REVIEW 49-93 (1989).
9. *Rule 11 Litigation in the Sixth Circuit*, 21 UNIVERSITY OF TOLEDO LAW REVIEW 425-58 (1990).
10. *Revitalizing Interlocutory Appeals in the Federal Courts*, 58 GEORGE WASHINGTON LAW REVIEW 1165-1213 (1990).
11. *Rethinking Exclusive Federal Jurisdiction*, 52 UNIVERSITY OF PITTSBURGH LAW REVIEW 383-434 (1991).
12. *Forum Selection Clauses and the Privatization of Procedure*, 25 CORNELL INTERNATIONAL LAW JOURNAL 51-101 (1992).
13. *Choice of Law in the American Courts in 1991*, 40 AMERICAN JOURNAL OF COMPARATIVE LAW 951-66 (1992).

14. *Constitutional Restrictions on the Partisan Appointment of Federal and State Judges*, 61 UNIVERSITY OF CINCINNATI LAW REVIEW 955-68 (1993).
15. *The Impact of Babcock v. Jackson: An Empirical Note*, 56 ALBANY LAW REVIEW 773-94 (1993)(symposium).
16. *Removal, Remands, and Reforming Federal Appellate Review*, 58 MISSOURI LAW REVIEW 287-333 (1993).
17. Symposium, *Jurisdiction, Justice, and Choice of Law for the 21st Century*, 29 NEW ENGLAND LAW REVIEW 517, 572-76 (1995)(symposium panel presentation).
18. *Social Science Perspectives on Teaching Conflict of Laws*, 27 UNIVERSITY OF TOLEDO LAW REVIEW 619-30 (1996) (symposium, papers presented at Conflict of Laws section meeting at 1996 Annual Meeting of Association of American Law Schools).
19. *The Three-Judge District Court in Voting Rights Litigation*, 30 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 79-145 (1996).
20. *Competitive Federalism and Interstate Recognition of Marriage*, 32 CREIGHTON LAW REVIEW 83-103 (1998)(symposium).
21. *The Quiet Revolution in Personal Jurisdiction*, 73 TULANE LAW REVIEW 1-67 (1998).
22. *The False Promise of Judicial Elections in Ohio*, 30 CAPITAL UNIVERSITY LAW REVIEW 559-81 (2002)(symposium).
23. *Judicial Federalism After Bush v. Gore: Some Observations*, 23 JUSTICE SYSTEM JOURNAL 45-55 (2002) (keynote address to Conference on Federalism and the Courts, University of Georgia, 2001).
24. *Supreme Court Monitoring of State Courts in the 21st Century*, 35 INDIANA LAW REVIEW 335-63 (2002)(symposium), *reprinted in* INSIDE THE JUDICIAL PROCESS: A CONTEMPORARY READER IN LAW, POLITICS, AND THE COURTS (Jennifer Segal Diascro & Gregg Ivers, eds., 2006)
25. *Jorge Carro, Scholar*, 71 UNIVERSITY OF CINCINNATI LAW REVIEW 5-9 (2002) (memorial tribute).
26. *Nepotism in the Federal Judiciary*, 71 UNIVERSITY OF CINCINNATI LAW REVIEW 563-83 (2002)(Faculty Scholarship symposium).

27. *Recalibrating Justiciability in Ohio Courts*, 51 CLEVELAND STATE LAW REVIEW 531-55 (2004)(symposium).
28. *The Future of Parity*, 46 WILLIAM & MARY LAW REVIEW 1457-97 (2005)(symposium).
29. *Judicial Stratification and the Reputations of the United States Courts of Appeals*, 32 FLORIDA STATE UNIVERSITY LAW REVIEW 1331-63 (2005)(symposium).
30. *Status Seeking and the Allure and Limits of Law School Rankings*, 81 INDIANA LAW JOURNAL 299-306 (2006)(symposium).
31. *Due Process and En Banc Decisionmaking*, 48 ARIZONA LAW REVIEW 325-40 (2006)(symposium).
32. *Institutional Process, Agenda Setting, and the Development of Election Law on the Supreme Court*, 68 OHIO STATE LAW JOURNAL 767-805 (2007)(symposium).
33. *Congress, Ex parte Young, and the Fate of the Three-Judge District Court*, 70 UNIVERSITY OF PITTSBURGH LAW REVIEW 101-53 (2008)(presented at the Ohio Legal History Seminar, and the 2008 annual meeting of the Midwest Political Science Association).
34. *Ex parte Young: An Interbranch Perspective*, 40 UNIVERSITY OF TOLEDO LAW REVIEW 999-1019 (2009)(symposium).
35. *Congress, Separation of Powers, and Standing*, 59 CASE WESTERN RESERVE LAW REVIEW 1023-59 (2009)(symposium).
36. *State Judicial Elections and the Limits of Calibrating Access to the Federal Courts*, 96 VIRGINIA LAW REVIEW *IN BRIEF* 41-50 (2010).
37. *Interstate Recognition of Same-Sex Marriage, the Public Policy Exception, and Clear Statements of Extraterritorial Effect*, 41 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL (forthcoming 2010).

## **II. Joint Authorship**

1. *Constitutional Power and the Federal System: A Constitutional Analysis of the Proposed Energy Mobilization Board*, 50 UNIVERSITY OF CINCINNATI LAW REVIEW 1-30 (1981) (with Joseph F. Guida, Esq.).

2. *Constitutional Litigation in Federal and State Courts: An Empirical Analysis of Judicial Parity*, 10 HASTINGS CONSTITUTIONAL LAW QUARTERLY 213-53 (1983) (with Prof. James L. Walker).
3. *Relaxed Liability: A Proposed New Standard for Defamation By the Press*, 22 AMERICAN BUSINESS LAW JOURNAL 93-108 (1984) (with Profs. Charles J. Hartmann, Steven M. Renas, & Rishi Kumar).
4. *Shoring Up Article III: Legislative Court Doctrine in the Post CFTC v. Schor Era*, 68 BOSTON UNIVERSITY LAW REVIEW 85-152 (1988) (with Prof. Richard B. Saphire).
5. *State Court Protection of Federal Constitutional Rights*, 12 HARVARD JOURNAL OF LAW & PUBLIC POLICY 127-62 (1989) (with Prof. James L. Walker).
6. *Skills Skepticism in the Post-Clinic World*, 40 JOURNAL OF LEGAL EDUCATION 307-20 (1990) (with Dean Joseph P. Tomain).
7. *The Next Word: Congressional Response to Supreme Court Statutory Decisions*, 65 TEMPLE LAW REVIEW 425-58 (1992) (with Prof. James L. Walker).
8. *Training for Practice: Skills, ADR, Clinics, and Externships*, 6 OHIO LAWYER 12-13, 35 (March/April 1992) (with Dean Joseph P. Tomain).
9. *The Supreme Court, Judicial Review, and the Public: Leadership Versus Dialogue*, 11 CONSTITUTIONAL COMMENTARY 1-6 (1994) (with Prof. James L. Walker).
10. *Rethinking Feminist Judging* (with Susan E. Wheatley, Esq.), 70 INDIANA LAW JOURNAL 891-920 (1995).
11. *Diluting Justice on Appeal?: An Analysis of the Use of District Judges Sitting by Designation on the United States Courts of Appeal* (with Prof. Richard B. Saphire), 28 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 351-407 (1995).
12. *Federalism, Liberty and State Constitutional Law*, 23 OHIO NORTHERN UNIVERSITY LAW REVIEW 1457-82 (1997)(symposium) (with Prof. James L. Walker).
13. *State Court Regulation of Offers of Judgment and Its Lessons for Federal Practice*, 13 OHIO STATE JOURNAL OF DISPUTE RESOLUTION 51-87 (1997) (with Bryan Pacheco, Esq.).

14. *Judicial Reputation: A Citation Analysis of Federal Courts of Appeals Judges*, 27 JOURNAL OF LEGAL STUDIES 271-332 (1998) (with Profs. William Landes and Lawrence Lessig).
15. *Deciding to Decide: Class Action Certification and Interlocutory Review by the United States Courts of Appeal Under Rule 23(f)*, 41 WILLIAM & MARY LAW REVIEW 1531-1600 (2000) (with Christine Oliver Hines, Esq.).
16. *Supreme Court Monitoring of the United States Courts of Appeals En Banc*, 9 SUPREME COURT ECONOMIC REVIEW 171-204 (2001) (with Prof. Tracey George).
17. *Deregulating Voluntary Dismissals*, 32 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 367-418 (2003) (with Amy Lippert, Esq.).
18. *The Selection of Judges in Ohio* in THE HISTORY OF OHIO LAW 211-37 (Michael Les Benedict & John Winkler, eds., Ohio University Press, 2004) (with Prof. Richard B. Saphire).
19. *Building a Better Jury: Reforming Jury Pool Selection in Ohio*, 17 OHIO LAWYER 6-8, 33 (Sept./Oct. 2003) (with Rebecca Klein, Esq.).
20. *The Supreme Court and the DIG: An Empirical and Institutional Analysis*, 2005 WISCONSIN LAW REVIEW 1421-78 (with Prof. Rafael Gely). Awarded 2006 Howard B. Eisenberg Prize by the American Academy of Appellate Lawyers.
21. *Commemorating Seventy-Five Years of the University of Cincinnati Law Review*, 75 UNIVERSITY OF CINCINNATI LAW REVIEW 1-5 (2006)(with Dean Louis D. Bilonis), *reprinted in* CBA REPORT 12-14 (July 2007).
22. *Federal and State Judicial Selection in an Interest Group Perspective*, 74 MISSOURI LAW REVIEW 531-54 (2009)(symposium)(with Prof. Rafael Gely).
23. *The Supreme Court and the Sophisticated Use of DIGs*, 18 SUPREME COURT ECONOMIC REVIEW (forthcoming 2010)(with Prof. Rafael Gely)(presented at the 2006 annual meeting of the Midwest Political Science Association).

### III. Book Reviews

1. *Trashing Federal Jurisdiction*, 35 CASE WESTERN RESERVE LAW REVIEW 335-44 (1985) (review of Howard P. Fink & Mark V. Tushnet, *Federal Jurisdiction: Policy and Practice* (1984)).
2. Review of Martin H. Redish, *Freedom of Expression: A Critical Analysis* (1984), 54 UNIVERSITY OF CINCINNATI LAW REVIEW 1243-56 (1986).

3. *Activism and Politics on State Supreme Courts*, 57 UNIVERSITY OF CINCINNATI LAW REVIEW 987-1004 (1989) (review of G. Alan Tarr & Mary Cornelia Porter, *State Supreme Courts in State and Nation* (1988)).
4. Review of Larry W. Yackle, *Reclaiming the Federal Courts* (1994), 78 JUDICATURE 313-16 (1995).
5. Review of W. David Slawson, *Binding Promises: The Late 20th Century Reformation of Contract Law* (1996), 7 LAW & POL. BOOK REV. 149-51 (1997).
6. *The Law and Economics of Conflict of Laws*, 4 AMERICAN LAW & ECONOMICS REVIEW 208-226 (2002) (essay review of Michael J. Whincop & Mary Keyes, *Policy and Pragmatism in the Conflict of Laws* (2001))(reprinted in 1 ECONOMICS OF CONFLICT OF LAWS 65-83 (Erin A. O'Hara, ed. 2007)).
7. *The Causes and Consequences of the Reapportionment Revolution*, 1 ELECTION LAW JOURNAL 579-84 (2002) (review of Gary W. Cox & Jonathan N. Katz, *Elbridge Gerry's Salamander: The Electoral Consequences of the Reappointment Revolution* (2002)).
8. *Formalism, Pragmatism, and the Conservative Critique of the Eleventh Amendment*, 101 MICHIGAN LAW REVIEW 1463-91 (2003) (essay review of John T. Noonan, *Narrowing the Nation's Power: The Supreme Court Sides with the States* (2002)).
9. *Independence, Accountability, and the Case for State Judicial Elections*, 9 ELECTION LAW JOURNAL 215-22 (2010)(review of Chris W. Bonneau & Melina Gann Hall, *In Defense of Judicial Elections* (2009)).

#### IV. Essays & Papers

1. *Insights Into the Constitution*, CINCINNATI ENQUIRER, July 20, 1987, p. A-8.
2. *Commentary: The Transient Physical Presence Rule in State and Federal Courts in Ohio*, 38 DAYTON BAR BRIEFS 20 (May 1989).
3. *Thomas Acts As a Justice Must*, CINCINNATI ENQUIRER, Feb. 18, 1992, p. A-4.
4. *Lawyers Object, but Justice Benefits*, CINCINNATI ENQUIRER, May 25, 1994, p. A11.



5. *Though Unpopular, Federal Review of State Court Protects Us All*, CINCINNATI POST, Jan. 5, 1999, p. 10A.
6. *Ohio Needs New Way to Pick Judges*, CINCINNATI ENQUIRER, Dec. 4, 1999, p. A15.
7. *Reform Attorneys' Fees in Ohio* (Perspective on Current Issues, The Buckeye Institute for Public Policy Solutions, Columbus, Ohio, December 1999), *reprinted in* TOWARD A FREE AND PROSPEROUS OHIO: A DECADE OF PUBLIC POLICY SOLUTIONS BY THE BUCKEYE INSTITUTE 244 (Joshua Hall, ed., 2004).
8. *How Not to Confirm Judges*, CINCINNATI POST, April 9, 2002, p. 17A (with John B. Nalbandian, Esq.).
9. *Republican Party of Minnesota v. White*, in THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES 849-50 (Oxford University Press, 2d ed., 2005).
10. *Issue 4 Would Curb Political Gerrymandering*, CINCINNATI POST, October 26, 2005, p.13A.
11. *Judges Followed Law in Franklin Case*, CINCINNATI ENQUIRER, February 21, 2007, p.B7.

## SERVICE

Association of American Law Schools: Section on Conflict of Laws, Executive Committee, 1993.

Law School: served on Career Planning Committee (1986-1991; 1988-89(chair)); Appointments Committee (1993-1995, 1999-2001, 2003-04, 2009-10(chair)); Acting Director, Center for the Study of Professional Skills (1987-1989); Supervisor of Extern Program (1987-1991, 1993-2007); Co-Supervisor of Extern Program, (1991-1993); Faculty Advisor, Federalist Society (1987-2006); Committee on Committees (1993-1996); Orientation Committee (faculty chair, 1993-1995); Reappointment, Promotion & Tenure Committee (1994-1998, 2001-03, 2004-05, 2005-11 (chair, 2005-07)); Merit Pay Advisory Committee (1996); Faculty Advisor, Law Review (1996-2004, 2005-08); Decanal Review Committee (1998-99; 2003-04 (chair), 2008-09); Self-Study Committee (2009-10); Faculty Advisor, The Freedom Center Journal (2003-06).

Director of Faculty Development (2005-07)

University: Faculty Senate (1988 - 1990); chair, University Student Appeals Committee (1992-1996).

Community: DaVinci University Club Scholarship Committee (1988-present; chair, 1988-89, 1991-1997, 2000-09).

Board of Academic Advisors, The Buckeye Institute for Public Policy Solutions (1996-present).

Academic Advisor, Access & Quality Task Force, Ohio Courts Futures Commission (1997-1999).

## PRACTICE

Summer Associate, Smith & Schnacke, Dayton, Ohio (now Thompson Hine LLP), 1980.  
Associate, Porter, Wright, Morris & Arthur (Dayton, Ohio office), April 1984 - July 1986.  
Litigation Department.

Law Clerk, United States District Judge Walter H. Rice, Dayton, Ohio, August 1981 - March 1984.

Of Counsel in: *Foster v. McDevitt*, 31 Ohio App. 3d 237, 511 N.E.2d 403 (1986); *Hill v. Sonitrol of Southwestern Ohio, Inc.*, 36 Ohio St. 3d 36, 521 N.E.2d 780 (1988); *Howard v. Delco Div. of General Motors Corp., Inc.*, 41 Ohio App. 3d 145, 534 N.E.2d 936 (1987); *Williams v. Mid-America Federal Savings and Loan Assoc.*, 624 F. Supp. 160 (S.D. Ohio 1985); *Newman v. Voinovich*, 789 F. Supp. 1410 (S.D. Ohio 1992), *aff'd*, 986 F.2d 159 (6th Cir.), *cert. denied*, 509 U.S. 924 (1993).

Counsel (i.e., Reporter), Civil Rules Subcommittee of the Rules Advisory Committee of the Ohio Supreme Court (1991-1997).

Editor and contributor, *Litigation News*, published by Ohio State Bar Association Section of Litigation (1991-1997).

Signatory, Amicus Curiae Brief of Law Professors, *Mayle v. Felix*, 545 U.S. 644 (2005).

Signatory, Amicus Curiae Brief of Law Professors, *Day v. McDonough*, 547 U.S. 198 (2006).

Signatory, Amicus Curiae Brief of Law Professors, *Kircher v. Putnam Funds Trust*, 547 U.S. 633 (2006).

Signatory, Amicus Curiae Brief of Law Professors, *Powerex Corp. v. Reliant Energy Services, Inc.*, 551 U.S. 224 (2007).

Signatory, Amicus Curiae Brief of Federal Procedure Scholars, *Philip Morris USA, Inc. v. Williams*, 129 S. Ct. 1436 (2009).

## PROFESSIONAL ASSOCIATIONS

American, Federal, Ohio, Cincinnati, and Dayton Bar Associations; member, bars of Ohio, Southern District of Ohio, United States Court of Appeals for the Sixth Circuit. Master of the Bench, American Inn of Court, Potter Stewart chapter (Cincinnati, Ohio) (1987-2007).

American Political Science Association (1989-present).